



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY
MEMBER OF PARLIAMENT
Portfolio: Social Development

PO Box 15 Cape Town 8000 Republic of South Africa
Cell: +27 082 335 7740 Tel: +27 (21) 403 2897, Fax:
+27 (21) 461 0092
e-mail: alabrahams@parliament.gov.za
www.parliament.gov.za

Professor Bongani Christopher Majola
South African Human Rights Commissioner

Email: bmajola@sahrc.org.za

10 June 2020

Dear Prof. Majola

RE: Investigation into the reopening of registered Early Childhood Development Centres under level 3 risk adjusted lockdown

I, Alexandra Abrahams, write to you in my capacity as Member of Parliament to request the South African Human Rights Commission to investigate human right violations relating to children and their basic services enshrined in the Constitution section 28.

Chapter 2 section 28 of the Constitution states that every child has the right to:

- (1) (c) to basic nutrition, shelter, basic health care services and social services;
- (d) to be protected from maltreatment, neglect, abuse or degradation; and
- (2) A child's best interests are of paramount importance in every matter concerning the child.

Further in support of the reopening registered ECDs, there is: scientific data; the Children's Act 38, 2005; development of a child's brain in their formative years; growing need for a safe place while parents are at work; increased number of unregistered ECDs during lockdown; permanent closure of registered ECDs; and ECDs as means to assist government operations in screening and identifying those infected with the COvid-19 virus as a partnered effort to slow the spread.

Under the Department of Basic Education, ECDs linked to schools will reopen on 6 July 2020 with provision for deviation under the regulations signed on 1 June 2020 by Minister Motshekga, while Minister Zulu reiterated her stance in an interview on Newsroom Afrika on 9 June 2020, that she will not provide any timelines on the reopening of private registered ECDs.

This discriminates between ECDs linked to schools and privately registered ECDs. This discrimination will only perpetuate inequalities within the sector and will see some children benefit from attending ECDs from 6 July 2020 while others will not.

Commissioner, I kindly request that the SAHRC undertakes an urgent investigation into the conduct of Minister Lindiwe Zulu and the Department of Social Development in violating the rights of children; the Constitution of South Africa; and the lockdown regulations in Government Gazette, No. 43096 dated 15 March 2020, which states that care services to children is an essential services.

Awaiting your urgent response in this regard.

Kind regards,

A. Abrahams

Ms. Alexandra Abrahams
Member of National Assembly
Republic of South Africa
Portfolio: Social Development