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Governing Children in Street Situations in Pretoria: Vulnerability and Social Protection in South Africa

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UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

RESEARCH TITLE:

Governing Children in Street Situations in Pretoria: Vulnerability and Social Protection in South Africa.

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A thesis submitted to the University of the Witwatersrand

in fulfilment of the requirements of the degree of

Doctor of Philosophy (Development Studies)

SCHOOL OF SOCIAL SCIENCES **DEVELOPMENT STUDIES**

PLAGIARISM DECLARATION

I, **Fungai Matarise (1831579)**, hereby declare:

I am aware that plagiarism (the use of someone else's work without their permission and/or without acknowledging the original source) is wrong.

I declare that this thesis, **Governing Children in Street Situations in Pretoria: Vulnerability and Social Protection in South Africa** (Protocol no: H19/08/20), is my work, and it has been written by me in its entirety. It is submitted for the degree of Doctor of Philosophy in Development Studies to the University of the Witwatersrand.

This thesis has not previously been submitted for any other degree or examination to any other university.



11 MARCH 2022

Fungai Matarise Date

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List of Abbreviations.

ACRWC	African Charter on the Rights and Welfare of the Child.
ACERWC	The African Committee of Experts on the Rights and Welfare of a Child
ART	Antiretroviral Treatment
BCEA	Basic Conditions of Employment Act
CA	Capability Approach.
CEDC	Children in extremely difficult circumstances
CRC	United Nations Committee on the Rights of the Child
CSG	Child Support Grant
CYCC	Child and Youth Care Centre
DAC	Day of the African Child
DSD	Department of Social Development
DWCPD	Department of Women, Children, and People with Disability
FAO	Food and Agriculture Organisation
FCG	Foster Care Grant
GDP	Gross Domestic Product
HSRC	Human Sciences Research Council
ILO	International Labor Organisation
NASC	National Alliance for Children living and working in the street.
NGO	Non-Governmental Organisation
OAU	Organization of African Unity
ODI	Overseas Development Institute
OECD	Organization for Economic Co-operation and Development.
SAHRC	South African Human Rights Council
SABC	South African Broadcasting Corporation
SALRC	South African Law Reform Committee
SAPS	South African Police Service
SASSA	South African Social Security Agency
STATS SA	Statistics South Africa

UCT	University of Cape Town
UNCRC	United Nations Convention on the Rights of the Child.
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund

Chapter 1

Introduction

1.1. Background.

This thesis examines the governing of children in street situations in South Africa from legal and institutional perspectives. It probes how these children are conceived from the standpoints of the legal or regulatory perspective and actors within the social policy environment. The legal and institutional perspective that I unpack are mainly grounded on legislation and social policy that the Department of Social Development (DSD) uses as guidelines in governing children in street situations. I explore how children in street situations are handled institutionally as part of a broader social category of 'vulnerable' groups that require specific regimes of social protection in the country. I refer to this 'institutional handling' as the governing or governance of children in street situations, where laws, policies and interventions are the drivers of governance, mainly orchestrated by the Department of Social Development. The South African Children's Act no. 38 of 2005 states that "a street child means a child who (a) because of abuse, neglect, poverty, community upheaval or any other reason, has left his or her home, family or community and lives, begs or works on the streets; or (b) because of inadequate care, begs or works on the streets but returns home after night".

The thesis is based on my field research on the Department of Social Development as the main institution delivering social interventions to children in street situations[1] in Pretoria, an important urban city in the Gauteng Province and the administrative capital of South Africa. I describe and analyse how this specific regime of social protection for children in street situations works. A central aspect of my descriptions and analysis is the focus on both legal and institutional discourses as well as the practices of actors within leading government agencies such as the Department of Social Development (DSD). The legal discourses mainly focus on the legislation and social policies that are meant to provide protection to children in street situations.

In the context of this study, children are understood to be people between the ages of 0 and 17 years, in accordance with the juridical and demographic conceptions of children in South Africa.

[1] The UNCRC General Comment 21 view children in street situations as a) "children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities."

With an estimated 19.7 million children in a country of about 55 million people in 2015 (Statistics South Africa, 2015), the social protection of children is an important policy question in South Africa today. The social protection of children bears significant ramifications for contemporary debates about social and political transformations since the country's transition from an Apartheid state into a democracy in 1994. It became a clear focal aspiration to strive for social inclusion of previously marginalised groups. In its earliest post-Apartheid national "Strategy and Guidelines for Children Living and Working in the Streets" elaborated by the Department of Social Development in November 2010, the government adopted the figures of the census conducted by the National Alliance for Children living and working in the street (NASC) in 2004. In that 2004 census, it was estimated that there were about 13, 275 children living and working in the street across South Africa (Department of Social Development, 2020: vi). Although no available census data exists for recent years, the number of children in street situations in South Africa was estimated at around 250 000 (see Van Jaarsveld et al. 2011). There are no recent statistics on children in street situations in South Africa due to them being clustered under one bracket of children in need of care and protection. Even more, obtaining statistics on children in street situations is a complex exercise which makes the compilation of statistics a mammoth task.

In the 1990s, Donald and Swart-Kruger (1994) argued that the number of children in street situations grows due to increased economic hardships and family and community disruption in South Africa. In an African setting where the violation of children's rights remains a common and disheartening reality, Kopoka (2000) asserts that an increasing number of children end up on the streets because of the various challenges they are exposed to such as abandonment and poverty (among others). The problems that street children face are plenty and these include homelessness, abuse, and exploitation in labour-related situations, health problems, and lack of education, among several others. Notably, there are various 'push' and 'pull' factors that draw children to the streets. In a survey by the Human Sciences Research Council (HSRC) on the situation of street children in Gauteng, Ward et al. (2007) state that according to estimation techniques used by the HSRC, Gauteng held at most 3200 street children. Although these statistics from 2007 are dated, as it stands they are the most recent statistics on children in street situations in Gauteng.

1.2. Statement of the Problem and Research Questions.

The definition of 'street children' as a social problem in South Africa, like anywhere else, is entrenched in complexity and ambiguity. From the term street children itself to the best methodology to use for collecting data on their way of life and estimates on the statistics of children, there are numerous views on how best to think about and understand this category of

children (Donald and Swart-Kruger, 1994). Consequently, best practices of social interventions to provide the children with care and protection are extremely difficult to implement. Also, research on children in street situations is barely extensive. This is partly because of the children's high mobility and fluidity, which inevitably poses difficulties in counting the number of the street children population accurately (Cockburn, 1988a; Swart-Kruger & Donald, 1994; Ward et al, 2007) and essentially providing them with much needed services. Though generally alarming, it is hard to determine the exact numbers of street children on a global scale. A decade ago, this improbability translated into huge discrepancies in the estimates, varying between 100 million and 150 million, on the high end, and simply "tens of millions" on the more conservative scale (see e.g. de Benitez 2007). More than a decade later, these discrepancies and uncertainties on the estimates for children in street situations remain due to the complexities in research on the subject. As Consortium for Street Children writes in its statement on the need for evidence-based policy action on street children:

> 'Research and data about street-connected children has been historically fragmented and difficult to access. Its importance has not been well understood by the governments, practitioners and donors who design the health, education and justice programmes that street-connected children must have access to' (Consortium for Street Children, nd).

Less uncertain, however, is the reality that children in street situations are a manifest presence on a global scale, mainly as an urban social phenomenon. Undoubtedly, these children are much more prominent and socially visible in the urban landscapes in Latin America (see e.g. Aptekar 1988; Ortiz and Portner 1992; O'haire 2011) and South Asia; (Remington 1993; West 2003; Wright 2015). In sub-Saharan Africa, a growing number of studies underscore street children as an important part of the global concern with and conversation around children's rights and welfare (see e.g. Reynolds 1989; Bourdillon 1994; Kilbride, Njeru and Suda 2000; Kopoka 2000; Veale and Donà 2003; McAlpine et al. 2010; Van Raemdonck and Seedat-Khan 2018).

Meintjies and Hall (2011) argue that the biggest challenge children in street situations face arises from the lack of a clear identity for these children as well as from the making and implementation of policies targeted at them. For example, there is an increased number of children in street situations who are orphans but there lacks a logical strategy to address this problem or that the strategy used does little to benefit the children in street situations. Rightly so, Ward et al (2007) underline that children in street situations are not a homogenous group. Instead, within that designated group defined as children in street situations there is likely to be a wide diversity in life

circumstances. In fact, children's lives are more fluid than the categories attached to them as children 'on' or 'of' the streets might suggest. According to the UN General Comment No.21 on Children in Street Situations (2017), in the past, children in street situations were described as "street children", "children on the street", "children of the streets", "runaway children", "throwaway children", "children living and/or working on the street", "homeless children" and "street connected children". However, in recent years there has been a shift. These children are now more commonly referred to as "children in street situations". For this thesis, the term 'children in street situations' will be used. This term is broad, and it includes all children who live and/or work on the streets. These categorisations will be elaborated in the chapters that follow. My study, however, mainly examines the social protection of children 'of' and 'on' the streets as these are the main categories covered by social policy as compared to children who generally spend a lot of time on the streets, either alone or in the presence of company.

The study of institutional and policy responses to the social protection of children in street situations in South Africa is both old and new. In its earlier and much older phase under the racialised Apartheid state, the majority of the non-white population, including children in street situations, were defined and approached institutionally from the standpoint of repressive actions from the state. The Apartheid state was abusive in its denial of essential public services to a majority of the "non-white" population and thus contributed significantly to a considerable number of children living on the streets (see e.g. UNICEF, 1989). Instead of social protection for most non-white children, many of these children were arrested and or imprisoned for their political involvement or activism against the Apartheid state (International Defence and Aid Fund, 1988).

Since the transition to a post-Apartheid state in 1994 under a Black majority leadership, the government of South Africa has expectedly shifted towards a more responsible and inclusive approach to the governance of children's lives, including children in street situations. Governance is an inclusive term. It refers to creating conditions that are necessary for ordered rule and collective action, often within a framework that straddles government or public authorities and actors within the non-profit and private sectors (Milward and Provan, 2000). Governance is also rooted in its focus on governing mechanisms such as agreements, contracts and grants that are not solely reliant on government, (Stoker, 1998). These mechanisms or tools connect role players who operate in different domains of policy such as child welfare, health or economic development, (ibid: 17). I understand governing children in street situations from a lens of multiplex forms such as legislation, policy, advocacy, attainment of rights and all efforts to protect and guide them.

Generically, the South African government now defines its approach to the governance of children and children in street situations in particular within the concept of vulnerability. Children are the primary group among a wider set of social categories that are called "vulnerable groups" in need of social protection. For example, in its annual or biannual reports, Statistics South Africa produces a "Vulnerable Groups Indicator Report."

In its first of such reports produced for 2014, it states that "The Vulnerable Groups sector is one of the most affected sectors of the population. Vulnerable Groups are defined as a part of the South African population that experiences a higher risk of poverty and social exclusion than the general population" (Statistics South Africa 2015: 11). South Africa's policy orientation and commitment to address vulnerability reflects a more global shift towards addressing vulnerability in international development, especially for programmes aimed at children. In its Social Protection in Eastern and Southern Africa: A Framework and Strategy for UNICEF, Blank and Handa (2008: vi) writes that "Social protection should address both income poverty and social vulnerability, but we recognize that for children in particular, social vulnerability is especially important."

In the South African context, a central premise for the elaboration of this category in national policy-making is that children (0-17 years), youth (18-34 years), women, the old (60 years and above), and persons with disabilities, all comprise a distinct social sector of the national population that "requires particular effort to be made at all levels of policy planning and implementation to inform amongst other things, resource allocation" (Statistics South Africa, 2015:11). While children in general are clearly defined as the first line of priority in this framework of social protection for vulnerable groups, it is not clear how this concept of vulnerability frames and informs legal and institutional actions in relation to children in street situations in South Africa. To date, government agencies are working within the national "Strategy and Guidelines for Children Living and Working in the Streets" that was established by the Department of Social Development since 2010.

Particularly important in this regard is that the mandate for the promotion of children's welfare in South Africa is held by a diverse number of national agencies. These agencies include the Department of Women, Children, and People with Disability (DWCPD), the Department of Social Development (DSD), the Department of Labour, the South African Police Service (SAPS), the Department of Home Affairs, the South African Social Security Agency (SASSA), among several others (see Department of Social Development 2014: 24-26). As the Department of Social Development (2014) underlines in its national "Strategy and Guidelines" document on street children, the successful implementation of programmes for children living and working in the

street across a multi-sectoral horizon (health, survival, education, psychological and emotional needs) hinges critically on effective mechanisms of coordination within and across these diversity of agencies as well as along the different levels of national, provincial, and local governments intervening on the social protection of children in street situations as a vulnerable social group.

This thesis asks how vulnerability works as a central concept in legal, institutional, and political definitions of children in street situations as a distinct social group in need of social protection of one kind or another in South Africa. How does vulnerability define and shape the social protection interventions on children in street situations in South Africa? And how might we think about and evaluate these interventions on street children in South Africa in relation to vulnerability?

1.3. Situating the Study and Rationale: Argument and Contributions.

This study was situated in Pretoria in the Gauteng Province of South Africa. Pretoria is one of the three capital cities in the country and serves as the administrative capital of the country where various head offices for government departments are found. The availability of the National Department of Social Development where policy makers are found made Pretoria more suitable for my study. I also decided to carry out the research in Pretoria because of proximity. South Africa is a middle-income country that has one of the strongest economies in Africa, (BBC, 2019). Even though South Africa has made remarkable strides after attaining independence to improve the well-being of citizens, progress is slowing down due to weak growth and structural challenges since the 2008 global recession (World Bank, 2019).

South Africa remains a highly polarised country with a dual economy that has seen the country having one of the highest inequality rates in the world. The inequality is perpetuated by the social exclusion of poor people by policies that are not pro-poor. This stifles job creation and efforts to address a high rate of unemployment among the country's youth. In that regard, intergenerational upward mobility is low which means that poverty and inequality have also been intergenerational, passed from one generation to the next (ibid). Ultimately, poor people (mostly black) are susceptible to various socio-economic challenges, and this also increases the vulnerability of their children.

Even though progress in social protection has been made by the South African government to improve the lives of children from poor backgrounds, I aimed to gain a deeper understanding on why children in street situations continue to be a social ill despite efforts by government. The effects of the Apartheid legacy on poor families will be discussed in depth to situate some of the

reasons poor black children are the majority of children who are in street situations in a predominantly multi-racial country.

According to Loffel, (2008), Barnet, (2004) and Panter-Brick, (2002) there is little research on the social welfare services for street children by service providers. Patel, Hochfeld, Graham and Selipsky (2008) concur that children in street situations' lifestyles, health and development have been studied but research related to services children in street situations receive is however still limited. For national social problems, policy precedes social interventions, thus, more research is necessary to understand the influence of social policy in improving the lives of children in street situations as a bid to provide social protection. This study aims to add to a limited body of knowledge on the social protection of children in street situations by understanding the governance of children in street situations through interrogating the social policy and social interventions in place to address their challenges. Grundling and Grundling (2005) assert that the plight and needs of children in street situations are not being met despite the efforts and programmes in place. Understanding the process of policy conceptualisation for children who live and work on the streets is key in comprehending how best to improve the lives of children in street situations in Pretoria. An analysis of the National Strategies and Guidelines and the Children's Act will give clarity on the significance of social policy in addressing the challenges these children face.

Ennew (1994) states that street children are vulnerable not incapable, they need respect and not pity. Hills et al (2016) in their qualitative study on street children indicate that children in street situations are resilient but they are also suicidal they are prone to physical abuse and stigma because of their homelessness, high substance abuse and risky sexual behaviour for survival. In this paper I carefully consider the different lengthy and meandering frames for thinking and speaking about the vulnerability of children in street situations. In as much as they face a wide array of vulnerabilities in the streets, according to the CRC General Comment 21, children in street situations that were consulted for the General Comment insist that, "it's not about getting us off the streets into shelters, it's about giving us a status", (CRC General Comment 21). If the very children who live on the streets prefer to stay on the streets where they are believed to be vulnerable, then their own trajectories, identities, realities and worlds of meaning are worth considering. A social constructivist approach will be adopted to gain an understanding of vulnerability as a concept. This will be accompanied by tackling public perception and self-perception of children in street situations as discussed in the vast literature on children in street situations.

It is against this background that I carry out research on policies and social interventions on children in street situations by the DSD in order to unpack how social policy and interventions have shaped or continues to shape their lives. Understanding the lives of children in street situations through interrogating the nature of social interventions and the actual policy in place to improve their lives will provide a new understanding on children as autonomous beings who are not only beggars and social deviants. Instead, focus needs to shift from the negative perceptions on children living life on the streets to understanding how the governing of children in street situations is adopted to alleviate the social ill.

Also, this study subscribes to the idea that being on the streets is not a deviant act in and of itself. Rather, recognizing that children placed in street situations are the outcome of multiple processes of vulnerability should be a clarion call to better understand and, possibly, help devise effective policies and interventions to support these children. This study therefore contributes to a body of knowledge on social protection of children in street situations by discussing and analysing their vulnerability from the standpoints of policies, legal instruments, and interviews with experts at South Africa's DSD. This research is anchored on the main assumption that governing children in street situations is fraught with challenges. For that reason, critical discussions on social policy, childhood, vulnerability, family and the Apartheid legacy are necessary. Ultimately, there is need for a broader focus on overarching factors that contribute to children living and working on the streets, factors that seem abstract but have resounding effects on their lives.

I situate my own research in relation to the important literature on children in street situations by (inter alia) Panter-Brick 2000; Ennew, 1994, 1996; Aptekar and Stoecklin, 2014, and the CRC general comment 21. This literature also discusses the importance of the categories of 'street children'. The use of accurate terminology when describing children in street situations sets the pace towards more comprehensive and inclusive social protection of children. Apart from this, the use of concepts such as vulnerability and childhood shape the discourse of social protection of children. Lastly, on the idea of vulnerability and our knowledge of the situation of children in Africa, studies by Mahati, (2015); Swart-Kruger and Donald, (1994) point to the importance and limits of agency in childhood. Social protection policies and interventions need to expand capabilities as this encourages the delivery and attainment of fundamental rights.

Vulnerability is not just a policy question, a practical guide to the actions of government and non-governmental actors. Rather, it is a deep and philosophical idea that has been central to a global re-orientation of public actions for social welfare and improvement (see e.g. Masferrer and García-Sánchez, 2016; Misztal, 2011; Ranci, 2010). In recent years, however, there is some debate on

whether vulnerability may be losing its mobilizing force as a concept that informs public (national and international) actions towards social and political transformations of societies after monumentally disruptive events such as violent conflicts or disasters. In a recent paper titled "Is Vulnerability an Outdated Concept? After Subjects and Spaces", anthropologists Elizabeth K. Marino and A.J. Faas (2020: 33) remark that "Vulnerability thinking has enjoyed pride of place in theoretical frameworks guiding the anthropology of disaster for roughly forty years. Since the late 1970s, "vulnerability" has served as a boundary concept unifying disparate disciplines' engagements with disaster."

In this thesis, I take this call to investigate the meanings and workings of vulnerability as a policy and political concept seriously. All in all, in this thesis I focus on children in street situations in Pretoria, South Africa. I argue that examining the legislation, social policies, and practical efforts to deliver interventions to support children in street situations offers helpful insights not only into mainstreaming of children's rights, but also the institutional and practical dynamics of governance for children in street situations. These children constitute a distinct group of vulnerable children whose socialisation has not been entirely family driven. Instead, their life experiences on the streets have moulded the children to be who they are today. It is therefore important to understand how public agents like social workers and child welfare officers view these children and craft their interventions. Although they are recognised as vulnerable, however, like different groups of vulnerable children in South Africa, their lived experiences in the streets have created a people who have been socially constructed as difficult, deviant and social misfits. Hence, often these children are shunned from viable pathways to life courses (Le Roux and Smith, 1998). Given how being in street situations has nurtured a degree of independence in children in street situations, governing these children through social interventions and social policy should therefore adopt a rights-based approach in tackling their problems as suggested in the CRC General Comment 21.

I situate and examine how the governance of children in street situations is fraught with challenges not simply because they have been lumped up into one homogenous group as children in need of care and protection (Children's Act 38 of 2005), but also because of broader and structural conditions of marginality that undermine current policies and options for interventions. The legacy of Apartheid has been emphasised enough in describing and explaining some of the reasons behind vulnerability. Consequently, the solution to this predicament must be concrete and tangible structural changes in socio- economic policies to ensure real empowerment at grassroots levels reaches the disadvantaged groups. Such a policy shift would likely result in the true empowerment of families and communities that would reduce the propensity of children resorting to street life

to escape the harsh and debilitating realities at home. Yet, this shift in economic policies has not materialised in a substantial way since 1994 (see chapter 2).

Consequently, a fundamental aspect of children's vulnerability in South Africa is the structural condition of the country. This is sometimes ignored when families and communities are blamed as dysfunctional social units without reference to the dislocating effects of symbolic and institutional marginality resulting from the state itself. As Judith Butler, Zeynep Gambetti, and Leticia Sabsay (2016) write, we must interrogate one of the main prevailing assumptions about vulnerability, that it is the expression of weakness. As they remark, this view suggests that vulnerability "requires and implies the need for protection and the strengthening of paternalistic forms of power at the expense of collective forms of resistance and social transformation" (Butler, Gambetti and Sabsay 2016 :1).

This research is inspired by the literature on children in street situations as well as that on vulnerability. Particularly, following Butler, Gambetti and Sabsay (2016), I adopt a critical reading of the concept of vulnerability by interrogating its contextual meanings in the context of South African public policies. My aim in this is to investigate how vulnerability is framed and embedded in the social protection of children in street situations through the conceptualisation of social policy and the delivery of social interventions. Furthermore, I also explore how social policy translates to practical social interventions by analysing expert assessment of social workers and officials at the DSD in relation to the Children's Act 38 of 2005 and the Strategies and Guidelines for Children Living and Working on the streets as legislation and policy, respectively. Finally, this research examines the complexities embedded in the social protection of children in street situations which make the uptake of social interventions a difficult exercise.

Social policy in Post-Apartheid South Africa unfolds in a rather challenging context, including fiscal constraints, extreme precariousness, and struggles or conflicts among actors across a multiplicity of sectoral, organisational and even professional interests (Lund 2008; Seekings and Nattrass 2015; Noyoo; 2021). Through the analyses of the diverse frameworks, strategies, guidelines, practices, and social interventions on children in street situations in South Africa, this thesis seeks to probe how these elements constitute governance assemblage that defines the relationship between the State and these children.

Essentially, the thesis probes how this governance assemblage constructs these children in street situations as a social problem to be addressed in the context of poverty, vulnerability and risk. As James Ferguson, (1990) argues more broadly on the state and development interventions in Lesotho, a tendency to define social problems in technical terms that can be resolved through

'development' interventions, the bureaucratic machines of the state and non-governmental sector also operate to 'de-politicize' the very structural conditions that create these social problems in the first instance. Here, strictly speaking I do not seek to follow a similar route as Ferguson. I, however share a similar critical orientation to the analysis of state or public policies as Ferguson. I am specifically interested in Ferguson's (1994 [1990]) call, following Michel Foucault, to take the discourses, policies, legislation, programmes, and related regulatory aspects seriously in relation to the specific ways that social problems are defined as well as the kinds of interventions that may be implemented in order to address those social problems. Indeed, in a number of instances, development agencies record less success in achieving their goals as compared to failures (Ferguson, 1994; see also Scott 1998).

Relying on data gathered from social workers at the DSD in Pretoria on the problems that children in street situations face based on their interactions with them, I examine what they think are elements of vulnerability for these children. In order to do so, it was paramount to interrogate the social policy designed to address the problems children face. I managed to question the construction of childhood for children in street situations in a bid to understand how childhood is defined for them from a social worker's perspective. Questions on childhood enabled me to delve deeper into whether children are inherently vulnerable (Richer, 2007) hence deconstructing the notions of vulnerability in relation to childhood.

I present the importance of unpacking notions of childhood and vulnerability in the context of children in street situations. I gain an understanding on the normative conceptualisation of children based on Eurocentric models of play and innocence (Kizinger, 1990) while I critique how such Eurocentric viewpoints are applicable in the lives of children experiencing risk and vulnerability in their everyday life. Also, to investigate the social protection of children in general in South Africa, I also inquire on the Child Support Grant which is meant to be a preventive strategy that will provide support to poor families so that they are not adversely affected for example leading children into the streets, *(DSD, Strategies and Guideline for children living and working on the streets).*

All in all, following a critical interrogation and discussion of the above-mentioned concepts and ideas on childhood, vulnerability and social protection, I sought to examine how re-centering these children in terms of the experiences of the DSD officials might proceed through a rights-based approach. I was interested in an approach that elevates these children in street situations beyond simple notions of weakness towards notions of empowerment. Accordingly, I incorporate the work of Amartya Sen (1992; 1999 and 2002) on the capability approach in order to illuminate its value for shaping and informing the policy responses to the vulnerability of children in street

situations in South Africa. The capability approach offers a human development approach to development which I believe can be a direct response to address vulnerability while improving social protection. Additionally, while enabling children to access opportunities, the same approach will enable them to live a life of freedom in the face of risk, adversity and vulnerability in a manner that also enhances their well-being. In the next section, I discuss the methodology I used for this research in more detail.

1.4. Methodology, methods, and ethics.

This section explains the research methods I used to collect data. An elaborate explanation on the steps taken to collect data will be discussed, from obtaining ethics clearance to highlighting the hurdles on gaining entry that I experienced during the data collection process. I pay attention to reflexivity where I explain my position as a researcher throughout the process. I indicate how I selected my participants and chose the research site.

1.4.1. Data collection.

This was an exploratory study carried out by means of in-depth qualitative face to face interviews and ethnographic techniques such as participant observation. O'Leary (2010: 195) explains that face to face interviews may be useful in capturing the interviewee's thoughts and feelings. Haralambos and Holborn, (2004:906-907) state that some advantages of using face to face interviews are that "issues can be explored in greater depth and non-verbal cues are picked up'. Face to face interviews provided a platform for me to probe further and ask for clarification. It enabled me to explore issues in greater depth and detail, making face to face interviews more appropriate for this study.

I conducted interviews at a convenient time for the participants, either in their offices or a selected room at the department and all the interviews were carried out in the morning and mid-afternoon before lunch time. The interviews lasted between forty-five minutes to an hour, on average. A digital recorder was used to capture data, while the questions were administered with the aid of an interview guide. According to Green (2003:172) an interview guide helps as a map for the path the researcher will take when dealing with the specific issues relevant for the study. In addition, an interview guide will help the researcher to focus on the themes of interest, De Vos et al (2005).

The questions used were open ended questions that promoted follow up questions and probing in order to gain clarity on some answers provided. During face-to-face interviews I was cognisant that I might already have preconceived ideas and biases on policy around children in street situations, hence I was aware that it may affect my interaction with the participants and as a result distort the data I was collecting. However, because of this self-consciousness I did not let my own ideas affect or distort the data I was collecting. It is imperative that the researcher adhere to the suspension of prejudices and biases, use accurate and systematic recording of observation and the creation of a good environment in terms of the location and setting of the collection of data (Babbie and Mouton, 2007).

It has been argued that a qualitative approach seeks to describe and understand rather than explain human behaviour (Babbie and Mouton, 2002). It is more appropriate than a quantitative approach that seems to reduce people to numbers as its main emphasis lies within abstract laws and formulas that are not pertinent to people's actual lives. People's experiences and the meanings they attach to phenomena are also overlooked (Babbie and Mouton, 2002). However, one significant disadvantage of qualitative research is that the quality of the data to be collected lies heavily on the skills of the researcher, who may affect data through biases or prejudice. Very crucially too, I made an effort to be clear and transparent as to whether, when and how these personal biases might be informing the interpretations of my observations on the ground. As a postgraduate in Social Policy for Development, I quickly picked up what I perceived as drawbacks on the Children's Act as a tool for social interventions by the DSD, nevertheless, I did not let my own opinions interfere with the participants' responses as their input was very important.

I managed to carry out participant observation of DSD staff and their work environment from my initial visit to the DSD, before interviews commenced up to the data collection phase. This ethnographic technique enabled me to observe the realities of the participants of the research in their office setting, (O'Leary, 2010:118). Coupled with that, I compiled ethnographic field notes in order to, "turn a piece of my lived experience into a bit of written text" (Emerson, Fretz and Shaw: 2011). I recorded observations and situational conversations, experiential style, a few hours after and in some cases days after they ended, this was done after I had withdrawn from the field, and I relied solely on memory (ibid: 22). This was important for me to do as I wanted to concentrate more on the present moment as I was in the immediate presence of talk and action. This meant that I had to make mental notes and a few jottings in the form of phrases that I used later to construct full field notes, (loc.cit). I used these field noted mainly to reflect on my encounters with social workers at the DSD in order to gain an understanding on comments and reactions made by the social workers.

I observed that it was difficult to single out who works with children in street situations at first as the initial reason given was that there were no children in street situations anymore. Children in street situations are not addressed as a distinct group, therefore the first reaction from DSD social workers that I spoke to the first day I visited the DSD was that 'we no longer have street children'. On face value it portrays as though the problem no longer exists whereas after a lengthy discussion with a social worker who works in conjunction with CYCCs, I discovered that children in street situations are found in Pretoria, but they are addressed as children in need of care and protection as per the Children's Act 38 of 2005.

After completing all interviews at the DSD, I was referred to Desmond Tutu Child and Youth Care Centre (CYCC) in Pretoria North to try and converse with social workers who worked with children formerly in street situations. The DSD asserted that CYCCs were places of safety that they placed children formerly in street situations. However, upon arrival, I was shocked to learn that the centre did not have any children formerly in street situations on their premises. Similarly, a phone call to Father Smangaliso Mkhatshwa in Soshanguve yielded the same information that they also did not have any children formerly in street situations at their CYCC, this gave me the impression that the whereabouts of these children still needed to be discussed as they were not in the centres they were allegedly placed in.

Given these developments, I ended up carrying out telephonic interviews/ conversations with staff from the city of Tshwane's department of social development to try and figure out the whereabouts of children in street situations. These were not formal interviews based on the interview guide and were not planned, however, I gathered important information on children in street situations in Pretoria. I made these phone calls to try and find out whether they had any social interventions for children in street situations and what they knew about the situation of these children in Pretoria. Telephone interviews became an important data collection tool for this study as I managed to have meaningful conversations from NGO personnel and other child welfare personnel. Some conversations were fairly brief while others were long. I contacted personnel from UNICEF South Africa, Save the Children South Africa, Tshwane Leadership Foundation, Child Welfare Tshwane and City of Tshwane. I also had telephone conversations with personnel from two different CYCCs, Desmond Tutu and House Gracia in Pretoria North.

Information obtained from these telephone conversations equipped me with the knowledge that generally organisations in Pretoria hardly provide services to children in street situations anymore because legislation on these children had been successful to remove them on the streets. On one hand, this proved to be a contradiction to the information obtained from some social workers at

the DSD during the formal interviews who emphasised that the children were still living and working on the streets while some were placed in CYCCs.

These contentions provided me with an interesting line of inquiry on the whereabouts of children in street situations, which will be analysed later. On the other hand, this confirmed my findings from contacts with different NGOs such as Tshwane Leadership Foundation, UNICEF and Save the Children via telephone conversations and emails prior to commencing fieldwork. The NGOs that previously provided social interventions to children in street situations no longer did so but rather some worked with homeless people (adults), or children who already live with their families on the streets or in shelters. Regardless of the belief that NGOs in South Africa are the main providers of social services to street children, (Loffel, 2008), this study shows that children in street situations in Pretoria are ultimately not part of NGO protective service delivery. For that reason, I was unable to locate any NGOs that provided services to children in street situations, thus NGOs did not fit the criteria of my sample. Excluding NGOs in this study was unanticipated as in the beginning of this study when I drafted my proposal, I intended to research on the DSD and other NGOs that provide social interventions to children in street situations. Efforts to include NGOs in the study were futile and no longer necessary. All methods mentioned above were used to collect primary data.

To obtain secondary data this study employed an extensive literature review on important key concepts (inter alia, vulnerability, childhood and social policy) that shape this research. Literature review as a methodology has been described as an organised way of collecting data from previous research, (Baumeister & Leary, 1997; Tranfield, Denyer, & Smart, 2003. Snyder (2019) states that literature reviews play a crucial role in the groundwork for all types of research. Additionally, literature reviews can serve as a basis for knowledge generation while providing guidance for policy and practice. To add on to the primary data collected, I engaged vast literature in order to get a clear picture on how research on children in street situations has progressed over the years. Furthermore, I managed to synthesize scholarly literature that is relevant to the topic, and this equipped me with data that enabled me to have a broader insight into the governance of children in street situations.

1.4.2. Sampling.

My participants were gathered by way of purposive sampling. The sample of participants was drawn from social workers who work with children in street situations in Pretoria. The sample was composed by elements that had the most characteristic desired. Focusing on particular characteristics of a population that are of interest best enabled me to have answers for the research

questions. (De Vos et al: 2005). I conducted the interviews with five social workers at the DSD, within this group of social workers, there was a monitoring and evaluation officer for projects on NGOs that work with children, including children in street situations, three statutory social workers who are responsible for removing children from the streets and carrying out court processes and one social worker supervisor. The participants were obtained by asking around for the relevant staff at the DSD office and being referred to the rightful social workers who are directly involved in children in need of care and protection. I managed to collect data all required and relevant from all five participants as the data were reaching a point of 'saturation', which is when the data become repetitive, (Brick, 2006).

Gaining entry at the DSD provincial offices was fairly easy, after presenting my permission letters to the officials, the social workers were keen on carrying out the interviews. However, my visit to the national office was a hurdle that I failed to overcome. Firstly, I was told that I could not speak to the staff without an appointment since this was the Head office, after I further explained the reason I was there was to make appointments, I was referred to the official who works in the area of social policy on street children. I was asked to get a different permission letter from the one I had which was issued by the Provincial office, this was because the provincial office is beneath them, hence, they wanted a permission letter from the relevant office at National level. Efforts to obtain the permission letter were futile, after various emails and phone calls to the relevant offices. I received an email from the Deputy Director General who forwarded my email to the staff in charge of permission letters, sadly, the emails were simply not responded to.

Having face to face interviews with policy makers would not only have increased my sample size but it would have given me a chance to ask relevant questions to the workers involved in policy making. Additionally, I would have managed to get a deeper understanding on the governance structures for vulnerable children, specifically children in street situations, this means information on who drafts policies, what informs policy making for children in need of care and protection, among other essential questions.

However, when I visited the DSD national office in an attempt to arrange interviews with relevant staff, during my informal interactions with a staff member, I was informed that the National office would not have the specific information on children in street situations in Pretoria since the work they carry out is large scale, on a national level. Nonetheless, I managed to get the necessary information required on specific policies from available literature and policies online. A desktop review of the literature provided an essential complement to primary data collection of face-to-

face interviews. Snyder (2019) confirms that building research on existing literature is the building block of any research.

1.4.3. Data Quality and Analysis.

To improve the quality of the data this study ensured that the criteria of validity and reliability would be adopted. Validity and reliability guarantee the validity of my research instruments and authenticity of my findings hence improving the quality of the data. Guba (1981) raised important questions on how to establish trustworthiness in any research. For example, how to show that the findings are authentic or how applicable the findings are in a different setting or with different participants. Another important aspect for validity and reliability is paying attention to consistency concerns, which question whether the same findings will be repeated with the same participants and same environment. Additionally, Guba (1981) discusses neutrality bias where the researcher's biases or interests do not influence the study and another important concern, the truth value concern which inquires how one can know if the findings obtained are genuine.

For my study, these important concerns were addressed from the onset when I drafted the interview questions. I ensured that the interview guide (as the main instrument) would be clear and concise so that the participants would be clear of what they were being asked. A clear interview guide also enabled me to be articulate with the questions therefore making the interview process smooth. Also, irrespective of the interview questions being directed to the South African context, specifically Pretoria, the findings of this study are transferable to other contexts where the social problem of children in street situations exists and how important social actors govern vulnerable children through different policies and interventions. The study interrogates important matters on vulnerability and social protection, a common phenomenon in child welfare, globally.

Furthermore, Guba (1981) mentions that providing "thick description" of the research process from the data collection stage, context of the study and the production of the research report, enables the study to be replicated in different settings. The whole research process was richly detailed in this study. The use of purposive sampling was my biggest advantage as it enabled me to get rich data from the experts in the field. Not only is the data transferrable to other settings, it can also be corroborated by other people because the professionals answered the questions in their professional not personal capacity which may result in the distortion of truth if questions are too personal. This can mitigate integrity concerns which Wallendorf and Belk, (1989) describe as when questions can be raised to ascertain whether participants provided false information.

Essentially, to guarantee the authenticity of my findings I incorporated data triangulation which "involves the use of multiple and different methods, sources, and theories to obtain corroborating evidence" (Onwuegbuzie & Leech, 2007, p. 239). In as much as I gathered data mainly from social workers who are the professionals at the DSD, I managed to read policy reports, news articles, YouTube clips and telephone interviews with other professionals in the field of child welfare in South Africa. Ultimately, I paid attention to the importance of validity and reliability concerns that can arise in qualitative research and I strove to make my data consistent and accurate throughout the study.

Prior (2018), states that a social researcher is directly involved with the people under study in qualitative research as qualitative research is highly interpersonal. Being directly involved with the participants enabled me to create good rapport with the social workers at the DSD and obtain good quality data. Once good rapport was created, the participants opened up and shared as much information as required. Having direct contact with my participants also ensured that I picked up non-verbal cues which showed the mind of the researched and how they perceived the research.

I was conscious of how I was going to analyse the data. While I carried out fieldwork, I wrote down ideas of how data fit together. I analysed data in two distinct ways, firstly, desk review, where I discuss and analyse policy and legislation in order to gain a broad understanding of how these were conceptualised and how they in turn inform social interventions for children in street situations. I made use of secondary sources which are, one government policy (Strategies and Guidelines on Street Children by the DSD) and one legislation, the Children's Act, which are both found online, these are convenient and easy to access. For thematic analysis, I analysed data transcripts making use of Tesch's steps (1990) in De Vos (2002). The key to the thematic analysis approach is the careful labelling of data and developing the themes and categories coherently and logically. Firstly, I gathered an idea of what the data was about by reading carefully throughout the data transcripts.

Thereafter, I paid attention to relevant topics emerging out of the data collected and then grouped all related topics placing them in columns. The topics were abbreviated as codes, and I gave room for other codes that emerged. Additionally, I jotted down ideas about the data that came into mind and found the most descriptive words for the topics such that they ended up turning into categories. Data that belonged to the same categories was analysed preliminarily while focus was made on each category whereby the research questions were in mind to ensure that any irrelevant data would be discarded.

I also make use of an interdisciplinary field of enquiry through discourse analysis where I interrogate concepts and semantics that are socially constructed emanating from positions of power. As Lupton (1992) explains, discourse analysis focuses on the political and social-cultural contexts in which conversations and text occur. Overall, discourse analysis offers a critical analysis of leading ideologies (belief systems) in discourse (a patterned way of thinking or group of ideas) and the use of language (ibid). By unpacking the central concepts that shape this research, I discuss the use of language and how it is socially constructed, thereby showing how meaning is created in social contexts and how language functions. Hodges, Kuper and Reeves (2008) write that critical discourse analysis is rooted in the understanding of power and its relation to constructivism. Therefore, this study adopts both discourse analysis and a post-structuralist deconstructive approach to understand how discourse shapes social policy and development trajectories through social interventions.

1.4.4. Ethics.

Before any interviews were carried out, ethics clearance was obtained from the Wits ethics committee as standard procedure. According to De Vos et al (2006: 57) ethics are the moral values that are recommended by an individual or a group, which are broadly accepted and offer rules and behavioral expectations about the most correct and appropriate conduct towards experimental subjects. Ethics processes and considerations in research with children are fraught with a number of challenges, even more on children in street situations who are deemed as a 'vulnerable' group that may be taken advantage of. Due to the ethical challenges rooted in collecting data from children in street situations by virtue of them being 'vulnerable' minors my focus was instead on social workers who spearhead social interventions for children in street situations.

I abided by the necessary ethics such as ensuring informed consent which De Vos et al (2006) explain as full disclosure to the respondents on all possible or enough information on the aim of the study, the possible advantages, disadvantages, and dangers to which the respondents may be subjected to. Furthermore, Babbie and Mouton (2002) note that respondents should be presented with adequate opportunities to ask questions before the beginning of the study and during the duration of the interview. I explained in detail the research and how it would unfold, before making a decision to participate in the research, the respondents were equipped with all information necessary. I made use of consent forms that the participants read and signed, accompanied by a participant information sheet which explained all the details of the research process. The participants read through the participant information sheets and the consent forms and asked questions before signing.

In addition, a social researcher should never injure the research respondents regardless of whether they have volunteered or not (Babbie and Mouton 2007: 522). This study did not put any participants in harm's way during the Covid 19 pandemic. My face-to-face interviews with social workers at the DSD were all carried out and completed in 2019 before Covid 19 protocols of social distancing, sanitising and wearing face masks were put in place. Therefore, all my interviews did not put anyone at risk for Covid 19 as the pandemic had not hit South Africa at the time.

Participants were debriefed and informed on the purpose of the study and how the information will be used solely for academic purposes and not to cause them any harm. More so, particular sensitivity to the participants' right to decline to be a part of the research was at all times respected. De Vos, (1998) states that participants must be aware of their right to withdraw from the research at any time. In this research, participation was purely on a voluntary basis, including the right to withdraw from the research at any time. Carrying out research with social workers did not pose any challenges as they were all familiar with these processes that precede the actual interview. During the whole interview process the participants were not deceived in anyway, deception of participants happens when information is withheld or when incorrect information is offered to the subjects in order to ensure participation of subjects where they would have otherwise possibly refused, (De Vos et al 2005).

Confidentiality was important to emphasise to ensure that the participants would feel comfortable to answer the questions as truthfully as they possibly could. Berg (2007) and Neuman (2006) define confidentiality as ethically protecting those being studied by withholding their identities from the public, not releasing data in a way that links the responses to the specific participants. Given the complexities in policy making that will be discussed later, it was of great importance to ensure that no links will be made of the data to the participants in question.

In the next section, I provide brief summaries of the chapters in the thesis.

1.5. Summary of chapters.

This thesis is made up of six chapters. In five of these chapters (excluding chapter 1) I extensively engage in literature from previous research while discussing my findings. Integrating existing literature in my findings enabled me to contribute to the discussions on children in street situations while adding to a rather limited body of knowledge on social protection of children who are in street situations through how they are governed by the responsible authorities. Children in street situations are a group that is heterogeneous based on their different life circumstances and experiences on the streets. Even though they are classified under children in need of care and

protection, (Children's Act 38 of 2005) they require a deeper understanding of who they are as autonomous children who negotiate between childhood and adulthood. Chapter 1 provides the background of the study, discusses the rationale of the study and explains the objectives and research questions of the study and lastly presents the methodology section.

Chapter 2.

This chapter dissects literature on children in street situations by uncovering the semantics around 'street children' to ascertain who this group of children are. I emphasise how terminology plays a pivotal role in setting the pace for interventions. The gap between the existence of children's rights and actual realisation is also analysed as the fulfilment of children's rights in South Africa is fraught with challenges. The concrete realisation and implementation of rights remains abstract, see Bartlett, (2005). Looking at vulnerability, I examine the conditions that make children vulnerable, specifically looking at the majority of poor black children who bear the brunt of poverty, (Cross et al, 2010).

Be that as it may, I argue that children in street situations are mostly resilient and challenge the notions of normative childhood based on Western models (Kitzinger, 1990). In as much as children in street situations are vulnerable, they do need respect and not pity, (Ennew, 2004; Earls and Carlson, 1999). This chapter also conceptualises capabilities through interrogating how the capability approach plays a significant role in development, particularly human development where children in street situations have access to opportunities to live a life they have reason to value. I give reference to the capability approach as an essential tool in development thinking and social policy, (Robeyns, 2003). Sen (1992, 1999) argues that the capability approach ultimately focuses on what people are able to be and do. I suggest that the outputs of social policy must focus on children's capabilities to enhance their opportunities which will give them freedom, a variation of development often underestimated.

Chapter 3.

In chapter 3, I present the social protection of children in street situations by interrogating what social protection entails for children in South Africa. I discuss the legislation and social policy in place to address the plight of children in street situations taking into account the Children's Act and the DSD Strategies and Guidelines for Children Living and Working in the streets. I briefly discuss the Child Support Grant and the Foster Care Grant as unconditional cash transfers which are meant to cover the basic needs of a child at household level. I also analyse social policy and explain how it is an instrument of governance, (Wright and Shore, 1995) and how Apartheid also

as a policy greatly affected the well-being of children and how the legacy of Apartheid still haunts the welfare of poor children in post-Apartheid South Africa.

Chapter 4.

Chapter four discusses the social interventions in place for children in street situations, I provide information on work done by the DSD in the form of family reunification, adoption, foster care and institutionalisation. I argue that children in street situations although they are indeed in need of care and protection, they also deserve tailor made interventions that address their pseudo-adult status which makes them negotiate the lines of childhood and adulthood, (Richer, 2019). I explain how children in street situations are a heterogenous group of children in need of care and protection that need to be treated as such if social interventions are to succinctly address their problems. Children in street situations use their agency to decide which social interventions they prefer and often reject the ones they do not therefore I emphasise the importance of understanding the nature of these children to create social interventions that address their specific problems.

Chapter 5.

I present in this chapter the drawbacks in the delivery of social interventions, I explain how substance abuse is a problem that inhibits the full uptake of social interventions as children become addicted which makes it difficult to remove them from the streets. I explore the other pressing impediments to the uptake of social interventions, mostly institutional limitations. Additionally, I demonstrate that if social interventions are not fully absorbed then the likelihood is that social reproduction of children in street situations becomes a reality. The social ill of children who live and work on the streets can be an intergenerational problem that contributes to the social reproduction of children in street situations. Because the lives of children in street situations are fluid and elusive, I define them as a floating category which I describe as detached, unsettled, uncontrolled and free. I conceptualise children in street situations as a floating category to indicate the complex nature of a child who has been exposed to street situations. Admittedly, the various categorisations of these children may see some of them possessing mixed categories for instance an abused orphan who is also a child in street situations which makes an accurate categorisation difficult. The social protection of children in street situations, in this regard becomes complex due to the lack of specific interventions for this group of children classified under one bracket as children in need of care and protection.

Chapter 6.

As the concluding chapter, I provide a summary of the findings and present my arguments and contributions. My suggestions for recommendations and future research are also laid out. My main argument is synthesised in this chapter as I reason that the governing of children in street situations should be viewed as a complex process that requires specific solutions that address the children's specific backgrounds. Also, because of their pseudo-adult status, their social interventions should be tailor made, but should take cognisance that they are autonomous beings that negotiate a difficult terrain of childhood and adulthood.

In the next chapter, I will start by discussing my conceptual understanding of children in street situations and how the ideas of vulnerability and risk are important to the conceptual representations of these children in discourses and policy outlook in South Africa

Chapter 2.

Children in Street Situations in South Africa: Conceptualising Vulnerability and Capabilities.

2.1. Introduction.

> "…Remember, with our constitution, everyone has the right to life, when you are on the street anything can happen by the roadside there, a car can crash on you, without the shelter you are exposed there. Though it is your home, you are not protected because of that and again we know not long ago there was an issue where homeless people were being killed here in Pretoria, so I think that safety is the main issue that they are facing…*Mary, Social worker at the Department of Social Development, (Pretoria, 6/11/19).*

To say that "when you are in the street anything can happen" is to express our general view of streets as potentially "hostile" spaces or places of "danger", particularly so for marginalized people like homeless adults and children. With these remarks, Mary, a social worker at the South African Department of Social Development (DSD) tried to sum up in a simple but profound way what this generic conception of the street as a space of risk and vulnerability means for children in street situations in South Africa. I met the social worker Mary at the DSD Provincial office in Pretoria. We had been discussing the vast problems that children in street situations face and must negotiate in their everyday life. I had asked her about the safety of children who live and work on the streets in Pretoria and she had been reflecting on how the lack of safety in the streets was the biggest source of children in street situations vulnerability. Rather than people looking at the dangers children face while on the streets, "people judge them harshly and look at them as a nuisance", Mary told me.

Mary's view of children in street situations in South Africa as vulnerable to risks resonates with a wider social and policy understanding of these children. For example, in a news report on the situation of children in street situations in Pietermaritzburg, KwaZulu-Natal province, some children in street situations deplored that their own family members called them 'phara' or vagrants (Khanyile, 2018). As the news report underlines, besides the risks of drug overdose, ill health, poverty, hunger (among other difficulties), "These kids are traumatised. They are kids who have had huge suffering, they're abandoned… going to the streets is an act of despair" (Khanyile, 2018).

The South African Human Rights Commission and UNICEF (2011) reported that almost two out of five people are children and approximately seven million of these children live in the poorest twenty per cent households. South Africa is still a highly unequal country owing to the legacies of colonialism and racial divisions inherited from the Apartheid state (Francis and Webster 2019). Racial disparities are still a reality where black children are nearly eighteen times more prone to growing up in poverty, (ibid). The woeful plight of the black South African family remains a contentious issue as the bulk of the problems they face are based on a wide spectrum of socio-economic, cultural, and political actions that they barely have control over. This household poverty is inevitably translated to child poverty hence it is difficult for poor children to escape poverty due to these structural factors that impede on their well-being and agency.

In this context, the efforts to address children's rights issues are still defined in part by this complex legacy of structural inequity, at least in comparison to the situation in several other richer countries in the global north. A child in the lower income quintile in South Africa today is highly unlikely to benefit from the same services such as water and sanitation, nutrition, and early childhood development programmes as a child in the upper classes. But what does it mean to be a child in street situations in the context of post-Apartheid South Africa today? Furthermore, what do these conceptions of risk and vulnerability mean for children in street situations in South Africa? Specifically, how are these understandings articulated in key legislative and policy processes and or documents?

This chapter situates the South African context within the broader literature and policy debates on children in street situations and the specific forms of risk and vulnerability that they have to negotiate. I suggest that in relation to these global contexts of debates on issues and policy actions brought to bear on the question of children in street situations, specifying and unpacking the normative and localized conceptions of vulnerability for these children should precede all programmes and policies drafted to improve the lives of these children. This focus on vulnerability is not unrelated to the broader critique of the social, economic, and political theory of development.

As discussed below, notions of basic needs and entitlement can also be framed and situated within a wider conception of human capability and freedom that has become commonly known as the 'capability approach' (see e.g. Sen 1990; 1999; Nussbaum 2000; Nussbaum and Sen 1993). In turn, the concept of vulnerability can be situated and understood within this broader lens of Sen's capability approach. Hence, while this chapter maps and contextualises the situation of children in street situations in the South African context in terms of vulnerability, in the end it postulates that

a critical understanding of localised conceptualisation of vulnerability and "vulnerable groups" in South African policy efforts can adequately be attained where these are thought of in terms of the government's desire to shore up the capabilities of these groups.

It is therefore important to discuss this normative conceptualisation of vulnerability, capabilities, and childhood in the context of post-Apartheid South Africa and how these shape responses to and interventions on children in street situations. Children are generally understood as a vulnerable group (Richter, 2004). Using a critical review of the vast body of literature on vulnerability and childhood, this chapter will discuss representations of vulnerabilities of children in street situations and how they struggle against a variety of challenges. UNICEF's *State of the World's Children* (2005) shows that globally, millions of children live their lives impoverished, uneducated, abandoned, discriminated against, malnourished, neglected and vulnerable. Life is a daily struggle for them to survive and they face exclusion from essential services such as hospitals and schools.

At its core, risk and vulnerability are the main drivers of social protection systems everywhere. Designed through laws, policies and programmes, social protection systems aim to help individuals and families in different situations of marginality and vulnerability to "cope with crises and shock" (World Bank 2012; 2020). Accordingly, all social protection systems are framed around identifying the causes of vulnerability, the types of vulnerability, and the risks associated with those types of vulnerability (UNICEF 2004: 5).

In this chapter, I begin by situating the general conceptual definitions of children and childhood as well as map the shift from 'street children' to 'children in street situations' in the conceptual lexicon involving the category of children in this study. I then survey the variety of semantic strategies adopted for conceptualising children in street situations in South Africa in relation to prevailing notions of risk and vulnerability. I then examine how such conceptualisations convey the grounded and lived realities of children in street situations as well as their limitations.

Lastly, I situate these South African realities within a discussion of the broader literature on the conceptual, legal and policy responses to the phenomenon of children in street situations as a global social and development concern. I end this section by discussing children as a vulnerable group within the broader theoretical orientation of the capability approach that has mostly been inflected by Amartya Sen's work. The majority of children in South Africa, like children all over the world are immensely vulnerable as they are exposed to poverty, different forms of abuse, exploitation and violence at home, school and general public places (UNICEF South Africa, 2010).

I will synchronise the available literature on children in street situations and vulnerability with my findings from data collected during fieldwork to situate the relevant data for children in street situations in Pretoria. By critically analysing the social constructivist theory on the power of language in setting the tone on how life is interpreted, I will discuss the influence of media and social policy in shaping society's mind-sets. This will bring to the fore how children in street situations, childhood and vulnerability have all been socially constructed thereby dictating an ad hoc interpretation of these concepts. The first section discusses how the concept of and image on children in street situations is a social construct.

Children and childhood are fundamental concepts for this study in so far as they are important points of departure for any discussion of the specificities of children in street situations. In the end, the popular assumption is that there is an idealistic conception of childhood and children whose experiences differ from this ideal are thought to have 'abnormal' childhoods'. For instance, the international non-governmental organisation Save the Children (1995: 40) states that "childhood is considered as a special time when children need to be protected, often resulting in exclusion from the world of adults, especially from adult responsibilities of work." Similarly, Stephens (1995) emphasises that modern children need to be separated from the adult world's harsh realities so that they live a safe, protected world of play, innocence, and fantasy. Against this popular understanding, there is a more critical orientation to childhood that recognises that 'childhood is both constructed and reconstructed both for and by children' (James and Prout, 1990).

In this section, I situate and discuss the sociocultural and legal bases to the normative understandings of children and or childhood. Indeed, understandings of children and childhood are not fixed or given. They are first and foremost sociological and anthropological concepts that are then mapped onto the legal and policy landscapes of any society or country. This means that children and childhood are legal frameworks.

Firstly, in social, cultural, and even legal terms, the child or children are a universal idea, simultaneously biological and social facts (e.g. Mead, 1929). The immaturity of children is evidently biological but the way this is comprehended is indeed made meaningful by culture, (James and Prout, 1997). Developmental psychology focuses on childhood as a process of "becoming" through milestones in age, physical development and cognitive ability. Sociological perspectives on childhood explore how a child is socialised and becomes a member of a society in which s/he is raised (Kehily, 2011). While these two disciplines may contrast, they can intertwine and co-exist in a child's life orientation. Boyden (2003) notes that through working together, biology and culture

can create commonalities and differences of human development. Furthermore, Gardner (1983) as cited in Boyden (2003) posits that cognitive ability and growth is not inflexible, children possess varied and multiple intelligence that are not simply a function of stages of development and age. This evidenced by how children in street situations exhibit a different kind of cognitive ability that enables them to survive life on the streets and generate an income, regardless of the belief that they are too young to survive on the streets. Surely, childhood is a social construct that is a variable of social analysis. Reference to children in street situations' childhood or how they live their lives as children living and working on the streets is surely a variable of social analysis.

All societies have a designated category of humans that are recognised as children, although the age range for inclusion in that category may differ from one society to another. Given this universality and familiarity with the idea of a child, 'Usually there is an assumption that remains unarticulated, that we know what a child is' (Plastow 2015: 3). Childhood, on the other hand, is a much more culturally specific and variegated construct (Corsaro, 2004; Ansell, 2009). Amartya Sen (2005) has argued that the idea of a universal definition of childhood is problematic, produced and defined within the interactions between social norms and values, on the one hand, and vein. Frones (1994) argues that we should recognise that there are multiple and various forms of 'childhoods'. Hence, Jenks (1996) writes that the child is "a status of persons which is comprised through a series of, often heterogeneous images, representations, codes, and constructs" given that there is no homogeneity in childhood, even within the same culture. And yet, notwithstanding these differential approaches that recognise the roles of race, gender, sexuality, or social class, there has been a stubborn tendency to define childhood from a singular, universalist standpoint that often means that the experiences of children in the global South are compared to those in the global North which serves as a kind of ideal (Boyden, 1990).

Ansell (2009) argues that the new sociology of childhood emerged in the 1990s by situating childhood as a socially constructed and children as social actors. In doing so, this new sociological approach to the study of children and childhood critically engaged with and countered the socialisation and development psychology perspectives that had long dominated knowledge production on children since Jean Piaget. In both the old and new approaches, childhood designates a normative space and temporal horizon within which children are expected and enabled to undertake a set of activities deemed important for their cognitive and social development (Archard 1993; James 1998; James and Prout 1997[1990]). However, as Butler-Sloss (1988) argues, this new approach to childhood is also recognized as an adult construction of a category which is different from how children may live and experience their childhoods. This

recognition implies that "childhood is not a fixed state bound by predetermined developmental stages. Rather, it is a diverse, shifting category that follows certain biological sequences and responds to the cultural and social environment, genetic heritage, personal agency, and economic and political circumstances" (Butler-Sloss, 1988).

Therefore, childhood can be seen as a collection of an individual's experiences and activities while they are young. These activities create memories that are peculiar to an individual. To break it down even further, children raised in one family may have different childhoods yet living under the same time and space. It can be seen as a case of 'my' childhood and not 'our 'childhood' as experiences always differ depending on emotions and interpretation of those experiences and activities. Batcho et al, (2011) state that childhood is supposed to be a happy childhood, but who then defines another person's happiness and based on what standards. A child's experiences may bring a happy childhood, but this interpretation can only be done by the child going through the emotions of happiness.

Despite its value in de-centering a universalist and hegemonic view of children and childhood, even this new approach to the conceptualisation and studies of childhood has been challenged for its insufficient focus on the "impact of political economic forces (or 'systems') working overtime," on the ability of children to learn and develop cognitively (Hart 2008: 9). That is, rather than simply a factor of sociocultural norms, children's learning, and experiences, just like the lives of adults, are also deeply affected by the prevailing political and economic forces at both local and global levels.

Nevertheless, in its restricted biological (and sociologically universal) sense, some of the qualities often related with childhood are "physical and emotional immaturity and vulnerability in comparison to adults, causing lack of autonomy and social dependence" (Blanchet, 1996). And within the global south, the experiences of childhood also differ depending on a variety of factors such as (inter alia) culture, class, gender, age, ethnicity, and disability, (Punch, 2003: 278). There are, however, various aspects of childhood that hold true and constant across the divide regardless of a difference in social conditions, for example healthy children will often grow well into puberty and a child's physical needs (food, rest, and sleep) are indispensable. In that regard, the universality of childhoods may be practical (Boyden, 2003).

In the end, we must therefore recognise that discourses about the child and childhood (the ways of talking about, writing about, situating, delimiting, and comparing the experiences of children) are one of the fundamental streams by which children and childhood are produced and defined or

constituted (though also constitutively) as both social categories of analysis as well as lived states of relations and experiences for this set of humans that we designate as children. As Plastow (2015: 7) sums it, "Childhood is, in one sense, a state determined by the societal, political, ideological, and even clinical discourses that prevail. Such discourses, implicit or explicit, weave our commonly held conceptions of the child in ways that are quite predetermined."

The diversity of children's lived realities of their childhood (including for children who live and work on the streets and other adverse childhoods) should feed into this wider understanding and conception of childhood as complex, differentiated and contextual. Conceptualising the childhoods of children in adverse situations is not, however, merely to define these in terms of hardships and privations. Hardships in childhood are not new or delimited to children in specific geographic spaces. The very definition of what is "hardship" depends on the context. Rather, to meaningfully conceptualise childhood for children in adverse environments is to also recognise that these children, like all persons, have their trials and triumphs as they struggle to live meaningful lives from the streets. For example, in Sarah Emily Duff's (2011) study on childhood in the Cape Colony rural white children did not go to school and were required to work on the farms. Here, taking children to the schools was seen as depriving families of a significant portion of their income. On the contrary, middle class children's families separated work and home, meaning that children no longer needed to contribute to supporting the household. Generally, in rural impoverished areas poor families of all races required the contribution of children and parents for subsistence, (ibid). Similarly, children in street situations engage in income generating activities either to supplement family income or for their own livelihoods.

Work that requires mental and physical effort is seen as deviant when looking at the globalised definition of children which entails play and study and excludes work (ibid). According to Ennew and Kruger (2003), literature for the 1980s constantly referred to giving children from poor families back their childhood. However, children from poor households seldom had the socially constructed notion of childhood which centres on play, school and lack of responsibility. Similarly, Mahati (2015) notes that independent migrant girls who engaged in survival sex or who left shelters where they were being 'protected' were viewed as deviant and depicted as having low moral values, which is contrary to the normalised rhetoric of childhood innocence. In that regard, the children's behaviour was seen by aid workers as a confirmation that they had 'inappropriate childhoods'. The idea of inappropriate childhoods already speaks into the notion of socially acceptable and unacceptable ways of living for children, normally defined by adults. Consequently, this behaviour excluded these migrant girls from social services because they were seen by aid workers to be

behaving like 'adults' through engaging in sexual behaviour. This meant that they were no longer going through childhood, and the aid workers did not understand how a 'normal' child could migrate without a parent or guardian. Childhood for independent children such as migrants and children in street situations does not fit into the narrow conceptualisation of childhood and may negatively affect the formulation of policy for their protection.

Yet, while childhood and children are cross-cultural concepts, there is also something distinctively "Western" to our prevailing normative and globalized conceptions of childhood and children's welfare within rights-based regimes. That is, as Lucchini (1993: 16) has argued, it is within the context of a typically [Western] modernity that childhood emerges as "a distinct category, whose welfare is guaranteed by the state." Against this backdrop, there have been historically significant social and legal developments that codify and promote conceptions of children and childhood within national (state) and international legal frameworks or child rights regimes. Laws and associated international protocols (agreements, treaties, etc. such as the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child) are therefore another important stream for our understandings of the meanings of children and childhood. Indeed, in our 'age of rights' (Masferrer and García-Sánchez 2016), it is not only that children's welfare and development are dependent on state policies and programmes, but these are also increasingly framed by 'protective intervention for children whose lives are intersected by the law' from national and international legal regimes (Sheehan, Rhoades and Stanley 2012: 11).

Because of these socio-legal developments, Morrison (2015) argues that the knowledge of childhood is no longer entirely the domain of families and local communities. Instead, it has become an area of greater concern for the State and elites because of its importance for realising the visions of modernity which are (but not limited to) children's rights. Similarly, Kehily (2011) underscores the very different ways and processes by which the management or governance of children and childhood has become embedded within the broader neoliberal transformations of the economy and the state. Through these transformations, in their preparation for immersion into a society of adulthood, children, child welfare, and childhood policies, programmes, and interventions are increasingly invested by big business, governments, and non-governmental organisations (NGOs) to create a dependency on a range of services and expert advice (Kehily 2011). Earls and Carlson (1999) argue that children are citizens and not just immature beings whose needs and rights must be met by parents and other well-wishers. There is a notable paradigm shift from children as passive recipients of welfare-based interventions to children as subjects of rights and active agents in their own lives, (Ennew and Swart Kruger 2003).

Nonetheless, the governance of children in street situations still requires fine-tuning in, interventions, policy formulation and implementation as most of the intended beneficiaries of social protection have become independent children who live and work on the streets where they spearhead their own path and make their own decisions. Mayal (2008) as cited in Mahati (2015) posits that children's lives are shaped and reshaped by adults at various levels, however this position is not immovable because of the negotiations between the two groups. Social welfare for children is premised on the innocence of children and the notion that they need to be protected from danger, (Burman, 1994).

In the context of my study in South Africa, social interventions for children follow the notion of "the best interests of the child." However, there can be no denying that these interventions are also attempts to fulfil some Western notions of childhood which depict children as vulnerable (James, Jenks and Prout, 1998). During my interviews with the social workers at the DSD, I asked all of them how they understand the construction of children in street situations' childhood, and they all expressed concern over the 'abnormal' childhood the children face. Mary, one of the social workers stood out to me when she articulated that the childhood children in street situations experienced was very different seeing that the children were very angry because they worried about issues that they typically should not, such as safety, clothes and food. 'You become a parent before your time, it's not a nation that we want because they are very angry, these are the future, they can become the future criminals, yes, they can become…' Surely, the lived reality of a child in street situations' childhood is indicative of the various kinds of childhoods that some vulnerable children experience, which is contradictory to play and innocence propounded by Western notions of childhood.

Additionally, given the colonial and continually "foreign" or external origins of laws and legal regimes in Africa (Joireman 2001; Arewa 2019), it remains unclear the extent to which legal conceptions of the child and childhood map unto the prevailing sociocultural normative orders in many African states today. This, also, for example, is the case with an issue like corporal punishment (Pupavac 2011). In South Africa the government is committed to full prohibition of corporal punishment (Save the Children 2005). Nevertheless, as it was apparent in September 2019, it is not uncommon that highly publicised cases of corporal punishment at school or in domestic situations generate heated and divisive public debates that reveal the tensions between prevailing social notions of morality and child discipline and a legal code that partly responds to global and continental human rights commitments that seem alienating for some people in South Africa (SABC News 2019; End Violence Against Children 2019). Hence, if children's lives are 'intersected by the law' as Sheehan, Rhoades, and Stanley 2012: 11) put it, children in street

situations are only a more extreme category of children whose very existence is defined by this tension between prevailing social understandings and the intersection of the law. I will discuss in the next section.

2. 2. Children and the Street: From 'Street Children' to 'Children in Street Situations'.

UNICEF's (2005) State of the World's Children reports the various hardships that children are exposed to that make them vulnerable. Life is a daily struggle for them to survive and they face exclusion from essential services such as hospitals and schools. Protection from families often lacks and they are largely at risk for exploitation and abuse, resulting in missing out on their childhood. Bourdillon (1994) argues that this vulnerability and marginalisation is particularly extreme for the growing number of children in the streets in large cities. As he puts it, while the plight of these children often receives much attention from the media, they still remain at the periphery because they are largely shunned by the dominant society. Panter- Brick (2002) underscores this when she writes that children in street situations appear to be 'nobody's children', they have no proper place in their families or society, and they are deprived of a proper childhood.

For these children inhabiting the streets in major cities and towns across the world, they are simultaneously familiar to the world through the views and representations of them and yet they are estranged by that same world, given how stigmatised they are within those representations. Children in street situations have often been labelled and categorised as "deviants", "street urchins", "vagabonds", and numerous other derogatory terms that have resulted in an ongoing negative attitude towards them from the general public and media (Gilfoyle, 2004; see also Burr 2006; and the Asian Development Bank; 2003). As the Institut International des Droits des Enfants (2007: 2) remarks, "In most countries, the common attitude, driven by occasional contact with these children, is to consider the physical and emotional survival strategies (labour, theft, substance abuse, sexual promiscuity) of the children as the symptoms of a social pathology proper to the poor, themselves seen as a "dangerous class" (see also Lalor, 1999; Mufune, 2000).

Even major organisations and notable individual figures have described these children using the phrase "street children" or a variety of it: "children in the street", as, children of the street', 'run away children, throw away children', 'children living and working on the streets' and 'street connected children' (Institut International des Droits des Enfants (2007: 2). Hence, the idea of social flight, invisibility, or "escape" has been a central trope in the broad range of popular as well as policy and scholarly perceptions, descriptions and or representations of children inhabiting or striving for their livelihood in the street.

I pondered how these negative perceptions of this group of children emerged and realised that because living and working on the streets was out of the norm for children, it also precipitated deviant behaviour which society shunned upon. Around 1850-1900, for over half a century the 'street child' was an inescapable feature of the nineteenth century American industrial landscape, they lacked formal education, adult supervision, in some cases a home, such youths were derided as, 'rats', 'gamins', 'urchins' and 'gutter snipes', (Gilfoyle, 2004) Their lifestyles were depicted as semi savage, and once a child had adopted such a wandering lifestyle, they seldom abandoned it and continued it to the end of their existence as written in the Harper's weekly of 19 September 1968, (ibid).

The urban bourgeoisie in the United States between 1846 and 1860 transformed the 'urchin' into a fearful pathology, a threat to domestic family life and a danger to public health. Scheper-Hughes and Hoffman (1998) postulate that street children are basically 'excess' children who come from the slums and manage to defy the upper classes by occupying their public space, refusing to acknowledge their status as 'nobodies' The most powerful social actors in society (for example, politicians, media personnel) can socially construct and influence people's perception on different subject matter. Today children in street situations are predominantly perceived in a negative light, often neglecting their positive attributes, this influences how they are governed through laws, policies and interventions.

Whether intended or unintended), the Institut International des Droits des Enfants (2007: 4-5) contends that these descriptions have been profoundly violent and damaging for these children. They have been "stigmatizing, discriminatory, and most of all, they do not take into account the child's subjective perception." For Sérgio Luiz de Moura (2002) these "patterns of descriptions, characterizations and explanations" inscribe and produce these children and their families within a meta-discourse that "naturalizes social deprivation." They "are portrayed as displaying socially unacceptable attributes which place them outside mainstream society" (de Moura, 2002: 360).

The United Nations' Committee on the Rights of the Child (CRC) is an internationally mandated body of independent experts that keeps track on the execution of the United Nations Convention on the Rights of the Child by its State parties as well as the three Optional Protocols to the Convention, on (i) the involvement of children in armed conflict and on sale of children; (ii) child prostitution and child pornography; and (iii) communications procedure. On the twenty first of June 2017, the CRC published its General Comment No. 21 on "Children in Street Situations." This was remarkably important given that it was the first time a major international agency characterised or described these children in less derogatory terms.

Furthermore, much earlier, in the early 1990s UNICEF had also introduced the category of "children in extremely difficult circumstances" (CEDC) in lieu of "street children." In doing so, UNICEF sought to incorporate children with disabilities, refugees, children affected by organised violence, unaccompanied children in disasters and children in street situations into a single category (see UNICEF 1999). In many circumstances, children in extremely difficult circumstances now seem to be almost synonyms with children in street situations (Ennew, 2003).

In the CRC's General Comment 21, the term children in street situations is the preferred term for a variety of children in situations of extreme vulnerability, which compromises of, "(a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities." This wider population includes children who sometimes live and work on the streets and children who do not live on the streets but regularly accompany their peers, family or siblings in the streets. Where children in street situations are concerned, being in the streets, 'being in public spaces' is understood to incorporate a considerable amount of time on the streets or in street markets, public community spaces, public parks, train, and bus stations but does not include public buildings such as schools, hospitals and other comparable buildings.

Despite this transition and change of terminology from the use of "street children" in favour of children in street situations, the latter is not without its own difficulties. As Riccardo Lucchini and Daniel Stoecklin (2020: 2) write, while the United Nations' (2017) General Comment on Children in Street Situations 'gives a substantive definition of these children', this expression 'remains a concept in search of an object' that is clearly defined. For this research the term children in street situations is adopted as it presents a broader narrative for children who may live, work or generally spend most of their time in the streets. The term includes a broader spectrum of children whose lives have a connection with the streets, but I will refer mainly to children who largely live and work on the streets and even if they do return home at night or not, they are children involved in streets situations. Aptekar and Stoecklin (2014) argue that the child in a street situation is a social actor who adapts her/his behaviour to the social setting by using important resources such as time, space and activities and symbolic resources such as norms, values, images of self, relations, gender, and motivation. The problem is not with the children, but it is also in the situations they face.

These definitional or representational issues on children in street situations are important in so far as they sometimes affect the implementation of policy interventions and programmes. Based on how these children are perceived by society and policy makers, these definitional issues profoundly

affect both the perception of these children as a social problem (in terms of scale) and potential solutions. Terres des Hommes (2010: 8), an international non-governmental organisation for the promotion of children's welfare, states that it 'prefers to use the term "Children in Street Situations" since the problem is not "the street child" but the situation causing the child to be in the street.' Ultimately, there is need for a critical approach to the question of how we address children in street situations as a "social problem."

One must look beyond numbers, and question for whom, since when, how and why living on the streets has been a social problem. The problem of children in street situations requires an investigation into the people in contact with them, because they are part of the problem, and, hopefully, also of the solution. When looking at these children, people usually analyse the situation through their own values, standards, and interests. For some, those children are bandits, for others, victims. Some inflate statistics, which may increase their feeling of insecurity, that will be exploited in turn to justify street "cleansing" operations. Others underrate the problem, or more simply censor the issue (Institut International des Droits des Enfants 2007: 6).

In South Africa, there are various terms that have been used to describe and categorise children in street situations. In its Strategies and Guidelines for Children Living and Working in the Streets, the South African Department of Social Development (DSD) (taking their cue from UNICEF) has distinguished three categories of children in street situations in South Africa. The first are children at risk. These consist of children of the urban poor, and they form the reservoir from which children who live and work on the streets emerge. The second category is children of the streets. For this group, the street is the main living place for these children with remote family ties and they visit their former homes only infrequently. The third category is children on the streets. These children come to the street to work so that they supplement their families' income. Some attend school part-time and perform similar tasks such as washing and minding cars and shining shoes. They are victims of extreme poverty hence look to the streets in order to be partially self-supporting, (Department of Social Development, n.d.).

Another subgroup of children living and working on the streets from this UNICEF typology are 'abandoned children,' which is a subset of refugees, orphans, runaways, and other distinct groups that have no access to their primary caregivers, (DSD, n.d). Firstly, children in street situations can also be classified as abandoned children, however, the concept of abandoned children is a contested terrain. According to Panter-Brick (2002) who argues that while children who sleep in the streets of a crowded urban centre can be viewed as 'abandoned' either by parents or society, it is of essence to step back and examine the life experiences masked by the concept of abandonment.

She views abandonment as the opposite of the predominant prescriptive Western model of childhood, which is comprised by play and protection from adults. The term 'abandonment' evokes powerful emotional overtones for the general public and the media from whom charities solicit funding. As Ennew (1994) writes that the depiction of children on the streets as 'alone and abandoned' aims to elicit pity and justify social interventions. Likewise, Panter-Brick (2002) argues that the promiscuous use of the term 'abandoned' takes away any analytical value as the meaning of the word is diffused.

The DSD Strategies and Guidelines rightly argues that the term 'street child' is not a befitting term as there is no child born by the street. It is also important that terminology acknowledges that the person is a child first before anything, the people-first language will enable a person to be seen foremost as a person and secondly as having a certain trait, for example focusing on the street first then child after, only belittles children as people and may lead to discrimination. The term homeless is a key descriptor for children who live and work on the streets, changing the stigmatising label 'street children'

The conceptualisation of terms can be done to forward agendas and individual interests, as seen by how children in street situations have been negatively portrayed over time to feed into sensationalism of their way of life, behaviour and capabilities by media and social policy. This negative perception of children in street situations has overshadowed structural political and economic factors that have played a role in children assuming 'adult' roles of supplementing family income while on the streets. Abandonment of children in this case comes from both the family and the State as both social actors have a mandate to provide social protection to children. When the roles of the State and Non-State Actors to protect children are unfulfilled, some children negotiate their way out of adverse situations at home and enter a generally unsafe space (streets). The streets have already been defined as inhabitable for children by adults, yet they leave their homes which ideally, are supposed to be safe only to start a new life in an unknown and riskier place. Efforts to remove these abandoned children from the streets are made so that this 'problem' is made invisible to the public eye.

Even though children in street situations have also been classified as abandoned children (Panter-Brick, 2002), various terms are still used to describe these children as discussed above, however, dominantly used to define children in street situations are children 'on the street' and children 'of the street', children on the street are visible on the street as they work or beg on the street but continue to live with their families. Children of the street may no longer be in communication with their families and can be regarded as homeless, (Ennew, 1996). The term abandonment henceforth

can also be used to specify these subcategories of children in street situations indicating the nature of the ties these children have with their families. Even though some of the children have regular or infrequent contact with their families, the abandoned and neglected children left home entirely on their own (Panter-Brick, 2002). Leaving home portrays that there was a form of abandonment that necessitated children to end up living and working on the streets.

In practice, children's lives are more elusive and fluid than the categorisations suggest. Therefore, obtaining a standard definition for children in street situations is more difficult than what it may appear to be in the first place (Panter-Brick, 2002). Of note also is that the boundaries of who a street child is in post-Apartheid South Africa is also steadily becoming ambiguous. Increasingly, in major cities such as Pretoria and Johannesburg, children are seen dancing in the streets at traffic lights for money. These children are usually well-dressed, and chances are that they do return to their homes later. Being on the streets in this case may qualify these children to be classified as children on the streets, even though they visit the streets infrequently as they are usually seen on weekends. On the other hand, these children may also be defined as 'street working children' and not 'street children' which depicts that the definition and social construction of children in street situations is context specific and, in some instances, not fixed in the post-colonial era. Notably, how children in street situations are defined is based on how society defines them and how their lives are socially constructed.

2. 3. Children's Rights and Social Protection for Children in Street Situations: Risks and Vulnerabilities.

The phenomenon of children in street situations is clearly an urban problem. In Africa, it has largely been accentuated by the structural adjustment programmes and policies favourable to economic globalisation that were adopted by governments between the late 1980s and early 1990s which saw the advent of street children in urban spaces (Kopoka 2000). The visibility of children in unsafe and inhabitable public spaces has triggered conversations, programmes, and policies by (inter alia) governments, NGOs, Academia, and communities to address the plight of vulnerable children in street situations. That striking visibility in the streets already suggests that children's rights are being violated or unrealised. That is, living on the streets may be an indication that the child's life has taken an unusual course, a path that strays from the norm. It is therefore a matter of how the governments' public policies, particularly social policies, can be mobilised to address the risks and vulnerabilities related to these children.

It is important, however, that we define or situate conceptually what such risks and vulnerabilities may be for children in order to understand how the notion of vulnerability plays an important role in shaping the discourses on children's rights, social protection and welfare. Vulnerability is a complex idea. It generically refers to exposure to variety of risks. However, it differs from one individual to another and from one country to another (UNICEF, 2009). For children particularly, they rarely suffer from one kind of vulnerability. For instance, a child in street situations can also be an orphan or a young girl from the rural areas may most likely come from a poor family (ibid).

The Organisation for Economic Co-operation and Development (OECD, 2019) argues that the degree and type of vulnerability varies because these factors evolve over time. For instance, age can shape a child's needs while exposing them to new risks, an infant and a toddler may experience risk and vulnerability based on the caregiver's health and material deprivation. On the other hand, a young adolescent's independence can make them susceptible to risks and vulnerabilities in their communities thereby emphasising the importance of supportive adults, good schools, and local economic opportunities for well-being, (OECD, 2019). Hence, a child in street situations may have had different risks and vulnerabilities from the time they were at home to the time they moved to the streets. South Africa's DSD aims at introducing preventive measures to equip poor families with income support in the form of Child Support Grants (CSG) as a way of cushioning families, particularly children from being intensely vulnerable.

From sociological and anthropological standpoints, vulnerability is an alternative way to characterise the multi-dimensions of poverty that are not captured by money metric values. Here, economic vulnerability ultimately translates into social vulnerability which is much more wide-ranging in terms of the areas of risks that impinge the individual's ability to live according to their aspirations. Social vulnerability captures vulnerable groups such as children at risk, the elderly, disabled and among others, female headed households, (Alwang, Siegel and Jorgensen, 2001:18). The United Nations Development Programme (UNDP, 2014) defines vulnerability at its basic level as: "exposure to a marked decrease in standard of living. It is of special concern when it is prolonged, and when standards of living fall below critical thresholds, to a point of deprivation."

Vulnerability can thus be understood as being at risk to an undesired outcome, and the outcome that should be the main concern for policy makers (Cooper, 2015: 35). Notably, children in street situations are constantly at risk and are vulnerable to poverty, hunger, ill-health, lack of education, death, conflict with the law, violence, and abuse. The list of possible risks is long, but the question is how can social welfare and policy ensure that risk and vulnerability are minimised before they materialise? An important line of inquiry in the child welfare and children's rights discourse should

be premised on a clear understanding of why children as a demographic are vulnerable and what makes them vulnerable. Such questions will shape the progression and design of social welfare for children, taking into consideration multiple vulnerabilities that a child can face. An integration of social, economic, and political reforms and policies is key in alleviating child vulnerability.

These questions are essential to question given the ideological polarisation of vulnerability which has dominated the discourse of vulnerability. Vulnerability has on one hand been viewed as a consequence of structural socio-economic factors that are beyond the control of individuals (Potter and Brotherton, 2013). Another school of thought attributes vulnerability to more individualistic reasons such as the frailty and failure of an individual (low educational attainment, drug and other substance dependency). These contentious debates on the causes of vulnerability are indeed obscured in political and ideological ideas of collective and individual responsibility, (ibid). Juxtaposing both causes of vulnerability, policy analysts and development workers are required to produce a set of qualitative and quantitative funds that will enable funding for social interventions to overcome vulnerability for both individuals and groups, (Potter and Brotherton, 2013).

In the same light, Mechanic and Tanner (2007) claim that vulnerability is as a result of developmental problems, disadvantaged social status, personal incapacities, inadequate interpersonal social networks and support, degraded environments and neighbourhoods, and the intricate interplay of these factors over time. I view the vulnerability of children in street situations in Pretoria, or South Africa as a whole stemming from an interplay of reasons which are structural, individual and developmental. Given the history of the repressive Apartheid laws, vulnerability in South Africa is caused by several factors that mainly began from Apartheid, with which effects on poor black people are still witnessed today in post-Apartheid South Africa.

The attention given to the different forms of vulnerability or lack thereof is a reflection of social values, (Mechanic and Tanner, 2007). In as much as structural factors also contribute to the vulnerability of children and other groups of people, it is always beneficial not to overly rely on the State for welfare but rather negotiate one's way out of vulnerability, as seen by independent migrant children and children in street situations who although they try to escape adversity at home, they may end up becoming more vulnerable in the streets, tapping into another variation of vulnerability that is associated with homelessness and food insecurity (inter alia). The idea to be proactive and not suffer in hostile situations in the household as children take charge of their life trajectory even while on the streets should be reason enough to force governments to strengthen

social protection systems for vulnerable children so that they manage to live a life they have reason to value (Sen, 1998).

Effective social protection and social welfare for vulnerable children is contingent on enough research and measures of vulnerability coupled with an equitable distribution of resources. The OECD (2019) records that the past three decades have witnessed a growth in inequalities which have exacerbated the challenges faced by the most vulnerable groups, especially children in OECD countries (OECD, 2019). The investment in vulnerable children's well-being is central for inclusive growth, the OECD (2019) views vulnerable children as having the least well-being, therefore making them top priority in policy. The investment in vulnerable children is not only on individuals, families, or communities, rather it is an investment in more resilient societies and inclusive economies, (ibid). For almost four decades now, a rights-based approach to development has been one of the primary approaches through which interventions have been designed to address inequalities and prejudicial attitudes towards vulnerable groups in societies (Devereux and Sabates-Wheeler, 2004: 2). Understanding children's rights helps to strengthen policies aimed at protecting them and to ensure they all benefit from state protection against any form of risk and vulnerability.

Martha Fineman's vulnerability theory has shaped the notion that vulnerability is universal, it is an inherent human condition that needs to be mitigated by governments, (Kohn, 2014: 3). Taken as a legal theory, the vulnerability approach argues for a more responsive state, considering that people are constantly vulnerable. As a result, the state's unit of analysis needs to shift from a liberal individual to a deeply vulnerable subject, (Fineman, 2010). However, the biggest critique to Fineman's theory is that it does not articulate how resources can be distributed among vulnerable individuals. Providing social protection to all children may be a noble idea but it might be a logistical nightmare to execute.

Importantly, though, if children are already treated as a vulnerable population regardless of family income, ensuring that their rights are met through having budgets that support child welfare will help to avert problems such as having children living and working on the streets. A universal social policy that supports all children will promote inclusivity which will leave no children behind who otherwise would have been socially excluded from any form of social protection.

Because of their physical and mental immaturity, access to institutions that provide them with care and protection are essential for the development of children. If social policy focused on broadly providing social welfare to all children, then divisions and struggles related to group identity and

race will be addressed. Group identity as an approach to inequality has set up a perverse dynamic that pits one protected group against the other, separating groups that otherwise would be joining hands in a fight against a society crippled by injustice, (ibid: 253). If social policy targets all children as vulnerable, then children may not find the streets a better alternative to home, thereby eliminating all the negative perceptions society holds of children in street situations and the need to fight for inclusion into the protected groups would not be necessary.

Nonetheless, we cannot ignore that the degrees of vulnerability differ from person to person and some groups are more vulnerable than the others. Historically disadvantaged groups from repressive policies such as Apartheid may still benefit from targeted interventions. Ultimately, vulnerability becomes a starting point to construct policy that may create better opportunities and access to social institutions that distribute social goods, such as health, wealth, and employment.

The problem of children in street situations is not only embedded in the child living and working on the streets, but also a myriad of structural factors such as neoliberal policies and Structural Adjustment Programmes that have made some families more vulnerable to poverty and other forms of lack hence leading their children to the streets. In policy terms, dependent people are the 'deserving poor' that are targeted by social welfare programmes, (Fineman, 2010:264). The vulnerability and risk to absolute poverty that children in street situations experience makes them a rightful group eligible for social welfare and protection, it is their right to have access to social protection.

Targeting versus Universalism in social policy and development has historically been a subject of much debate. Social policy has involved choices on whether the core principle of social provisioning would be 'universalism' or it will be applied selectively which is 'targeting', (Mkandawire, 2005: 1). Universalism ensures that the whole population benefits from social benefits as a basic right while targeting makes use of means testing to determine who is eligible and 'truly deserving' social benefits. Ultimately, the choice between universalism versus targeting is informed by the allocation of resources subject to budget constraints, (ibid). Understanding universalism and targeting in social policy can shed insight on the delivery of social policy. A further understanding on the best practices to be adopted in the delivery of social welfare programmes will tackle and reduce vulnerability.

The focus on the vulnerability of children propelled the United Nations Convention of the Rights of the Child (UNCRC) to extend care and protection to children based on their mental and physical immaturity, (UNCRC,1989). Since the UNCRC posits that children's physical and mental

immaturity warrants them care and protection from State and Non-State actors, it means that children are an innately vulnerable and at-risk population. If all children are vulnerable, including children cushioned from the harsh realities of life by family, how much more vulnerable are children in street situations. In this instance targeting in universalism will be appropriate were Skocpol (1990) argues that added benefits are channelled to low-income groups within the confines of a universal policy design. It will be a matter of fine-tuning already fundamentally universalist policies. Children in street situations may benefit more from targeted social interventions that will address their specific problems while fulfilling and protecting their rights as children.

According to Save the Children (2005), 'the core concept of a right is that of a 'social contract' which is established between the person (s) who holds a right (often referred to as a 'rights holder') and the person(s) and institution(s) which then have obligations and responsibilities in relation to the realisation of that right (often referred to as the 'duty bearer'). Within the UNCRC, there is a set of economic, socio-cultural, civil, and political rights that are afforded to all children without exception, (Jones, 2011). For children in street situations, the fulfilment of rights is to a larger extent far from a reality as they are excluded from essential services for a decent survival. Sadly, as a social worker in the DSD explained to me, children in street situations seldom enjoy substantial rights while on the streets because their plight is usually ignored even by the general public.

> '…I will refer to the constitution as well we all have this right, regardless of where I come from whether I am black or white, we all have this equal right but street children obviously won't enjoy the same rights as a child from a household would enjoy like a right to dignity, like I said people see you on the streets and they just make assumptions and make conclusions without even engaging with you so for me that makes them vulnerable sometimes we judge without even trying to get closer to try and understand what is really happening… *(Mbali, Social worker, DSD Pretoria, November 2019).*

Understandably, international attention to the vulnerability of children and the risks they face has grown over the years. Governments and professionals are urgently tasked with the mandate to implement prevention and intervention programmes to fulfil children's rights, social welfare, and social protection of children in a bid to ameliorate the lived experiences of children in street situations. The UNCRC (1989) exhorts governments to take preventive and protective measures against all forms of child maltreatment while supporting parents in child rearing through institutions and facilities. Organisation for Economic and Community Development (OECD) and

non-OECD countries provide for child vulnerability through legislations, policies across health, education, child protection, juvenile justice, and labour. It is apparent that vulnerability amongst children is the driving force behind all forms of protection through laws and policies, children's rights can easily be violated if there is no accountability on whether they have access to education, health, and other basic needs.

The biggest challenge I have observed is the lack of full accountability by States and other social actors who are required to uphold children's rights, there are no punitive measures in place at national level for the lack of or inadequate child protection for the realisation of children's rights. Surely, laws and policies are in place to offer all necessary rights for children, but the concern lies in the actual implementation of children's rights. As argued by Bartlett (2005), statements of commitment to undertake efforts to fulfil children's rights are available but these generally tend to be about the vision instead of the concrete regulatory details of implementation. For example, the call by UNICEF (1996) to exhort the best interests of the child is rather open ended as it does not specify how the best interests of the child are delivered, when adults are involved, they have the final say after judging the situation the child is in basing on their own interpretation of what is best for a child. Looking at the Children's Act no 38 0f 2005, social interventions for children in street situations are at the end based on adults' interpretation of the gravity of the problem, thereby making decisions they deem best for the child. For children in street situations, the fulfilment of rights becomes farther from reality as their inclusion in decision-making in the governance of their own plight is still lagging.

Surely, if vulnerability is a central idea in how children in general and particularly children in street situations are understood, there are important questions to consider. Firstly, what factors constitute risk for children in a specific society? That is, what conditions make children vulnerable? Secondly, how is the vulnerability perceived or defined and by whom? Thirdly, do children's rights address the risks and vulnerability of children in general and children in street situations in particular? A seemingly obvious but critical point to also consider is whether children are perceived by adults as actual rights holders.

The OECD (2019) underlines various conditions that pose risks and create vulnerability for children's physical, emotional and cognitive capabilities, and development. These include factors such as age, mental and health difficulties, being an immigrant or belonging to an ethnic minority, maltreatment and being in and out of home of care. Specifically, looking at children in out of home care, it is evident that this category of children faces greater risks than the general population across health, education, future employment, and earnings. While these risks are imminent, there are

opportunities to alleviate the challenges these children face. For example, strengthening and improving the foster care system can support these children as well as seeking alternative models of care for those children that have outgrown the system by enabling them to enter the job market (OECD, 2019).

Social welfare for children is best conceived by the UNCRC and other human rights instruments to guide behaviour, policies, programmes particularly on "non-discrimination; the best interests of the child; the right to life, survival and development; the right to be heard and taken seriously; and the child's right to be guided in the exercise of his or her rights by caregivers, parents and community members, in line with the child's evolving capacities" (CRC General Comment 21). The UNCRC has set the guidelines and standards by which children ought to be treated and protected in their families, community, and the state. Specifically, in post- Apartheid South Africa, efforts have been made to ensure and promote the protection of children by various social actors. For example, the 1995 National Programme of Action for children, steered by a National Steering Committee to encourage the inclusion of children in social development initiatives, works alongside the Office of the Rights of the Child which was established in the president's office in 1998. Both work to support the implementation of child welfare programmes and initiatives.

Development programmes were introduced such as free healthcare for women and pre-school children and a national school feeding scheme (Richter and Dawes, 2008). Additionally, based on the South African Constitution, citizens have the right to access social protection in the form of social grants if they cannot support themselves and their dependants. I discuss these grants (Child Support Grant (CSG) and the Foster Care Grant (FCG) in detail in the next chapter.

Nevertheless, such initiatives as unconditional cash transfers are necessary in the attainment of children's rights and social protection, however concerted effort from families, communities and child protection organisations is vital if real social protection of children is to be attained instead of mere legal documents and treaties that are not put into practice. There are several South African laws that attempt to promote the rights and well-being of children, these include the Prevention of Family Violence Act (1993), the Schools Act (1993) which bans corporal punishment, the domestic Violence Act (1998) and the Child Justice Act (2008).

Included also are efforts from civil society to dedicate their work to protecting children's rights. Civil society has championed the rights of children by being visibly active in drawing attention to the rights of children. Such organisations as (inter alia) the Centre for Child Law in Pretoria, the

Children's Rights Centre in Durban, Children's Institute at the University of Cape Town, all advocate the need to protect and support children, (Richter and Dawes, 2008).

The annual National Child Protection week in South Africa is commemorated to raise awareness on the rights of children as enshrined in the constitution. The campaign began in 1997 with an aim to mobilise all divisions of society to make certain that children are cared for and protected (South African Government, 2019). Nonetheless, the paradox lies between the view of children as autonomous beings (ACERWC) to beings who need to be protected and cushioned by family (UNCRC). A balance needs to be struck to ensure that children receive social protection in no way that infringes on their rights while accepting that they can be independent thinkers whose best interests should be put first. Vulnerability is indeed not weakness. Therefore, to recognise children as vulnerable is not to call for them to be treated as weak or irrational.

According to the African Child Policy Forum (2018), African governments have surely made great strides in realising the fulfilment of children's rights and well-being. The African Committee of Experts on the Rights and Welfare of a Child's (ACERWC) recognition of the importance of the Day of the African Child (DAC) has aimed at enhancing awareness of the ACERWC and promoting children's rights and welfare. The DAC was formed as a result of the Soweto uprising of 1976, to date since 1991, the day is celebrated on the 16th of June annually as an initiative by the AU to remember the children who were gruesomely murdered under the oppressive Apartheid regime. The DAC is used as a day to not only commemorate these children but to also encourage public authorities and the non-governmental actors to remain committed to the cause of children's welfare and to continuously seek new ways to deal with the numerous challenges that African children are exposed to daily. The theme selected by the African Committee in 2017 is the "2030 Agenda for Sustainable Development for children in Africa: Accelerating Protection, Empowerment and Equal Opportunity." (African Committee of Experts on the Rights and Welfare of a Child, 2017).

Relatively speaking, the African Report on Child Well-being (2018) puts South Africa amongst the most child friendly governments in Africa. This reflects the government's commitment to realise the well-being of children, partly through a number of legislation and policies that I have discussed above. Even though there are several government departments tasked with safeguarding the well-being of children, the biggest challenge lies in the implementation of measures for the social protection of children. For example, the South African Police Services (2017/2018) recorded 985 children who were murdered and in 2019 this number increased to 1,014 (up 2.9%). This meant that 3 children were murdered daily in 2019. Of the reported crimes, 24 387 (up 3.8% from 2018)

were sexual offences against children and 1,184 children were victims of attempted murder (up 11.8%). According to a Staff Reporter at IOL (2019) there were 7, 815 cases of assault with the intention of causing grievous bodily harm investigated by the police (up (3.3% from 2018) and 10, 829 cases of common assault (up 3.7%) involving children.

These statistics reveal various children's rights violations despite the laws and policies in place that are supposed to protect children. Hence, children still suffer from abuse and all forms of violence against them which constantly leaves them at risk and vulnerable to all forms of harm. When children grow up in a country with a culture of violence, their whole childhood becomes mired with various forms of hardship which pose risks to their well-being and growth.

Based on their interviews with homeless children in Gauteng and Cape Town, Cross et al (2010) write that many children described domestic violence, abuse, and poor family relations as the main reasons why their lives at home were unbearable, thus pushing them into the streets. Running away was likely a response to family situations characterised by conflict or violence. A huge gap still exists in the attainment of rights for children, fully enforcing and safeguarding the rights of children may continue to be unattainable if the relevant authorities are not held accountable by watchdogs. A considerable number of children continue to suffer from various forms of abuse and neglect because of this gap in the enforcement of existing laws and policies for child protection. This is made worse because most children are not even aware of their own rights, nor can they advocate for those rights entirely on their own.

Children in street situations face multiple vulnerabilities as these children grow up without adequate protection and provision from parents and guardians, let alone the government. In reality, the bulk of children's rights are not being met as children's lives are still under threat from all forms of social, economic and physical abuse. While on the streets, it is difficult for the children in street situations to access basic services to meet their needs. This heightens their risk as they become desperate to survive at all costs. For example, during my field research at the DSD in Pretoria I asked Mary, a social worker and supervisor at the DSD, about her thoughts on the possible factors driving the vulnerability for children in street situations. Mary's response emphasised the connections between deprivations of all kind and vulnerability on the streets:

> '…They are very vulnerable because then you must steal, or you can be used. Anybody who says do this for me I will give you a plate of food for you to do that and girls end up doing prostitution, we have seen them a lot here in Pretoria (Mary, Social worker supervisor, DSD, Pretoria, November 2019).

The hardships children in street situations face on the streets expose them to exploitation. Often these children are abused by adults with impunity. A life burdened by risk and vulnerability takes a toll on these children who end up at the mercy of perpetrators. Although children in street situations exercise their agency and find ways to manoeuvre around difficult circumstances, they still face their problems and try to find solutions. Regardless of whether their solutions are in their best interests or not, these children manage to survive in deplorable conditions. All in all, navigating the terrain of childhood for children whose lives are largely spent on the streets appears to be a complicated endeavour. Children in street situations are burdened by vulnerability and mostly live a life filled with risk yet they remain living and working in the streets. Being gripped by difficult circumstances and exposure to countless privations, the lives of children in street situations continue to be under threat because finding a habitat in a public space such as the streets is undeniably unsafe, especially for children. The social protection of children in street situations is a key policy area in the vulnerability discourse. The vulnerability of children is best addressed in conjunction with children's rights and welfare. In the next section I provide an analytical discussion on the capability approach in relation to addressing the vulnerability of children, specifically children in street situations in South Africa.

2.4. Vulnerability, the capability approach, and social policy analysis.

As highlighted before, post-Apartheid South Africa's development remains marked by the legacies of colonial and Apartheid pasts. Deep inequalities, poverty, and socioeconomic vulnerabilities remain key features of this post-Apartheid period (e.g. Spaull, 2013). The country has mainly pursued neoliberal policies that emphasise economic growth although there has also been an undeniable effort to implement redistributive policies (Gumede, 2015). Such redistributive policies as social protection in the form of social grants such as the child support grant promote access to basic goods and services by everyone in society. Patel (2011:364) mentions that these goods and services (in cash or kind) play a pivotal role in building human capabilities and assets, thereby promoting empowerment and human well-being.

Since the 1980s, economist and philosopher Amartya Sen's work has provided the impetus and clarified the broad ideas and concepts that have come to be understood as a capability approach (see Sen; 1992, Sen; 1999 and Sen; 2002). Capabilities essentially focus on what people can be and do, they represent the real opportunities that enable people to live a life they have reason to value, (Sen 1985). Basic capabilities according to Sen are a subset of all capabilities which refer to the freedom to do basic things that are important for survival and enabling one to escape from poverty, (Robeyns, 2005).

In Sen's approach, there is no fixed or definitive list of capabilities. Rather, it privileges a flexible selection and weighting of human capabilities that depend on [personal] value judgements and advancement of individual agency (Sen, 1993). The approach emphasises that people should have the freedom to live the life they have reason to value. According to Robeyns (2003), Sen's capability approach is used widely in development thinking, in welfare economics and social policies. It is a broad framework used in assessing individual wellbeing and social arrangements, policies and proposals that bring social change in society. Furthermore, it can be used to evaluate different facets of people's well-being such as poverty, vulnerability, well-being of individuals or the general well-being of a group. Sen uses the term capability to refer to "the alternative combination of functionings the person can achieve, from which he or she can choose one collection" (Sen, 1993: 31; see also Sen, 1992: 40; 2005: 153). The Capability Approach can also be used as another tool for a cost benefit analysis or a design to develop and analyse policy from affluent welfare states to government and NGO development policies in developing countries, (Robeyns, 2005). Sen's approach has been one of the leading alternatives to standard economic frameworks for thinking about poverty, inequality, and human development generally (see Sen 1999).

How does Sen's conception of capabilities illuminate our understanding of vulnerability as an important political and policy value in post-Apartheid South African development imagination? As discussed above, development policies in South Africa since 1994 emphasise the need to address the challenges associated with "vulnerable groups" through pro-poor policies and other strategies. Broadly, Sen's (1999: xii) view that freedom 'is the main object of development' is highly valuable for countries working to lift their people out of poverty and deprivation such as in South Africa today. From this perspective, policies targeting the poor must seek to support and empower the beneficiaries to enhance their capabilities. Beyond this, however, such public policies must also strive not to deliberately cause injury to the rights of the poor (Sen 1994; 2005). In short, development should be framed by the political and ethical focus on enhancing human capabilities and human agency.

Thus, for the purpose of this study, situating social and public policy analysis of vulnerable groups in South Africa within the capability approach provides some grounds to develop a critical and contextual understanding of vulnerability in development discourse in South Africa. As Qizilbash and Clark (2005: 109) write an analysis on poverty and inequality in the South African context following Sen's capability approach, one way to interpret Sen's flexible conceptualisation of poverty and deprivation in 'absolutist' and 'relativist' terms involves 'seeing them as measures of *vulnerability*, where this relates to the possibility of being classified as poor' (emphasis in original).

Specifically, for example, in studying children in street situations in South Africa, the task is to elucidate how policy interventions and strategies on children in street situations fit the overall policy focus on children as a "vulnerable group". To that end, it is important to understand the fundamental values and principles that shape social interventions for vulnerable children in street situations and denote whether the expansion of capabilities (what one can be and can do) is one of them. As the capability approach assesses individual human well-being, the lives of children in street situations will be better understood in relation to the depth of vulnerability amongst children in street situations thereby encouraging their freedom.

The expansion of human freedoms is another expression of development, different from the normative views on development which are grounded in (inter alia) gross national product, personal incomes, and industrialization. For children in street situations, the attainment of freedom to satisfy hunger, attain employment, good health, shelter (the list can be expanded) can be seen as development which is a befitting mandate for the Department of Social Development. The expansion of children in street situations' capabilities directly tackles the unending threats to their freedom and capabilities.

A high number of children suffer from multidimensional poverty, the dimensions of poverty range from a deprivation in health, education, and standard of living (UNDP, Oxford Poverty, Human Development Initiative, 2019). According to the Global Multi-dimensional Poverty Index (2019), across 101 countries, 1.3 billion people suffer from multidimensional poverty, half of the people (663 million) who suffer from multidimensional poverty are children under the age of 18, and a third of those (428 million) are children under 10 years of age. Essentially, 63.5% of multi-dimensionally poor people are found in Sub Saharan Africa, which is the highest in all developing nations, the UNDP calls this a clarion call for action. Surely children in street situations bear the burden of multidimensional poverty considering that most of them do not attend school, have poor/ no access to health care and their standard of living (sanitation, housing and other amenities found in a home such as electricity) is below par. The enhancement of children in street situations' capabilities becomes a direct development initiative where children's lives are monitored and evaluated by assessing the reduction of multidimensional poverty, while improving children's quality of life.

The analysis of social policy requires a social analytical tool such as the capability approach instead of taking a rather economical or money metric approach to assess human well-being. Robeyns (2003) argues that a choice to focus on people's capabilities in social policy has resounding difference compared to focusing on neoliberal policies. The capability approach as a concept has

been used to analyse policy in Europe, but a steady shift is now seen in using the capability approach to measure the outputs of social policy, (Goerne, 2010). The legislation and laws for children found in the Constitution of South Africa and the UNCRC are best adopted with the aim of expanding a child's capabilities, if real social development is to be achieved. Ensuring that the laws are direct in emphasising the exact opportunities that can be availed to children in street situations and how their capabilities can be expanded provides clarity on the exact policies and interventions that will avert vulnerability from children in street situations.

More so, Robeyns (2005) clarifies that the capability approach is not merely a theory to explain well-being, poverty, or inequality, rather, it provides a framework to conceptualise and evaluate phenomena. Evaluating phenomena such as the cause of vulnerability and the definitions of it thereof provides an understanding of how a child's well-being can be safeguarded before one delves deep into risk and vulnerability. Since the main aspects of the capability approach are on what people are effectively able to do and be, their quality of life, the removal of hindrances that inhibit them from having the freedom to live a life they deem valuable through opportunities they may have access to (Sen, 1993). The lives of children in street situations need to be carefully studied and documented so that all hindrances to their freedom are removed, this works if the children's voices are heard and respected.

To take a capabilities approach to examine vulnerability and children in street situations in South Africa, I ask: do the current generic policies on vulnerable children that the DSD implements effectively address the vulnerability of children in street situations? How are children's freedoms expanded through the liberty to have choices? Does the DSD play a key role in the empowerment of vulnerable children particularly children in street situations in Pretoria through its broad child welfare for all children in need of care and protection? How do the current laws and treaties seek to enhance the capabilities of children in street situations as a specific category of children in need of care and protection? Can the capability approach provide meaningful child welfare to address the complex nature of children who are in street situations? These questions start conversations on practical ways to unpack the depth of vulnerability amongst children in street situations and how to expand opportunities for their own well-being. The capability approach is fundamental in social policy for vulnerable children, in this case, children in street situations for it drifts from their weaknesses and negative traits and focuses more on their potential through focusing on what they can do.

Moreover, how are capabilities enhanced by removing a child from the streets and possibly returning them to an environment they once fled? Family relationships and shelter are essential

and encouraged but an assessment can be made to determine whether this child will have opportunities to grow into a responsible adult while being nurtured in that same home. As a social intervention, family reunification is the next practical step at face value but analysing the outputs of this intervention will reveal the actual success of the intervention. I imagine the success of this intervention would be healthy relationships, access to better health care, nutrition, and education while at home therefore the importance of monitoring and measuring these outputs can never be over emphasised. Furthermore, a look at institutionalisation as an intervention for children in street situations also needs to be measured by how best it develops children's freedoms and encourages them to value the life they are living. These social interventions for children in street situations will be explored further in chapter four.

I understand that the capability approach provides a more practical approach to development in child welfare because children do not earn incomes and their own development is not necessarily economic but rather social from the provision of facilities such as basic education, health, and social safety nets. As the key analytical distinction in the capability approach is that between the means and the end of development and well-being, while the end has basic importance, means are important to realise the goal of well-being, justice, and development. The ends of well-being, justice, and development ought to be conceptualised based on people's capabilities to function, their opportunities to commence the activities and actions they want to participate in and become who they dream to be (Robeyns, 2005).

Currently, the government of South Africa's stance on children in street situations is vague simply because this group of children does not have its own specific interventions and social policies, some of the skills development programmes that the DSD leads are all for children in need of care and protection, a group in which children in street situations belong. Whether these programess effectively enhance the capabilities of children in street situations is an important question that needs to be examined. The importance of social policy and social interventions in relation to capabilities is also a line of inquiry that helps understand the nature of development being offered to vulnerable children in South Africa. In the quest to end or curtail vulnerability amongst children in street situations, I wonder whether their capabilities are being enhanced. The institutions responsible for child welfare have the mandate to lift children from risk and vulnerability while expanding opportunities for children to be and do what they value.

For children in street situations the means (legislation, policies, and social interventions) should always have the end (a life the children have reason to value through expansion of capabilities) in mind. Sen calls what one does and becomes 'functionings' therefore these 'beings and 'doings'

constitute what makes life valuable, for example, functionings can be working, literacy, being healthy, belonging to a community and being respected, (among others). Essentially, what is important is that people have the freedom or opportunities to lead a life they want to lead and be who they want to be while doing what they want to do. Once opportunities are present, people can choose the opportunities they value the most. Such opportunities can be in the form of programmes such as the Tshepo One Million programme explained earlier, where youths are presented with opportunities to engage in entrepreneurial activities and choose which path they may want to take.

Similarly, according to Thandi, a DSD Social Worker, children in street situations also benefit from the sustainable livelihoods programme where family members receive skills development in order to make them self-reliant. The attainment of skills by family members which could create employment opportunities is pivotal in encouraging a possible trickle-down effect in the well-being of children in poor households who will likely benefit from their parents' employment, thereby expanding their own freedoms.

Kang'ethe and Makuyana (2015) posit that livelihoods are sustainable when they can meet an individual's physical, emotional, social, and psychological needs, sustainable livelihood espouses an individual's capacity to recover from shocks and stress and enhance one's capabilities to benefit the next generations. Thus, the capability approach evaluates the impact of policies on people's capabilities, for example, it questions whether people are healthy and whether the means to this capability and the required resources are present such as access to doctors, clean water, and knowledge on basic health issues. Ultimately, the approach unpacks one's vulnerability by seeking to understand what makes children vulnerable, how it makes them vulnerable and why they are vulnerable thereby implementing the right policies. When it comes to children in street situations, questions such as whether children are well-nourished can be posed, following the question with whether the conditions to this capability are met through food entitlements and access to food supply, for instance. It may not be the aim of this paper to evaluate social policy on children in street situations, but it is of importance to know how best the outputs of social policy can be evaluated in order to ensure that children who are vulnerable and largely side lined have a chance at living a life they will value themselves.

Furthermore, as a liberal political philosophy, the capability approach respects people's understanding of the good life, hence making capability the end political goal. Clearly, the ideas of a good life are influenced by our families, cultural and religious background, (Robeyns, 2005). According to Schimmel (2006) and Shand (2014) children who live on the streets have constrained

capabilities and freedom of choice. The decision to leave their homes is not mainly based on free will but instead children leave because of a hostile, impoverished and uncertain environment which puts them at risk and heightens their vulnerability. Sen discusses about what a person would choose to do if they had all the capabilities available to them, nevertheless, to choose to go and live and work on the streets is normally a choice made from desperation and vulnerability and is not an empowered life choice that one would have otherwise made.

Van- Raemdonck and Seedat-Khan (2018) concur with Schimmel (2006) and Shand (2014) that the range of capabilities for children in street situations need to be expanded. When I look at children in street situations in Pretoria, I see a group of children who may benefit immensely from the expansion of capabilities such as opportunities to have (inter alia) proper accommodation, better nutrition, skills development, healthy relationships, and better health. Their life circumstances require deliberate efforts from the DSD and relevant stakeholders to understand how the children can have access to opportunities that enable them to live a life of freedom and worth valuing.

Individual agency freedom is important in the capability approach, agency freedom was described by Sen (1982) as "the choice, act or role one has to achieve any kind of aims or values that he or she considers important". Undeniably this agency freedom is contested by one's vulnerability, how one can circumvent risk and vulnerability requires more than one's agency as one's choice at a better life is dependent not only on agency but a myriad of factors such as socio-economic and political landscape of the country they live in. As discussed previously, the Apartheid legacy still has its negative effects on most poor black people who still have no access to the means of production which may lift them and their families out of poverty and vulnerability.

Recent studies on children in street situations have focused on children's agency, showing that they are indeed agents of change that are responsible for their own lives. It is imperative to appreciate that children are socially astute beings who can still exercise their agency, therefore adults need to recognise and appreciate these qualities in children as echoed by Ballet et al., (2011); McEvoy, Morgan, McCready, Bennett, & Henry, (2013). Given the astuteness and resilience of children in street situations, they stand to benefit the most when they have access to opportunities that will take them off the streets while empowering them as individuals and as a collective. Admittedly, the challenge lies in balancing and recognising that children in street situations are autonomous beings who have agency and are entitled to be listened to and respected in exercising their rights whereas also keeping in mind child protection with regards to their relative 'immaturity' and youth, (Lansdown, 2005). One way to enhance a child's agency is by allowing and encouraging

participation in decision making and not imposing the decision to leave the streets on the child, (Van- Raemdonck and Seedat-Khan, 2018). Importantly, laws, legislation, and social policy for children in street situations may work best if the children's capabilities are enhanced which will nurture them to become less vulnerable.

The capability approach has however been widely critiqued by several scholars, one such example is Martha Nussbaum (2003:40) who asserts that Sen did not manage to bring out a list of capabilities although nevertheless he managed to pinpoint health and education as particularly central. Sen (1985) emphasised the importance of choices and freedom, whereby identification of a capability set for any group of people should be done through democratic processes which involve public deliberation. Public deliberation is advantageous because it allows for participation in the reaching of functionings and capabilities (ibid). Essentially, the people affected by the policies should be given the chance to decide what they view as valuable capabilities. Even though Sen (1985) does not write a list of capabilities, he argues that it is better to leave it open ended so that anything can be included as a capability as and when necessary, a process he terms "an act of reasoning". The act of reasoning can work in social policies for distinct groups if wide consultations are made with the targeted population and the policy makers.

However, Robeyns (2000) questions the act of reasoning by arguing that people's biases from their values, life worlds and social embedding may determine what gets included in the list or not. Practically and more generally, the capability approach may benefit from methodological tools which will enable the correction of biases from researcher and or policy makers (ibid). Also, it is of importance to have a comprehensive list of well-defined but general capabilities that governments endorse and incorporate in their constitutions, (Robeyns, 2011). Such an initiative if adopted by the government of South Africa as a response to addressing vulnerability will create a direct response to how a person's vulnerability can be mitigated. Development as freedom for children in street situations may be propelled by encouraging individual capabilities and the capabilities of children in street situations as a collective. Sen (1999) states that the ability to choose the life one has reason to value also works through the possibility of working with people who have reason to value the same things in life.

Individual capabilities and collective capabilities are co-dependent. According to Nussbaum (2011) capabilities answer the question on 'what is this person able to be and to do' and Sen calls these substantial freedoms where a person has the opportunities to choose and act. Therefore, capability is a form of freedom or opportunities created by a nexus between personal abilities and the political, social, and economic environment. Applying the capability approach in social policy will

not necessarily be to analyse policy that addresses the vulnerability of children but mainly to measure the outputs of the same policy that seeks to reduce vulnerability of children.

Another critique of the capability approach is on its applicability. Robeyns (2000) questions whether the capability approach is 'an unworkable idea or a promising alternative'. She acknowledges that empirical application of the capability approach is still limited, regardless of practical applications being published in some small national and international journals. Questions arise why the applications are difficult to make compared to poverty and inequality analyses or why welfare economists do not pursue this line of research (ibid: 26). One of the reasons for the 'inapplicability' of the capability approach can be attributed to the lack of formalisation. Robeyns (2000) further argues that most empirical applications that require large scale micro-level data would methodologically need to be formalised. For it to be regarded as more than a philosophical theory, the capability approach would need to be mathematically formalised. Nevertheless, Sen (1985) developed some form of formalisation for the capability approach which argues for the transformation of commodities (goods and services which are the means to achieve) into functionings (freedom to achieve).

The capability approach has been widely critiqued in social sciences, but it has also had much influence in development studies. I concur with Sen (1985) who believes that this theory is predominantly a philosophical theory but can be formalised to make it empirically applicable in development and welfare.

For children in street situations, the capability approach sheds insights on whether the children are living a life they have reason to value and how social policies are creating opportunities for children in a bid for them to be and do what they view as progressive or for their own benefit. Even though the approach has been criticised for being overly individualistic and not paying much attention to social structures and groups. Using the capability approach to analyse the outputs of policy and to improve social welfare for children in street situations is appropriate as it is of importance to holistically intervene based on each child's circumstances, this will most likely create tangible life solutions for them.

It is essential that social service providers understand and manage the challenge of each service with regards to children's agency and capabilities as a way for children to live their aspired lives with dignity, (Van Raemdonck, Seedat-Khan, 2018). Ultimately the capability approach emphasises that initiatives "should expand sustainable and dignified life choices while enhancing individual capabilities and agency" (Sen, 1985). Children in street situations should become individual actors

who are able to bring sustainable change in their lives. Even though they would have adapted to street life, children in street situations must be able to leave the streets, (Morgan, 2016).

The DSD in South Africa continues to make great strides in improving the lives of vulnerable children through the Children's Act which is a guideline for child welfare. A radical approach to lift children out of vulnerability in post- Apartheid South Africa may need an approach such as the capability approach which sees development as freedom. When children have the freedom to choose the opportunities that enable them to live a life they have reason to value then vulnerable children such as children in street situations may be fully empowered to leave the streets. Such institutional strategies that encourage capabilities will provide invaluable progress in the field of development and child welfare.

2.5. Conclusion.

The vulnerability of children is a growing concern in post- Apartheid South Africa given that inequalities inherited from troubled political pasts have continued to deepen since the transition to black majoritarian rule in 1994. This chapter has examined the political and social contexts that frame children in South Africa as a "vulnerable group", including children in street situations. Children in street situations are framed in political and policy discourses this as a social problem that can be solved through a set of legal and policy interventions. This chapter has focused on elucidating the social and political parameters by which this notion of vulnerability has become a key concept that encapsulates political concerns with poverty and inequality in the country since 1994.

Furthermore, the chapter has argued that a critical understanding of vulnerability as a policy discourse on social development in South Africa can be attained by examining its affinities to the capability approach first expounded by Amartya Sen. South Africa's policy focus on vulnerable groups is driven by a political desire to empower social groups through various schemes and resources that can shore up their capabilities to become fuller members of a society where historical injustices and continuing patterns of economic marginalisation have deeply deepened social inequalities.

As the chapter shows, however, although the DSD is the leading agency dealing with child welfare as a whole, there are many institutional actors or stakeholders that have a mandate to work on child welfare. These include, among others, the municipalities, the police, the courts, social welfare services, and even non-governmental organisations that all seek to provide solutions to improve the lives of the country's children through relevant and updated policies. In this context, the social

protection of children is complex and challenging given the inter-agency communication and coordination that must be attained in order to avoid juxtaposition of efforts that may run in contradictory directions. With specific regards to the children in street situations, this social policy challenge is accentuated by the fact that there are no specific policies directly targeted at children in street situations themselves.

Rather, government agencies must rely on the general laws, policy provisions, and resources earmarked for child protection and child welfare in the general context of the country on the political and policy discourses that conceptualise children. The next chapter takes up this theme. It offers a careful examination and discussion of legal and policy interventions that are framed in the spirit of addressing vulnerability of children, including, children in street situations in order to advance the social protection of children in South Africa.

Chapter 3.

Protecting Children in Street Situations in South Africa: The Socio-Legal and Policy Contexts.

3.1. Introduction.

> '…The Department itself doesn't have enough facilities for street children. Mind you institutions that are there were not meant specifically for street children, they were meant for a whole lot of children that were found to be in need of care and protection and these children in themselves are a group of its own, they have a way that they do things. *(Thabo, Statutory Social worker, DSD, Pretoria, November 4, 2019)*

The Department of Social Development (DSD) is one of the leading government agencies with responsibilities over children in street situations in South Africa. However, as the reflections of Thabo, a social worker from the DSD illustrates above, in negotiating this mandate the Department's agents constantly have to think about *resources* or *facilities* and *institutions* that affect the DSD's capacities to do so effectively. From the perspective of the DSD, then, they must negotiate how to implement this mandate in at least two ways. Firstly, the DSD faces competing demands over this mandate on children in street situations with its other mandates. During my field research studying the workers in the DSD, I was struck by the repeated emphasis on these pressing concerns that they have about the DSD's capacities and resources. Secondly, the DSD has to negotiate this mandate over children in street situations with the several other government agencies that share and operate a variety of policies and programmes aimed at ensuring child welfare. Crucially, these public agencies also operate within a legal context that grounds and directs their interventions.

In the preceding chapter, I described and discussed what it means for children in street situations in South Africa to be understood and therefore framed conceptually as part of the vulnerable groups in South Africa. The question however is, what does such a conceptualisation of these children in terms of vulnerability mean for their status as juridical subjects that are then the targets of specific public policies and programmes designed purposely for them? Drawing from my interviews with workers in the DSD in the context of Pretoria as well as legal and policy documents, in this chapter, I describe, situate, and analyse the socio-legal and policy contexts for the social protection of children in street situations in South Africa as a vulnerable group.

Social protection is widely recognised as a politically embedded approach to address the broad question of social vulnerability and extreme deprivation (Dercon, 2011; Nino-Zarazua et al, 2012). According to White (2016), there are different types of social protections. One form of social protection is *social assistance,* which are non-contributory transfers in vouchers, cash, kind (including school feeding programmes) to households and individuals in need, subsidies in food or fuel (for example), fee waivers in health and education services. *Labour market programmes,* 'active (promoting labour market participation) or passive (ensuring minimum employment standards) are also another example of social protection, (ibid). *Social insurance,* which includes 'contributory schemes providing compensatory support in the event of contingencies such as illness, injury, disability, death of a spouse or parent, maternity/paternity, unemployment, old age, and shocks affecting livestock/crops' (ibid), is aimed at mitigating or cushioning the impact of social shocks and contingencies that can be highly disruptive.

Indeed, given that children already in street situations do not receive direct conditional and unconditional cash transfers the only social protection they receive to cushion them from vulnerability is through the variety of social interventions such as family reunification, adoption, foster care and institutionalisation. In South Africa, a major component of these social care services is what is called the "Child Support Grant" and the "Foster Care Child Grant." These social grants are administered by the South African Social Security Agency (SASSA) on behalf of the DSD. Such grants that families receive for the social protection of children are which are unconditional cash transfers meant to cover the basic needs of a child at household level. Particularly, the CSG is given to children whose primary caregivers are unable to provide for their children sufficiently due to poverty and unemployment.

Essentially the CSG is allocated to the primary caregiver who has children in need, when that primary caregiver changes, the grant still follows the child. SASSA may have access to the child who is benefitting from the grant at reasonable times. This indeed has been a positive move to promote the well-being of children in dire circumstances, an article by Naidu in 2014 on social protection reports that grants have been described as the democratic government's most effective poverty alleviation tool. Similarly, the ILO (2018a) and the United Kingdom's Overseas Development Institute briefing paper by Zanker et al (2016) underline that cash transfer schemes improve poor families' standard of living through improving children's nutrition, improved school attendance, a reduction in child labour and an increase in access to healthcare.

With a mid-year population estimate of 58, 78 million in mid-2019 in South Africa, approximately, seventeen million are children (0-14 years) making up close to a third of the population, (Stats SA,

2019). The large number of children in South Africa has meant that a considerable number of families have been receiving social grants as a safety net, especially against child poverty. Statistics South Africa recorded that from every 100-rand, 42 rand goes to family and childcare grants. Grants made up the second most important source of income (45.2%) for households after salaries (64.8%), (ibid). From the General Household Survey by Stats SA (2018) an increase in the number of people who received social grants increased from 12.8% in 2003 to 31.0% in 2018. Concurrently, the number of households that received at least one social grant increased from 30.8% in 2003 to 44.3% in 2018. The steady increase in the number of people receiving social grants indicates that conditions such as unemployment and absolute poverty that lead people into needing grants are not improving. Be that as it may, the importance of social grants in South Africa cannot be ignored as these have provided a lifeline to the most vulnerable groups in society.

Nonetheless, the main challenge is that the funds dispersed for the CSG are rather insufficient to cover the expenses the families incur given the financial strain that already grips them. According to Guthrie (2002) most children live within a family structure, even though it may have some form of variations, one common aspect is the presence of a primary caregiver who assumes responsibility for the care of the child, ideally, the primary carer would be an adult. Even in a child-headed household or where children live on the streets, without an adult carer, a form of group structure is present where the older children take care of the younger ones. Essentially, the well-being of a child is dependent on the well-being of a family, therefore, social security benefits should not target children in isolation. Instead, these benefits must include their family, usually through the primary care giver as a channel to the child. The introduction of the child support grant (CSG) in South Africa is a social security measure that is viewed as a safety net to prevent absolute poverty for families, (ibid:3).

The African Child Policy Forum (2018) mentions that the evidence to support social protection is undeniable yet a huge gap in funding remains. Even though the CSG by the government plays a crucial role in contributing towards family income, it is still not enough to cater for the needs of children in poor households, or it is misused by the caregivers as indicated by DSD social workers Thabo and Thandi below:

> '… that's too little I don't know what it was based on, were it came from maybe some policy I don't know where it came from but we are talking about how much here, 410 a month and you should look at how much, there is so much to do but with that kind of money, most of the people who need the grant are already

> burdened with other social problems…' *Thabo, Statutory social worker, DSD, Pretoria, November, 2019.*
>
> …'remember the grant is not received by the child, it is received by somebody who is supposed to take care of that child and remember some of these people don't have the best interests of the child at heart, they use this money for their own, so if there can be some form of screening just like we do with foster care…' *Thandi, Statutory Social worker, DSD, Pretoria, November, 2019.*

If strict measures are put in place on the expenditure of the CSG, then this material assistance may indeed contribute at least minimally to the welfare of the child. The February 2020 budget speech by South Africa's Finance Minister indicated that a twenty-rand increase will be allocated to the CSG, pegging it at 445 rand per month with the foster care grant receiving a forty rand increase to 1040 rand. The difference in amount between the CSG and the FCG is alluded to the view that the child is technically a ward of the State hence making the State directly responsible for a child's needs, (Shung-Kim; Lake; Sanders and Hendricks, 2019). Because of the economic challenges already scourging these poor households, the grant is somewhat diluted amongst the family members leaving the very children who are in need of care and protection still vulnerable to hunger and ultimately malnutrition, (DSD, SASSA and UNICEF, 2012). The concern lies in that the CSG may not take families out of poverty.

Growing up in a poor household increases the chances of an intergenerational poverty cycle, a lot of families may continue living in poverty unless structural economic changes are introduced, (South African Human Rights Council, 2014). Another concern lies in that the decision on the use of the fund largely lies on the caregiver and the child is usually excluded in planning around the use of the money. This clearly reveals that children are pushed to the periphery even in matters that concern their own well-being, this results from the normative labels on children as mentally immature to make decisions (African Charter on the Rights and Welfare of the Child, 1999)

I reason that social protection initiatives need to be reviewed and tailor-made to meet children's specific problems. For instance, promotive social protection which creates real incomes and capabilities by providing springboards and substantive opportunities that will enable children living and working on the streets to come out of poverty, (Lwanga-Ntale et al., 2008 in Kakuru et al, 2019). Food and Agriculture Organisation of the United Nations (FAO, 2015) explains social protection as having four functions, prevention, protection, promotion, and transformation. A promotive role focuses on supporting the investment in human resources (health, nutrition, skills development, and education. Based on the South African Constitution, citizens have the right to

access social protection in the form of social grants if they cannot support themselves and their dependants, this is mainly a preventive function of social protection. Also, social protection as a human right and a sound economic policy, essentially contributes to the reduction of poverty, inequality and social exclusion, while promoting social cohesion and political stability, (World Social Protection report, ILO, 2014/2015). Child and family benefits in cash or kind play a pivotal role in addressing the needs of children and realising their rights, especially the most vulnerable in society, see UNICEF, 2012; Sanfilippo, de Neubourg and Martorano, 2012; UNESCO, 2014; United Nations, 2014). The CRC General Comment no.21 insists that State support to parents and caregivers on subsidized, adequate housing and income generation will address children in street situations' plight of safe places to live, food, free and accessible medical care and education.

Regardless of this, the law that protects children in households through cash transfers does not provide holistic protection to all children given that some of those in the streets do not have contact with their families, hence making the CSG and the FCG inaccessible to this group of children. In addition, as the law insists that for a child to receive health care, attend school and access social services, an identity document is a pre- requisite, lack of such further makes social services out of reach for children in street situations. The law becomes a contradiction in protecting children in street situations while setting drawbacks and hindrances that are difficult to surpass. The CRC General Comment 21 describes this as indirect discrimination whereby policies make accessing basic services such as health and education difficult because some form of payment or identity document will be required. Moreover, the Bill of Rights 28 (b) emphasises that every child has the right to family care, parental care or alternative care when removed from the family environment. If children reject alternative care or any family care and are unable to access any form of social protection because they resort to the streets, then this child's right is not exercised. These practical matters are not addressed succinctly in childcare and protection initiatives.

In some instances, the law exists only in abstract terms while its implementation and practice only remain intangible, to illustrate this, taking from the ILO, an estimation of one million children between 5-17 years are engaged in activities coined as child labour. Some of these children are children in street situations who suffer more because they have limited opportunities in terms of social protection, (UNICEF, 2009). The law therefore becomes ideal and plausible but in reality, its implementation might be fraught with vast challenges.

The adoption of the African Charter on the Rights of the Child by African States portrays that policy and legislation should be context specific and designed to be relevant to the people it intends to serve. Kaime (2005:221) argues that the CRC has a normative framework that may be difficult

to apply universally, therefore for Africa, the desire to develop culturally relevant norms was essential. For example, the Charter states that, "the situation of most African children, remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child's physical and mental immaturity he/she needs special safeguards and care". Children are different even though there is universal definition of who a child is, the importance of differentiating children according to their own unique circumstances and experiences needs to be emphasised.

In *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States, in Western societies,* Theda Skocpol (1992: 5) writes that "the sentiments" of public solidarity that underlie an abstract notion of a "welfare state" are first given "legislative expression" and then concrete meanings through policies and programmes for social protection for defined population groups. This scheme – from legislation to policies and programmes – in response to the need for social provision and protection is not at all unique to Western societies. Instead, this is a general reality. However, this understanding also means that social protection is an eminently political process within which legislative, legal and policy processes are key drivers for how public interventions on the target populations operate.

In their recently published volume, *The Politics of Social Protection in Eastern and Southern Africa,* Sam Hickey and his colleagues (2020: 2) write from the outset that in these African contexts "political agency has played a powerful role in the contested expansion of social protection, with the countries that reveal the highest levels of commitment to social protection driven more by domestic political imperatives than by external pressure." For social workers and related actors, this recognition of politics implies 'a deconstruction of the policies, discourses and practices' (Powell, 2001:1) surrounding the delivery of publicly-driven interventions for social protection as elements of power and rule.

In this sense, social protection is mediated by the socio-political context. The question "of whether and how social assistance programmes become adopted' regarding any specific group or issue 'cannot be understood independently of the broader character of the economy and public policy" (Hickey, 2020: 6). According to Devereux (2010), South Africa is widely praised for its comprehensive social protection system, which is generous, fair and efficient. As the Minister for the Department of Social Development, Ms. Lindiwe Sisulu, has emphasised in the latest report of the country's Social Security Agency:

> Social assistance is by far, one of the most effective pro-poor programmes that has and continues to keep vulnerable people from falling into abject poverty. By the end of the period under review, the South African Social Security Agency (SASSA) was providing income support to over 18 million vulnerable individuals and households throughout the country (South African Social Security Agency, 2020: 7).

The question that however remains is, what are the legislative and legal bases as well as the concrete policies that underpin this "generous" social protection regime? And specifically, how are these mobilised for interventions on children in street situations by designated agencies, social workers, and other relevant actors in South Africa?

In this chapter I suggest that the social protection of children in need of care and protection in South Africa, particularly children in street situations should be rigorous in averting deeper vulnerability in children who are drawn to the streets. Strategic policy making to focus on the vulnerability of children/families is key in social protection. Surely, primary prevention strategies are best delivered through incorporating an intersectional approach which analyses the race, gender, economic background, and age of the most affected groups of children in order to improve the quality of social protection. Programmes for social protection of children should reinforce each other across relevant sectors such as health, education, justice, nutrition, and other key services so that children do not miss out on essential opportunities for their own growth and well-being.

Although social protection is a human right which was supported by the UNCRC in 1989, many children still do not receive social protection which will improve their lives in terms of health, education, nutrition, and care services, (Ortiz, 2015: vi). Even though South Africa has different departments designated towards protecting children other than the DSD such as the Department of Justice, Department of Labour, and the Department of Health, it may be in the best interests of the child if expenditure on child protection is significantly increased. Undoubtedly, other than realising children's rights, social protection policies will break the cycle of poverty and vulnerability, reduce the incidents of child labour, and promote child well-being, aiding children to realise their full potential, (ibid: 1).

I reflect on my discussion with a social worker during my interviews at the DSD. He expressed dismay on how children's affairs are underfunded and there would be no budget for certain projects, if the budget is made, he explained that someone would be unwilling to implement the budget directed towards projects for children. I viewed this as a telling story of how children are

sometimes socially excluded and relegated to the periphery of development initiatives. Evidently, statistics on expenditure on social protection for families and children is relatively low, standing at 0.4. percent of total GDP worldwide, (Ortiz, 2015). Notably, there is a wide regional variation of expenditure.

Taking from research conducted for the ILO's World Social Protection Report 2014/2015, Ortiz (2015: 5) reports that Western Europe spends approximately 2.2. percent of their GDP on families and children, which represents about one tenth of public expenditure excluding health, the Caribbean reaches 0.7. percent of GDP or 6.5 of public expenditure for social protection excluding health, similar to the levels spent in North America, the Middle East and Central and Eastern Europe. Asia, The Pacific and Africa spend on average 0.2. percent on child and family benefits. The particularly low expenditure for Africa is quite disturbing given the large population of children in the region (children under fifteen make about forty two percent of the population), (ibid: 6).

Admittedly, the detrimental effects of Apartheid still linger, affecting poorer demographics in South Africa who hardly recovered from the economic exclusion of the past. The post-Apartheid laws and policies need to be aggressive in ensuring that previously disadvantaged groups, especially children are included in mainstream development. I argue that in the specific case of children in street situations, a paradigm shift from the analysis of children who already live and work in the streets to understanding policy making and the institutions behind it is pivotal. Literature on children in street situations is rich on the actual lives of children but little research is on institutional levels involved in policy processes and the actual policy for children in street situations. Research on a policy and institutional level will provide important information that can be utilised in the social protection of vulnerable groups.

Focusing on the Gauteng Department of Social Development in Pretoria and children in street situations in Pretoria, this chapter discusses the national legislation, social policies and legislation specific programmes that the DSD employs to provide social protection to these children in street situations. Specifically, I analyse the DSD's Strategies and Guidelines for Children Living and Working on the Streets in relation to the Children's Act. In doing so, the chapter reveals the broad outlines in the social policy orientation to children in street situations as well as the actual practices of social workers in this context. I start by giving an elaborate historical discussion on the state of children during Apartheid to post-Apartheid South Africa showing how the repressive regime left a number of families underprivileged thereby creating a disadvantaged group of poor black children. I look at post-Apartheid and note the efforts of the government through amendment of

laws to reduce discrimination and marginalisation of poor families as a bid to protect the rights of the affected.

To get a picture of the legislation in place for the protection of vulnerable children, I provide an analysis of the Children's Act and how the Act is designed to tackle the social ill of children in street situations. I further discuss another policy guideline by the DSD for Children Living and Working on the Streets to get a clearer picture of the strategies and interventions adopted by the DSD to assist children in street situations.

3.2. Children in Street Situations in South Africa: From Apartheid to Post-Apartheid Democracy.

Prior to 1994, South Africa was isolated internationally because of its racist Apartheid policy that rests on white minority rule and privileges at the exclusion of non-white populations (Thornhill 2000). This isolation was accompanied by sanctions, which resulted in limited international trade and political liaison. In terms of international standards, the country became unacceptable, and it lost its membership in the United Nations. It also became unwelcome in the then Organisation of African Unity (OAU) and had its membership in the Commonwealth cancelled. Following the release of Nelson Mandela in 1990, the country was set on a course of transition from the end of Apartheid to the political liberalisation of the non-white majority. This transition was concretised in 1994 with the election of Nelson Mandela as the first black leader of South Africa.

The transition also meant that South Africa began breaking away from its isolation and was then re-admitted into the global community of nations (Thornhill 2000: 420). This political transition also meant a total new orientation for South African leadership towards concrete transformations in policies. It also meant that the country would return to the international scene as a rehabilitated member of the global community that adheres to and abides by international norms and legal standards. The country's leadership and policy makers were thus charged with great responsibilities in terms of steering new domestic or national policy interests and priorities while ensuring conformity with its international obligations (Roux, 2002).

The policies that elaborated and entrenched racial discrimination and structural inequality policies during the Apartheid regime left the South African government bankrupt and in distress, a million of children and their families were left in abject poverty (see September, 2008). Black South African families faced the brutality of Apartheid as they were victims of abuse, segregation, and racial discrimination. Children were left in precarious positions as their parents were marginalised from any form of economic enhancement. This marginalisation resulted in them living in harsh conditions characterised by poverty. Brigg (2002) mentions that colonial rule comprised forced

labour and different kinds of abuse associated with the position of power and cultural superiority that the colonialists felt they had over the local populations. In 1948, racism was legalised, and it became the norm, meaning the government of the day, through its laws and courts supported racism (The World's Children Prize, n.d.). Apartheid, as legalised racism, enforced draconian laws that forced black children and their families to relocate to 'black areas' from their previously owned homes which had become 'white areas'. These 'black areas' had poor social amenities with no hospitals, schools or jobs. While parents looked for employment opportunities in white owned farms, factories and homes, children were left with other family members and only saw their parents during the Christmas holidays (ibid).

To make matters worse, children's rights were non-existent in the Apartheid regime such that children became labourers in farms and factories, getting little food and not attending school. What is more, the schools were ill equipped which meant that a chance to attain a decent education was slim. In 1975, the government spent 42 rand per black child while spending 644 rand (fifteen times as much) on a white student (The World's Children Prize Foundation, n.d.). The government ratified the Bantu Education Act of 1953 which declared that education for black children was not compulsory, parents needed to pay school fees so that the white taxpayers would not be burdened by schooling. This perpetuated vast inequalities which led to the youth uprisings against Bantu education, firstly through peaceful means of boycott and then subsequently through violent protests that came to be known as the Soweto Uprisings of 1976-77. In the wake of these uprisings, Black people formed anti-Apartheid groups to resist Apartheid laws. Consequently, protesters were jailed or killed, leaving thousands of children orphaned. Thousands of children were then drawn to the streets because they no longer had homes, (ibid, n.d.).

Furthermore, during the years of British colonial rule and the years of Apartheid rule under Afrikaners, millions of black men were moved from their homes to provide cheap labour in white-owned mines and other industries. The resulting waves of widespread male migrant labour meant social dislocations and fragmentations of Black families as these men could not bring along their families into the migrant labour camps (Nkala-Dlamini, 2018). The living conditions for these men were deplorable due to over-crowding and poor living conditions. This advent of migrant labour ensured that the labourers spent most of their time away from their wives and children thereby encouraging alcoholism, promiscuity, and recklessness, (Lewin, 1985).

Along with poor living conditions, a culture of violence was rife in mines where white shift leaders would beat up black labourers. This treatment negatively affected black men who are culturally mostly patriarchal. Upon returning home, black men often tried to reclaim their masculinity and

position as heads of their households through violent means. Reclaiming this power culminated in domestic violence and sexual abuse, which became an outlet for anger and an expression of their power (Breckenridge, 1998). These perilous conditions in households contributed to children seeking refuge in the streets (Cross et al, 2010). Unquestionably, Apartheid played a significant role in creating many black children who live and work on the streets, a situation that largely still holds true even in post-Apartheid South Africa today.

Duff (2011) outlines that the Select Committee on the Destitute Children Relief Act of 1895 was anxious to ensure that poor white children would not be abused, neglected, left homeless or be wanderers or habitual beggars who did not have 'possible means of subsistence' from their families. Unfortunately, the same social protection at the time was not afforded to black children who still feel the effects of segregation to this day. This speaks volumes on the negative effect of Apartheid on black children, even though to date there are various reasons that lead children to the streets, some unrelated to the Apartheid legacy.

Similarly, Le Roux (1997) posits that the socio-political history of South Africa has left with it a culture of intolerance and violence in families. The culture of violence has given birth to households that have unbearable living conditions for children. Le Roux (1996) asserts that there was a recorded number of 9000 black street children in South Africa and there were 10 000 white children in 160 state registered and subsidized children's homes which rightly confirms that the racial imbalances of the past play a significant role in creating such a sharp distinction between black and white homeless children in post-Apartheid South Africa. Evidently, this level of inequality and socio-economic discrimination on opportunities cut across several generations, as witnessed in post-Apartheid South Africa today where the adverse effects of Apartheid are still felt on children from black families, the less educated, unemployed, bigger families and single parent families and children (Sulla and Zikhali, 2018). According to Statistics South Africa's *General Household Survey* (2018) more than one third of black African individuals (33.9%) compared to 29.95 of bi-racial individuals, 12.5% of Indian/Asian individuals and by comparison 7.5% of white individuals received social grants.

Black children were not exempted from the callousness of the Apartheid laws and policies. The unjust and repressive laws and policies during Apartheid disregarded children's rights and that children deserved to be protected because of the simple reality that they are mostly an inherently vulnerable population. While today efforts are being made to right the wrongs that affected generations of children, such efforts as found in certain polices and laws, the old Child Care Act of 1983 under the Apartheid government were embedded in racial discrimination and inequalities.

For the post-Apartheid government this had already become obsolete and inappropriate. Coupled with that, the old welfare system had also become non-responsive to the growing population because of limited resources (NCCAN, 1996; September, 2006).

Bray et al. (2010) state that after 1994, South Africa did not suddenly attain equal opportunities for all children. Rather, on one end there is a highly affluent group of black and white children. On the other end of the spectrum, there are highly impoverished rural children and urban living and working in the streets. In the experiences of the latter, their constant hunger and lack of basic services show the ugly characteristics of post-Apartheid South Africa. Several decades after Apartheid, its legacy lives on as persistent material inequalities. Bray et al (2011) argue further, however, that after Apartheid not all rich people are white and not all black people are poor. Although this is true, what is difficult to comprehend is that the majority (if not all) of children in street situations are black (DSD, *Strategies and Guidelines for Children Living and Working on the Streets*). Ross (1991) argues that the phenomenon of children in street situations in South Africa is purely an outcome of a political system of racial segregation since the 1940s.

Following the onset of the political transition from the Apartheid regime, the new government-initiated policy shifts to redress the situation of children in street situations. The changes however were mostly uncoordinated and not sufficiently supported with resources. As a result, the newly reformed welfare system did not reflect a coherent, comprehensive, and integrated system. The post- Apartheid government is faced with the task of tackling difficulties that originated from the old order where child welfare was distorted, marginalised and under-resourced, (Loffel, 2008). For instance, the Child Justice Act 75 of 2008 acknowledges that before 1994 black children were not given an opportunity to live and act like children, hence they often found themselves in conflict with the law. Following this contextual overview, in the next section I will discuss the legal regime for the social protection of children in street situations since 1994.

3.3. The Legal Protection of Children in Street Situations in South Africa.

The post-Apartheid government has been fervent in its policy reforms aimed at the protection of children from disadvantaged backgrounds, particularly children from black families. Given how children's fundamental rights were widely ignored under the Apartheid regime, the political authorities of the newly governing Black majority enshrined the welfare of children in the post-Apartheid Constitution of the Republic of South Africa of 1996. Section 9 of Chapter 2 (the Bill of Rights) offers a generic set of protections that apply to all children in South Africa. It explicitly states that children are those persons under the age of 18 years and that in all situations "A child's

best interests are of importance in every matter concerning the child" (Government of South Africa 1996: 12).

This section of the Bill of Rights further provides that "every child has the right to (a) to a name and a nationality from birth; (b) to family care or parental care, or to appropriate alternative care when removed from the family environment; (c) to basic nutrition, shelter, basic health care services and social services; (d) to be protected from maltreatment, neglect, abuse or degradation; (e) to be protected from exploitative labour practices; (f) not to be required or permitted to perform work or provide services that—(i) are inappropriate for a person of that child's age; or (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development; (g) 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, the child may be detained only for the shortest appropriate period of time, and has the right to be— (i) kept separately from detained persons over the age of eighteen years; and (ii) treated in a manner, and kept in conditions, that take account of the child's age; (h) to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and (i) not to be used directly in armed conflict, and to be protected in times of armed conflict" (Government of South Africa 1996: 11-12).

This general constitutional protection assumes further expression in a number of legislative acts and provisions. Firstly, there is the Children's Act 38 of 2005 which seeks to give effect to the rights of children as indicated in the constitution. The Act provides the widely used guidelines that direct the care and protection of children. It also spells out (among other tenets) parental responsibilities and rights, makes provision regarding children's courts and the issuing of contribution orders. Additionally, the Children's Act makes a provision for intra and inter country adoption and to give effect to the Hague Convention on International child abduction. I will further discuss and analyse the Children's Act below.

Additionally, a third layer of general legal protection for all children lies in some of the provisions of the South Africa's Basic Conditions of Employment Act (No. 75 of 1997 – the BCEA). This BCEA prohibits the employment of children under fifteen years of age or under the minimum school-leaving age, if this is older. Furthermore, even if a child above the age of fifteen years is employed, no person may employ that child for work that is inappropriate or that places his/her well-being, education, physical or mental health or spiritual, moral or social development in jeopardy. Lastly, these BCEA protections on children are aligned with and supported by international conventions ratified by the Republic of South Africa. Specifically, South Africa joined

the International Labour Organisation (ILO) in 1919 although it left the Organisation in 1966 given the ILO's opposition because of the government's Apartheid policy. It was only in 1994 that South Africa resumed its membership in the Organisation.

From the foregoing, there are no legislative and legal acts that are specific or exclusive to children in street situations in South Africa. Rather, children in street situations have their primary legislative and legal protections within the broader constitutional and legal provisions that ensure child welfare for all children in South Africa. These broader constitutional and legal acts on children and child welfare profoundly inform, guide, and shape the views and activities of the public agencies such as the Department of Social Development as well as child protection experts. It is therefore useful to examine in detail how these constitutional definitions of children's rights and Acts affect the interpretation and implementation of these provisions by the various government departments in fulfilling their mandates with specific reference to children in street situations. Given these legislative and legal provisions, I will now turn to examine the handbook for the care and protection of children in South Africa, the Children's Act 38 of 2005.

3.3.1. The Children's Act 38 of 2005.

From the onset, during my interactions with the DSD provincial office in Pretoria, I gathered that the Children's Act was one of the most important legislations adopted to provide social protection to children in South Africa. The social workers I interacted with are remarkably knowledgeable of this Act as it is the main point of operation for social interventions for children. This section provides a critique of the Children's Act in order to understand how best it has contributed to the socio-legal protection of vulnerable children in South Africa.

According to September (2008) the South African Law Reform Committee (SALRC), along with representation from different government departments and a project committee were tasked by the Minister of Social Development in 1997 to review the legislation affecting children. The process was largely participatory and consultative, children were consulted in a child friendly environment to encourage maximum participation, (ibid: 144). Wide consultations during the processes that led to the final draft were particularly extensive, these were accompanied by recommendations, wide discussions, and re-drafting. The new Children's Act ushered a potentially turnaround strategy for children and their families through preventive and early intervention measures that would shield families from plunging into financial distress which would have pushed children into formalised childcare protection systems or the streets, (September, 2008).

Chapter 9 section 150 outlines a list of children who are in need of care and protection, (1c) mentions 'children who live and work on the streets or beg for survival' as in need of care and

protection. The other groups in need of care and protection are children who have been orphaned or abandoned and have no visible support, those who have uncontrollable behaviour that their parents or caregivers cannot deal with, who are dependent on drugs, who have been exploited, or live in circumstances that expose them to exploitation, children who live in or are exposed to circumstances that may impede their physical, mental and social well-being, children in a state of physical and mental neglect or who are being maltreated, abused, deliberately abused and neglected by a parent or a caregiver.

The decision that a child is in need of care and protection is made by the court after investigations are made by a social worker accompanied by a police officer to ascertain whether a child is indeed in need of care and protection, (Section 151:1). Notably, the other groups mentioned who are in need of care and protection other than children who live and work on the streets still represent the lived realities of some of the children in street situations. Living and working on the streets exposes children to various cases of exploitation and exposure to drugs and all other conditions mentioned in the subcategories of children in need of care and protection. So, this reveals that children in street situations face a multiplicity of challenges that are loaded on them by virtue of being a child in street situations. They face the double burden of being a child under difficult conditions while having little or no relationships with their families.

The Children's Act offers substantial child protection services to children in need of care and protection, the policy making process was all encompassing and participatory oriented, (September, 2012). Its implementation however is a factor that needs to be scrutinised given that children and conditions around them are constantly changing. For children in street situations, the Children's Act offers services that assist children to have a chance at a better life, Thandi, a Social Worker mentioned:

> '…like in my case if I have a child who doesn't have a family and is performing well at school, we have learnership, social auxiliary workers, we also have bursaries if they are performing well, we try to find them bursaries and try to take them to study further. If maybe they didn't pass matric then we have learnership for social auxiliary workers where they train for maybe a year and then they are absorbed. We have a few in the department who were children removed from the street…' (*Thandi Statutory social worker, DSD, Pretoria 11/09/19.)*

The successful implementation of social protection for children in street situations is dependent on many factors such as availability of foster care parents, accommodation at CYCCs and the child's willingness to receive assistance. In some instances, the DSD places children in street

situations under foster care when they remove them from the streets, that way they will be able to receive social protection while in a household, but this intervention is not without its challenges too, especially for the older children. Thandi, a social worker I spoke to further describes the steps taken to offer children in street situations' adoption and foster care services:

> …. It's either you find a home or find foster parents who are willing to care for them or you find adoption parents if possible but it's difficult to get adoption. We do get adoption because we have organisations that have access to parents who would like to adopt if they like that child but mostly it's the younger ones who get adopted. The ones who are removed when they are 15, it's hardly so we just keep them in the children's home because the act says so and, in the process, we find families so that they can be reunified… *(Thandi, Statutory social worker, DSD, Pretoria, 11/09/2019).*

If a child however exercises their agency and decides not to receive the services offered by the DSD then implementation of the Act becomes a challenge. A number of DSD officials expressed concern over the poor absorption of these social welfare services by children in street situations due to external factors such as drugs and sheer will to be on the streets. Continuing with the conversation, Thandi also mentioned that:

> '…So I'd say the difficult ones are the ones who are on drugs, it's very hard to remove, if they don't want to be removed we don't succeed…I'd say in my case I will say the foreign ones are the ones who stay at the centre coz when we remove them, they comply coz they do want to be removed and stay at the centre but the South African ones some of them they are not on the streets because the situation at home is bad but because they want to be on the street. It was voluntary for them…' *Thandi, Statutory Social worker, DSD, Pretoria 11/09/19.*

The same social worker I quoted above specialises in the removal of children in the streets. In her capacity as a statutory social worker whose direct actions are guided by the Children's Act, she mentioned that regardless of the legal protection provided through the Children's Act, only children willing to receive assistance manage to get help. All legal procedures are followed as per the Children's Act when removing a child from the street to a Child and Youth Care Centre, if they abscond from the Centre, they open a case in the courts of Law.

There are various factors that obstruct the full implementation of the tenets stated in the Children's Act. For example, when children live on the streets for several years, the street becomes familiar and it becomes their home, which further makes interventions to remove them from the streets

difficult. While discussing the removal of children in street situations from the streets as a form of intervention for them, Thabo, another Statutory Social Worker had this to say:

> '…thing that we fail to realise is that these children have made families with other street children so in as much as we can say, remember we deal with children who are under 18 imagine a scenario where a child has been on the street for three to five years. He has made relations with people from the street who are older than him. If we remove that child you are in a way again removing him from the second family coz they have somehow bonded. If you see when you walk on the street, you will always see same people, they have groups, you won't see me with you today, tomorrow with someone else. They protect each other and they love like a family but that is something that we do not realise at times. So that matters to them as well to say this is my family so if you are moving me, you must move me with them but it's impossible because legislation says 18...' *(Thabo, Statutory social worker, Pretoria 11//11/19).*

When organisations do not incorporate or acknowledge a child's social ties on the streets but focus only on helping a single child, the likelihood of successful interventions diminishes. More so, children perceive this as setting drawbacks to them maintaining the social relations they would have formed on the streets, (Scivoletto et al, 2011).

The CRC General Comment 21 encourages that children in street situations need to participate in drafting specialised interventions. Although the processes that led to the formation of the Children's Act were reported to be participatory (September, 2012), regular research on the life of children in street situations by academia, government and civil society is paramount in social protection initiatives. Legal and policy frameworks seldom provide alternatives when social interventions are not 'accepted' by intended beneficiaries, in this instance when children in street situations prefer to stay in the streets regardless of interventions put in place as being in their best interests.

Roy (2017) poses important questions like what happens when social interventions reach people who do not wish to be 'empowered' or to conduct themselves in ways intended for them. The recipients of social interventions may end up being forced to accept when they do not conform to what is deemed to be in their best interests, (ibid). If children in street situations reject efforts to be removed from the streets, they end up experiencing conflict with the law for (more often than not) perceived and not actual crimes such as begging, 'vagrancy', loitering, truancy or running away from home, (Consortium for street children, n.d).

Ferguson (1990) offers a critique of development interventions giving a case study of rural development interventions in Lesotho brought in by international organisations. However, he argues that regardless of development projects introduced, "the history of development projects in Lesotho is one of almost unremitting failure to achieve their objectives", (Murray, 1981). Development projects are launched constantly but they fail to deliver, no matter the failure experienced from previous interventions, new interventions are still introduced. This is a common phenomenon in development interventions across several third world countries, there are identical development institutions, common discourses, common way of defining problems and the same pool of experts, (Ferguson, 1990).

Worthy of consideration is that as the development industry is global, similar interventions are implemented across a variety of settings around the world often in a decontextualised fashion (Ferguson 1990). Similarly, social welfare programmes in countries generally seek to improve the lives of people and possibly 'empower them almost along a generic "model" of a subject in need of assistance. Like development projects that operate under the same agenda and possibly driven by the same objective, which is to improve conditions along uniformly defined criteria, projects that succeed are the exception rather than the rule (Ferguson, 1990).

While I am not suggesting that social interventions on children in street situations in Pretoria are largely unsuccessful, I do acknowledge that there are some interventions that do not work for children in street situations because of the interplay of a myriad of factors, some of which I have mentioned earlier. Understanding that development is a social entity in its own right as Ferguson attempts to do will provide insight on how best children in street situations can embrace social protection or be socially protected by policy. Moreover, scrutinising the 'development apparatus' will locate what goes wrong and why and how it can be fixed, (ibid; 10).

It would have been ideal to analyse more interventions for children in need of care and protection as this would have given a clearer picture of how they are being operationalised and if they are successful. Lack of access to the DSD national office limited my access to social service reports and interventions. Nevertheless, I relied mostly on information gathered from social workers who emphasised that the interventions they discussed with me where the only ones in practice. Also due to lack of ethical clearance to communicate with the children themselves, it was impossible for me to get first-hand information on other interventions that children in street situations benefit from, if any.

Nonetheless, another legislative act for the protection of children is through the Child Justice Act 75 of 2008 This articulates that the best interest of children were and are always a priority,

specifically rendering them special protection, (Child Justice Act 75 of 2008). For example, (inter alia) children in conflict with the law had the right not to be detained, detention had to be the last resort in peculiar circumstances. Also, in contrast with the abuse of children under the Apartheid regime, children in detention have the right to be treated in a manner that is relevant with their age and to be protected from maltreatment, abuse, neglect, or degradation. In the next section I examine the primary and overriding policy orientation on the public protection of children in street situations as outlined in the Department of Social Development's Strategy and Guidelines for Children Living and Working on the Streets.

3.3.2. From Law into Policy: The DSD's Strategy and Guidelines for Children Living and Working in the Streets.

In 2014, the DSD published its Strategy and Guidelines for Children Living and Working in the Streets. This policy framework was formed after the realisation that despite the childcare services provided by the government and Non-Governmental Organisations, a number of children are still not detected by these programmes, thereby resulting in some living and working on the streets. The policy was drafted for the DSD and other relevant stakeholders to use to respond adequately to the needs of children at risk of living and working on the streets and those already living and working in streets, (DSD, 2014: vi). The policy framework was drawn upon through a consultative process that involved stakeholders from the government and non-governmental organisations. This joint venture between government and civil society was indicative of the commitment to working with children in street situations.

This section provides a comprehensive policy analysis of the DSD's National Strategies and Guidelines for Children Living and Working on the Streets. This policy framework aims at providing guidelines for the protection of children in street situations in South Africa, while providing the bedrock upon which the social interventions for these children are based on by the DSD. The importance of policy analysis is that it provides an understanding of the whole policy process and supplies decision makers in policy with relevant knowledge about socio-economic problems, (Fischer et al, 2017). Policy formulation sets the tone and paves a way on how results and outcomes will be achieved. The Strategies and Guidelines for Children Living and Working on the Streets by the DSD is one such policy that is specific to children in street situations as a distinct group, independent of the other groups of vulnerable children in South Africa.

According to the DSD's Strategies and Guidelines for Children Living and Working on the Streets, 'the delivery of social services to street children or children living and working on the streets remains a complex and challenging process'. For the success of these services to be materialised,

they need to be reinforced by a rights-based development approach and a nexus between local, provincial, and national government, (ibid: iii). This coincides with the CRC General comment 21 on children in street situations, which emphasises the need for a rights-based approach to welfare for children in street situations, (CRC General Comment 21).

The DSD's Strategy and Guidelines promotes the provision of social protection to three distinct categories of children in street situations in South Africa. Of course, children who live and work on the streets are not a homogenous group, therefore confining them to well-defined categories may not provide best practices of interventions. Nonetheless, as heterogeneous as children who live and work on the streets are, the policy focuses on the provision of social interventions to three groups. Firstly, children at risk, these are children of the urban poor who form the pool from which children who live and work on the streets emerge. Secondly, children of the streets, the streets are these children's main abode, family ties are remote, and home is infrequently visited. Thirdly, children 'on' the streets, and children who were abandoned and do not have any contact with their families, (Dybicz, 2005).

Interesting to note is that the first category confines children at risk to children from the urban poor households, fieldwork data from DSD social workers indicates that even children from non-poor backgrounds are drawn to the streets by drugs, for instance. Thandi, a social worker alluded to the aforementioned:

> '…. there are those who are on the street not because their families are struggling or anything. Some are on the street because they want freedom, the child is into drugs, smoking nyaope, you might want to remove that child but because of the addiction they won't want to be removed, they want to stay in the street continuing their lives *(Thandi Statutory social worker DSD, Pretoria, 11/2019).*

The same social worker continued to explain that leaving home and starting a life in the streets was voluntary for them mainly because of their addiction to drugs. Children from filthy rich families (as she describes them) stay on the streets because they want to smoke unabated while on the streets.

I reason that during policy formulation, extensive research on the 'pull' factors will need to be carried out periodically so that relevant data on 'pull' factors is captured. By so doing, the policy makers will be well equipped with updated information, thereby enabling them to draft out results-based policies which are on the premise of the current environment children in street situations emerge. The strategies need to address multiple factors ranging from family violence and structural inequalities, for example, (CRC General Comment 21). Rightly so, similar sentiments are echoed

by the National Programme of Action for Children 2012-2017, which are to strengthen structures and the programmes in order to minimise and improve the identified conditions that draw children to the streets such as child abuse, neglect, exploitation, family disintegration, substance abuse, HIV/AIDS, and poverty.

The Strategies and Guidelines as a policy framework offers insightful information on best practices to adopt to alleviate the influx of children into the streets. The strategies are founded on a rights-based approach supported by the most comprehensive international document on the rights of the child which is the Convention on the Rights of the Child. The rights of the child have been publicised and promoted at length over various local and international platforms. For instance, Article 20 of the CRC states that, "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State", (Convention on the Rights of the Child). The National Strategies and Guidelines, like various other instruments, subscribes to the CRC and other global and regional commitments.

I however argue that, seemingly, some of the goals of the international, global, and local commitments can only become successful once they are no longer detached from the problem on the ground. While these initiatives are good on paper, dealing with human subjects, children in street situations in this instance, requires more practical efforts than commitments only on paper. To illustrate this, ever since the inception of international, regional, and local commitments on protecting children in street situations, the challenge of children in street situations continues to persist, admittedly, in some cases, the numbers of children in street situations might reduce but it may never be fully addressed as even one child on the streets is far too many.

Surely, interventions by the DSD play a significant role in social protection and the critical role social workers play in providing these services cannot be underrated. Whether children in street situations want to be left alone (CRC General Comment 21 on children in street situations) or simply policies are failing to update in order to match and address the practical matters on the ground are questions that still need further interrogation. Policy constantly needs to capture children on the streets' changing capacities, (CRC General Comment 21, 2007). Likewise, Ferguson (1990) argues that nation-states attempt to bring societies into 'ideal worlds' leaving development agencies with a task of trying to implement often unrealistic plans. It is imperative to ascertain how these 'ideal worlds' that States continue to pursue are commensurate with how real societies actually work so that development planning or in this case policy formulation can set objectives that can actually be realized, (ibid: 10).

The secondary prevention intervention aims at improving the lives of children who are already in street situations, while maintaining contacts with their families. The goal is to make life on the street one of the phases a child passes safely through into adulthood. This is done through micro-enterprise development to improve the children's ability to secure an income. Also, provision of education and health issues that the children face, raising awareness on the risks associated with life on the streets and provision of basic needs and a place of safety through drop-in centres, (see Strategies and Guidelines for Children Living and Working on the Streets). Micro-enterprise development is imperative for one's skills development. What needs to be factored in is the staggering rate of unemployment and how comprehensive market research becomes pivotal for a skills and market match in order to equip children with sought after skills that yield returns. Acquiring skills is the first step to empowerment but the opportunity to use that skill in paid work is the ultimate goal. As mentioned in an interview with Mary, a social worker supervisor, the biggest challenge arises when one's skill lies idle:

> '…That's the problem because now I have this skill, I can do my things sewing and whatever, where do you get the starter pack, you need someone to assist you. Remember you are hungry, that is the biggest problem, also and unemployment…' *(Mary, social worker supervisor, DSD, Pretoria, 11/2019).*

Although the aforementioned interventions promote human development and may enable children to have better access to basic needs such as food and shelter, the area of uncertainty lies in that employment opportunities are scarce and to start their own businesses would require capital which might not be readily available. Furthermore, children in street situations are highly mobile, how best can they have access to such programmes, especially if they find them less lucrative as compared to their usual day to day income generating activities. The conditions on the street may be a deterring factor on full absorption of these interventions given the other obstacles to interventions such as, lack of safety on the streets which has a negative impact on children's wellbeing and further makes children in street situations more vulnerable.

The obstacles I mention negatively impact the absorption of services brought to children in street situations, however, if dedicated efforts are made to create relationships between social workers, other experts, and children in street situations over a long period of time then social intervention may be well received by children in street situations. The CRC General Comment no. 21 on children in street situations also asserts that the systems need to provide a continuum of care across all relevant backgrounds, including prevention, early intervention, street outreach, drop-in centres,

day care centres, temporary shelters, family reunification, independent living and/or other short term and long-term care options.

The importance and relevance of an extensive rights approach for children in street situations is that it provides a best practices approach to children who are distrustful of adult interventions, abusive treatment from adults has made them safeguard their hard-earned freedom on the streets, albeit limited, (CRC General Comment 21). The child rights approach helps them to exercise their autonomy and assists them with finding replacements for dependence on the streets. It promotes their resilience and capabilities while increasing their agency in decision making. This approach fulfils and supports adaptability of children in street situations' ability to thrive in especially difficult circumstances, (Felsman, 1981; Donald and Swart-Kruger, 1994; Lalor, 1999). Research by Aptekar (1998) reveals that children in street situations are emotionally and intellectually astute. A study by Richter and van der Walt, (2003) also proves that street life can produce certain cognitive growth, self-management, and a high degree of social awareness of people and knowledge of their natural environment.

These positive traits exhibited by children in street situations can be harnessed to further enhance their own capabilities. The focus on the capability approach encourages a different approach in development apart from economic growth. The capability approach is represented in Human Development Reports of the United Nations Development Programme (UNDP) beginning as early as 1990. As written by the late Pakistani economist Mahbub Ul Haq in the first Human Development Report by the UNDP, (1990:9), "People are the real wealth of a nation. The basic objective of development is to create an enabling environment for people to enjoy long, healthy, and creative lives. This may appear to be a simple truth. But it is often forgotten in the immediate concern with the accumulation of commodities and financial wealth" This profound statement illuminates the value of human development as an important form of development. The policies and legislation in place for children in street situations in Pretoria can enhance the children's capabilities if the goal is to promote human development by breaking barriers erected by society against the justice of women and the poor as Martha Nussbaum (2006:48) writes, similarly, children in street situations are not exempted from barriers to their own development mainly because of prejudice against them from the public and a lack of comprehensive and updated policies to ensure that their capabilities are enhanced.

The Strategies and Guidelines acknowledges that children in street situations are in need of care that is different from other children. However, the DSD places children in street situations in Child and Youth Care Centres as per the Children's Act no. 38. of 2005. Placing them in the same

places of safety with other children in need of care and protection may reduce the success of the intervention on children in street situations because they do run away from the centre to regain their freedom. Tailor made interventions for children in street situations that focus on the expansion of the children's capabilities are important as these will target the specific conditions and needs that children in street situations have. Detailed understanding of local contexts and individual circumstances of each child is key in successful interventions, (Department of Women, Children and People with Disabilities' National Plan of Action 2012-2017).

Additionally, children in street situations will benefit optimally if they are involved in assessing the problems, devising solutions, and crafting strategies instead of being seen as objects in which decisions are made for, (CRC General Comment 21). The CRC General Comment 21 encourages the State to play a lead role in supporting Non-Governmental Organisations (NGOs) by creating an enabling environment for children, (ibid: 12). Yet an important rift seems to exist between the state officials and the NGOs on even the recognition of the existence of children in street situations as a reality in Pretoria and the nearby areas. For example, this was conveyed to me in some of my telephone and email conversations with some NGO personnel in Tshwane.

As I was still collecting data, after my interviews at the DSD, I had a telephone conversation with an employee of Save the Children South Africa who discussed how the question of children in street situations seems to have fallen off the DSD's agenda with their general understanding that the challenge of children in street situations is no longer as rife. This appears to be a gross underestimation of the reality on the ground. These children are still wholly visible in Pretoria, especially late in the evenings and at night. Some DSD officials agree that this is the reality. For example, a DSD official in the Division of Children and Youth Care (Mbali) asserted that "judging by the number of kids that are being removed. I'd say in a week, so according to me it's big, about three maximum are removed in a week." A second official said that she believed street children were still a problem since she sees them every day as she drives to and from work, she emphasised that the problem was "a prevailing one". Another social worker mentioned that the children are mainly seen in the evening because he presumes that during the day the children will be busy with other things. The social worker goes on to say that 'if you walk in the streets, you see them in hundreds.'

Surprisingly, the Civil Society has taken a step back in providing children in street situations with concrete social interventions. Organisations such as UNICEF provide technical support to the government, but it does not have a specific programme on children in street situations. Rather, the prime focus for many NGOs presently is on (inter alia) homeless people in Pretoria, which is a

focus on homeless adults who at one point received media attention following the deaths of five homeless people in Pretoria in 2019.

The third intervention stated by the Strategies and Guidelines are tertiary interventions which target abandoned children who have little or no contact with their families. Best practices around this situation are residential and rehabilitative care. If children fail to accept rehabilitative care, it may be necessary to provide street-based services. In essence, prevention, early intervention and street-based services will provide an effective, long term holistic approach, (CRC General Comment 21). The Department of Women, Children and People with Disabilities' National Plan of Action (2012-2017) suggests a few protection services which among them include making therapeutic services easily accessible as they may require professional counselling and emotional support.

The work done by the DSD social workers provides children in need of care and protection a chance to live a better life. In order to provide social protection that is more sustainable for children in street situations, an all-encompassing rights-based approach that is promoted by the National Strategies and Guidelines for Children Living and Working on the Streets and the National Programme for Action 2012-2017 needs to be religiously followed and implemented while expanding the capabilities of children in street situations.

3.4. Conclusion.

Looking at the Children's Act and the Strategies and Guidelines for children living and working on the streets, removing children from the streets into institutions such as CYCCs may instead have detrimental effects on children in street situations as they may resent institutionalisation to the point of rebellion. Ultimately, intentional plans are always important but hardly as the way the planners had imagined, (Ferguson, 1990). The Children's Act 38 of 2005 has made strides in improving the lives of children in need of care and protection, for children in street situations, a more appropriate strategy needs to be considered because as I have mentioned above, their lives on the streets are complex thus periodic research will assist greatly on how best social policy can positively impact the lives of children in street situations in Pretoria and the rest of South Africa. Irrefutably, the ongoing complexity of modern society intensifies the need for policymakers to be equipped with necessary information, in that regard, policy decisions are founded on a combination of sophisticated technical knowledge and complex socio-political realities, (Fischer et al 2017).

All in all, policy making is a fundamental choice by governments to do something or nothing with regards to a problem. That decision or choice is made by government officials, be they appointed or elected politicians, judges, or administrators (Dye, 1972). This is a critical step in the policy process. It is an explicit matter of policy design (Hai, 2013). Policy formulation is part of the pre-decision phase of policy making which includes setting the goals, priorities, and options. It involves weighing the costs and benefits and externalities of each option, through assessing policy alternatives and tools to address the problem, a set of solutions are then mapped out in which policy makers choose the most feasible, politically acceptable, and financially sustainable, (ibid). The formulation of policy is thus a means for the expression of 'constitutional choice' (Kiser and Ostrom 1982) – rules on eligibility for benefiting from collective (or public) action and rules that will define operational processes for policy action to achieve set goals (Ostrom, 1999: 59). This constitutional choice (to act or no to act) also gives an orientation to the moral foundations of public policy and action (Henricson, 2016). Pross (1986) contends, government departments are a central part of any society's policy community's ability to define and express this constitutional choice in specific policy fields.

As this chapter has shown, for matters concerning children in the context of contemporary South Africa, the National Department of Social Development in Pretoria has the main responsibility for formulating and implementing social policies at national level. The ability to effectively formulate public policy that brings change on a continuous basis is essential for public institutions to survive, grow productively and provide proper social services to the public, (Roux, 2002). After constitutional reforms took centre stage after the repressive policies of the Apartheid regime, functional areas of government were introduced to a new generation of policy and decision makers, (ibid: 419). It became the mandate of the DSD to provide social protection services and lead government efforts to form partnerships by which the vulnerable in society will be able to be self-reliant and be capable in self-development. Overall, this post-Apartheid legal reform since 1994 advances child welfare but the overall orientation (laws, policies, etc.) remain under- resourced, lacks proper coherence, and consistency in application, (Loffel, 2008). In the next chapter I discuss the social interventions that are implemented by the Department of Social Development for children in street situations, a group of children defined as in need of care and protection

Chapter 4.

Between Family Reunification and Institutionalisation: Interventions for Children in Street Situations in Pretoria.

4.1. Introduction.

> "…For a child to be normal you need to grow within a family set up, you need it. Poor or what, I have seen people staying in shacks but there is love, they support one another, and those children are growing, so raising a child is not about how much you have in your pocket but it's about the family feeling which they do not have …" *Mary, Social Worker Supervisor, Department of Social Development (November,2019).*

This chapter examines the institutionalisation of children in street situations as one of the modes or strategies for governing these children in South Africa through its child welfare system. In chapters two and three, I have examined the outline of this child welfare system, the beliefs, values, and guiding principles of this system, including their international normative orientations. In the preceding chapter, I have also described the structural and political roots of this crisis, including extreme poverty, the violent and discriminatory legacy of the Apartheid system, and the weakening of social networks such as the family owing to the impact of economic collapse in the country since the mid-2000s. Hence, the South African child welfare system is described as struggling to cope with in a "crisis." Notably, this child welfare system 'is struggling to respond effectively to vulnerable children and families' (Schmid, 2006).

The focus of this chapter is specifically on the DSD's social interventions on children in street situations in Pretoria. The chapter discusses how the DSD understands and navigates the tension involved in trying to determine the best options between the family and institutionalisation for helping children in street situations within its social interventions. As Mary, the social worker, quoted above reckons during my interview with her in 2019, the affection provided by the family can sometimes enable children to grow very well despite challenging material conditions. Conversely, institutions directed at the social support of children (such as foster homes) may be

well-grounded materially but if there are no similar affective circuits the children may struggle and face a myriad of psychosocial challenges.

Indeed, the family is ideally the starting point for any child's life. It is the primary setting for a child's socialisation and from which the child's basic needs are supposed to be provided. Socialisation entails "how new members of a group are assisted by more experienced members to internalise, and thereby act in accord with the values, attitudes and beliefs, and actions of that group" (Grusec, 2011). When a family, however, fails to protect its own children and family dynamics become mired with complexities and uncertainties, the responsibility of care for the children in such circumstances is sometimes assumed by the State, NGOs, and other child protection organisations that may work in conjunction with religious groups, the Police, Department of Justice, and local communities.

In this chapter, I discuss and analyse some of the actual strategies of implementation that the DSD employs to respond to children in street situations in Pretoria. As said, socially vulnerable people are 'the most invisible, most readily forgotten' in society (Bernasconi, 2018: 91). This is particularly the case for children in street situations whose vulnerability is double given that these are mostly children who have no adult as a primary caregiver. In the context of Pretoria, although I did not interact or observe children in street situations directly, I tried to understand the DSD's strategies in dealing with this issue. Since the mid-2000s, the DSD's position is to ensure that "Child and family welfare organisations should deliver social work services with a predominantly preventative focus, aimed at the family, based in the community and were to be integrated with other services" (Strydom et al. 2017: 147). From my analysis of the DSD's response to children in street situations in the context of Pretoria, this strategic orientation remains central to its operations. However, as I show below, in the specific case of children in street situations, the DSD's focus is on family reunification. This is its main instrument to delivering interventions around a family-centred approach. This is most challenging owing to the underlying structural conditions that lead children to live on the streets in the first place.

In South Africa, social interventions for children in street situations are limited to a reactive approach which concentrates on children's immediate needs (see Mokomane & Makoae, 2015). I suggest that pragmatic primary interventions for children in street situations can succeed if vulnerable families' socio-economic conditions are improved as an early intervention strategy. Hence, this chapter develops the argument that the tension between a family-centred approach and the strength of institutional responses through designated social services remains very important. As the chapter shows through my analysis of interviews with social workers at the DSD

as well as relevant policy documents and records, this tension defines how the DSD tries to situate and approach the question of vulnerability for children in street situations. Social policies on family strengthening initiatives spearheaded by local councils, communities and churches are instrumental in creating and preserving functional families. Early intervention strategies can reduce the numbers of children who end up on the streets, instead of reactionary policies that only provide intervention when the problem has already emerged. Also, the culture of violence and abuse that destroys families which results in children running away should be strictly addressed with integrated effort from a strong network which involves the DSD, Police, Courts, communities, and Organisations in the field of Child Care and Protection. For children already in the streets, family reunification should be the priority while institutionalisation is rendered as the last resort.

This chapter begins with an overview of the institutional situation, that is, the assessment of the socio-economic situation of children in street situations in Pretoria. It will then provide insight into the social interventions rendered by the DSD to children in street situations in Pretoria by focusing on institutionalisation, family reunification and skills development. Discussing social interventions will reveal the nature of services present for children in street situations in Pretoria and presumably show and explain why most children refuse to be institutionalised. When children are removed from the streets, social workers either place them in institutions such as CYCCs, they can be reunified with families or adopted if a willing and suitable family is found.

4.2. Children in Street Situations in Pretoria.

The streets can easily become an option for a child who sees no other way out of an abusive home, violent family members, poverty and other deplorable conditions children experience in the home. A network of child protection organisations provides social services to children in need of care and protection with the centrality of services emanating from the DSD. At present, the numbers of children in street situations in Pretoria are unknown. Social workers from the DSD quantify these children by simply stating that they are 'a lot' or there are 'so many of them'. Similarly, an official from City of Tshwane, (Homelessness Division) alluded that the numbers were 'big' but these children on the streets were not alone, they lived with their families. The fact that children live on the street with parents or other adults creates an illusion that children in street situations' numbers have gone down. Although the children are in the company of adults, their presence on the streets becomes a child's rights problem that calls for proper child protection initiatives.

The statistics that exist are from a study of homeless adults and children in rural and urban South Africa by the Human Sciences Research Council (2006-2010) which suggests between 100 000 to

200 000 homeless people. For Pretoria alone, Statistics South Africa (2011a) estimated 6244 homeless street people in the city. Unfortunately, according to the DSD, children in street situations are not a stand-alone group, rather they are under a broader category of children in need of care and protection. Being so, statistics for these children do not exist. In my communication with a DSD social worker who works with CYCCs, I was informed that children enrol at CYCCs after a court order but during statistical reports on numbers of children at the CYCCs, there are no distinct categories of children specified.

The absence of exact numbers of children in street situations and children formerly in street situations enrolled at CYCCs is problematic. It results in generic policies and social interventions for children who should have tailor made social interventions for their specific circumstances. It makes me question how successful family reunification processes for children in street situations will be measured if a child's specific condition (e.g living and working in the streets) is swallowed by an overarching label. The complicated nature of categorisation of children in street situations or lack thereof may be the reason why officials from the City of Tshwane, Save the Children, UNICEF, Tshwane Leadership Foundation and other Non-Profit Organisations I communicated with insist that the problem of children in street situations no longer exists. This is a contradiction from DSD social workers who describe the problem of children in street situations in Pretoria as huge. The tensions that exist on the actual status of children in street situations and the social interventions that follow thereafter further reveal the invisible nature of these children as a vulnerable people. Categorisation of children according to their challenges will bring to the fore the necessary measures relevant for dealing with the challenges they face.

Nevertheless, although the social workers generally admit that the problem of children in street situations exists, as they were conversing amongst themselves it was clear that the position of children in street situations is mired in ambiguity. At face value some social workers would say we no longer have children in the streets, and it looked as though children in street situations are an underrepresented case of children in need of care and protection because pinpointing them as a group made social workers seem puzzled on why I was asking about children in street situations as a distinct group.

At this point, it appears that although there are a dedicated number of organisations working with children's welfare and protection, confusion still lies in where children in street situations are, if the problem still exists or not. Perhaps it is a case of too many cooks spoil the broth, where many departments are involved in the protection of children in street situations yet offering no lasting solutions. To illustrate this, in reference to a documentary (Innocence for sale) on YouTube by

SABC News' Special Assignment (2001) a young white girl in street situations who is involved in commercial sex work in Pretoria stated that sometimes the Police pay for sexual services offered by the girls. She expresses that they are 'not helped in the right way' as some are even abused in schools when they enrol in school after being rehabilitated, inevitably these conditions force them to return to the streets again.

Another young black girl in the same documentary indicated that Police take bribes from these children so that they do not arrest them for commercial sex work. After rounding them up they have sexual relations with the girls and give them twenty rands. The documentary also manages to capture how living and working on the streets transcends race as there are young white girls who are out of school and working and living on the streets. Although the demography of children in street situations is largely black children whose plight is widely highlighted in the media and academic research, often ignored is the plight of poor white children and other races. To get a holistic picture of race and vulnerability in children, the numbers of other races should also be taken into consideration and their realities brought to light too. A comment from 2013 on the documentary reads:

> 'Too many children have their childhood taken from them either by predators or by circumstances beyond their control' *Innocence for sale documentary, YouTube 2013.*

As I reflected on the above comment, I could not help but wonder how many non-black children suffer at the hands of predators whether at home or in the streets. Mainstream media may not capture this narrative possibly because black people constitute the majority of poor people who need social welfare.

The South African Human Rights Commission and UNICEF (2011) mention that although the country has made progress in improving and protecting children's rights, critical policy change is necessary. The evident disparity in children's access to some essential services points to the need to incessantly redress the inequality that grips society and the challenges that the poorest children experience today. I noticed that children in street situations in Pretoria are quite visible on the streets, for example in Sunnyside, Pretoria Central, but the social services are not as visible as they probably should be. It is a different set up from other cities such as Cape Town or Durban for example, where organisations that help children in street situations are present and visible. Organisations in Cape Town such as the Homestead and Street-Smart South Africa, the Western Cape Street Children's Forum and Umthombo street children in Durban all have clear and specific projects for children in street situations as a distinct group. The presence of NGOs that have a specific mandate to create a coordinated, integrated, and collaborative set of social interventions

for children in street situations in Pretoria, let alone Gauteng seems to be lagging. Perhaps since children in need of care and protection are all clustered under one blanket, seemingly, children in street situations have become rather invisible. Also, as a result of the misguided belief among other quarters that children in street situations no longer exist in Pretoria, it appears that the NGO sector is predominantly shelving this problem, yet it is a phenomenon that still needs to be explored further.

Although there are several Child Welfare Organisations in Pretoria such as Child Welfare Tshwane that do work with children in street situations, their services are not however limited to children in street situations, instead, all children in need of care and protection are beneficiaries of child protection services. According to an intake worker at Child Welfare Tshwane that I spoke to via telephone, Child Welfare Tshwane provides child protection to abandoned children they find in hospitals for example, children in dysfunctional homes and children in street situations. Surely, they work in collaboration with the Police in the removal of children from broken homes especially if there are dangerous circumstances surrounding the children's family home. The intake worker mentioned that children in street situations are only a part of the group of children they offer services to but there are no specific services for them as a population. The focus of Child Welfare Tshwane is family preservation therefore for children living and working on the streets, investigations take place to trace a child's parents or family members as mentioned by the intake worker who further proclaimed that children are placed into temporary based care while the family is sought after.

The work done by Child Welfare Tshwane is important as it prioritises family reunification rather than institutionalisation. Family preservation requires dedicated effort if the family unit is already on the brink of collapse. To ensure that, the organisation traces a child's relatives if the biological parents cannot be found and if relatives are found they can be supported to take care of the child in question. At present, organisations that previously offered social services to children in street situations have expanded their portfolios to include all children in need of care and protection. A case in point is Lerato House for street children in Pretoria, even though its name suggests that they are solely for street children, a worker at the facility stated that they take in children in need of care and protection brought in by social workers.

In my communication with personnel from a private CYCC in Pretoria North (House Gracia Child and Youth Care Centre), I gathered that the only children that they have now are children who come from broken homes or with parents who have lost their homes and have nowhere to go. They last had children in street situations three years ago and the children left because they had

outgrown the system. Therefore, it is apparent that children in street situations in Pretoria are a clear and visible problem that only has access to social interventions under the category of children in need of care and protection. Taking from utterances by a statutory social worker at the DSD, for children found on the streets begging with their parents, the South African Human Rights Commission argued that they should not be removed from the streets because they are in the company of their parents. The DSD in such cases does not have the legal right to remove such children because these children have families who happen to be working on the streets.

The socio-legal dynamics that surround the discourse of child protection is embedded in contestations because the best interests of the child may be unlawful. Leaving a child to beg in the streets because they are in the company of family may be viewed as a violation of children's rights. The Western Cape Street Children's Forum (2016) goes further to claim that 'child begging is child labour, it keeps children out of school, encourages substance abuse and makes children vulnerable to exploitation, trafficking and abuse' The Forum also argues that the recent phenomenon of children dancing while begging for money on street traffic lights in urban cities is a form of child labour which ends up drawing children to the streets, therefore giving them money must be strongly discouraged. However, for children accompanied by adults, the DSD cannot remove them because it is a contentious issue with lawyers for Human Rights in South Africa. The various child protection organisations in Pretoria and South Africa may interpret situations involving children in the streets differently. The tensions result in the suspension of some social interventions such as removal of children to institutions but the ultimate goal for these invaluable role players is to try and act in the best interests of the child, in any way that may be interpreted.

4.3. Family and children's well-being.

Lumos (2015), a child protection organisation, reports that a 1985 report by Defence for Children International indicated that approximately eight million children globally were in institutional care. Accurate data on the number of children who live in alternative care is crucial in national monitoring systems, improving services to children and families, to implement childcare systems reforms that will encourage family strengthening and reunification plus following country obligations of the CRC. Importantly, statistics will be used to ascertain appropriate interventions for children who have fallen victim to family separation, in a bid to reduce placements in alternative formal care especially institutions, (UNICEF, 2017). Similarly, the African Report on Child Well-being (2018) writes that everyone is responsible for children's well-being. Yet, while it is often said that "In Africa it takes a whole village to raise a child," unfortunately many families lack the

resources to carry out this mandate. In the end, the State remains the single most important force to ensure children's health and well-being. As a result, institutional care is one of the most viable options for children in unstable homes.

When I spoke to statutory social workers Thabo and Thandi, I learned that South Africa accommodates thousands of children in institutional care. Mbali, a social worker who works with CYCCs also concurred and stated that several CYCCs were full. However, the specific number of children in street situations in institutional care is rather unknown by the DSD because numbers of children in CYCCs are not categorised by a child's condition for instance number of children in street situations or number of orphans. Instead, children in need of care and protection are all lumped into a single category. Under these circumstances, it is impossible to target appropriately interventions for children in street situations who tend to have additional life challenges. For example, the residential care available at present is also for all groups of children in need of care and protection.

The Child Care Act of 1983 succinctly describes the different forms of residential care available for children in South Africa:

- Children's home: "Any residence or home maintained for the reception, protection, care and bringing-up of more than six children apart from their parents but does not include any school of industries or reform school".
- Institution: "A reform school, school of industries or a children's home established under section 29 or a children's home registered under section 30".
- Place of care: "means any building or premises maintained or used, whether for profit or otherwise, for the reception, protection and temporary or partial care of more than six children apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State, including a provincial administration".
- Place of safety: "Any place established under section 28 and includes any place suitable for the reception of a child, into which the owner, occupier or person in charge thereof is willing to receive a child".
- Reform school: "A school maintained for the reception, care and training of children sent thereto in terms of the Criminal Procedure Act, 1977, or transferred thereto under this Act".

- Shelter: "Any building or premises maintained or used for the reception, protection and temporary care of more than six children in especially difficult circumstances". i.e.: place of care for children who are living "in circumstances which deny them their basic needs, such as children living on the streets or children exposed to armed conflict or violence.

Nevertheless, through the Children's Amendment Bill no. 19 of 2006, Section 191(1) the various forms of residential care were grouped into a single title of 'Child and Youth Care Centre' these registered centres are to provide '[a] therapeutic [programme] and developmental programmes designed for the residential care of children outside the family'

According to the government of South Africa, children in conflict with the law or are experiencing hardships from dysfunctional families are housed in Children and Youth Care Centres. Referrals to CYCCs are facilitated through the Children's Act 38 of 2005 or the Child Justice Act of 2008. Treating child protection as a priority in social policy is necessary in any progressive society. The DSD in its official position as a government department is central in child protection through the provision of legislations, policies, the registration of Non-Profit Organisations and CYCCs. Additionally, the DSD carries out practical interventions for children in street situations which are delivered as family reunification, institutionalisation, foster care or adoption and skills development.

As the DSD's social interventions for children in street situations are generic interventions that apply to all children in need of care and protection in South Africa, it is essential to understand why the role of the family to provide care and protection to their own children has increasingly become the role of the State. Ideally, families are supposed to be the primary caregiver for children and ensure that a child's wellbeing is enhanced. Child well-being is defined by levels of parental, communal, familial, and social wellness. When parents are physically and psychologically healthy and financially stable, they are more likely to provide a wellness enriching environment for their children, (Rickel and Becker, 1997; Trickett et al., 1998). However, a growing number of children in South Africa come from broken families where the family unit has generally disintegrated. Most children face the 'poverty trap' as described by the South African Human Rights Council (SAHRC, 2014) as any reinforcing situation that encourages the persistence of poverty. This persistent poverty that directly affects children inevitably pushes children to fend for themselves and in some cases their families by engaging in odd jobs in the streets.

Thabo, a statutory social worker at the DSD also confirms the reason why children sometimes live and work on the streets,

> '…It's not like they are completely disconnected from their families. Some of them still go home, they just come here to try and get something out of the streets that they can take back home…' *Thabo, Statutory Social worker, DSD, Pretoria,2019.*

Taking from a survey on 286 children in street situations in Gauteng by the HSRC, Ward et al (2007) found that 54 children, (18.9%) left their homes as a result of 'push' factors such as situations of abuse, poor family relationships, domestic violence that inevitably made living home unbearable. In-depth qualitative interviews revealed that girls were sexually abused, typically by their stepfathers or their mothers' boyfriends. Two per cent of the children interviewed did not give conclusive reasons why they left home. They had just run away, but naturally a child would not run away from a happy home. Running away from home would be a reflection that the household would have been characterised by abuse, violence, and conflict. Twenty-seven per cent of children reported that the loss of caregivers through death and/or the whereabouts of the other parent were unknown. After the loss of a caregiver the children indicated that they were left mostly vulnerable to poverty with no one to take care of them including their extended families. Poverty was a factor that contributed to children leaving their homes, thirty-five children (12.2%) poignantly pointed out. 2.4% of children also ended up on the streets because they had dropped out of school and therefore left their homes, the reason for dropping out of school is an indication of poverty as mostly it will be as a result of failure to pay school fees, (ibid).

A substantial minority of children had no contact with family members (46.6%), most children did have contact with families. 5.6% of children reported weekly contact with their families, while 4.3% have contact with their families only once a year. 24.6% of the children conveyed that they had families in Johannesburg that were not homeless. But the data does not indicate whether these were the families they had initially left and with whom placement of the child were likely to fail or whether placement in these families would be possible, (Ward et al, 2007).

These statistics are of essence in giving a picture on why children leave their homes, and they help in pointing out some of the specific areas that need to be targeted by social policy to strengthen and improve family dynamics. Social interventions can be specifically programmed in such a way that addresses the real challenges faced by families and children. Therefore, to avoid or minimise the incidences of children leaving home for various reasons for example children in search of income generating activities on the streets, families need to be strengthened as per the UNCRC guidelines,

> Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly

> children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

Looking at families in South Africa, Barbarin et al (2001) argue that the burden of violence in families which never really ended after Apartheid has been more onerous in young children growing in urban areas. Having transitioned from Apartheid, the wave of all forms of violence in post-Apartheid South Africa has not diminished, thereby resulting in immense distress in children, (ibid). A report to the South African Human Rights Council by the Department of Economics, Stellenbosch University (2014) stipulates that the problems children face are centred on weak social structures and associated problems of abuse and violence. For example, while the importance of social networks and parenting have well been established in South Africa, there are no clear policy instruments to address the plight of broken families. The lack of clear policy instruments to guide the code of conduct for broken homes, for instance, in the case of absent fathers or single parent homes only creates a platform where children are prone to neglect and poverty burdened by poor development of their social and cognitive skills (ibid:162).

Also stated in the African Report on Child Welfare (2018) is that children's exposure to violence, abuse, and exploitation, particularly in early childhood has detrimental effects on their education, health, and behaviour. Hence, failure to address child protection matters inevitably has a knock-on effect on the economy. The costs relating to the violence of children (physical, psychological, and sexual) for instance, are estimated to be as high as eight percent of global GDP, this is in the main, higher than the investment required to prevent much of the violence occurring in the first place.

The various socio-economic challenges that grip the country directly affect the growth of families and their ability to function wholly in society. Looking at the effects of the COVID 19 pandemic on family structures reveals that external factors can easily weaken family structures and functionalities. As echoed by the Revised White Paper on Families in South Africa by the DSD (2021) pandemics and other social environment shocks such as Covid 19 have significantly affected the well-being of families through loss, health challenges and a shift in the burden of care. More specifically the pandemic has posed economic strain on families due to the loss of economic care givers and providers. The strict public health lockdown plunged many families further into poverty, unemployment, and hunger. For children in care, the Daily Maverick on 8 June 2020 reports that some children were thriving during lockdown due to the extra stimulation brought by home schooling. Others felt loss due to the inability of their family members outside of the children's homes failing to visit them because of lockdowns.

Even worse was the stalling of family reunification and adoption which left children in limbo because DSD social workers were not working during Level 5 lockdown. Important social interventions for vulnerable children were halted due to Covid restrictions. Being an outsider, I can only imagine the life trajectories of children in need of care and protection during Covid induced lockdowns in relation to feeling trapped and alone. Wolfton -Vorster and Talia-Jade in the Daily Maverick (2020) report how children 'felt' from the lens of children, some in need of care and protection and some living at home. One two-year-old child entered the care system at eight months old after her mother was declared unfit to take care of her, her relatives from Limpopo had been contacted and agreed to take care of her. Her story is reported from her lifeworld's perspective:

> 'The aunties say that it is lockdown and that they cannot travel, but I don't know what that means. All I know is that someone finally wanted me, but they can't visit anymore, and I cannot go to them. The aunties say that I can go to court in the middle of July to be reunified with them. For me it feels like forever'. *Sihle, June 2020.*

Social interventions for children in need of care and protection including children in street situations were clearly disrupted by the pandemic, which only translated to children becoming more vulnerable and at risk of poverty, stress, anxiety, and other mental health problems. It is also a possibility that some families that wanted to adopt or engage in family reunification with children in residential care failed to do so due the adverse economic effects on a family's ability to take care of an additional child. Of note also were too many children who entered the care system because of abuse and abandonment and a number of them also falling at the mercy of abusers. Family preservation was put to the test with children suffering the most from uncertainty brought by the pandemic. Because of the socio-economic challenges precipitated by structural poverty and inequality, the focus on extended family also dwindled even further.

The growing increase in individualism amongst families in Africa has come about with 'modernity' where people have largely moved from rural areas where a village or community set up created an enabling environment for large extended families to support each other especially because of proximity to each other. The advent of industrialisation which encouraged urbanisation has resulted in dispersed families that live far from each other and from their original clan homes in the rural areas. Growing expenses in urban areas play an undeniable role in greatly reducing the amount of financial assistance families can give each other beyond the nuclear family. Even before the Covid 19 pandemic, Social Worker Mary indicated that some South African families are

metamorphosing by focusing more on nuclear families while foregoing responsibilities for extended family:

> '…some of these black families we are not what we used to be or what our forefathers used to be, if something happens to me my sisters will take over, my brothers will take over. My child will still grow in a normal family but nowadays there are those families that will tell you we can't, you know we can't afford it, we can't take care of this child, or you find the parents were a bit well off and they were able to provide for this child because we can't afford the standard. That child will end up going on the street or if they are lucky adopted because the family will say no we can't afford it I have planned for my three kids now you are giving me two more I can't…' *Mary, Social work Supervisor, Division of Child Care and Protection, DSD,2019.*

A plethora of factors have adjusted the dynamics of family as an institution, colonisation, migration, and globalisation have all had much bearing on the formulation of non-traditional families, (Amoateng et al, 2004). For example, South Africa is one of the most industrialised countries in the region and the advent of urbanisation has affected family life, including sexual relationships, maintenance of kin networks, formation of rules and patterns and the care of children, (ibid). Stats SA (2016) in its survey on marriages and divorce confirms that a shift in marriage patterns has been noted as the median age at which men and women marry has increased from 2002, for men, it increased from 34 to 36 years while for women it rose from 30 to 32. A new phenomenon recorded is that youths are also no longer considering marriage as an option while some are indeed delaying marriage. Furthermore, irrespective of race, the highest proportion of divorce were for couples who had been married for 5-9 years, (Statistics South Africa, 2016). Although families are constantly influenced by a fast-paced world and ever-changing lifestyles, worth considering is that families are not passive recipients of external forces, fundamental cultural, social, and religious values play a significant role in the maintenance of values, norms and traditions, (ibid).

Emotional and psychological factors are crucial for children's development. Thabo, a social worker with the DSD in Pretoria, underlined this point during our discussion. According to him, while poverty can be a major obstacle to a child's development, material satisfaction of a child's wants, or the lack thereof is not the sole factor to consider. As he puts it, "…For a child to be normal you need to grow within a family set up, you need it. Poor or what, I have seen people staying in shacks but there is love, they support one another, and those children are growing, so raising a

child is not about how much you have in your pocket but it's about the family feeling which they do not have." Thabo's point is indeed important in view of the repeated argument in child psychology that care trumps cash (see e.g. Meintjes et. 2003; Sharp and Cowie 1998).

To capacitate vulnerable families to be able to support each other and be independent requires more than just identifying their needs and finding ways to meet that need. It requires coordinated strategies that will rectify or improve the function of families in South Africa. Different families require different methods to strengthen them. September (2008) argues that even though the Government has a number of poverty alleviation programmes, there is need for synergy and connectedness between them, for example other social services such as housing, employment and childcare should be made accessible in a broader poverty eradication strategy to all kinds of families.

One such vulnerable family can be single headed families. Stereotypes on single headed families tend to represent families headed by single mothers as dysfunctional and their children are defined by problematic tropes (Matlin, 2000; O'Barr, Pope, & Wyer, 1990). These stereotypes affect some single mothers psychologically in comparison to their married counterparts. Furthermore, some face greater socio-economic challenges as compared to married women (Roman, 2011; Amoateng, 2004). The DSD (2011b) remarks that most children who grow up without fathers or both parents end up negotiating different developmental milestones in their life without guidance, protection, and support from a parent. Similarly, UNICEF (2010) argues that because of poverty orphaned children from single parent and child-headed households cannot attend school. Yet, education is believed to be a means to better opportunities in life and a better livelihood where capabilities can be enhanced.

Failure to attain an education is the biggest contributory factor to poverty and unemployment in a child's future life, (Kang'ethe, 2010). Of course, States may have limited power to impose or influence family dynamics, but surely, they have the ability to encourage stronger ties in the nuclear and extended family for the sake of children. Doing so will facilitate government efforts to reunify families because these families would already be stable and functional. Family reunification is a reactionary intervention but fixing family relations before they break down would be a proactive measure that can help to keep families together and thus save a lot of children from the brunt of broken homes.

September (2008) acknowledges that the debate is centred on the boundaries between the private and public, the State and the family. However, the balance of power between these entities of care are perceived differently. Nonetheless, while there is difference in perception on the balance of

power, there is a consensus on the importance of families in the care and protection of their own children. As already indicated above, the Children's Act is an important legal instrument for social protection of children as a vulnerable group. It outlines the responsibilities of the family and what care entails for the family. For example, among other aspects, the Act underlines that families provide a suitable place to live and financial support for the well-being of children. However, when some families are unable to provide the necessary conditions to meet a child's well-being, they need resources and support through a range of social support systems (Andrews, 1980; Engelbert, 1994; Jenkins, 1981; Laird, 1979, September 2006). If integrated programmes are available, they are few, like the 'Bana Bele' programme by the Gauteng Province which ensures that children who receive social grants also have access to free education, subsidized transport and psychosocial support, (September, 2008).

The African report on child wellbeing (2013) indicates that even though child deprivation continues to be a systemic problem throughout Africa, children who face additional risks with no access to social protection mechanisms to support them are particularly affected. Such children are children in street situations, children with disabilities and child headed households. What is more, commitment to child participation in decisions that affect them as a right and a means to come up with and implement efficient programmes and policies for children is still inadequate in Africa. States have a responsibility to fulfil their local, regional, and international obligations as dictated by the UNCRC and the ACRWC to ensure that children grow up in a loving family environment, those who have separated from their families should be reintegrated with their families, as will be discussed next.

4.4. Family reunification.

> '…you know the sooner we try and link the children with their families, that is what we do, reunification programmes where we try to identify their families… (*Thandi, Statutory Social worker, DSD, Pretoria, 2019).*

The Child Welfare Information Gateway (2006) explains family reunification in social welfare as a process where children are removed from temporary out of home care and returned to their families of origin. Reunification is the primary goal for children in out of home care and it turns out to be the most common outcome. Feeny (2005) writes that the advent of the UNCRC in 1990 generated a global shift from viewing children as objects with needs to subjects with rights, including the right to family. Traditional Government approaches of isolating children in homes and institutions in order to deal and 'correct' the behaviour of these 'difficult children' were under

scrutiny and this posed a challenge to their attempts. Recorded were a lot of panicked attempts to return children to the families, (ibid). Nevertheless, human rights organisations and NGOs condemned these rushed reunifications and most of the children were seen back on the streets within a few days. Even though family reunification was deemed ethical and in the best interests of the child, the question that is still relevant is how best the reunification process should be performed, (Feeny, 2005).

Amidst the complexity of the reunification process, the Department of Social Development, guided by the Children's Act chapter 157 (b) (ii) states that the best way is to secure stability in a child's life, including assessing whether such stability can be established by, "placing the child in alternative care for a limited period to allow for the reunification of the child and the parent or the care giver with the assistance of a designated social worker". The reunification process entails that a social worker facilitates the process between the child and the family by firstly investigating the reasons why the child left the family in the first place. Secondly the reasons for leaving should be addressed, taking precautionary measures to reduce a recurrence, and thirdly to provide counselling to both the child and the family before and after reunification, Children's Act chapter 157 (2) (a, b, c,). Contrary to that, social workers at DSD reported that reunification is not sustainable yet because the initiative to improve family dynamics is still not yet in full operation. Looking at children who are born on the streets where their family is already on the streets only shows that family reunification can be an arduous task for example if there are different generations that have lived on the street for an extended time.

> 'Reunification I think that is the biggest part that we are playing to make sure that we reunify but the problem is that it is not correcting what is wrong, what made the child to run away from home in the first place. It's not working, a child might go back to Mpumalanga but am telling you within two weeks or whatever he will be back already because the circumstances at home they are still the same whether it was domestic violence, substance abuse, the problem is still there you know and you try to refer those parents to the local you know kind of services if they can get social workers go for treatment.' *Mbali, Social worker, CYCC division, DSD, Pretoria, 2019.*

The problem of ungrounded methodologies has beset interventions with children in street situations for the longest time. The insufficient research base in which interventions depend on have plagued most interventions for children in street situations, (Feeny, 2005). Surely though, the diverse and complex nature of families, precipitated by urbanisation has set a drawback to

development initiatives as compared to traditional and homogenous families of the past, (ibid). One cannot however negate the idea that in order to improve child protection initiatives the child's family and community still need to be strengthened and supported to be able to protect their own children. Thabo, a statutory social worker argued that families need to be involved largely when social interventions of children in street situations are administered. The involvement of children and their families in policy formulation creates a conducive environment to dissect the problems that cripple families thereby coming up with a robust set of policies and interventions for the betterment of children's affairs.

> '…so if I were to do research on street children and come up with policy. I would consult the children I think that would send me to homes and that we would have such a thing that street children themselves don't become the target of service, they might be primary targets but we have secondary targets being families they come form so that we integrate services…' *Thabo, Statutory Social Worker, DSD, Pretoria, 2019.*

As September (2008) postulates, the quality of life of several South African children who live in absolute poverty remains affected by the poverty that their families experience. The gaps in strengthening families and giving them enough support by the relevant authorities need to be addressed in order to promote childcare and protection of children first from the family and community before the State assumes childcare and protection initiatives. Amoateng (2004) argues that family policy needs to focus on the functions of a family rather than its structure, this will enhance the development and care of families. In that light, social interventions to enable families to function properly before disintegration looms will likely lessen the chances of children ending up in the streets and when family problems are addressed, the chances of interventions succeeding are also high, as mentioned by Thandi a DSD social worker who focuses on the removal of children from the streets:

> '…for the ones whom have a need like being on the streets wasn't their choice, it was circumstances, family circumstances, its successful.' *Thandi, Statutory Social worker, DSD, Pretoria, 2019.*

The success of these interventions will also need to be monitored and evaluated clearly, backed up with follow up visits to the children and their families. The inherent methodological uncertainty in family reunification interventions need to be examined timeously. The DSD along with various other child protection agencies subscribe to family reunification which seems appropriate on face value or as a concept but more efforts to underpin family structures are essential in practice. I

concur with the Street Action Report (2010) and Ray, Davey, and Nolan (2011) who suggest that the existing social welfare services for children in street situations (reunification, institutionalisation, shelters and drop-in centres be reviewed). Feeny (2005) posits that already an 80-90% success rate of family reunification is recorded, and more agencies are viewing fit as the best interest of a child, an NGO (Forum for Actors in Street Children Work) states),

> 'The potential for reintegration should be the primary preoccupation of any organisation and social worker working with street children'.

The reunification of children is still at the top of the agenda at the DSD because of the normative order of a functional society which places the child with adults in a family set up. Coupled with that, Wulczyn (2004) asserts that the role of natural parents is codified in law, and it provides the logic of reunification, parents have the right to direct a child's care and are believed to act in the best interests of the child, unless proven otherwise. If a family fails to provide a child with the much needed emotional, psychological, and material support, basic reunification will be a challenge in practice.

Government interventions through social protection may fail to meet the needs of poor families resulting in children ending up in street situations. However, no matter how resilient a child is, or how the streets can be lucrative enough for them to meet their daily needs, the need to belong and be part of a strong family unit is human nature. Likewise, Feeney (2005) argues that at one point a child may consider going back home or changing their environment. Conditions on the street in the form of abuse, socialisation, and harassment can be particularly exhausting that children end up considering family reunification. Wulczyn, (2004) and Child Welfare Information Gateway (2005) note that reunification is a process and not a one-time event which involves re-unifying a child into a family environment that may have changed significantly while the child was away. During the time apart, a lot of life events would have occurred, new relationships formed, and possibly new expectations of the family and child's relationship would have been created thereby impacting on the success of the reunification process, (Wulczyn, 2004).

One of the biggest challenges that I gathered from my interaction with DSD social workers is that reunification can only take place if a child's family is located, as a starting point. If not, the child may be placed into foster care, if the foster parents are willing to take in a child who used to live and work in the streets. If a family is not found, then the vicious cycle of children in street situations continues. Sadly, if a child turns eighteen, they are removed from the children's home after they had initially been removed from the streets and if a family is not found, the streets become the child's home once again. The removal of children in street situations from the streets reveals that

the policy landscape around the world is not only rights-based but it is also repressive and reactionary. In this reactive/repressive model, these children are viewed as deviating from the 'norm' hence they threaten normal order (Thomas de Benitez, 2003). Family reunification after removal from the streets is not a straightforward linear process, it is fraught with vast challenges and hurdles, as one grows older the 'cushioning' that comes from being a child slowly stops as you enter adulthood where you are expected to survive on your own. DSD social workers discuss these issues extensively during my interviews with them. For example, as Mary puts it:

> …So if we find a family, you don't even have to turn 18 for us to reunify you with that particular parent but before we place you with that relative, the social worker must first investigate if the family is fit to look after that particular child but we are saying it is better for a child to grow up in a home environment than in an institution. If we don't find the families unfortunately, actually sometimes the children you find on the streets they were staying in the children's home but when the system kicks you out and if you have nowhere to go some of them that is how they end up on the street because you were there… *Mary, social work supervisor, DSD, 2019.*

Similarly, Thandi underscores this point about the central role that the family tends to play in their assessment of the possibilities for a neglected child's well-being:

> '… Some were neglected as babies they have never known their families. Even the social workers assigned to the case they don't know where to start, there is no address there is no what. The CYCC will even give that child a name but once they turn 18, if maybe they are done with school, there is nowhere to take that particular child and the system says you must take them out. When I go and monitor the facility and I find a child over 18 still there, I will ask why the child is still there in terms of the policy once they are 18 and not in school we must take them out and it becomes a problem to say what now…' (*Thandi, statutory social worker, DSD, Pretoria, 2019).*

There is thus a serious issue when a child's family cannot be located and when a child turns eighteen it means they will no longer be eligible for social protection from the state. If no considerable effort is invested by social services to find the family, or if such efforts prove futile then this challenge generates an even deeper problem of homeless adults which is a distinct problem on its own in South Africa. A 2008 research on homelessness in South Africa by Rule-Groenewald, Timol, Khalema, and Desmond, (2015) of the Human Sciences Research Council

estimated a national homelessness population of between one hundred to two hundred thousand people. Children who turn eighteen who exit the care system might end up adding to this already large number of homeless adults. A few cases are however recorded of children who still receive care and protection after turning eighteen, if a child is intelligent and has passed matric, the DSD extends welfare up to the time they turn twenty-one. Another, related question that comes to mind is how big the proportion of children who are in street situations actually goes to school and receives assistance from the DSD. To this question, Thandi responded:

> …That one is an issue that we have been trying to deal with for a long time but it's a process but I am not sure if that has passed but there is a home, like in my case if I have a child who doesn't have a family and is performing well at school, we have learnership, social auxiliary workers, we also have bursaries if they are performing well we try to find them bursaries and try to take them to study further. If maybe they didn't pass matric then we have learnership for social auxiliary workers where they train for maybe a year and then they are absorbed. We have a few in the department who were children removed from the street. The department can absorb them coz what you have to do is pass your matric, once you pass your matric you get trained for a year then you get your certificate and then you register with the council and then you get the full-time employment…' (*Thandi, statutory ocial worker, DSD, Pretoria, 2019).*

The lack of stability that children in street situations face and the uncertainty that comes from being removed from the streets to family reunification, foster care only if a family is found or being taken to a CYCC only, shows that the lives of children in street situations lack structure. Some of the interventions end up leaving some of these children confused as to where they belong. This may have adverse effects on them psychologically. Interventions and policies for vulnerable children need to encourage a lasting solution to children whose lives are gripped by uncertainty.

> '...I think every day some child is resorting to living in the streets than not and you may understand that they came from broken families put maybe in some alternative families that somehow couldn't deal with them and they ended up going into institutions or going to the streets and the institution was just going to resemble a confined place where I don't think they want…' (*Thabo, statutory social worker, DSD, Pretoria, 2019).*

An intake worker from Child welfare Tshwane who is responsible for placements emphasised during our telephone conversation that child welfare's main mandate is to reunite children with

their families. After thorough investigations concerning a child's case while they are in temporary care, a child is adopted if they are 'adoptable', or they are returned to their family or relatives. The social workers give recommendations to the court on the best course of action to take for the child, whether foster care or CYCC or adoption and the court issues an order. Their main aim is to strengthen family ties, however, if family reunification is completely impossible, the child is institutionalised at a CYCC, an intervention they feel should be the last resort as it is not favourable to a child. The social workers at Child Welfare Tshwane continue to work even after a child has been placed in a CYCC, they continue tracing the child's family because after the child turns eighteen, they leave the CYCC. The question whether a child is adoptable or not is loaded. Behind an 'unadoptable' child are layers of insecurity, disappointment, perhaps anger and fear of what their lives will become. Understandably, a family may hesitate to adopt a 'problem' child, but social workers need to work on that child to unpack the scars underneath that make one unfavourable for adoption.

Social workers in child protection in South Africa surely explore several avenues to reach the best interests of a child in need of care and protection following investigations. The challenge remains when a child outgrows the system or families cannot be traced. In this instance, children who will be in limbo need strong psychosocial support to prevent an upsurge in homelessness, poverty and the negative mental health challenges that come along with such problems.

Coupled with the aforementioned challenge, of concern also is that children can still exercise their agency by deciding whether or not a social intervention on offer is suitable for them. For example, when children in street situations are taken to rehabilitation centres, the social workers cannot force them to adhere to the programme when they do not want to, a DSD social worker, indicated:

> '…that South African kids who are on the streets are addicted to drugs so we had this programme and we reported to FF Ribeiro the rehabilitation centre that maybe they can take up maybe 1000 kids who came up and said they want to quit the nyaope and go to rehabilitation so the MEC (Member of the Executive Council) like the head of the department came and we had to take them to FF Ribeiro to have them rehabilitated and take them to their families but in the process because rehab is not easy with the withdrawal symptoms and the kids during the process they withdrew and they ran away from the centre... (*Thandi, statutory social worker, DSD, Pretoria, 2019).*

Policy and practice are still divided because children in street situations cannot be forced to receive services that they deem difficult or unbeneficial to them. More effort is however key to creating a

platform where children feel it is necessary to receive social welfare interventions that are for their own good. These tensions on the uptake of interventions by children in street situations and all other children in need of care and protection require rigorous and constant effort to rehabilitate children who are clearly failing to improve their own circumstances. Perhaps, as I discussed in chapter two, the capability approach as an approach that is used in social policy and welfare analysis will give a picture on how best social interventions can be implemented for children in street situations. The capability approach will ensure that the social interventions in place will be relevant and deemed valuable by the children themselves. The attainment of human capabilities for a group of children in street situations is a promotion of human development, an important aspect of development in any growing economy.

A report to the DSD by Ward et al (2007) emphasises that a range of welfare services are important in working with children in street situations, outreach work, drop-in centres, soup kitchens, shelters and homes are all essential for children who cannot be reunified with their families. If a 'reunification window' fails to open, then services brought to children while on the streets will enable them to have access to food and other basic needs. A DSD Social Worker confirmed that there are soup kitchens in Pretoria that provide a meal a day,

> '...They know where the soup kitchen is, at what time because there are those organisations that bring food for homeless people, so they go from one place to the other. If I am not making money here, I go to another place so they are very mobile, they just don't sit in one place.' (*Mary, social worker supervisor, DSD, Pretoria, 2019).*

Services brought to children while they are in the streets may be beneficial if the children cannot be reunified with their families, there are debates around giving children food on the streets as it is seen as enabling them and encouraging to stay on the streets while inviting more children to enter the street life, (see Street Smart South Africa and see Rurevo and Bourdillon, 2003). Anich et al (2011) argue that many children are not interested in the reunification process, they mainly aim to receive services from NGOs and other service providers. When they receive the services that they require, it is rare that they abandon the freedom that they have on the streets to return to the home situation which they fled. Of importance is to gather statistics on the uptake of services by children in street situations, the significance of this knowledge will enable service providers to offer targeted services to children in street situations. Moreover, getting a picture of the characteristics of the children who do not take up the services offered to them is equally important as these children may be more at risk of engaging in illicit activities such as commercialising sex and selling drugs in order to meet their daily basic needs. Service providers may therefore be able

to provide services that will avert risky behaviour if such data is available (see Tyler, Akinyemi and Kort-Butler, 2012).

4.5. Foster care and adoption in South Africa.

When children in street situations were classified under children in need of care and protection among other different groups of vulnerable children, it meant that children in street situations were eligible to receive basically the same care and protection other children receive, (DSD social worker).

> '…But what I can tell you is that the previous Children's Act did not regard these children as children who are in need of protection and care. They were seen as a separate kind of problem, it was tended to but it was not, yeah but nowadays street children are seen as a child in need of protection and care. Even if they are living and working on the street they are seen as children in need of protection and care so you can easily take the matter to court for any problem.' (*Mary, social worker supervisor, DSD, Pretoria, 2019).*

To date the majority of foster homes or recipients of the FCG are black families, racism around the phenomenon of foster care is not a major concern because one race largely benefits from the system. Currently, the Children's Act 38 of 2005 explains that foster care excluded placing children in temporary care or in a Child and Youth Care Centre. Chapter 181 (b) of the Children's Act states that the purpose of foster care is to, "promote the goals of permanency planning, first towards family reunification or by connecting children to other safe and nurturing family relationships intended to last a lifetime", similar with the purpose of adoption which offers a longer-term solution to the problem that befalls children in need of a family.

Given that the cases of abandonment and child abuse are rife in South Africa, alternative care for children who are victims has been necessitated, (Thomas; Mabusela, 1991). A child can only be placed under foster care under a legal process. Court ordered foster care in South Africa is based on two broad scenarios; firstly, children who are brought to the attention of the courts due to abuse, abandonment and neglect are sometimes placed under the care of people they do not know who would have come forward or drawn from the community through Child and Family welfare NGOs. The potential foster parents are assessed, and they go through orientation and a training programme of some sort, (Children's institute, UCT). Secondly, members of the child's extended family may assume the role of foster parents after a child is left destitute after the biological parents' death or if the child is abandoned or parents are in some way incapacitated to take care of their

child. By approaching the courts, the potential foster parents will be seeking financial assistance in the form of the FCG. In the main, most families do not approach the courts but end up extending care to the children through the informal extended formal care system, these caregivers will not be official custodians or foster parents hence will not be able to access the FCG (ibid).

Although there are different categories of children in need of care and protection in South Africa, there are also distinct programmes for different groups offered by different NGOs. Foster care is offered not only under the DSD but through different organisations such as Child welfare South Africa that has a specific project (Thokomala) for orphaned children who have been infected or affected by HIV/AIDS. Thokomala aims at recreating a family for orphaned children instead of institutionalising them. Six children who have no extended family or could not find a foster care family are placed in a family environment in their community, they are placed in a foster home with a foster mother and a relief mother who is also provided, (Child Welfare South Africa, 2017).

UNICEF offered support to the National Government and three provinces to register and monitor cluster foster care schemes which offer viable alternative care to approximately 1500 vulnerable children. As the foster care regulations are now in place, the foster care programme which can still be strengthened hosts about 520 000 children, mostly orphaned. I see the clustering of children who have a common life situation to receive social interventions together as an appropriate and effectual way of assisting them because specialists who come in to help them all understand the common problem at hand, thereby focusing on one problem at a given time. Nonetheless, of the children who are absorbed in foster care, it is necessary to classify the percentage of children in street situations who benefit from such programmes in order to ensure that this group of children is not further marginalised. Children in street situations can easily be side-lined and relegated to the periphery because of public negative perception on children in street situations, see Davies, (2008).

According to the Street Action report (2010), even though social welfare services are well meaning, they have failed to improve the lives of children in street situations because of lack of quality coordination, poor monitoring and evaluation of the services provided to the street children. This is disturbing considering the gravity of the problem of children in street situations, poor social welfare services will further marginalise and exclude an already vulnerable group. A significant body of research analysed by the Consortium for street children in the 2011 State of the world's Children found that the bulk of the research on street children is fragmented and difficult to access, therefore research has not been informing policy to improve the lives of children, (Thomas de Benitez, 2011). With a paucity of grounded research for social interventions for children in street

situations, children will only be assisted on a short-term basis that lacks sustainability and improved livelihoods, consequently children will continue to live and work on the streets and thereby limit any chances of human development.

Although Feeny and Boyden (2003) argue that it has been seen that labelling and categorisation of children into specific groups of children such as 'trafficked children' and 'orphans' led to programming that focused mainly on the visible and deviant groups of children while neglecting the rights and violations experienced by their equally vulnerable counterparts such as children in extreme poverty, child domestic and agricultural workers or those neglected and abused in families. I would argue that classifying children according to their situations is important to determine which programmes are best suited for each group. Similarly, from his study on independent migrant children in Musina, Mahati (2015) posits that the heterogeneity of independent children has the possibility to generate disparate patterns of how they are represented by service providers and how they perceive and respond to interventions. Likewise, children in need of care and protection are a heterogeneous group that needs to be addressed on their specific characteristics and life situations, children in street situations may have almost similar characteristics with independent migrants but they are a different category that needs interventions based on their specific experiences, backgrounds, and lives.

Moreover, children in street situations may be less likely taken up for adoption especially when they are older, and this is testament that children in street situations have peculiar circumstances that need to have a special set of social interventions that are favourable to them and their lifestyle. They are at risk of being socially excluded in social interventions for a group of children who are on the whole deemed vulnerable hence in need of care and protection. Mary one DSD Social Worker articulated that the street or living and working on the streets already has negative connotations which make potential adoptive parents hesitant to adopt a child '…it's not always you get families interested in adopting the child because they say by the time, we get to know the children they are old. You know people prefer to adopt a smaller child than older children who have their behaviours and we are talking about a child who has been on the street, its problematic because if a child is in the home, you know we have boundaries, we have rules you know…*' Mary, social worker supervisor, DSD, Pretoria, 2019.*

When a child is however abandoned on the streets especially from birth, chances for adoption are slightly higher than children who have for the most part been 'of' the streets. According to an article on the Daily Maverick by an independent child protection researcher, Robyn Wolfson Vorster on fifteen November 2016, adoption in South Africa is fraught with intense cultural

concerns in the formal adoption as described in the Children's Act with people articulating that 'adoption is not 'ubuntu'. The issue of adopting a child of different familial ancestry impedes full child protection of vulnerable children because some black families state that ancestors believe that when a child is born, they need to be taken care of within the family bloodline.

The management of adoption is administered by the Children's Act with child protection experts being subject to how the Act is implemented through interpretation by various Government departments who oversee it. While the Children's Act has been predominantly agreed to be an excellent piece of legislation, its implementation is rather faulty in the management of child abandonment and the solution of adoption. One of the loopholes of the Act is that the Government social workers are prevented from conducting an adoption, meaning that only private accredited social workers and Child Protection organisations can do so, this is an issue that they have been trying to amend since, (ibid) one Social Worker mentioned:

> '… We do get adoption because we have organisations that have access to parents who would like to adopt if they like that child…' (*Thabo, statutory social worker, DSD, Pretoria, 2019).*

The impediments posed by cultural beliefs have much bearing on social interventions on children in need of care and protection and it reduces the chances of children in street situations growing up in a family set up. Foster care is mainly designated for orphans therefore institutionalisation becomes the next viable option for children in street situations and if they abscond from the institution, they fail to benefit from the intervention in place for vulnerable children. Below I discuss and analyse institutionalisation as a social intervention for children in need of care and protection.

4.6. Institutionalisation.

According to Dawes, Bray and Van de Merwe (2007) taking cues from the child's rights focus on the South African constitution, what is important to measure is not only the state of the children but to also incorporate the contexts within which children grow and develop. Institutionalisation has been increasing in countries that are transitioning economically, these changes have resulted in growing unemployment, family breakdown, single parenthood, and migration for better work opportunities. Poverty seems to be the underlying factor that leads children into institutional care, with single headed and large families unable to cope from the devastating effects of poverty, (Carter, 2005; Tinova et al.,2007).

UNICEF South Africa (2010) argues that the path taken by South African children to adulthood is embedded in vast challenges, children in South Africa also constitute the largest number of people living in poverty. Kang'ethe and Makuyana (2015) further note that these challenges are more prevalent in orphans, those abandoned and children with parents who cannot take care of their own children. After children in street situations are removed from the streets, they are eligible to be taken to CYCCs. Institutionalisation of children in street situations at CYCCs was the most dominant intervention that social workers at the DSD referred to:

> '…All children will go to CYCC and they will get help there, we accommodate them while social workers are trying maybe to get families… a CYCC is a fully fledged programme for children, there are programmes where we are not just giving children food, a place to stay but there are programmes within the CYCCs and you get a lot of professionals within the centres, you find psychologists, doctors, nurses, child and youth care workers. It's much better than the shelter used to be…' (*Mary, social worker supervisor, DSD, Pretoria, 2019).*

With the history of violence and segregation that South African children had been exposed to during Apartheid, a number of interventions were introduced as an attempt to rectify the injustices of the past. Several NGOs initiated the formation of the Child and Youth Care Centres as a bid to provide the much-needed care and protection to children who were in precarious conditions, (Gray and Lombart, 2002). Childcare had become a matter of concern as there was a growing number of parents who were unable or would not provide care and protection to their children, as a result, a mushrooming of children who ended up living and working on the streets was witnessed.

The growing number of abused, abandoned, neglected and Orphans and Vulnerable children became a social ill which necessitated a former Johannesburg Mayor to form the Johannesburg Child Welfare Society, (JCWS) which is a Non-Profit Organisation founded in 1909, making it one of the oldest NPOs in childcare and protection in South Africa (Johannesburg Child Welfare Society, n.d). In 1940, the JCWS formed the Orlando Children's home to cater for children who had been abandoned, unfortunately JCWS withdrew its support due to lack of funding. The community of Soweto took over and ensured that the children's home would not close, (Orlando Children's Home n,d). UNICEF acknowledges that children need to grow up in safe family environments whether their own or those provided by foster or adoptive parents. Many abused, neglected, and abandoned children end up in CYCCs which offer specialised alternative childcare

programmes with proper standards and governance structures, (ibid). A DSD social worker describes the functions of a CYCC:

> '…a CYCC is a fully fledged programme for children, there are programmes where we are not just giving children food, a place to stay but there are programmes within the CYCCs and you get a lot of professionals within the centres, you find psychologists, doctors, nurses, child and youth care workers. It's much better than the shelter used to be. So the child can access all this, counselling from a social worker based there full time, you know just for those children they work 8-4. After that we got child and youth care workers that work there during the day and night and we have pastors who will come there and render some services, pastors in the community even though we don't have enough for all the CYCCs, but we do have psychologists who are responsible for three children so Monday and Tuesday she is here and the other day there is someone else…' *(Mary, Social worker supervisor, DSD, Pretoria, 2019).*

Institutions that provide care and protection to vulnerable children are required to abide by international, regional, and national regulations and standards of the best interests of the child as described in the UNCRC, the African Charter of the Rights and Welfare of the Child and the Children's Act. A set of programmes within the CYCCs are instrumental in the full development of children who otherwise would have been disadvantaged in their families, communities or in the streets. Whetten et al (2014) state that there are vast data that support the use of institutional homes over the family environment in low to middle income countries as institutions are better resourced than family environments. Additionally, the benefits of a good school education have been instrumental in children being sent to institutions by their families in the hope that they will be able to attend school and therefore have an opportunity to escape poverty, (Uvin, 2009; Williamson and Greenberg, 2010). In Pretoria, some children of undocumented migrants are left on the streets so that they can be removed and taken to CYCCs where they will be able to have access to education, health care and other essential services,

> '…People come with children from Burundi, from mostly Zimbabwe, Mozambique and when they come here, they just disappear on the children but sometimes its two way, it's not disappearing, they know that once a social worker removes that child from the street that child will be able to go to school, accommodation, might be able to get documentation so they leave these children. They are here, we know they are around and they know where the child is but the child will just say I don't know

> where they are, I don't know the contact because they come here it's like a boarding school sort of like to say if you are in South Africa you get one, two, three and once you go back to your country you might not get that….' *(Mary, social worker supervisor, DSD, Pretoria, 2019).*

For children in street situations, institutional care may provide a more stable environment than the privations on the street hence improving their mental health, Crombach et al, 2014). However, as institutions are run professionally, with several different professionals, the children may feel like indeed they are at an institution instead of a family environment. Some CYCCs are full to their capacity which further discourages a broad family environment which is encouraged by numerous child welfare organisations,

> 'For a child to be normal you need to grow within a family set up, you need it…. it's about the family feeling which they do not have. Imagine you are at the CYCC there with about fifty officials there today there is someone, they do shifts, and they are here to work shifts then the next day it's someone else." *(Mary, social worker supervisor, DSD, Pretoria, 2019).*

> '…to be honest our centres are full, parents are really struggling to keep their children. Especially now with foster care, remember foster care is not, foster parents are not the biological parents to those children so mostly we find out once the child enters the teenage years it becomes difficult for the parents to handle them so you find foster care from the age of two but when they reach fifteen it is all over, the foster parent can't handle the child so we will need to remove, our centres are really full. It's very hard to get a place to place the child into, it's very hard… Yoh you can find a thousand children or five hundred at the centre' (*Mbali, social worker CYCC Division, DSD, Pretoria, 2019).*

Clearly, when vulnerable children are all classified as one group then services become less effective in assisting children in need of care and protection, when an institution is full to capacity it becomes inevitable to exclude other children who are in need of care and protection. Richer (2019) argues that it is necessary to understand the children's background to ensure that the right structures and effective programmes are built towards rehabilitating them, due to 'lost childhood' some of the children have become pseudo-adults. Failure to rehabilitate children creates a huge social problem on where the children will go because the social interventions will not be all encompassing. Children in street situations may be the last to benefit from the services offered at a CYCC because they are difficult to access and because of their fluidity, they may end up losing out on already

scarce services. The Children's Court makes the decision to place a child in need of care and protection as outlined in the Children's Act but when social workers fail to place children in institutions because there is no space, further challenges arise when families are not willing to foster children. The Children's Act of 2005 does not provide solutions to all possible hindrances that may be faced in childcare and protection.

To situate the above argument, when I paid a visit to one of the government run CYCCs in Pretoria after being informed that children removed from the streets are placed in different CYCCS, I was shocked to learn that the CYCC that I visited did not have any children who had been in street situations, they had last received children in street situations a long time ago. Similarly, I phoned another CYCC in Pretoria and was informed that they also did not have any children who used to live and work on the streets. After being referred to a children's home next to the CYCC that I phoned, I was also informed that they did not have any children who were in street situations. The question that comes to mind is if they are removed from the streets as per the Children's Act guidelines and are allegedly put in CYCCs where are the children if the CYCC workers insist that they have no such children? Admittedly, some children do abscond from the centre as indicated by DSD social workers and they possibly return to the streets, but this can only be a fraction of them. DSD social workers do acknowledge that there are numerous CYCCs in Pretoria but there are only five CYCCs under the DSD in Pretoria. The reasons why children in street situations abscond from the centre have been attributed to the need to abuse drugs and the need for freedom with no restrictions or rules that they must abide by yet certain behaviour is unacceptable at the centre.

> '… there is nothing you can do if the child absconds from the centre, we will open a case, an abscondment inquiry and then it will end there. Now we are waiting, we are relying on our stakeholders to come and say we have found this child, but they hardly come back to say we have found a child on the street who absconded from the centre here is the child. So once you open a case mostly it ends there for the ones who do not want help, but for the ones who want help, we help them…' (*Thandi, statutory social worker, DSD, Pretoria, 2019).*

Challenges to keep children at CYCCs if they are not willing are rife because a rights-based approach to welfare for children insists respecting a child's full right to autonomy and increasing their agency in decision making, (CRC General Comment 21). When a child absconds from a programme that is deemed to be helpful for their survival, it indicates that the problem at hand requires a more comprehensive approach to promote more sustainable social interventions for

children in street situations. The reasons why children in street situations run away from the CYCC are caused by a number of factors from (inter alia) a child's addiction to drugs, a lot of rules and regulations at the centre. The paradox lies in that as children are required to escape the violence and other privations on the streets by being removed from the streets, they are taken to an institution and suffer a new wave of abuse and maltreatment at the institution (Crombach et al, 2014). This creates a drawback in the realisation of child protection, and it calls for more child friendly interventions that can be monitored and evaluated.

Given the high number of children absorbed by the CYCCs, the caregivers may be overwhelmed as noted by Brannen, Mooney, and Stratham, (2009) that caregiving in CYCCs "is a demanding and emotionally stressful occupation". The Department of Women, Children and People with Disabilities (2009) reports that South Africa has the world's largest number of HIV/AIDS infected people, with an estimated 3.7 million orphans, close to half of them have lost their parents to AIDS related deaths. These alarming numbers also mean that more children will require care and protection, if not from their families, then from the State and other role players. Additionally, there are clear emotional gaps that are faced by children in care institutions due to the deprivation of maternal care which no professional worker is capable of bridging, (Abdulla et al, 2021).

The greatest challenge in care institutions is that the caregivers approach their work as professionals and not parental figures. The relationship that exists between caregivers and the children is that of a professional and a patient or victim, (Heron and Chakrabarti, 2003). Another setback is that the constant change in caregivers whether through career changes or seeking greener pastures further curbs the chances of secure attachments between the caregivers and the children, the unstable and ever-changing care workers makes it difficult for children to develop trust in others plus a sense of belonging, (Kang'ethe and Makuyana, 2015). As mentioned by Thabo who works as a statutory social worker for children in need of care and protection at the DSD:

> '…Imagine you are at the CYCC there with about fifty officials there today there is someone, they do shifts, and they are here to work shifts then the next day it's someone else…' (*Thabo, DSD social worker, 2019).*

The lack of permanency and certainty around the children's caregivers only leaves children lacking connection with any parental figure. The Centre for Parenting and Research (2006) points out that attachment is key in the development of the 'self' in children, when a child feels the warmth and love of their caregiver, children feel secure hence it propels them to secure other avenues of their lives. For children in street situations, their experience at the centre may be worse than the rest of the children because of the professionals' preconceived ideas about them, they might not

experience love from the caregivers at the centre because they are already labelled as troublemakers as mentioned by Mbali who works as a social worker focusing on CYCCs at the DSD,

> '. But what I have is during the monitoring that we do and the site visits that we do in the facilities when I ask about the category of the children that they take in, I will read about the categories out, behaviour challenges, abandoned, neglected, abused but when I get to street children they become hesitant to say eish you know these street children these ones sometimes you take them and they are so used to stealing and they come here and they start turning the place upside down. Many of them are hesitant to say actually we are indeed open for the street children but they will say yes we do but sometimes there is this attitude you see from what they are saying we don't want to take them because of their behaviour so it is a problem because no one wants them, it's a scenario like that'. (*Mbali, DSD social worker, Pretoria, 2019).*

Also, the repercussions of mixing together children from different socio-economic backgrounds in an artificial care environment have long term impairments to children's lives, (Tolfree, 2003). Likewise, a DSD social worker concurs with the above assertion that mixing children in street situations with other groups of vulnerable children may have adverse effects on their wellbeing and the wellbeing of other children in need of care and protection:

> '… they are a group of a social ill on their own, you can't group you can't cluster it with other social groups. They will be left out from the word go, because first you are dealing with somebody who looks at any form of authority in a negative way. You try to preserve or protect this child you will probably be looked at in a negative way so anything that you may probably be coming with will be received in a negative way. If you take a child who has been raped by her father or so and you put them in a place with someone who experienced violence at home, these people have experienced life differently. You put them together they are going to somehow influence each other, or their lives are going to be depicted or presented to each other in different ways and they will somehow affect each other. You take a child who was raped and put them together with a child who was raised in a household that uses a lot of substances and then they somehow influence each other, you have the abuse going on and you have the substances being introduced to this other kid just as much as people want to put them together but you will be dealing with other problems, while there will be stigma to put people in different places to treat children who came from different families, rape, affected by substance abuse

> separately, somehow people will think that this will stigmatise such children but in a way, they themselves will know exactly who they are in that institution and the people who are dealing with them, they will know from the word go, that what kind of people they are likely to deal with…' (*Thabo, statutory social worker, DSD, 2019).*

The negative effects of combining children with different challenges under one institution need not be ignored as chances that they negatively impact each other are high. Mason and Steadman (1997) argue that abuse that occurs in child welfare systems serves to focus attention to children's subordination to adult power and challenges the rhetoric that social protections and interventions are carried out in the best interests of the child. As mentioned earlier, the institutions will become overcrowded which puts a limit to quality care from the professionals at the centre. As has been the main argument in this paper, children in street situations need not be put under the same bracket as children in need of care and protection because they in no way can be a homogenous group of children in need of care and protection. True, institutional care is supposed to be the last resort for children in need of care because of the many challenges faced through institutionalising children, consequently this has prompted the new wave of promoting de-institutionalisation.

To that end, the pressure on institutions becomes insurmountable which often results in a shortage of care workers and resources. Meintjes, Moses, Berry and Mampane (2007) argue that the intensity of the problem of care looking at HIV/AIDS in Africa is so enormous that institutions will never be able to handle, as a result, a large number of informal care facilities have sprouted, (Desmond et al, 2002). The soaring cases of violence against children have also had much bearing on the numbers that end up in alternative care. According to UNICEF, a South African Police Service report of 2011/2012 shows that a total of 50 688 children were victims of violent crimes. Nicholson and Mafolo (2019) as cited in the South African Child Gauge 2019, report that violence against children and adolescents in South Africa is pervasive, a reported 1,019 murders and 24,387 sexual offences against children was recorded between 2017/2018. Even more astounding are statistics from the Birth to Twenty Plus cohort study by Richter et al (2018) which discovered that about 99% of children in Soweto, Johannesburg had either witnessed or experienced some form of violence. More than 40% of the children reported to experiencing multiple exposure to violence at home, school, and their community.

More recent statistics on child and teenage pregnancy between April 2020-March 2021 reported by the MEC of Health Nomathemba Mokgethi revealed that 934 pregnancies were recorded amongst children aged 10-14 years old. 19 316 pregnancies were recorded amongst children aged 15-19 years old, what this shows are crimes against children in the form of statutory rape. The

Times Live (2021) reports of a girl named Bonakele who was raped by an older man from her community which left her traumatised. Bonakele wants to give her child up for adoption and if forced to keep the child she threatens to kill the child. Such atrocities on children create another web of problems for the care system as it puts pressure on the system if adoption fails or if the young babies are abandoned.

Unfortunately, the number of children who are physically abused in their own homes is unknown because the crimes are seldom reported to the police or social workers. The Statistics reveal that regardless of legislations and policies in place, children still fall victim to abuse, which points to a harsh reality that there still exists a huge gap between policy and practice. The Department of Women, Children and People with Disabilities and UNICEF, (2013) report that some of the reasons for violence are alcohol abuse by parents, living in overcrowded houses and drug abuse and stress experienced by parents.

Because of numerous social problems, children are left vulnerable and helpless. Hence, there is need for close monitoring of child protection programmes, integrated services in child protection and the strengthening of families and communities. If their homes are not safe, children will look for safety in the streets which becomes another social problem on its own. Institutionalisation may have its benefits in improving child welfare, however the debates around institutionalisation cannot be ignored. If media reports are anything to go by, a report by IOL News' Brenda Masilela on 27 July 2018 indicated that one CYCC, Father Smangaliso Mkhwatshwa in Soshanguve Pretoria underwent investigations by the Police's Priority Crime Unit for financial maladministration and reported cases of abuse of children at the CYCC.

UNICEF (2018) reports that institutionalisation has had detrimental effects on an individual's well-being and development yet too many children, people with disabilities and other vulnerable groups are placed in institutions in their numbers. From Goldfarb's (1945a, 1955) research on fifteen institutionalised children who had been in an institution for the first three years of life and were later placed in foster care, children who had been in an institution had a delay in developing intellectually compared to children who had been in foster care from birth. Similarly, Casky (2009) also posits that children who had been in institutional care faced developmental challenges that were difficult to overturn once they were placed in stimulating and loving environments. Generally, placement of children in institutional care has attracted immense criticism mostly because of the poor services in the institutions as being causative of the developmental stagnation that children face, see (Heron and Chakrabarti, 2003).

4.7. Conclusion.

This chapter interrogated the social interventions adopted by the DSD for children in street situations in Pretoria, through breaking down what each intervention entails and the complexities around social interventions for children in street situations who manage to exercise their agency and negotiate the path in which they want to lead their lives. Children in need of care and protection as explained by the Children's Act 38 of 2005 are taken to CYCCs in a bid to protect children from various threats to their wellbeing, however, there is an ongoing call for governments to end institutionalisation and promote family and community reintegration for children separated from their families because of the recorded negative effects of institutionalisation that take a toll on children psychologically (Lumos, 2015). Children who are defined as in need of care and protection are a heterogeneous group that need to be treated as such by service providers being cognisant of the nuances of each group. Panter- Brick (2002) points out that there are variations of children who are in difficult circumstances, and it is important to specify the categories of children. Succinct classification of children in need of care and protection according to the specific narratives of each distinct group will usher a deeper understanding on how to administer assistance among service providers. In the next chapter I discuss the impediments to the full delivery of social interventions to children in street situations.

Chapter 5.

"Fixing" a Floating Category: Impediments to the delivery of social interventions for children in street situations.

5.1. Introduction.

> '… The child is into drugs, smoking *Nyaope*, you might want to remove that child but because of the addiction they won't want to be removed, they want to stay in the street continuing their lives. So, I'd say the difficult ones are the ones who are who are on drugs, it's very hard to remove, if they don't want to be removed, we don't succeed…' *(Thandi, DSD social worker, Pretoria, 11/11/2019).*

In the above excerpt Thandi describes how substance abuse severely impedes their interventions for children in street situations in Pretoria. Substance abuse is one major impediment that undercuts policy efforts and interventions directed at enabling children in street situations transition towards more productive lives. Thandi told me that the destructive nature of substance abuse "derailed any progress in the delivery of interventions as children were always in an altered state of mind because of the drugs." Substance abuse and addiction to drugs meant that any form of discussion to get children off the streets hardly yielded much in terms of positive results of the efforts from staff of the Department of Social Development (DSD), it was claimed repeatedly.

In this chapter, I discuss substance abuse as one of the examples of the most pressing challenges to the successful implementation of the DSD's social interventions for children in street situations. Substance abuse is a prominent problem in almost all countries of the world, particularly for the youths and adolescents (Parry, Myers, et al., 2004; Visser and Routledge 2007). In South Africa, among the estimated 250,000 children and adolescents reported to be living in street situations (Consortium for Street Children, 2014), substance abuse is reported as one of the main aspects of their "lived experience" (Hills, Meyer-Weitz, and Asante 2016). How does this prevalence of substance abuse affect the strategies and outcomes of social interventions mobilised by the DSD to support children living in street situations, as South Africa's leading public agency for the social protection of children?

By delving into the effects of substance abuse on children in street situations, I attempt to unpack how social interventions to improve the lives of children in street situations are significantly

challenged. I argue that regardless of legal and policy instruments that underwrite social interventions in favour of children in street situations, these interventions do not entirely yield their desired outcomes due to a multiplicity of reasons that may not be directly linked to the policies and legal instruments themselves. Of course, it is not exclusively in the domain of child welfare programmes that this insight holds true. Rather, this reality cuts across a wide-ranging sphere of public policies and programmes in South Africa (see e.g. Gumede 2020; Plagerson et al. 2019; Jacobs et. al. 2010). Nor is this sense of inadequacy or "failure" confined to South Africa within the continent. As the online newspaper *Modern Ghana* comments on the Ghana Improving Targeting of Social Programmes Report for 2010 directed at protecting the poor and vulnerable groups of Ghanaian society, "Out of the several intervention programmes such as the National Health Insurance Scheme, the National Youth Employment Scheme, and their poverty-related schemes, only the LEAP[2] covered more than 50 per cent of its target, the poor" (Modern Ghana, 2011).

Social policy, including its expression through legal and legislative instruments, is typically conceived within the broader framework of social engineering. That is, it as a sort of technical approach to solve social problems such as deficiencies in access to electricity or water, poverty, poor medical care, low agricultural yields, etc. As highlighted before, these social problems and the quest for solutions to these are commonly subsumed under the rubric of "development" whose technical character has been severely criticised by James Ferguson (1994) for its tendency to adopt an elevated discourse of rationality despite delivering many unintended negative outcomes. Similarly, State schemes to address such social problems can also be understood generically in relation to James C. Scott's (1998) discussion of how the 'high modernist' thinking behind State schemes to 'improve the world', even when well-motivated, often result in failures.

There is no doubt that the government's agents working in the DSD to support these children in street situations are motivated to deliver effective solutions that will help these children. But these agents, mostly social workers, realise that much of their efforts are undercut by a variety of factors that often lie outside their control. For example, in my discussions with Thabo, a statutory social worker at the DSD, he explored structural and institutional factors that reduced the efficacy of social interventions for children in street situations. Amongst these were budget constraints, limited facilities for children in street situations such as shelters, lack of trained professionals who understand the dynamism of structures, society, and the vulnerability of children in street situations

[2] Livelihood Empowerment Against Poverty (LEAP). For more details on the Ghanaian social protection interventions, see also Abebrese (2014)

as a distinct group and a paucity of research on children in street situations. He further underlined that given the complicated family relations that lead children to seek refuge in the streets and the impact of the brutal nature of the streets, interventions for children in street situations needed to be more robust. Hence, barriers to social interventions for children in street situations certainly appear to be rather deeply rooted in structural factors embedded in the relationship between an individual child and their family and communities. Therefore, for greater effectiveness, the laws, policies, and institutions that are mobilised towards interventions in support of children in street situations cannot ignore these wider social and cultural contexts.

The chapter begins by presenting and describing the data from my conversations with DSD officials on their difficulties in terms of their efforts to "fix" these children in street situations. Looking at children who already live and work on the streets, it appears that a gap still exists between policy and practice. Merging and bridging the gap would mean that children in street situations will not be excluded from mainstream welfare that is directed at household level and not individuals who are not within a family unit. Moreover, children in street situations who are not formally recognised as citizens due to a lack of identification cards have greatly been disadvantaged because of systems in place that require identification before access to basic social service is granted. Children in street situations who are not formally recognised as citizens due to a lack of identification cards have greatly been affected because they cannot access healthcare, education, social welfare grants and cash transfers, (see e.g. Cross et al, 2010: 94). Nonetheless, these barriers to interventions are structural impediments that are necessitated by policy and legal frameworks.

Lastly, the chapter ends with a description and discussion of another pressing challenge that the DSD must navigate when dealing with children in street situations, which is the children's tendency to emphasise their own agency by resisting whatever they perceive as threats to their freedom. This leads these children to adopt social "flight" as a response to public interventions, drifting in and out of programmes or schemes directed at providing them with public welfare services. In the third section of this chapter, I discuss how this drifting attitude defines these children in street situations as a floating category. My use of this analytic category which I discuss and elaborate, is an important way to situate the material reality with which the DSD's work on this specific group of vulnerable people is structured. Admittedly, engaging on categorising children in street situations is not merely a simple task, rather it is infused with overlaps and complexities. As I wrap up the chapter, I discuss an important concept of social reproduction where I reason that when children in street situations remain in the streets regardless of social interventions in place, it becomes a bigger social problem. Growing up and starting families on the streets becomes intergenerational, giving birth to the concerning acute problem of homelessness in South Africa.

5.2. Substance abuse.

When children live and work in the streets, it becomes a matter of heightened social concern. Surely, international, and local laws, guidelines, and policies to concisely rectify this problem have been in existence for several years. On face value, it seems like an easy intervention to remove children from the streets and reunify them with families or place them in places of safety. However, firstly, children are a difficult group to work with because of the dynamics accompanied with their age and supposed 'lack of maturity', which often dictates that decisions be made on their behalf. Secondly, the streets create an even bigger problem which makes children in street situations almost ungovernable because children experience freedom not found at home, the streets become lucrative and unchecked platforms for substance abuse.

As I talked to Thandi, I gathered that from her experience working with children in street situations, substance abuse created an impasse between interventions and uptake as children in street situations were trapped by the shackles of addiction which made the provision of interventions difficult. It was almost impossible to remove children from the streets because as Thandi said, 'they are addicted to drugs, they want to continue smoking on the street'. In a case like this where what a child wants is destructive or a violation of law, the best interests of the child would be to remove a child from the streets. Even though forced removal from the streets is against the ethos of the CRC General Comment 21 (2017) which clearly states that a welfare approach which argues for the removal of children is repressive and disregards the rights of the child. Instead, a rights-based approach which sees a child as a rights holder who participates in decision making in their own matters, is preferred. Even though a child's rights approach is plausible because it acknowledges and treats a child as a full rights holder, the rights-based approach clashes with the welfare approach as the welfare approach sees a child as one who must be guided and have decisions made for them. I wonder whether the rights-based approach which shuns removing children from the streets provides the best possible solution to the problem associated with living and working in the streets.

Reflecting again on Thandi's statement that 'the ones who are on drugs, it's very hard to remove, if they don't want to be removed, we don't succeed' makes me wonder how a case worker effectively addresses the tension inscribed in the rights-based approach and the welfare approach? Even though Thandi states that it is difficult to remove them mainly because of the addiction to drugs, it indicates that although a welfare approach may be necessary, the rights of a child and their agency set precedence on how an intervention will be received by the child. There is tension

between giving a child independence that might turn destructive and guiding a child in the best way an adult deems appropriate and favorable, while being cognisant of their rights.

In its (Department of Social Development, 2019) country strategic document to guide stakeholders on measures to combat alcohol, and other substances of abuse– the government of South Africa reports that South Africa has become a producer, consumer, and transit country for drugs. Cannabis and *Nyaope* are easily accessible amongst adolescence and youths. With Cannabis especially accessible in the streets, the use of drugs has far reaching devastating effects on users, families, and communities. Nyaope is a highly addictive drug unique to South Africa which is a mixture of cannabis products, anti-retroviral drugs, low grade heroin and other materials added as cutting agents, (Mthembi, Mwenesongole, and Cole, 2018). A June 23rd, 2021, issue of *Health e-News* (a print and television news service) captures the life of Muvhango a former youth addict who reflects on life under substance abuse. Muvhango states that the addiction reached a point where he could no longer control it. He claims that what started as a hobby became an addiction. While it starts as a hobby for some children, for others it becomes a coping mechanism.

The Noupoort Christian Care Centre (n,d) reports on the prevalence of 'bluetooth nyaope' where people use syringes to draw blood from someone who is already high and injecting themselves with that same blood. The dangers of sharing syringes and blood in the context of HIV transmission and increase in new infections are imminent. HIV resistance to treatment amongst those using nyaope is high because nyaope is mixed with anti-retroviral drugs. The scourge of HIV/AIDS is already a serious social problem in South Africa, coupled with substance abuse, it becomes life threatening. The White Paper on Families in South Africa by the Department of Social Development (2012:27) categorically includes substance abuse as one of the major socio-economic problems that affect South African families. Increased strain on financial resources, breakdown in family relationships, feelings of anxiety, fear, anger, and abandonment grip families with an abuser(s).

The use of drugs for children in street situations is a survival strategy that enables them to escape the debilitating conditions in the streets, see for example, Hills et al, (2016) and Scanlon, Tomkins, Lynch, & Scanlon (1998). According to Mndende (2021), David Bayever, a substance abuse expert states that 'the youth take drugs because they want to feel different. But when they come down from euphoria; they fall into a depression that entices them to take more. Taking more than leads them to get stuck in a vicious cycle'. Children in Street Situations are in a vicious cycle where the addiction robs them of any chance of leaving the streets and its atrocities unless rigorous rehabilitation services are provided.

The country's Minister of Social Development, Ms. Lindiwe Zulu, emphasises in her statement on the 30th of October 2019 on the National Drug Master Plan that, "if South African children could manage to reach maturity without using psychoactive substances such as hard drugs (cocaine and heroin) or a combination of drugs, alcohol, tobacco or substances classified as depressants, opioids/narcotics, stimulants and hallucinogens, they would be unlikely to develop an addiction problem". Therefore, the National Drug Master Plan would involve multiple stakeholders including religious leaders, parents, communities, informed youths in awareness campaigns and educational tours to eradicate the scourge of substance abuse.

It is important to contextualise the problem of substance abuse in order to properly understand the reasons why children engage in substance abuse. This is an important pre-condition for any meaningful effort to craft effective policies, programmes, and initiatives that could provide efficient solutions to address this ever-growing social problem (ibid). Mary, a social work supervisor at the DSD mentioned that some children left their homes in order to have free and unrestricted access to drugs, while others became addicted while on the streets. Even though substance abuse as a coping mechanism has been widely researched amongst children in street situations, (see for example Donald and Swart-Kruger, 1994, Hills et al, 2016), Mary emphasised that the problems associated with substance abuse are that when children move to bigger cities such Johannesburg and Pretoria for job opportunities, they end up involved in substance abuse which at the end obstructs the reception of social interventions. She says when one begins drugs, 'it's over'

> They say I will only go home when I am alright and unfortunately there are drugs, for you to survive you are involved in nyaope and once you get into that direction it's over'. (*Mary, supervisor DSD, November 2019).*

Why children leave home to look for employment opportunities in bigger cities speaks to the social problems communities face such as poverty and unemployment. Substance abuse as a grave problem has gone beyond a family problem and has become a national problem that deserves a multisectoral approach on curbing the circulation and abuse of illegal substances especially amongst children.

Thabo, a statutory social worker also conveys the same sentiment and alludes that, 'street children know social development is there, we go out and let them know about the services available we make them try to use the services so most of them are not really interested coz there is already an added tendency of drugs already so they know there is no way you will be involved with anything with social workers'. It appears children in street situations shun any form of interaction with social

workers because they perceive them as trying to disrupt their established order on the streets which may be centralised on substance abuse. Rather, children would form alliances with their peers, affiliation with deviant peers who supply each other with illicit substances may not necessarily be peer pressure but a developmental trajectory that shapes a child's development towards distancing from adults, see McArdle (2004).

A YouTube documentary*: Devil Bones: Cheap heroine grips SA's youth* by Health e-News Service (August 14, 2015) reveals the intensity of substance abuse amongst children and youths in Mabopane, North of Pretoria. The Community Police Forum sadly notes that in 2006 drug dealers were only few but over the years there has been an upsurge in the business with a mushrooming of nyaope dealers. Regrettably, the biggest customers for nyaope in their community are children. Tsholofelo, a young girl who is addicted to drugs comments that because of the addiction she must work very hard to get money and is prepared to do anything to get money for drugs, even if it means risking arrest. She argues that because of such a mindset, the crime rate in the country is high because the addiction thinks for you, as your brain cannot talk you out of the high that comes from the next dose.

Most children in the documentary are still part of a household, but the addiction severely affects their relationships with family. Fanie, a young male from Atteridgeville, Pretoria West, who started drugs while still a scholar has a dejected family that views him as a manipulative liar. They feel helpless because they have tried all sorts of interventions from rehabilitation to sangomas. Notably, these sour relations necessitated by drug abuse can eventually draw children to the streets where there are little to no restrictions on their substantive freedom. Surely, Fanie spends most of his time in the streets engaging in petty crime or in dilapidated buildings in Marabastad near Pretoria Central where drugs are readily available and sold in the open.

As I previously discussed, Pretoria generally has high levels of unemployment, poverty, and social problems such as homelessness, although there is some variation among the different parts or regions of the city. For example, Atteridgeville and Elandspoort are two communities located to the West of Tshwane. Atteridgeville has 70 % of unemployment and poverty that feed into the high rates of HIV infections and in Elandspoort it is estimated that about 75 % of people are unskilled and/or unemployed, compounding their problems with alcohol and drug abuse as well as "high rates of school drop-out, teenage pregnancy, domestic violence and child neglect/ abuse" (Child Welfare Tshwane, n.d.).The documentary by Health e-News Service (2014), emphasises that the poorest communities in Tshwane are the most affected by substance abuse. This is an indictment on the government to uphold its mandate to protect poor and marginalised

communities to avoid intergenerational poverty which may result in children becoming desperate for money thereby leading them to the streets and/or other illegal activities.

Children in street situations have already crossed the threshold for desperation because of poverty and addiction '… Like some of them I won't be surprised if they are selling drugs for some pushers…,' Thabo, a Social Worker who works in the Childcare and protection Division of the DSD, tells me (Interview in Pretoria, November 2019). Thabo claims that children living and working in the streets may be used as peddlers, selling drugs on behalf of adults who supply these drugs to the children. Mary, a supervisor at the DSD division of children in need of care and protection also revealed that children in street situations are used for various reasons, for instance selling drugs by people who cannot do it themselves.

There are widely reported cases of children used to sell drugs for adults especially in the global North. In the United Kingdom the sale of drugs by children was not viewed as an offence but rather a sign of child vulnerability as reported in the Metro UK by Moore (2018) and a YouTube video by Sky News (2019). In Ireland, Loughlin (2016) reports for the Drug and Alcohol Information Ireland that children as young as thirteen being paid to sell drugs. According to CBS Philly (2019) a ringleader in Philadelphia, USA, was arrested for using children to sell drugs on street corners, a phenomenon which led the community to be in the cusp of devastation. Although there is a paucity of such official reports in South Africa, social workers at the DSD believe that children in street situations are used as pawns in in a large drug syndicate.

Given the intensity of drug use and how lucrative a business it is, removing children from the streets inevitably becomes a daunting task because some of them make a lot of money on the street because of the adults who use these children to distribute drugs, while the police hardly make headway in addressing this crime. Of course, the situation of child drug dealers in South Africa is not implausible. As Henry Bernstein (1999) writes, "the drug economy in Africa today is probably one of the most dynamic and valuable spheres of "non-traditional" exports and re-exports." Still, how prevalent is substance abuse as a problem for policy actors and authorities in the City of Tshwane or Pretoria, I wondered?

All the social workers I spoke to individually acknowledged that substance abuse in children in street situations is of grave concern, as this directly affects the reception of social interventions. Living and working on the streets is accompanied by deeply rooted problems and drug abuse is not an exception. Thabo, one of the statutory social workers at the DSD questions the inability of law enforcement and policy actors to decisively rectify and stop this problem. He laments that the police ought to do what they are supposed, to ensure that drug dealers would be under the full

wrath of the law, 'we will have no people selling drugs to these people and we wouldn't have them committing these crimes. As it seems, the police and other responsible authorities have failed to curb this problem because they are aware of it, but no tangible solutions have materialised thus far'. According to Shaun Shelly, founder of the SA Drug Policy Week Awareness Programme, interviewed by DW News (2019) law enforcement has become part of the problem because of bribery and corruption which makes clamping down on drug dealers a fallacy. Some police officers in parts of South Africa call drug user ATM machines, surely, this is a mindset which will only exacerbate the problem and not eradicate it.

In my separate interviews with statutory social workers, Thandi and Thabo, they argued that drug addiction makes it difficult for children to live in an institution or any controlled environment because of the strict rules and regulations that do not permit the use of intoxicating substances. Any possibility of breaking from the web of substance abuse requires resolve from the children themselves, however the intensity of this problem is in urgent need of intervention from relevant social actors whose objective is to create a progressive group of children and youths who are free from the addiction of intoxicating substances. Similarly, a documentary: *Inside South Africa's Youth Reformatories (2001)* by SABC Special assignment, (June, 2001) shows the difficulties some institutionalised children at Ethokomala reformatory face as they experience withdrawal symptoms. Ethokomala reformatory school in Mpumalanga is one of the remaining two reformatory schools in South Africa that receives child convicted criminals (13–17-year-old boys) sent to them by the juvenile court as the last resort by the State.

Some of the children who are dependent on drugs escape the institutions so that they have access to intoxicating drugs in the outside world. The documentary shows two young brothers, Eric and Jurie who are at a reformatory school because of substance abuse. The youngest, Jurie, started drugs at the age of eight which made them well known at Pretoria's Narcotics Bureau for Substance Abuse. Initially, the brothers were sent to an industrial school by the Children's court, but they escaped fifteen times, and escaped a drug rehabilitation centre four times in three days. The boys were later found on street corners begging or 'giving themselves in exchange of money" as stated in the documentary.

Nawaal Deane reported in the *Mail and Guardian* in 2005 the story of Kyle who was enrolled at Ethokomala but later absconded the institution. His whereabouts remained unknown. His mother professed that since being enrolled at the school he became an addict and joined gangs at the school and was sodomised by other boys. This assertion reveals the toxicity of institutionalisation as an intervention as I discussed in chapter four. In Kyle's case, exposure to drug addicts at the

school resulted in him being an addict himself. As I argued in the preceding chapter, children's interventions should pay attention to their heterogeneity and ensure that tailor made policies are implemented for them because they learn destructive behaviour from each other, making their condition worse. Kunneke, Kyle's mother remarked that Kyle also attempted suicide by slashing his wrists: 'Kyle would rather face the dangers on the street than the dangers in the school," says Kunneke. The impact of institutionalisation on children's mental health is a line of inquiry that deserves to be explored further. Karyn Maughan reports in an IOL article on June 2, 2007, that there were allegations of child torture, starvation, and intimidation at Ethokomala. The Pretoria High court ruled that the pupils were to be released and not harmed in any manner.

Synergised effort is required to initiate programme development and implementation, more so, it is essential to identify the groups highly at risk in order to target interventions at them, (Reddy et al, 2013) in their South African National Youth Risk Behaviour Survey, (2011). For children in street situations, substance abuse adds to an already complicated life on the streets, it is a vehicle for self- destruction and reduces the chance of benefitting from social interventions that are in place for children in need of care and protection. The DSD's existing generic social interventions do not seem to be entirely suitable for most of these children living and working on the streets, including addressing their dependence on the sale and use of drugs. For some of these children, the sale and use of drugs has become integral to their survival on the streets. This leaves them vulnerable to exploitation by a variety of adult actors around the streets.

The DSD, in turn, also relies heavily on the support of different agencies (e.g., the local authorities of the police, the health and social development departments within municipalities, the courts) and NGOs, including the Child and Youth Care Centres (CYCCs) in particular. These different agencies assist in addressing the challenge of providing residential care to children in street situations, all within the terms and provisions of various laws governing children's rights and the Children's Act No. 38/2005. Yet as Mary, a DSD social worker, (Pretoria, 11/2019), puts it, "the CYCCs cannot take in a child who is already addicted to drugs." The State offers help to children burdened by drug addiction as Mary also mentioned, 'before you take a child there you must make sure that we take this child for treatment which is for six to eight weeks and from there the CYCC can entertain our story of admitting a child there. So that is what also the department is doing'.

Unfortunately, the children can only enrol into the rehabilitation centre if they have decided and are determined to stop using drugs. To combat drug addiction, there is need for real effort and inner drive for it to be curbed, this state of consciousness may not yet be reached by the child which therefore makes any initiative to enrol them in rehabilitation an exercise in futility. The role

of Law enforcement in the perpetuation of the drug industry is also one of the biggest setbacks in the control of substance abuse. As authorities with a mandate to fight crime, being involved in the crime and seemingly encouraging it reveals the corrupted nature of society where corruption, bribery, lawlessness, and deviance have created a decay in the moral fabric of society.

At this point, looking at the child, the boundaries of childhood seem to have already been transcended because children are exposed to circumstances that demand a great amount of self-control and mental fortitude to overcome. Indeed, substance abuse severely debilitates one's capabilities and well-being, much more so for children. While families have been formed on the streets to offer some form of support for each other, these street connections can also be a source of negative influence. These connections can propel the children to avoid interaction with service providers as the children can easily negatively influence each other to avoid adults, as also indicated by McArdle (2004). Same sentiments are shared by DSD social workers Mary and Thabo who insist that children in street situations will not entertain social workers who want to impose social interventions on them, especially if it involves moving into CYCCs where drug use is not permitted at all.

Ward et al (2007) however report from their study on children in street situations in Gauteng that children openly admitted to using drugs and during fieldwork they were visibly dizzy from sniffing glue. They purported that access to rehabilitation centres was enormously difficult, there were no free rehabilitation centres around the Johannesburg city centre, where services for these children were provided. The private facilities for rehabilitation were expensive, which inevitably made access to them next to impossible, (ibid). These conditions in place for children to receive social interventions, the first of which is enrolment at a CYCC, naturally exclude those children that do not want to be institutionalised. Rather, social interventions in this regard for children in street situations need to be innovative and open to children who still choose life in the streets.

Several children in street situations in Pretoria manage to exercise their free will by deciding whether to receive social interventions from the DSD. Agents of the DSD reported that the use of intoxicating substances does not only have tremendous negative effects on their health and well-being, but it affects the uptake of social intervention that could possibly improve their lives. Social interventions for children in street situations require that children enrol at an institution, get adopted or join a foster family, these interventions cannot be possible when a child is under the influence of illegal substances. The grave problem of substance abuse feeds into various other problems that inevitably make children more vulnerable. Surely, once a child's life trajectory is crippled by substance abuse, enhancing their capabilities to be and do what they deem valuable

becomes a difficult task. Human development of these children in street situations is met with resistance because of the highly destructive behaviour that emanates from substance abuse.

5.3. Beyond the Addiction: Institutional Limitations.

I discuss institutional limitations as challenges that are enshrined in organised establishments such as socio-legal, economic, and political structures. Social interventions for children in street situations can be difficult to implement because of the intricacies in the life of the children, unreservedly, nonetheless, some of the impediments emanate from institutions. Although the DSD and child welfare organisations continue to make commendable effort in providing social interventions for children in need of care and protection, various impediments to successful intervention continue to exist. These impediments exist in other interrelated social problems that grip South African communities in the form of (inter alia) poverty, unemployment and crime which may affect the access to social welfare services.

Children in street situations in Pretoria have limited access to specific interventions for them as a group. As an inherently vulnerable group of children whose lives are burdened by socio-economic hardships, it is imperative to discuss the institutional barriers that hinder the delivery of social interventions. Because of them living and working on the streets, children in street situations are often socially excluded in social welfare programmes targeted at vulnerable children who are in a home. Even worse, like all other children, they experience challenges in accessing government services without the presence of an adult, (see Liebenberg, 2010: 229). Children heavily rely on adults for access to social welfare programmes because their age makes them dependant on adults. However, the primary barrier to accessing services is the lack of identification cards and difficulties in obtaining them. While it is a child's legal right to be registered at birth, the reality is that some children in street situations are not in possession of any form of identification. From survey data on street children in Gauteng collected by the HSRC, Ward, Seager and Tamasane (2007) reveal that out of 3200 children in their sample, only 35% were in possession of an identity document.

It is the mandate of the Department of Home Affairs to provide identification cards for children in street situations, documents which the Department itself describes as 'enabling documents'. The possession of identification cards will create an enabling environment for the realisation of children's right to a name and nationality at birth. In an HSRC report on government funded programmes and services written by Martin (2010) enabling documents are necessary when in need of government programmes for vulnerable children. "Without access to enabling documents it is not possible to access home remedies support, and without income support, poor families struggle

to access enabling documents. Enabling documents are required, however, not only to access social assistance (grants), but also healthcare, subsidised early childhood development (ECD), schooling, housing, free basic services such as water and electricity, and other services and benefits."

The importance of enabling documents cannot be overemphasised. Even though the importance of these documents in being a prerequisite for access to social welfare services is widely known, children in street situations are still socially excluded in attaining this basic right. Mary, one of the social work supervisors I spoke to at the DSD office in Pretoria mentioned that children at home can visit the doctor but if you are on the streets, these services are difficult to access. She further argues that their 'shabby' appearance already creates negative perceptions about them from the general public. She comments: 'also you are so dirty even to go to the clinic people will judge you'. The prejudice against children in street situations based on their appearance accompanied by the lack of required documents already marginalises and excludes them from access to health care for example. For children living with HIV/AIDS or plagued with STIs healthcare becomes an essential service that must be provided without any conditionalities.

According to the South African Health Review (2019), despite having a remarkable policy environment, South Africa, faces numerous foundational challenges in the health system. The challenges range from human resources, governance, service delivery, medicine, and technologies. The health review explores the prevalence of HIV/AIDS amongst adolescents which is skyrocketing at alarming levels. The adolescents in the study were grouped in clusters of five across two age groups (15 - 19 years and 20 - 24 years). Data collected indicated that the adolescents who are HIV positive have a lower adherence to antiretroviral treatment (ART) compared to other populations, additionally, they are the only age group with increasing HIV mortality. If children who still live with caregivers have a low adherence to ART, I imagine the statistics for children in street situations living with HIV/AIDS especially considering that data on children in street situations is already difficult to collect. Distinct effort to provide documentation for children in street situations whose life is already difficult in the streets can create a platform where children will be able to improve their lives through access to decent health care, education, and skills development, for example.

Another barrier to social interventions for children in street situations is the lack of shelter, which culminates in the ever-pressing problem of homelessness. Children in street situations mostly abscond from CYCCs as I previously discussed in the preceding chapters, therefore essentially, drop-in centres and shelters become a more viable option for them. The Homestead, an NGO in

Cape Town[3] has been instrumental in providing shelter and drop-in centres specifically for children in street situations, approximately one hundred and sixty children are assisted annually through the Homestead residential projects. These residential projects at the Homestead are specifically for children in streets situations. This is a distinctively different approach to social interventions for children in street situations from interventions in Pretoria, which offers places of safety for all children deemed in need of care and protection.

When one of the social workers, Thabo and I were discussing the success of social interventions for children in street situation, he articulated that 'he felt the department should have shelter for street people, street children' but unfortunately the department did not have any shelters. He continues to attest that there was no other place where the problem was rife such as in Pretoria and Johannesburg. Taking this information on the gravity of the problem of children in street situations in Pretoria and Johannesburg as mentioned by Thabo, I question why there are no tangible interventions for children in street situations in Gauteng such as those in the Western Cape? I ponder whether this is mainly because of the difference in priority areas between the Western Cape Government and the Gauteng Government.

The lack of shelters also feeds into the problem of children ageing out of care which may prevent them from accessing shelters because they would have outgrown the system of care. Mbali mentions that when children turn eighteen then they must be out of the system, unless they are still in school, they will extend the child's stay to twenty-one. However, if the children are out of school, then they must be out of the system, unfortunately. Mbali reiterates that if a child's family cannot be located then it becomes a problem for the child, 'actually sometimes the children you find on the streets they were staying in the children's home but when the system kicks you out and if you have nowhere to go some of them that is how they end up on the street because you were there'. Ageing out of care with no other access to social interventions for children over eighteen almost overrides all the interventions the children received before eighteen. When a child becomes an adult without the right tools to navigate adulthood, deeper problems such as unemployment, mental health illnesses, poverty and homelessness may emerge.

Of course, the problem of shelter is not the only institutional challenge that creates drawbacks in implementing social interventions, it may simply be because of a lack of resources to replenish the entire welfare system. Thabo also argues that budget allocation for children in street situations' needs can only be made possible if funding is allocated to their cause,' and further explained that:

[3] https://homestead.org.za/shelter-for-street-children/

> '…You will always be told though that there is no budget for that and if there is budget you find someone who doesn't want to implement that budget for that specific thing so I think we are moving towards an environment where legal people compel politicians to implement certain policies with regard to school safety, equality, general human rights such things but those things so but it's not like everyday things that are happening, few cases there but if you look at the scourge of how many of these ills are going on unattended, it's way too much the legal fraternity will be on it every day, every hour for the whole year trying to make sure the government implements policies…' (*Thabo, statutory social worker, DSD November, 2019).*

Surely, the political landscape plays an unmatched role in budget allocation, based on government priorities. Mbali, a social worker in the children in need of care and protection division mentions how the political administration of the day prioritises policies based on what they perceive as a priority. She states that, 'the politicians influence policy making a lot, remember a social policy is driven by the governing admin of the day. In the days of Zuma for example, the focus was different from the days of Thabo Mbeki so everyone will come with their own, although it's the same party, the administration of a particular day will decide.' Similarly, Denise, another social worker who works in the division of social protection clearly states that policy formulation is driven from motivation, emanating on your perception of the problem. Denise articulates that 'if you want to make a policy there must be something that motivates you to have a policy so there must first be a problem and you address the problem and if the problem is just growing then there must be something done as to how to address the problem, how to contain the problem' *(Denise, Social worker, social protection, DSD, November 2019)*

Indisputably, the administration of the day has the political power and will to finance the sector they deem necessary. Mbali raised interesting points to this effect when she alluded that people in power interpret problems differently, for example, the meaning of homelessness might mean one thing to one official but another to a different official. Therefore, as Mbali mentions, that regardless of the government admitting that a problem exists, funding may not be possible because of lack of funds. She proclaims: 'How are we going to fund this coz funding will also determine whether we are ready to put a policy in place or not coz there can be a need for policy but if we are going through the economic, where we are right now, the government may decide to say yes there is need but we don't have money. We are not going to put this policy in place now. We are going to put it on hold, yes, we are aware, at some stage maybe we will get back to it but then who

is going to fund that particular policy', *(Mbali, Social worker, Children in need of care and protection, DSD, November 2019).*

Pondering on sentiments by Mbali, Thabo and Denise, I realised that a lot of societal problems are manmade, therefore solutions are also manmade. Figures in power and authority need the motivation, will and desire to change the life trajectory of vulnerable populations. Despite the legally binding nature of laws and statutes in social protection that demand the social protection of vulnerable groups, ultimately it is the government of the day that decides on policy implementation. Moreover, the government sets the precedence on social interventions based on ratification of treaties, this also creates a platform for other role players such as NGOs to do all sorts of humanitarian work. The bridge between policy and practice can be closed by practical solutions driven by motivation, will power, prioritisation and good interpretation of the gravity of social problems.

Lastly, according to Khumalo (2009) from the South African Government News Agency South Africa's acute shortage of social service professionals is a hindrance on the delivery of developmental social services. In a study carried out by the Department of Labour, social work was a scarce and a critical skill, but there was also a shortage of social service supervisors which meant that the social workers would not be effectively monitored. Office managers also assume the role of social work supervisors which creates insurmountable workloads for them, thereby curtailing the ability to render effective services. Additionally, Training and Mediation Solutions Africa (2019) which provides training to Social Service Professionals (tmsAfrica) reports that there is an inadequate training of social workers on the Children's Act which made the Act difficult to implement.

My experience with the DSD Social workers contradicts the above assertion, through extensive discussions with the social workers I interviewed, there was an impressive knowledge of the Children's Act which they quoted in most of their answers. Be that as it may, three out five social workers had scanty knowledge on the main working document on children in street situations drafted by the DSD which is the Strategies and Guidelines for Children Living and Working on the Streets. This dearth of knowledge may indicate that indeed more training is required in policy and legislation.

Also, given the high caseloads social workers have, the delivery of good quality service has been affected. TmsAfrica, (2019) reports that the ratio of social workers to the population of South Africa is estimated at 1:5000. As I was wrapping up my interview with Thandi at the DSD Pretoria office, she attested that the workload for them was high, and it was an impediment to the full

delivery of their social work. Thabo, on the other hand mentioned that for the specific case of children in street situations, there was need for more research and other social service professionals who could be trained to work with children in street situations as a specific group of vulnerable children.

Although there are a wide number of institutional challenges that create barriers in the implementation of social services, in this section I discussed and analysed the major points that I discussed with social workers at the DSD and reports from government agencies, and Non-Governmental Organisations. In the following section, I interpret my understanding of children in street situations in South Africa.

5.4. Towards an Understanding of Children in Street Situations in South Africa.

To "float" is a notion that can be defined as detached, unsettled, uncontrolled or free. For children in street situations, this predominantly describes their way of life. Anarfi, (1997); Noto, et al., (1997) and Ramphele, (1997) describe them as "unsupervised" and "unprotected", thus highly at risk of HIV/AIDS, substance abuse and violence at home, school and on the streets. In light of the narratives of DSD workers that represent children in street situations as children in flight, mostly seeking to remain outside the purview of public interventions that would undermine their sense of freedom and agency, I propose that these children in street situations could be understood more generically as a floating category. Given their quest to elude and or resist interventions that would institutionalise them, their way of life is complex and therefore hard to define and "fix" with precision for targeting in public policies. Much more robust methodologies are required to attempt to accurately gather data about them and their numbers, let alone provide tangible and effective social interventions.

Firstly, to understand the floating nature of children in street situations, it is important to understand that children in street situation are a highly mobile group that moves from place to place in search of work and food *(Thabo, DSD statutory social worker).* Efforts to gather accurate statistics on the number of children are difficult due to their high mobility, furthermore, carrying out research on them is difficult because of their rather busy lives (Ward, 2007). Since pragmatic solutions to the problems children in street situations face are best derived from asking the children themselves, (Donald, Swart-Kruger, 1994) it is challenging to interact with some of the children who will be under the influence of alcohol or have their mind set on making money instead. However, as challenging as researching on the children is, it is of course not impossible to do so but it is a mammoth task due to their fluidity and mobility, (Consortium for Street Children, n.d).

Secondly, the varying definitions of who a child in street situations is, is indicative of the complex nature of their lives and how defining them is equally complex, the formulation of an operational definition for them is difficult, (ibid). The published demographics especially for children in street situations are definitely problematic mainly because of the mixing different categorisations of those children which include "children of the street", "children on the street", "homeless children", "abandoned children", "children in conflict with the law", "children in especially difficult circumstances", "exploitive child labour" and other categories which may be included in the counting of children in street situations (Aptekar and Stoecklin, (2014).

The wide categories of children in street situations make it difficult for them to be supervised and have social protection delivered to them. More importantly, before the research of children in street situations commences there needs to be a comprehensive definition of the group that is under study to ensure the validity of the numbers being reported, (ibid). Children in street situations cut across different categories from abused children, abandoned, orphaned, children in difficult circumstances, children in conflict with the law, as long as they have a connection to the street in any way. Children who return home after a day's work in the streets are especially difficult to provide social protection to because in as much as they may receive the CSG, because it is insufficient, they still go to the streets and are exposed to the dangers on the streets. Social policy may not address the double problems they face at home and in the streets, and the current interventions in place focus mainly on children 'of' the streets while children 'on' the street, who go back home at night may be socially excluded from social interventions as they are part of an already excluded group of children.

Aptekar and Stoecklin (2014) argue that the issue of the number of children in street situations is politicised. For international organisations, the number of children in street situations is inflated possibly to compete for funding, and children in street situations themselves inflate their problems, their woes in order to complete for limited resources. The complication that surrounds numbers of children in street situations reveals that these children's lives are unsettled and variable. To illustrate the discrepancies in the numbers of children, the number of children in street situations in Latin America, for example were at one point pegged at 40 million children and that there were 10 million children worldwide, (Tacon, 1981). This was described by Ennew (1994) as a successful fundraising strategy and to scare the public. In Brazil the number of street and working children varied from 17 million, Barker and Naul, (1991), to around 20 and 30 million (de Moura 2002) as cited in Aptekar and Coecklin (2014). For South Africa, the precise number of children in street situations is unknown but there was an estimation of 10 000 children in 2003, however due to continuous economic challenges, the numbers are expected to rise (Cross et al, 2010). These are

some examples of the inconsistencies in the estimates of the number of children, while the most common number of street children is often set at 100 million children worldwide, but this is an outdated number from 1989. In reality, the actual number of 'street children' is unknown, (Consortium for Street Children).

The level of uncertainty around the estimates of children in street situations, coupled with the different categorisation of these children as a population contributes immensely to the complexity around delivering social interventions for them. For example, a child from a poor family who lives at home but works on the street may fail to receive the requisite social protection which will only continuously expose a child to the risks on the streets or may end up luring a child to completely leave their household and enter street life as a child who lives on the street and works on the street. This contributes to the floating nature of children in street situations as there seems to be lack of definitive ways to address their plight as they are detached from the normative order of how a child should live, living at home and not in any way working in the streets.

West (2001) states that when children are away from their families it means that they are further pushed 'out of place' out of place can be out of school, out of home locality, out of family and be working children. Furthermore, the place from which a person comes from sets the basis for family and lineage identity, (ibid). When children leave their home completely and find abode in the streets they are further alienated from their lineage and some, because of lack of any form of identification may not be afforded the same services as registered children. Even worse, migrant undocumented children on the streets keep floating and are not registered anywhere as citizens, this ultimately contributes to their vulnerability as they may fail to be enrolled in school and get proper healthcare (among other essential services). A child's registration through receiving a birth certificate is the surest way of a government to legally recognise a child as a member of a society thereby enabling one to receive legal protection as previously discussed.

To gain a further understanding on how children in street situations continue to be a floating category, the DSD attests that children in street situations, (those who mainly live and work on the streets) are taken to CYCCs after being removed from the streets. The paradox lays however in that some CYCCs report that they do not shelter any former 'street children' at their centres yet my interactions with all the DSD social workers had me convinced that children in street situations in Pretoria are found at CYCCs. At this point it appears as though children in street situations' whereabouts are not known because they are not taken in by CYCCs and they are 'removed' from the streets of Pretoria. The contradictory statements on the whereabout of children in street situations between the DSD and CYCCs continue to baffle me. If children in street situations are

not in CYCCs then the most probable explanation to their whereabouts is that regardless of social interventions in place, the streets continue to be their abode.

According to Richer (2019) shelter homes for children in street situations where they are rehabilitated, fed, and taken to school, have not been successful because the attempts to rescue the children are done without any proper alternatives from them, (Cluver and Gardner, 2007). There are divergent views from different role players on the problem of children in street situations, for example, the city of Tshwane states that the social ill of children in street situations no longer exists since legislation has dealt with it decisively. However, as stated by Mbali, one of the social workers who works with children in need of care and protection, the City of Tshwane is responsible for children in street situations as they fall under their homeless programme,

> '…I am not aware of any homeless programmes or policies in place except that it is the competence of the city of Tshwane to carry out the mandate of the homeless children…' *(Mbali, Children in need of care and protection social worker, 11/19).*

A City of Tshwane official however insisted that they did not work with street children but mainly worked with homeless adults. All the social workers that I engaged with however did acknowledge that there are several children who live and work on the streets. The inconsistencies that seem to grip the issue of children in street situations in Pretoria shows that children in street situations are a group of children that are imbued in uncertainty and instability in terms of their whereabouts, how they are categorised and why they are categorised as they are. Sadly, the nature of the phenomenon of children in street situations in Pretoria is rather confusing because of the different viewpoints from different social actors on whether the problem exists, or it has been addressed by legislation.

During my first visit to the DSD Pretoria office when I went to map out and get a general idea about children in street situations in the city, I was informed that the problem no longer exists as all children are removed from the street and taken to CYCCs. True, children in need of care and protection are taken to CYCCs as places of safety, however further interviews revealed that the problem of children who live and work on the streets is still very much existent. Perhaps the reason why some social actors argue that children in street situations are no longer a problem in Pretoria is due to the times they are most visible, during the night and early in the morning, as mentioned by Thabo who stated that during the day children in street situations are busy earning a living.

When I walk in some parts of Pretoria, especially in the North and Pretoria Central, I witness dilapidated buildings where some families occupy these buildings. I have also seen some older children in the streets of Sunnyside in the evening organising their cardboard boxes and blankets

for the night. Another common everyday sight is of younger children of school going age or younger who are usually in the presence of an adult at traffic lights begging, while the parent or guardian often sits on the pavement. It is also possible that some children have moved to the outskirts in search of food and opportunities. One of the supervisors at the DSD, Mary mentioned that children in street situations are everywhere, in the CBD and out of the CBD but they are highly mobile, always in search of money and food:

> 'They are everywhere, and I am telling you there is a street child here at Bossman, when you drive to Steve Biko, you can also see them. They know where the soup kitchen is, at what time because there are those organisations that bring food for homeless people, so they go from one place to the other. If I am not making money here, I go to another place, so they are very mobile, they just don't sit in one place' *(Mary, social work supervisor, DSD, Pretoria, 11/2019).*

Having no fixed abode robs these children of stability and consistency. Social interventions become difficult to implement and receive if there are no proper ethnographic studies on the life of children in street situations over a long period of time to capture their movements and way of life.

West (2000) argues that the problem of floating is multifaceted in the way it is explained and what causes it. What is more is that in as much as the categorisation of children in street situations is not clear cut, they are further branded under another umbrella term of children in need of care and protection, as discussed earlier, this may not offer the adequate level of interventions required for children who are defined as in need of care and protection. The consequences of bracketing vulnerable groups as one homogenous group will result in universal solutions to children who have different circumstance yet there is need for targeted interventions.

Conticini (2007) attests that children who live in street situations are one of the biggest reminders of the drawbacks of the interventions to curtail poverty and vulnerability in a time of unprecedented economic growth and global well-being. I argue that interventions for children in street situations are not entirely received by the children because of the complex categories they find themselves under; their way of life which is a balance between being a child and a pseudo-adult is confusing enough. Additionally, so many factors have played a role in attracting children to the streets, which means that there is a wide array of institutional barriers that need to be overcome and structural interventions that need to be introduced at familial, societal, community and national level if children in street situations are to be effectively protected. Surely, the growing

number of children living in street situations (Panter-Brick, 2002) is an indictment on policy and social action to prevent and contain this phenomenon.

Admittedly, a lack of concise social interventions will perpetuate a cycle of children who live and work on the streets and will maintain children in street situations as a detached and unsettled people who may not be fully reached by social policy due to the nature of their lifestyle and life experiences. Mahati (2015) notes that the social actors' different understanding of what childhood entails creates paradoxes in humanitarian workers' practices towards independent children. The child's rights approach encouraged by the UNCRC is a welcome strategy that gives children a voice and autonomy. Nonetheless, delivering social interventions to children who are independent, autonomous beings who can exercise their agency, creates drawbacks in the full realisation of social protection of children in street situations because they reject certain social interventions.

Being a pseudo-adult may make one aware of the power of their agency and the freedom to make their own decisions. Therefore, the contestations between the need to implement social interventions and the rejection of interventions by children in street situations creates a chasm between social policy and its intended beneficiaries and results in ineffective social interventions. It is imperative to look at the child in the street as an individual not as a collective as this will better equip social actors with the knowledge needed to address their specific needs. Taking from Thandi, a statutory a social worker at the DSD who mentioned that some children are from rich backgrounds, they are only on the streets to obtain freedom to misuse drugs also indicates that social actors' perceptions of who the child is and their background can influence how social interventions are delivered. The perception from social workers is that children from rich families do not want interventions because being on the streets was voluntary for them yet poorer children for instance foreigners were keen to receive assistance.

This coincides with Mahati (2015) who argues that social class plays a significant role in how a child is constructed and assisted. Categorising children differently based on the perceived level of vulnerability, (rich background and poor background) may also result in rich children being excluded and alienated from interventions simply because they chose to be on the streets and 'they don't want to be removed'. It comes to light therefore that intersectionality is a determinant of levels of vulnerability amongst the children. For example, younger girls, whether foreigners or locals can be more vulnerable than older local boys and this contributes to the complexity around drafting social interventions for children in street situations. While their common ground is the streets, their differences in gender, class, age also influences how they are perceived by social actors and this continuously makes them a heterogeneous group, whose categorisation is not fixed but is

rather embedded in nuances in what makes them vulnerable other than just being on the streets, be it abuse, poverty, substance addiction, violence at home (among others). Understanding the lived experiences of children in street situations as independent children and the assistance they need therefore is key to the creation of opportunities that effectively administer social interventions.

Children in street situations are a complex people to categorise as mentioned above, the lines of who a child in street situations is, are constantly broadened and overlapping. The conceptualisation of childhood is not fixed, similar to the construction of vulnerability and children in street situations, they are all socially constructed which therefore should translate into a clarion call to policy makers, academia and all relevant parties to categorise these concepts in less evasive ways. Consequently, social interventions for children in street situations in Pretoria, like elsewhere in the world need to be practical, all-encompassing, and informed by thorough research because as discussed in this chapter, the hindrances to the uptake of social interventions only make children more vulnerable to a myriad of challenges and drawbacks to their own development.

Even though this chapter widely discussed the impediments to the uptake of social interventions, a full discussion of some of the successful tools used by the DSD to improve the lives of children in street situations has already been discussed. In the preceding chapter (four) I give a robust account of the most promising interventions spearheaded by the DSD which are adoption, foster care, family reunification and to a lesser extent institutionalisation. The most successful tool for the protection of vulnerable children as mentioned in the preceding chapters is strengthening family and improving the livelihoods of families to encourage the well-being of children.

Nonetheless, all these hindrances that I have discussed above may lead to a deeper problem which I describe as the social reproduction of children in street situations, a concept I explain and analyse next.

5.5. The Social Reproduction of Children in Street Situations.

Bourdieu (1977) has described social reproduction as a process whereby societies, their structural, ecological, and cultural characteristics are reproduced through a process that involves invariable change. Originally propounded by Karl Marx, the social reproduction theory according to Marx has an economical dimension where he coins it as incessant renewal and where every social process of production is a process of reproduction. For this study, social reproduction of children in street situations will be an explanation of how children in street situations may continue to live and work on the streets if the governance of these children, particularly through social interventions does

not adequately address their circumstances. Consequently, if they are to remain on the streets and start families on the streets, then it becomes intergenerational family homelessness. This means that children are born on the streets, and it becomes a vicious cycle and a reproduction of children in streets situations, hence giving birth to another social problem of homeless families. Homelessness is a social ill and problem that has been part of South African societies for the longest time. Cross et al (2010) underscore the gravity of the problem of street homelessness by quantifying it between one hundred and two hundred thousand street homeless adults and children in South Africa's urban and rural districts.

It has become apparent from the information that I collected from DSD social workers that many children in street situations in Pretoria prefer to continue living and working on the streets regardless of the interventions in place. Even though the DSD delivers social interventions for children in need of care and protection in the form of institutionalisation, family reunification and adoption, most of these are difficult to implement because they are contradictory to the life children in street situations are accustomed to. The children pursue freedom to live a life free from constraints from adults, where they are free to carry on with their normal activities such as income generation on the streets and the use of intoxicating substances without the adult supervisory gaze that may come with restrictions. The question that comes to mind is over time what happens to children who do not receive social interventions meant for them, will they ever find other options that will relieve them from living and working on the streets, basically being homeless? DSD social worker Mbali mentioned that there is a possibility that children can die on the streets:

> '…Their future is compromised, that's what I can say because if they don't go to school, there won't be anything in the future, yeah, and they will end up not having a brighter future, even dying on the street. Their health is being compromised and definitely health, their future…' (*Mbali, Social Worker, DSD, Pretoria, November, 2019)*

The problems that children in street situations face such as homelessness (for those who no longer go home) and various forms of vulnerability through poor access to basic needs, lack of safety and low/no school attendance will likely be passed on to the next generation of children in street situations. To tackle for example the problem of homelessness, Rule-Groenewald et al (2015) argue that homelessness should be defined holistically, looking at the varying levels of homelessness such as psycho-socioeconomic drivers of homelessness so as to map out relevant interventions. Factors such as conflict, substance abuse, family dysfunction, criminal affiliation and socio-economic factors which include unemployment, poverty, no housing or social security, may be drivers or outcomes of homelessness. So, if the current challenges that surround children in street situations

are not effectively addressed, these problems will continue to affect children born on the streets. Furthermore, as expressed by DSD social worker Thandi, when children previously institutionalised are over eighteen years, out of school and unemployed, they may end up resorting to life in the streets because they have nowhere to go,

> '…If we don't find the families unfortunately, actually sometimes the children you find on the streets they were staying in the children's home but when the system kicks you out and if you have nowhere to go some of them that is how they end up on the street because you were there…' *(Thandi, Social Worker, DSD, Pretoria, November, 2019).*

Sadly, this becomes a reproduction of children in street situations, and it is an indictment on the effectiveness of development initiatives and social policy to adequately address the plight of children in street situations. Likewise, Richer (2019) posits that evidence shows that the majority of children that are released from homes are not really empowered to start their own life out of a shelter home and this draws them back to the streets again. Aptekar and Stoecklin (2014) argue that homelessness amongst children is a grave ethical failure, non-domiciled children and youths live in full view of the public, without any permission to do so. They are disturbing to civil politic but are also deprived the capacity to enter society and are considered too dangerous to leave unattended.

If children are left unattended, with no substantial efforts to reintegrate them into the society then the challenges faced by children in street situations could possibly move from one generation to another if they decide to have children of their own and this will mean that social policies and interventions will need to engage in effective social protection of children before they become homeless. As Aptekar and Stoecklin (2014) argue, as many as ninety percent of children in developing nations are neither without parents nor are they stateless, rather, they are working children who begin working at an early age as compared to children from higher income households who will be in school. Most of these children work because there is no food at home, and they end up living on the streets.

Tracing the reasons for homelessness amongst children will improve the conceptualisation of policy in order to curb the growth of this complex problem. The HSRC posits that the definition of homelessness is also complex, and it covers a number of aspects. For example, if homelessness is understood to be chronic then interventions would best be tailored to provide shelters or housing for street dwellers. Richer (2019) argues that not all homeless people are in their situation due to structural challenges; personal problems play a significant role, (Cross and Seager, 2010).

Top causes of homelessness were domestic violence, abuse, eviction, family problems, economic constraints which propel a search for independence and a better life, (Cross et al, 2010). Thus, if marginalisation of children in street situations continues, another problem of the spread of informal settlements may be witnessed. Richer (2019) argues that urban marginalisation poses a threat to the management of cities and this results in the upsurge of informal settlements in the inner cities of South Africa. It is a possibility to find children who formerly lived and worked in the streets living in informal settlements as adults. The informal settlements are also crippled by financial constraints which then makes street life more appealing for children, (ibid).

To date, while shelters are a common intervention for children in street situations all over the world, they are no longer as prominent in Pretoria, as Mary mentions:

> '…We had shelters with the old Children's Act but now with the new Act they are accommodated within a child and youth care system and childcare and youth system is like all children who need care and protection they go there, whereas previously street children had a shelter somewhere in the corner and were not mixed with normal children who were removed from families but that has changed now….' *(Mary, Social Worker, DSD, Pretoria, November, 2019).*

Because of the gradual phasing out of shelters in Pretoria, children in street situations cannot access services because most services are rendered through the CYCCs. Children who abscond from the CYCCs become deeply involved in street situations, a situation which only increases the likelihood of practically building a life on the streets, which may result in family homelessness or informal settlements. Homelessness is not the only social ill that can be socially reproduced if social policy does not improve the lives of children in street situations, notably, various forms of vulnerability can manifest from one generation to another, this will see the poverty cycle (for example) difficult to break. According to McEwen and McEwen (2017), children born in impoverished families are likely to experience poverty as adults, compared to other children who grow up in rich families.

What is important to understand is what accounts for the patterns of social replication which make a parent's social class predictive of their children's social class destinations. Surely, not all poor children end up being poor adults, however it is also essential to understand why children who grow up in similarly poor backgrounds end up having different trajectories, (ibid). For instance, amongst children in street situations, some manage to leave the streets, go to school, and be employed, these differences in life trajectories have been attributed to substance abuse by the DSD social workers. However, a myriad of factors should be interrogated to ascertain why children in the same economic situations end up having different life trajectories. McEwen and McEwen

(2017) postulate that community resources, social structures and family background all contribute to patterned differences and differentially affect life trajectories. A child's asset bundles, their characteristics, power to exercise their agency and capabilities also affect well-being and life course. Even though the social reproduction of poverty is not the obvious end result for children in street situations, it is highly likely that children in street situations may pass on poverty and homelessness to their children.

Moore (2005) argues that poverty during youth can influence an individual's life course and his or her household's life course. Likewise, Wagmiller and Adelman (2009) state that childhood and adolescence socio-economic deprivation can have a lasting effect on an individual, thereby making it difficult for children who grow up in poverty to escape poverty when older. The negative effects of poverty on human development accumulate, therefore individuals who experience childhood poverty may find it difficult to escape poverty when they become adults, (ibid). Seemingly, the failure to enhance children in street situations' capabilities can have a resounding effect on how the children navigate opportunities successfully. The expansion of capabilities is important to create and promote self-reliance of children in street situations thereby improving their chances of leaving the streets and living a life they have reason to value. Research on child poverty has largely focused on children in their households e.g. McEwen and McEwen (2017); Wagmiller and Adelman (2009) but children who leave their homes to enter street life are exposed to various forms of vulnerability and this may worsen their poverty situation since the streets may offer limited economic opportunities and social capital.

In a highly unequal society such as South Africa, the pool of poor black people will continue to grow if structural causes of poverty are not effectively dealt with as generations of poor black people may continue to be reproduced over time. Children in street situations can also refuse to be institutionalised because they will not be able to supplement family income if they do not work on the streets, this makes social interventions unappealing for them. More so, young girls on the streets may also be more vulnerable as compared to their male counterparts and when they have children; their children may also suffer from child poverty, gender imbalances and racial inequalities which are all dominant aspects in poverty matters and vulnerability. The phenomenon of children in street situations can be socially reproduced if poverty, homelessness, and the vulnerability of children are not curbed or managed by the responsible authorities. Regardless of social interventions in place and social protection efforts, children in street situations are independent thinkers who exercise their agency to choose their own life trajectory. The child's rights approach emphasises treating children as autonomous beings; hence interventions cannot be forced on them.

Children in street situations' lives can be socially reproduced and their lives on the street are likely to become a vicious cycle of poverty, homelessness, and vulnerability from their generation to the next. Evidently, as children exercise their agency and choose to remain in the streets regardless of social protection initiatives that have been drafted for them, social interventions will need to be reviewed and adjusted according to the reality on the ground. As it stands, the effects of substance abuse, income generation on the streets and freedom from rules and various restrictions keeps children on the streets. When children prefer to live and work on the streets instead of institutionalisation and some instances family reunification, it should be a cause for concern for policymakers, development practitioners and social workers because it becomes clear that any form of institutional protection does not work for children in street situations hence it will be imperative to redesign policy. When children choose to remain on the streets, it openly challenges the dominant perception of children as inherently vulnerable because amidst all the challenges that present themselves on the streets, a considerable number of children still chooses to remain on the street.

Nevertheless, it cannot be ignored that children in street situations and the children they may have later on in life may be victims of acute adversity, risk and vulnerability. Daniel et al (1999) posit that adversity reduces the chance of a healthy development stemming from different life circumstances and processes such as environments of neglect. These children are also at high risk of adversity turning out into actual negative outcomes, therefore resulting in a significant negative impact upon wellbeing and childhood, (Daniel, 2010). In all these above-mentioned challenges that children in street situations experience, and could possibly transmit to their own children, the paradox lies in the concerning notion that children as an inherently 'vulnerable' group can signal attention to receiving State protection but can also potentially dehumanise and deny them their role as active citizens, (ibid). This does not mean that they should be left on the streets to build families; rather they should participate in how they are governed through policy formulation in a bid to map out how their best interests can be put forward so that tangible solutions are drafted for their own well-being and development through the expansion of capabilities.

5.6. Conclusion.

Successful implementation of social interventions for children in street situations is dependent on the understanding that the process is not linear and top down. Social policies that aim at improving the lives of children in street situations need to be well structured and astute because these children are a distinct group whose lives have been shaped by living and working on the streets. Institutional

barriers that block the delivery of interventions for children in street situations can be rectified specifically for vulnerable children, for example the problem of lack of identification can be addressed by issuing temporary documentation so that children can have access to essential services. Through legal and legislative instruments child welfare programmes work best if implementation of policies is closely monitored and evaluated. The socio-economic problem of distribution of illegal substances is orchestrated by criminal syndicates who chase financial gain at the expense of vulnerable groups of people, among them children who fall victim to substance abuse.

As I understand children in street situations to be a floating category, social interventions for them as a group need to be further monitored and improved within that category of children in need of care and protection. The failure of full uptake of social interventions by children in streets situations may increase the incidence of the social reproduction of children in street situations. The social reproduction of children in street situations would mean inadequacies in the governance of children in street situations by the relevant social service providers. I have discussed that some children in street situations reject interventions offered by the DSD such as institutionalisation. Therefore, the notion of the best interests of the child and the rights-based approach to welfare as suggested in the UNCRC General Comment 21 will provide an opportunity for children to be put first with their needs being largely met.

Chapter 6.

Conclusion.

6.1. Introduction.

This thesis set out to examine the governance of children in street situations in Pretoria, South Africa through the prism of the discourses and narratives of social workers at the Department of Social Development. As it stands, media and public discourses in South Africa underline how much the presence of children in street situations in the streets is problematic. Such discourses plainly reveal the moral anxieties of society over the failure of social policy and government agencies to stem the tide of social exclusion and deprivations from the most marginal groups in South African society.

The central argument of this thesis has been that the discursive construction of these children within the wider political and policy conception of "vulnerable groups" is an important element in the governance of children in street situations. It is therefore commonly employed in public policy interventions in post-Apartheid South Africa. As the study shows, the concept of vulnerable groups is important because it purposively identifies groups for targeted interventions and assistance through government programmes and public agencies. And yet, as this study has also argued and shown (especially in Chapter four), in post-Apartheid South Africa, children in street situations can also be understood as a 'floating category.' Not only are they highly mobile and unsettled in a literal sense, in the universe of the policy interventions that target them, children in street situations are also a fuzzy category defined by disagreements as to whether they exist or not. This presents several significant challenges in terms of efforts to address children in street situations as a practical, social problem.

Therefore, the thesis set out to answer three main research questions: the thesis asks how vulnerability works as a central concept in legal, institutional, and political definitions of children in street situations as a distinct social group in need of social protection in South Africa. How does vulnerability define and shape the social protection interventions on children in street situations in South Africa? And how might we think about and evaluate these interventions on children in street situations in South Africa in relation to vulnerability?

To address these questions methodologically and empirically, the thesis focused mainly on the discourses and narratives of workers within the Department of Social Development in Pretoria, which also serves as the main agency for child protection in South Africa. The DSD is the main agency for the social protection and welfare of children even though there are multiple agencies such as (inter alia) the Department of Justice, South African Police Service (SAPS), the South African Social Security Agency (SASSA), religious organisations and NGOs that play an essential role in promoting children's rights and encouraging the inclusion of marginalised children. Accordingly, and partly in a bid to adapt to the precarious situation inaugurated by the outbreak of the COVID-19 pandemic in March 2020, some of the empirical data discussed here was gathered through informal telephone conversations with officials from non-state actors such as child protection NGOs in Pretoria and the City of Tshwane. To buttress the empirical findings from the interview data with social workers at the DSD, the thesis also relied on legal provisions, policy reports, and media reports.

In the context of this study, I employed a post-structural, deconstructive stance as a critical theoretical approach that interrogates the meanings of nebulous concepts such as vulnerability in public and social policy discourses and interventions around social protection (especially of children) in South Africa (see Chapter One and Chapter two). Briefly summarized, inspired by Foucauldian critiques of discourse and power, post-structural and decolonial scholars have argued and shown how ideas and concepts infuse policy discourses and these, in turn, hold important ramifications for the outcomes of development interventions and public policy schemes (Ferguson 1990; Escobar 1995; Scott 1999; Rottenberg 2015).

Social policy has yet to take such critiques fully in their stride, especially in relation to the governance of social protection in Africa. For instance, deployed specifically with reference to the concept of development, such post-structural and deconstructive theories call for reconceptualising how dominant ideas on development as economic growth or progress in GDP figures result in impoverished understandings of human welfare and agency (e.g. Ferguson, 1990). Instead, a critical attention to building human capabilities (Sen, 1999) offers a better expression of consideration for human agency, empowerment, and a sense of dignity, irrespective of measures of economic growth. Inspired by this deconstructive orientation, my own approach begins with a critical reading of vulnerability in post-Apartheid policy discourse in South Africa and, in response to this reading, I have also argued and suggested that embedding a capability approach into the policy responses for social protection in South Africa clarifies the conceptual blind spots of a generic discourse on vulnerability.

This concluding chapter consists of three sections. The first section briefly outlines the empirical focus and summarizes the main findings of the study in relation to the main research questions. The second section outlines the contributions of this research to knowledge, along with limitations of the study and possible future research. The last section of this chapter offers a statement of the significance and implications of this inquiry.

6.2. Summary of Findings.

6.2.1. Vulnerability of Children in Street Situations.

In their discourses and narratives, social workers at the DSD in Pretoria offered vivid descriptions of the lived conditions for children in street situations. Indeed, across the various chapters in the thesis my interviews with social workers at the DSD convey their awareness, insights, and use of policies and legal resources to inform their work with children in street situations who are broadly categorised as 'children in need of care and protection' rather than being treated as a distinct group of children. That is, the thesis clearly shows how the governance of children in street situations is delivered through laws, legislation, social policy, and social interventions.

One of the main questions of this study was to examine the meanings of vulnerability as conceptualised and used in policy and social interventions towards children in street situations. Firstly, as the study finds, vulnerability is the central and starting point in which the discourse of social protection of children in street situations and other groups of children considered to be in need of social support is premised on. Children in street situations live and work in the streets, a phenomenon that makes them vulnerable. In Chapter two the study has outlined and discussed why children in general are constructed in discourse and policy as part of the "vulnerable groups" and how this construction might be extended to the specific case of children in street situations. Throughout my interviews with the social workers at the DSD, these experts and professionals reveal that children in street situations in Pretoria are vulnerable mainly because of hunger, substance abuse, homelessness, and poverty. Furthermore, based on the interview data, I also underlined how substance abuse also deepens vulnerability where children in street situations become dependent on toxic substances that disrupt their everyday life, including their health, productivity, and well-being.

Secondly, as children are inherently classified within vulnerable groups of people, the study sought to examine how, in turn, this understanding of children in street situations through vulnerability defines the actions and interventions that DSD social workers undertake or consider within the

limits of law and policy. Throughout, the thesis has emphasised how vulnerable children who need care and protection are framed as (potential) recipients of welfare and social protection, mainly from the South African government. Although children are innately vulnerable by virtue of their age, the thesis has highlighted the importance of recognising that, as a generic category, children are not a homogenous group. They are differentiated by various factors such as race, gender and class that all contribute to defining the different levels and depth of vulnerability of some children over others. As is made patently clear in Chapter three and Chapter four, black children from poor backgrounds constitute the pool in which most children who live and work on the streets emerge, (DSD *Strategies and Guidelines for Children Living and Working on the Streets*).

Throughout this thesis, also, my analysis of these narrative descriptions underlined not only show the depth and multifaceted character of what vulnerability means for children in street situations in this context. It also shows some of the important implications for considering the impact of existing and potential interventions (social protection measures within social policy and the law) are designed to help and support children in street situations. Crucially, for example, Chapter four shows that while institutional forms of support are the most dominant in policy, DSD social workers emphasise how family reunification is much more desirable for children in street situations. Thus, the thesis demonstrates that while legal and institutional perspectives are instrumental in setting the tone on how children in street situations are conceived and embedded institutionally, it is not always clear that these are the most effective in meeting their needs.

Thirdly, an important finding of this study is the ambivalence on the problem of children in street situations in Pretoria amongst social welfare providers, even within the DSD itself. As I have shown in Chapter two and Chapter three, within the specific and immediate area of Pretoria some social workers at the DSD are adamant that children in street situations are no longer a problem. According to this category of social workers, there are no children living and working on the streets. However, besides the fact that this view is belied by even a casual observation of the main avenues and streets in the city of Pretoria where one can clearly still see some children in street situations, there is also another category of social workers at the DSD that contend that the problem of children in street situations in Pretoria is still rife.

This ambivalence about the existence of children in street situations makes the delivery of interventions to children in street situations complex and unclear in terms of the very basis for formulating the interventions in the first place. The tensions on the existence or non-existence of children in street situations in Pretoria are not only confusing, but they also result in vague policies specifically for this group of vulnerable children. If the situation in Pretoria is instructive in one

fundamental way, it is mainly that the DSD stills needs to determine for itself the very parameters by which children in the streets can be considered as children in street situations as well as the approximate numbers of these children across the whole country. In other words, the DSD is still faced with a definitional challenge of a problem for which legal and policy measures currently seek to address. To correctly ascertain the existence of children in street situations, the DSD can mobilise the assistance of other agencies in protection services such as the South African Police Services (SAPS), the IDs services at Home Affairs, and legal protection from the Department of Justice. This specific finding of my study clearly indicates that while children in street situations are indeed in need of care and protection, they are a distinct category of children that needs targeted interventions that will succinctly address the complexity of their situations.

It should be noted that in as much as children are deemed inherently vulnerable, I suggest that children in street situations not be only viewed as a vulnerable population because of the tenacity and resilience they exhibit while living and working on the streets. If children in street situations are as vulnerable as is the consensus, the question lies in why they choose to remain on the streets even after social interventions are introduced. The delivery of social interventions and social protection for children living and working on the streets is an attempt to address and 'fix' their vulnerability but because of the pseudo-adult life they live on the streets, the social interventions become misguided as they focus on removing children from the streets to placing them in CYCCs. CYCCs thwart the children's substantial freedoms and autonomy that they normally enjoy while on the streets.

The multiplicity of burdens children in street situations face emanate from their lifestyle and responsibilities which suggest that they are no longer children, yet their age and physical development contradicts their reality. Childhood for children in street situations like most vulnerable children in third world countries is characterised with hardships and a warped sense of what draws a line between childhood and adulthood. Corsaro (2004) acknowledges that childhood is socially constructed and its definition changes across place and time. Mary, a social worker at the DSD pinpointed that there is a difference between a child in a household and those in the streets, where a child in street situations strives to meet their basic needs and have no time for leisure, a typical lifestyle a child living at home enjoys.

In this regard, children in street situations need to be assisted knowing that they have transcended the boundaries of childhood and how they are assisted should be rooted in a rights-based approach which gives them a voice to decide how best they can be assisted. This study supports the CRC General Comment 21 which calls for a rights-based approach to welfare for children which

'ensures respect for the dignity, life, survival, wellbeing, health, development, participation and non-discrimination of the child as a rights holder'. Social protection will achieve its mandate if children are included in policy formulation while treating them as knowledgeable autonomous beings.

If the government, child welfare organisations and the children themselves define practical meanings of vulnerability for this group then vulnerability will essentially be dealt with accordingly. Similarly, Richer (2019) states that social interventions must target the specific background of a child to ensure that effective programmes are built for them. In my opinion, children in street situations need to be treated as emancipated minors whose rights are respected. Admittedly, the new social studies of childhood frames children as active beings who use their agency in difficult circumstances, although this assertion is plausible, there is need for balance which will determine the specific interventions that are in the best interests of the child, as discussed with the child taking into cognisance their personalities and attitudes which are shaped by their experiences on the streets.

Even though the life trajectories of children in street situations bring to the fore a certain behaviour not normally found in domesticated children, social workers at the DSD made it clear that children in street situations are still children in need of care and protection in South Africa. Because of that, children in street situations are viewed and managed under the same lens and guidance as all other vulnerable children. Once the children are under the care of the DSD, they basically receive the same care and protection. I emphasise the importance of conceptualisations in social policy or broader social science where the definition of concepts is key in policy making.

The CRC's General Comment 21 uses the term children in street situations as the preferred term for children in extreme vulnerability while working and living on the streets or children whose lives have a strong connection with the streets in their everyday identities. So, as I analyse 'street situations' I get the impression that there are multiple situations that present themselves in the streets, often these are risky and dangerous situations that children are exposed to. Defining them as children in street situations evokes some level of sympathy, dignity, and commitment to ending the children's perceived vulnerability. In comparison to terms such as 'street kids', 'street children', 'urchins' among other demeaning terms, incorrect terminology only propels negative perceptions of who children in street situations are. Despite living and working on the streets children in street situations are children first before living and working on the streets defines them.

The DSD *Strategies and Guidelines for Children Living and Working on the Streets* also states that the term 'street child' is inappropriate because no child was birthed by the streets. With derogatory terms

to describe children in street situations, I imagine that their vulnerability may easily be downplayed while their negative traits are put to the fore also negating that these children are full rights holders. Vulnerability plays a significant role in the discourse of children's rights, social welfare, and protection. Noteworthy, however, is that vulnerability also evolves with time. As this study has shown for the case of children in street situations, it depends on a myriad of factors. Presumably, the level of vulnerability for children in street situations deepened during the Covid 19 lockdowns where businesses were shut, and people lost incomes. This may have translated to them losing income on the street too.

Additionally, children's vulnerability also stems from structural socio-economic factors that are beyond their control. They are one of the groups of people hardest hit by poverty and inequality which is why some of them find solutions to their problems in the streets. For children in street situations who do not have any form of identity, their vulnerability multiplies as they are excluded from essential services such as education and proper health care. DSD social workers articulated that children can only benefit from the services offered at the CYCCs if they agree to be institutionalised, ironically, those who abscond from the CYCCs or refuse to be enrolled cannot receive the much needed assistance. Such rules and regulations embedded in law, which dictate that identity documents are a pre-requisite in accessing social services are necessary but can further marginalise the most vulnerable groups in society who need to benefit from such services.

In the end, vulnerability is a pressing social problem in South Africa that has mainly affected poor black people in post-Apartheid South Africa. For most children in street situations, their vulnerability does not only begin when they start living and working on the streets but usually begin while still in a household, which is usually dysfunctional. Growing up in an adverse home environment which leads to opting for street life indicates the socio-economic failure of the household and the State. When families disintegrate especially because of poverty and unemployment, it is the role of the government to protect its citizens through sound socio-economic policies that ensure that children do not suffer the most. The socio-legal frameworks for child protection in South Africa have made remarkable effort to improve the well-being of children. It however requires concerted effort from families, communities, local government, religious organisations, and NGOs to continue family preservation and support so that children do not end up in street situations.

6.2.2. The protection of Children in Street Situations in South Africa.

A second research question that this study sought to address is to examine the ways in which vulnerability defines and shapes the modes and forms of social protection interventions on

children in street situations in South Africa. As Chapter three through to Chapter five all illustrate, child protection in South Africa is the expression of paramount value and commitment of the post-Apartheid state to address issues of poverty, abuse, neglect, and domestic violence that are largely rooted in the legacies of the country's painful histories of violent settler colonialism and Apartheid. These have created conditions of structural inequality that fuel the problem of children in street situations (Save the Children South Africa, 2018).

These realities weigh significantly on the meanings of vulnerability and the protection of children in contemporary South Africa. Both vulnerability and social protection reflect the socio-cultural, economic, and political conditions including the histories of inequality and abuse that children have to navigate. As the study underlines, the DSD is one of the leading government departments in terms of child protection. The DSD works alongside various other state and non-state actors to support or improve children's welfare. However, as my analysis of the interview data with social workers at the DSD has emphasised in Chapter three and Chapter four, the DSD's capacities and resources are strained. Social workers insist that the department does not have enough facilities for children in street situations and the institutions available are not meant for children in street situations specifically.

The vulnerability of children was underscored by social workers as the main reason that social protection becomes the children's prerogative to protection. In relation to the law and social policy, specifically the Children's Act and the *Strategies and Guidelines for Children Living and Working in the Streets* by the DSD, social interventions crafted by the DSD seem to focus on one important social problem- vulnerability. Vulnerability as a concept in the development and social policy discourse is not only addressed in order to meet local, regional and international laws but it strikes the moral fibre and conscience of any society. Nelson Mandela once precisely mentioned that "We owe our children – the most vulnerable citizens in any society – a life free from violence and fear." I observed these same sentiments when I interacted with DSD social workers and other child welfare professionals that interventions for children in street situations were not only necessary but an obligation. It was the mandate of the responsible authorities to mitigate vulnerability by removing children from conditions on the streets that negatively impacted the well-being of children.

The social workers' stance on the removal of children in street situations in Pretoria which emphasises that children found on the streets must be removed according to the Children's Act no 38 of 2005 is prompted by the requirement to address children's vulnerability on the streets. The presence of children living and working on streets already reveals that a child has been failed

by responsible social actors, therefore removal has been used by the DSD as an intervention to protect these seemingly neglected children. The statutory social workers I interacted with made it clear that children needed to be removed from the streets because they were unsafe. This was the official stance of the government through legislation. The social protection intervention of the removal of children in street situations is imbued with contestations from a child's rights perspective to the receptibility of removal from the children themselves.

Of course, the social workers at the DSD expressed that removing children from the streets was especially difficult because children resisted and chose to remain in the streets. This is indicative of how removal of children in street situations as a social welfare approach to address vulnerability is somewhat flawed and reactionary rather than being a proactive intervention. *The Strategies and Guidelines for Children Living and Working on the streets* encourages primary intervention strategies to address vulnerability. As indicated in chapter three, the Child Support Grant is a primary prevention intervention and a poverty reduction strategy that seeks to alleviate families from delving into extreme poverty.

Vulnerable children in poor households in South Africa are eligible to receive social protection from the government as a method to curtail the poverty experienced at home through unconditional cash transfers. The sufficiency of this grant has been questioned widely by the social workers that I spoke to who asserted that the CSG is insufficient to address the vast challenges that are faced by poor households. Important to consider is tackling the structural causes that create poverty and inequality so that the vulnerable groups that continue to suffer are given an opportunity to realise their full potential through their own means.

The CSG is administered at household level which indicates that children out of a household cannot be beneficiaries. Understandably, legislations and policies are meant to direct interventions for vulnerable families at household level but when the law fails to be all inclusive it means some vulnerable groups out of a household remain marginalised and excluded. The reality is that some children do not always follow a prescribed path where they live in a home with a family therefore social protection should also include those who have deviated from the norm.

The Bill of Rights 28 (b) highlights that every child has the right to care from family, parental care and alternative care when removed from the family environment. I see these children in street situations as continually being made invisible by the very policies that should bring their problems to the fore and offer them protection. This invisibility deepens the vulnerability of children in street situations because they become overshadowed by the plight of poor children in households while they continue to delve deeper into vulnerability while on the streets.

Another unconditional cash transfer disbursed for vulnerable children is the Foster Care Grant. A grant that is meant to offer social protection to children under foster care. The biggest challenge with this intervention that social workers mention is that it largely excludes children in street situations. Families often have preferences on which child in need of protection to take in as a foster child, unfortunately, children in street situations are often left behind because of the stereotypes given to children who have experienced life on the streets. Although these children are vulnerable, it is evident that the very conditions that make them vulnerable can determine if they will receive protection or not. The exclusion of children in street situations in social protection interventions further plunges them into vulnerability. The poor black child living and working on the streets continues to be socially excluded in post-Apartheid South Africa thereby creating a vicious cycle of poverty and inequality among people of the same race.

The onus is upon the responsible authorities to ensure that surely no child is left behind. Social workers are aware that children in street situations are shunned by families for adoption or foster care. Therefore, as Theda Skocpol (1992: 5) states that a 'welfare state' is characterised by a process from legislation to policies and programmes which shows that social protection is a political process which determines how interventions on select populations operate. If social protection of children in street situations as a distinct group has drawbacks in implementation, then legislation, policy and programmes must become pragmatic in addressing the reality of children in street situations on the ground in order to avert vulnerability.

The social protection of children is an initiative of global magnitude, drawing from the UNCRC and the ACRWC. Admittedly, South Africa has made strides in the provision of child support through legislation and social policies that promote children's rights. On an institutional level, the government has made efforts, but I have realised that for as long as communities, families and individuals do not lead child protection initiatives in their own homes and communities then laws and policies will continue to be abstract and fail to address the real situation on the ground. The numerous problems children face are as a result of a violent society where children and women are not safe, therefore crimes against children must be curbed and addressed decisively by the relevant authorities. Punitive measures in the form of stiffer penalties for offenders will be a step towards a more effective child protection strategy which means other agencies such as SAPS and the Department of Justice will need to complement the efforts of the DSD.

Additionally, this study found that once children in street situations are removed from the streets (those that are willing), they become institutionalised at CYCCs where they receive a wide range of social services that I have discussed in chapter four. Because of vulnerability that is precipitated

by living and working on the streets, children are taken to CYCCs which are deemed as places of safety. Like the removal from streets, institutionalisation, although necessary, comes with vast challenges, particularly when different groups of children in need of care and protection are mixed at an institution. I discussed the challenges of institutionalisation such as over crowdedness, lack of a family set up for children who need families to thrive and the negative effects of grouping children with different kinds of vulnerability together (among others). I found that children in street situations in Pretoria abscond from CYCCs no matter how vulnerable they are on the streets. The biggest paradox that I noticed was that regardless of these children's vulnerability, they still had the power to exercise their agency by resisting institutionalisation, which is meant to offer protection.

The refusal of children in street situations to be institutionalised indicates that social interventions drafted for children in street situations may not be the best practices for their peculiar circumstances. Some social workers and child protection workers I conversed with concur that institutionalisation must be the last resort for vulnerable children, while family reunification was most preferred as an intervention. Ultimately, I reflected on this research question and how my study answers this concept of vulnerability in shaping social interventions for children in street situations. I understand that the vulnerability of children in street situations shapes and is central in the discourse and governance of children in street situations. Nevertheless, addressing the vulnerability of children is a complex process that child protection workers need to navigate meticulously because social interventions drafted by powerful social actors cannot be forced upon children because they are rights holders who can reject or accept interventions.

Conclusively, addressing vulnerability has been core to the work done by the DSD and other child welfare agencies. However, the tensions embedded in the implementation of these interventions provide lessons on how children in street situations need specific interventions to address vulnerability. Thus far, the DSD's efforts in child and social protection have enabled several children to live a life they have reason to value. Nonetheless, more can and should be done for children already in street situations who have little to no access to any form of protection because they are out of a household. The tensions on the availability of children in street situations need to be clarified and resolved for this may initiate targeted social protection for children in street situations and proper governance of the same.

As mentioned in the African report on child well-being, (2018), South Africa is among the most child friendly countries as witnessed by the effort to protect children's rights and well-being through social protection policies and laws. A clear understanding on what children in street

situations are being protected from and why, is important to unpack so that threats to children's well-being are decisively addressed. The governance of children in street situations in Pretoria through social protection is made by government officials, whether they are appointed or elected politicians, judges, or administrators (Dye, 1972). It is the mandate of powerful social actors to make the most feasible, financially sustainable and politically acceptable decisions for the vulnerable populations. Doing so enables social policy to offer the protection it is supposed to, so that children become capable to be and do what makes them self-reliant to realise growth and self-development.

6.2.3. Interventions for Children in Street Situations in Pretoria.

In this section of my findings, I discuss how we might think about and evaluate interventions on street children in South Africa in relation to vulnerability. The governance of children in street situations presents itself as a complex task given the interplay between children as rights holders while simultaneously, their tender age demands that they receive guardianship from adults. For children in street situations in Pretoria, social interventions implemented by the DSD have put these contestations to the fore as evidenced by the choice to shun certain interventions. The highly independent nature of children in street situations plays a significant role in how interventions are perceived and received.

As indicated in this study, while vulnerability can be a common factor amongst children in need of care and protection, it certainly does not make them a homogenous group. With that in mind, given the heterogeneity of vulnerable children, social interventions may work best if they are constantly reviewed to meet the dynamic lifestyles of children in street situations. For example, as I mentioned in this study, institutionalisation has proven to be less effective in terms of providing the requisite care and protection to vulnerable children in street situations, therefore more appropriate interventions are necessary. Unfortunately, for children in street situations who are removed from the streets they are institutionalised while family reunification is being organised. Sometimes the efforts to reunify children with their families do not avail much because of the severely strained relationships between a child and their family or sometimes a child's family cannot be located. These intricate details of children's lives which show the dangers of some interventions need to inform policy making so that these challenges are mitigated.

Looking at the history of South Africa where the repressive Apartheid laws left poor black families impoverished and highly disadvantaged, the Apartheid legacy still affects black children who face the brunt of poverty. A significant number of poor black families are still excluded from owning the means of production which translates to fewer resources for financial sustainability. Therefore,

as promoted by the *Strategies and Guidelines for Children Living and Working on the Streets* primary prevention strategies to ameliorate poverty and vulnerability are a welcome move that may help keep families from plunging deeper into poverty. Poverty reduction strategies as primary interventions may be easier to implement than interventions for children in street situations. Children in street situations in Pretoria seem to benefit minimally from the prescribed interventions as deduced from my interviews with social workers because of plain refusal to be institutionalised or failed family reunification.

These primary intervention strategies which encourage family preservation work best for all vulnerable children who need care and protection. UNICEF (2010) notes that some orphaned children from single and child headed families fail to enrol in school because of poverty. In this case the DSD's efforts to welfare can be complemented by the Department of Education for the provision of all round social protection to vulnerable children. The role of the family continues to be central and key in the provision of care to children, nevertheless, the boundaries of care can easily be crossed. The private (family) and public sphere (State and Non-State Actors) need to have a balance of power notwithstanding the role of the family in primary caregiving. When the family fails, the State and Non-State Actors also have a responsibility to fulfil through social policy and social interventions for better governance of children in street situations.

Surely, the governance of vulnerable children needs to ensure that dysfunctional and vulnerable families are supported in order to find the right solutions that promote the best interests of the child. As a notion, the best interest of the child is also complicated to understand and determine if the child is not consulted first. The synergy of efforts from different government departments is essential to provide a holistic set of interventions that will truly empower these children and encourage a life worth living. Departments such as Health, Education, Housing and Labour may all provide or subsidise the necessary amenities for vulnerable families to encourage stability and provision to poor families as this becomes a broad poverty eradication strategy that may also keep children off the streets.

For children already in street situations, interventions can be evaluated from the lens of the capability approach by Sen (1992, 1999) to ascertain whether interventions implemented do curtail vulnerability while enabling people to have opportunities to live a valuable life. If incorporated in development thinking and social policy, the CA will be used to assess individual wellbeing and can be used to evaluate different facets of people's well-being such as poverty, vulnerability, or the general well-being of a group.

In post-Apartheid South Africa, interventions on vulnerable populations especially children in street situations need to be pro-poor and promote human development. Policies targeting the poor must seek to support and empower the beneficiaries to enhance their capabilities. When children in street situations are equipped with (inter alia), proper mental and physical health care, education, nutrition and skills development through interventions then vulnerability can be addressed while promoting the children's capabilities. Situating social policy analysis of vulnerable groups in South Africa within the CA provides an opportunity to develop a contextual and critical understanding of vulnerability in the development trajectory in South Africa.

Social interventions for children in street situations in Pretoria have been largely affected by institutional factors coupled with the 'floating' nature of children in street situations. The unsettled and unsupervised traits children in street situations exhibit have been mainly fuelled by substance abuse, a seemingly insurmountable problem that has gripped the country. Budget constraints and an overburdened care system have clearly had a negative impact on the delivery of social interventions for vulnerable children. Given the negative perceptions on children in street situations by the wider public and in some instances service providers, social interventions for them as a group are even more difficult to implement. For example, as mentioned by Mbali, a social worker at the DSD that one case worker at a CYCC expressed concern over the enrolment of children in street situations at CYCCs because of their 'unruly' behaviour. The discrimination of children in street situations because of the preconceived notion that they are vagrants coupled with the addiction to substance abuse are all areas of concern that social service providers need to address in order to break stereotypes and help these vulnerable children.

As I mentioned the importance of conceptualisation of key terms in chapter two, it is imperative that practical meanings of vulnerability are sought for children in street situations so that different agencies manage to implement interventions that successfully improve the lives of these vulnerable children. I suggest that the practical definitions of the vulnerability of children in street situations will need to incorporate the floating nature of children as this has played a significant role in deepening vulnerability. I suggest that the 'floating" nature of children as another conceptualisation of children in street situations will provide another important description to the literature on the definitions of children in street situations. Being free and unbound by rules and regulations results in children becoming independent thereby increasing agentic behaviour which is mainly applied negatively. Children in street situations as a floating category may fail to receive social interventions because of these traits. The knowledge that children in street situations are unlike other children in need of care and protection enables social workers and other social professionals to implement the right and required social interventions.

6.3. Contributions and Significance.

This study has contributed to a body of literature on children in street situations from an institutional level where social policy and social interventions are the main drivers of the governance of these vulnerable children. The governance of children in street situations as a study, provides a shift from studying the lives of children in street situations to studying institutional response to their vulnerability. Being aware of the importance of conceptualisations in social policy, I unpacked childhood, vulnerability, and the definition of children in street situations as central concepts in this study. The discussion on childhood contributes to a body of literature on a growing academic interest on childhood as a social construction, (Corsaro, 2004; Ansell, 2009). Children in street situations have an atypical childhood, where they navigate the difficult terrain of being a child living and working in the streets and this research adds on to a plethora of studies on the new social studies of childhood (see for example, O'Kane, 2008; Ansell, 2005; Holloway and Valentine, 2000).

The study also challenges how development agencies and governments follow international standards of childhood which are based on play, innocence and immaturity hence making them unable to make sound decisions. For example, the Children's Act dictates that children found on the streets should be removed from the streets and taken to CYCCs. Children in street situations' childhood is not centred on play and innocence therefore the social interventions should address and match the nature of their childhood.

Looking at institutionalisation as an intervention, numerous studies have shown that institutionalisation is unfavourable for children because of the large number of children in ratio to few staff and abuse at centres (among others) see for example Goldfarb, (1945, 1955), Casky, (2009), Heron and Chakrabarti, (2003). I concur with the children's rights approach outlined in the CRC General Comment 21 which supports giving children a voice and allowing them to exercise agency. I discuss how the best interests of the child will be best achieved after creating relationships built on trust between professionals and children after discussing how best they can be assisted. Essentially, interventions that focus on children's childhood are paramount because they target children's vulnerability based on their own lived experiences.

My research discusses the complexity embedded in the childhood of children living and working on the streets who often use their agency as autonomous social actors. With that in mind, this study concurs with Mahati's (2015) study which discusses the complex nature of childhood for independent migrant children which is characterised by multiple realities based on their social context. The complex nature of children in street situations in Pretoria cannot be ignored mainly

because even though they are classified as children in need of care and protection, DSD social workers state that they mostly reject the care and protection offered at CYCCs. This indicates that their own perception of their lived realities is important to understand so that they receive the care and protection that is relevant to them.

The rejection of social interventions by children in street situations may be informed by their multiple realities on the streets which make them prefer the streets to institutionalisation. To that end, the research challenges the normative conceptualisation of childhood characterised by play and innocence. While Corsaro (2004) and Ansell (2009) argue that childhood is a variegated and culturally specific construct, I also argue that childhood is also a situation specific construct. Based on the pseudo-adult role children in street situations assume on the streets, their childhood already deviates from a domesticated child's childhood, hence showing the social construction of childhood.

The atypical childhood children in street situations lead contributes to their vulnerability. I also showed how the understanding of childhood is context specific hence social interventions will serve the intended beneficiaries if the ever-changing nature of childhood is taken into consideration. The reality of childhood is that it is not a global and universal phenomenon thus social policy needs to incorporate what childhood is in a particular group of children at a given time. The unadulterated conceptualisation of children based on their actual circumstances paves way for more knowledge on what makes them vulnerable, their rights and capabilities. By understanding what makes children in street situations vulnerable, I interrogate how social policy can ameliorate the vulnerability of children through enhancing their capabilities so that they live a life they have reason to value.

This thesis also widely discusses and analyses the vulnerability of children in street situations, thereby contributing to bodies of knowledge on child vulnerability. I indicate that vulnerability is central to the work done by the DSD as it is the basis in which the governance of children in street situations is administered. The conceptualisation of vulnerability informs the social policies and interventions for children in need of care and protection. Cooper (2015: 35) understands vulnerability as being at risk to an undesired outcome, the outcome should be the main concern for policy makers. Therefore, I provided a comprehensive discussion on the vulnerability of children in street situations as a distinct category of children in need of care and protection.

Important questions in the discourse of vulnerability are necessary to ask such as what conditions make children vulnerable, what constitutes risks for children in a specific society and who defines vulnerability for a specific group of people, is vulnerability perceived the same across important

social actors? These questions can set the groundwork for policy formulation while implementation would ensure that children's lives are improved, and opportunities created.

Additionally, this study contributes to a wide body of literature on the capability approach. I discuss the capability approach in the context of social policy on the vulnerability and social protection of children in street situations. Social interventions for children in street situations should focus more on the children's capabilities, (what they are able to do and be). Opportunities that expand children's capabilities will encourage children to live a life they have reason to value, (Sen, 1985). For example, the Thsepo one million programme for entrepreneurship and skills development will be beneficial for children in street situations as they will have the necessary knowledge to start businesses and get employed. Once the capability approach is put in practice, it is necessary to evaluate the outputs of social policy based on the impact of policy on the enhancement of children's capabilities. I discuss how the capability approach can be a key development tool in the mitigation of the vulnerability of children in South Africa. Furthermore, the DSD as a child welfare agency can use the capability approach as an empowerment tool for children while expanding and encouraging their freedom which is an important yet overlooked dimension of development.

6.4. Study limitations.

The potential limitations of this study are mainly methodological, the main one stems from excluding children in street situations from the face-to-face interviews, especially on data on childhood and vulnerability. Swart-Kruger (2003) argues that development agencies offer an adult supervisory gaze in children's problems. In as much as this study is exploratory on an institutional level, input from children would have given a more balanced analysis on what vulnerability means for them. The required data was however from an institutional level, (the DSD) on the governance of children in street situations with regards to social policy and social interventions in place for children in street situations. The data was best collected from the social workers who work with children in order to understand social protection at institutional level and institutional response to vulnerability.

6.5. Future Research Orientations.

All in all, this study found that the governance of children in street situations needs a concerted effort not only from the DSD but from NGOs, religious organisations, and communities where families hail from. Children in street situations are undeniably in need of care and protection as promulgated by the DSD. To that end, I mainly argue that these children have extremely difficult

circumstances that they experience, and this has forced them to negotiate the terrains of childhood and adulthood while living their realities as pseudo-adults. I therefore suggest that children in street situations should not be merely classified under the same bracket as children in need of care and protection without taking into consideration the complexity that surrounds their lives as largely independent children. In essence, the governance of children in street situations through social policies and social interventions should be tailor made for them, monitored, and evaluated periodically. The targeting of social interventions for children in street situations instead of universal interventions for children in need of care and protection will focus on correctly addressing the vulnerability of children in street situations.

Firstly, it is necessary for the relevant child welfare organisations to define the specific key concepts that shape the discourse of the governance of children in street situations. For instance, childhood and vulnerability are important concepts that have mostly been adopted from Western ideologies whereas in Africa they need to be reconstructed to match the lived realities of children who have different childhoods from the normative western model. Likewise, Ennew (1994) argues that there is no developed childhood discourse on the nature of African childhoods. More research on concepts that shape the formulation of social protection policies will enable the achievement of more results-based interventions. Furthermore, legislation and policy will not remain detached and abstract but will succinctly address the vulnerability of children in street situations in South Africa.

To be precise, South African children's childhoods should be specifically dissected to reveal what childhood means for children by engaging the children themselves. Kitzinger (1990) argues that reconceptualising childhood so that it emphasises the conceptual autonomy of children will enable the development of child protection strategies that recognise and promote children's own strategies and challenge the powerlessness of children. The vulnerability of children in street situations ought to be studied more in relation to their resilience for the right social policies to be implemented in relation to their capabilities. Clearly the children have transcended the boundaries of home confinement while showing temerity by living and working in public spaces that are generally constructed as unsafe spaces. Boyden (2003) attests that in times of adversity, children consciously act and influence the environment in which they live. More research on how the resilience of children (or lack thereof) influences their survival on the streets will provide invaluable information which can shape social interventions and the conceptualisation of child protection in social policy.

Additionally, I have indicated and discussed the relevance and importance of social protection in the governance of children in street situations in South Africa. Therefore, an area of research that

can be expanded is on the relationship between vulnerability and other broader concepts such as human rights, human development and social security as these frame social and political action in the post-Apartheid context. I also underscore the inclusion of different social actors in the governance of children in street situations, hence, for future research, it may be necessary to ask, how local agencies such as provincial administrations also relate to this view of children in street situations as a vulnerable social group in need of social protection.

My research findings reveal that several children in street situations in Pretoria abscond from CYCCs for various reasons previously mentioned. I suggest a shift from institutionalisation of children to more favourable interventions that involve families and communities. For example, Lumos (2015) calls for de-institutionalisation of children which can be made possible through investment funding which develops community-based services which will support children and families. For the South African communities this is possible because of the importance of *ubuntu* which is cherished in families and society.

Financial support is necessary to set the initiative in motion since availability of funds determines how children can be taken care of in their respective families and communities. An increase in the budget allocation for child protection in the form of the CSG, FCG and other conditional and unconditional cash transfers to promote social protection will likely encourage the preservation of families. Also, increased social welfare may end violence and abuse of children thereby drastically reducing the occurrence of crimes against children. When crimes against children are curbed, families and communities may once again become the vanguards of their own children's protection. More so, to reiterate, stiffer penalties on child offenders will go a long way in curbing the gruesome abuse of children hence culminating the need to leave home to start a life on the streets.

Another important consideration is to provide services to children over eighteen who become ineligible to receive social assistance and have outgrown the system. Usually, these children are released from institutions before they fully comprehend the dynamics of surviving outside institutions. A DSD social worker (Thandi) commented that children over eighteen may end up returning to the streets where they had initially come from. There is urgent need for transitory care centres where children are equipped with skills development, educational programmes, and recreational activities while more permanent solutions such as family reunification or other places of residence are introduced, see for example, (Van Raemdonck and Seedat- Khan 2018, CRC General Comment 21). Transitory care centres help to mitigate the social reproduction of children in street situations, which will give birth to another challenging problem of adult homelessness.

Future research also needs to uncover how the lives of children in street situations turn out after eighteen in order to record the impact of social protection policies and social intervention for children in street situations. Instead of depending on the relationships social workers and former children in street situations have in order to know how children are faring, a longitudinal study on the lives of children in street situations will inform policy and show how best children can be protected from the problems they face. Moreover, such a study will reveal how social interventions are improving the lives of children in street situations. Taking from the CRC General Comment 21, street situations rapidly change, thus research needs to be periodical so that policy and programmes are up to date.

The issuance of identification documents will be a positive step in creating an environment favourable for children to have access to essential social services that improve their well-being and create opportunities that promote capabilities. Innovative and flexible official documents may be issued for children who have scarred family ties, these can be linked to the DSD address so that access to basic health, education services is not inhibited by lack of identification documents, (see CRC, General Comment 21).

The availability of identification documents is crucial in the expansion of vulnerable children's capabilities through opportunities. I suggest that the capability approach should be factored in during the conceptualisation of social policy for children in street situations by understanding what they would consider a life worth valuing and providing them with opportunities that develop capabilities. Understanding the role of the capability approach in mitigating the vulnerability of children in street situations means that children will be given an opportunity to have freedom to be and do what they deem valuable. Also tapping into children's agency and autonomy is an important factor in the capability approach which promotes individual freedoms, (Sen, 1982).

When children are given the opportunity to freely exercise their agency then the best interests of the child can be achieved in greater lengths. Given that some children leave home to enter street life to supplement family income, families should also be incorporated more in the design of policy by mapping out how best their capabilities can be nurtured and developed. More funding is needed for the already existing sustainable livelihoods approach that seeks to promote skills development in families so that they become more self-reliant. Skills development is a necessary tool that reduces over dependence on the government for social grants.

Lastly, as mentioned earlier, the governance of children in street situations in Pretoria is a pressing social problem partly because it is mainly the mandate of only one government agency (the DSD) to mitigate the vulnerability of children in street situations. It is the same government agency that

provides social welfare to society's vulnerable groups in South Africa. Given the complex nature of children in street situations, child welfare organisations including relevant government departments in Pretoria need to play a more active role in the governance of children in street situations. As discussed earlier, a multi-sectoral approach in the governance of children in street situations is paramount if vulnerability among children is to be curbed and the ambivalence on the existence of children in street situations in Pretoria is to be clarified.

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