

Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did do

MARK TWAIN
american writer



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CYCLONES HIT SOUTH INDIAN OCEAN

BEFORE 1994, Category 5 (CAT5) tropical cyclones – the strongest category of these storms – did not materialise in the South Indian Ocean. The first tropical cyclone in the South Indian Ocean to intensify to CAT5 status did so that year.

M
METRO

RIGHTS

Children suffer in twilight zone

Offspring of illegal immigrants in South Africa are not given legal status and cannot attend public schools

EDWIN NAIDU

SHY Sipho from Tembisa on the East Rand lights up when talking about going to school. He wants to be someone great when he grows up.

Born to a mother from Harare, Zimbabwe, 5-year-old Sipho “graduated” from pre-school last week and is going to a private primary school next year, as he could not get into a local public school without an identity document.

Sipho's mother, who is considered an illegal refugee or illegal immigrant, was given only a handwritten birth certificate by the Department of Home Affairs, underscoring the daily battle faced by such immigrants, including children, to get documentation from the department.

Johannesburg advocate Nikola Daniels accused the department of “rallying against it”.

“Children cannot go to school or public hospitals without a birth certificate. These people live in a twilight zone; it's a huge problem,” she said.

Sipho, the son of a domestic worker, will attend a private school in Tembisa that costs R400 per month. This will eat up a huge portion of his mom's R2 000 salary, but she has no choice and wants the best for her son.

Children make up 35% of the country's 57.73 million population, while illegal immigrants are said to number more than one million. Government departments are not clear on the actual figure.

“In the majority of cases, government has left these children to turn 18 and pass through the system, no longer falling within their jurisdiction,” said Daniels.

Elton Hart, clinic attorney at the University of Johannesburg (UJ) faculty of law, said it was a violation of a child's rights to be given a hand-written notice of birth from Home Affairs. “If you are born in South Africa, you should be given the status.”

In a damning High Court ruling in July, Judge Moses Mphaga said there



STREET children beg from a motorist in central Harare, Zimbabwe. The rights of children of illegal immigrants in South Africa remain non-existent, despite a recent High Court ruling that the government could not deny them citizenship. | ROB COOPER AP

was no reason for the department to rely on policy that denied citizenship to children born to illegal immigrants.

According to Liesl Muller, an attorney with Lawyers for Human Rights, dozens of children in similar situations across the country are stateless, effectively being denied provisions made for children in the constitution.

Under former president Nelson Mandela, South Africa's then-infant democracy ratified the legally binding UN Convention on the Rights of the Child on June 16, 1995, the first international treaty ratified by the government.

However, experts, international

organisations and child studies reveal that the jury is out on South Africa's performance in relation to the promises made under Mandela.

Many in the legal sector believe that children, especially regarding immigration regulations, are deprived of access to education, health and protection.

Recognising its shortfalls, the government is pushing changes through Parliament via a number of bills that could impact positively on children.

Commenting on this, Elsbé Steenhuisen of ProBono, a legal aid NGO, said amendments – for example, to the Children's Act of 2005 – that are aimed

at streamlining rules that regulate the conduct of the proceedings of the Children's Courts of South Africa will improve a cumbersome judicial process, but training is required for people in the child justice system. Comment closes on December 7.

Advocate Teresa Engelbrecht, who has specialised in children's matters for 16 years, said the bureaucracy and delays she has encountered in the system affect children the laws are meant to protect.

For example, one adoption case has been going on for four years.

Hart, of UJ, said the onerous paperwork had contributed to a longer pro-

cess concerning children's adoptions and, as a result, “adoptions have died down in Johannesburg”.

“As children's lawyers, we want cases to be expedited, so there is stability in the system,” he said.

Asked if the government intended to fully implement all of the regulations of the Children's Act, Child Justice Act and Sexual Offences Act, Max Mpuzana, media liaison officer for the Ministry of Justice and Correctional Services, said the Child Justice Act established the Intersectoral Committee for Child Justice to give oversight in the implementation of the act.

The committee meets every quarter to monitor the implementation of the Child Justice Act and to discuss challenges and interventions.

Other departments, including Social Welfare and Basic Education, did not respond to similar questions.

However, despite South Africa's commitments, along with its adherence to the UN Convention on the Rights of the Child, which is located at the heart of legislation and policies, the government may seem to be doing well, but is falling short, said Yehualashet Mekonen of the African Child Policy Forum.

Mekonen's biggest fear was that the government would not address these shortcomings, which were expected to intensify when the country's child and young population doubled.

“We are seeing signs that youth are mired in a hopeless place without education, facing unemployment and becoming desperate through lack of income. Failure to address the growing challenges would have consequences for all our aspirations,” he said.

Mekonen said that, according to the 2018 Child-Friendliness Index, South Africa offers better access to pre-primary education than many African countries – but this is of little comfort to many like Sipho, who cannot be admitted to a public school in South Africa without a birth certificate.

HEALTH

Travel alerts for festive season

LESEGO MAKGATHO

THE threat of contracting diseases looms larger during the festive season and millions of holidaymakers travelling to various destinations.

Speaking to The Sunday Independent, general practitioner Dr Tiny Mhinga said there were many concerns about diseases such as malaria.

“There's been some rain falling, it is hot, and you will find small pools of water. That becomes a breeding ground for mosquitoes. I'm talking about Limpopo, Mpumalanga, northern KwaZulu-Natal. We've had sporadic outbreaks like this in the North West towards the Botswana border.”

Mhinga said those travelling to these areas must use good mosquito repellents and take malaria tablets when visiting Limpopo and the Kruger National Park.

The second type of malaria, said Mhinga, was prevalent in neighbouring countries such as Swaziland, Mozambique and Zimbabwe, and in Zambia, Tanzania, Uganda and Nigeria.

“If you're going to these areas, take precautions. If you start developing malaria and are not on treatment for more than 15 days, it can kill, and it is very quick,” he said.

Mhinga said the law prescribed mandatory yellow fever vaccination when travelling to some malaria-infested areas outside the country.

“Yellow fever is a killer. There is no cure for it so you need to visit dedicated doctors who will give advice on what medication to give, which you will get in the form of a vaccine, taken once every 10 years.

“And probably very soon they will have changes to it where it will be life-lasting.”

Other diseases Mhinga advised patients to look out for were typhoid and cholera, which one may get from contaminated food and water in places where there is poor sanitation.

“We've had that (typhoid) problem in Zimbabwe and Tanzania. You can prevent the infection by taking vaccines. We give a vaccine for typhoid which will last you anything between three to five years.

“However there's no vaccine for cholera, so we give you certain medication that you drink because the organism survives in your small intestine.”

Another danger for travellers to the areas mentioned above is hepatitis A, which can be contracted through contaminated food.

Mhinga advised that there was a vaccine for it but it lasted only up to six months.

One of the deadliest diseases yet to look out for is Ebola, which is found in places like the Democratic Republic of Congo.

But all is not lost if holidaymakers consult travel medicine experts before embarking on a trip, he said.

“If you're planning your trip, it is important to visit your nearest travel clinic where you have travel advisers.

“If you tell us where you're going, as we work with health alerts, we will provide precautions according to the area,” said Mhinga. | @LesegoMakgatho



HEALTH Minister Aaron Motsoaledi recently said that foreign nationals were a burden on our healthcare system. | KOPANO TLAPE DoC

HEALTH

Foreigners' unpaid medical bills

LERATO DIALE

THE Gauteng Department of Health is feeling the strain of over R100 million in unpaid fees owed by foreign nationals. The debt was accumulated in the 2018 financial year amid Health Minister Aaron Motsoaledi decrying the loss.

Acting deputy director-general (DDG) for hospital services Dr Medupi Modisane last week said while embassies are responsible for their nationals, the outstanding R101 356 565 is difficult to recoup due to wrong or impermanent addresses and invalid, expired or irregular identity documents.

“Embassies are approached to pay for their nationals. The challenge is with illegal or undocumented individuals as the embassies cannot take responsibility,” said Modisane.

While the number of foreign nationals using Gauteng healthcare facilities differs from hospital to hospital and services used, Modisane said maternity care accounted for the highest bill at an average of 33% while paediatrics came in at 14%.

According to the department, foreign nationals who are from the SADC

region are charged using a means test applicable to local patients while those from outside the region are charged as private patients.

Modisane added the figures confirmed what Motsoaledi said about foreign nationals and the strain on local healthcare services.

Gareth van Onselen, the head of politics at the SA Institute of Race Relations, echoed Motsoaledi's sentiment, saying the statement was merely an observation of the additional burden on the system.

“The minister went out of his way to say compassion demands that foreign nationals cannot be turned away. That is a far cry from the sentiment expressed by Herman Mashaba, who declared ‘Health of our people first’.

“It is also important to understand that the problems with our healthcare system far exceed the extra burden foreign nationals bring to bear,” said Van Onselen.

“The solution, as with so much in SA, is to grow the economy, create more revenue, appoint high quality staff and properly allocate money to our healthcare system. That will benefit all comers, SA citizens and foreign nationals alike.”

IMMIGRATION

Citizenship woes get worse

TSHEGO LEPULE

LEGAL experts say the assumption that children of foreign nationals born in South Africa are automatically granted citizenship is wrong.

This follows the Department of Home Affairs' proposed amendment to the Births and Death Registration Act that could see children born to foreign parents barred from being issued with a birth certificate.

This has roused the wrath of many organisations who say the move goes against the country's Constitution, as those without birth certificates cannot access basic services such as education and health.

According to the department the basic principle of the South African citizenship is that a child follows the citizenship or nationality of his or her parents. If one parent is a South African citizen, the child will be a citizen by birth.

But for one Khayelitsha resident, Ebenezer Odei, 18, the process of applying for citizenship, despite being born in South Africa has been a difficult road which could cost him his ability to study further next year.

Ebenezer, was born in Joburg in 2000, both his parents moved to South Africa from Ghana with his two older siblings in tow.

At the time of his birth, both his parents had already applied for permanent residency and received it in 2001.

According to his mother, Elizabeth, she received a hand-written birth certificate at the time of this birth, which they used to obtain a Ghanaian passport after attempts to get an unabridged birth certificate produced, one that did not have an ID number.

Ebenezer's two older siblings were granted citizenship along with his parents, but he was only granted a temporary residence permit.

“This has been a very difficult time



A FOREIGN national begs with her young daughter in Houghton, Joburg. | AFRICAN NEWS AGENCY (ANA) ARCHIVES

for all of us, my family has been telling me not to worry about it and concentrate on my studies but it has been hard.

I'm now done with my exams, I've applied and have been provisionally accepted at four universities to study BCom Accounting, but I cannot afford fees nor can I apply for NSFAS, because I'm not considered a South African, even although this is the only home I've ever known,” he said.

Grassy Park High School, where Ebenezer was studying since 2014, is raising funds in an attempt to give him the opportunity to study next year.

Lawyers for Human Rights' Robin Lenahan said although Ebenezer's tale might seem strange, it was one of thousands of children born in similar circumstances.

However she says if Home Affairs'

proposed adjustments are implemented, the situation could be much worse.

“Legally speaking being born in a country like South Africa does not grant automatic citizenship, for children such as (Ebenezer), their parents are given notices of birth certificates which they can then use to apply for passports from their parents' country of birth and when the child turns 18, they can apply for citizenship in their own right,” she said.

“This regulation violates all our international obligations about the rights of a child, it violates our own Constitution.”

Lenahan said the matter became even harder for orphaned children who are deemed “stateless” as there is no one to take up the process of getting them citizenship.

MANDELA'S LEGACY
CHILDREN'S RIGHTS

UNDER former president Nelson Mandela, whose love for children is universally acknowledged, South Africa's then-infant democracy ratified the legally binding UN Convention on the Rights of the Child on June 16, 1995, the first international treaty ratified by the government.

It was endorsed by section 28 of the bill of rights, which states that every child, among others, has the right:

- ◆ to a name and nationality from birth;
- ◆ to family care or parental care, or
- ◆ to appropriate alternative care when removed from the family environment;
- ◆ to basic nutrition, shelter, basic healthcare and social services;
- ◆ and to be protected from maltreatment, neglect, abuse or degradation.