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Professor Bongani Christopher Majola
South African Human Rights Commissioner
Email: bmajola@sahrc.org.za

CC: Ms Zamantungwa Mbeki
Gauteng Provincial Manager (Acting)
Email: GPComplaints@sahrc.org.za

RE: Request for an investigation into the violation of child rights in terms of Sections 10 and 11 of the South African Constitution by the Gauteng Provincial Department of Social Development

Dear Prof. Majola

The South African Human Rights Commission (SAHRC) is mandated to monitor and influence progress by all organs of State in the realisation of the constitutional rights of children which is one of your seven focus areas identified by the SAHRC.

The Gauteng Provincial Department of Social Development's (DSD) directive dated 4 October 2023 entitled: *"Illegal baby baskets services – services offered by CYCCs and private temporary safe care homes"*, sent to all Child and Youth Care Centres (CYCCs) and child protection NGOs who operate baby savers to immediately halt and shut down this life saving intervention, has condemned abandoned babies to their death.

The premise for the directive could not be further from the truth and ignores the meticulous protocols child protection organisations ascribe too when utilising baby savers as a mechanism of safe relinquishment, without providing a viable alternative to desperate and vulnerable mothers.

Contra to the directive, baby savers do not compromise the protection of children nor does it encourage infant abandonment. An infant cannot be denied "a family name, identity, cultural and religious practice" nor reunited with family relatives if said infant is dead, abandoned unsafely in open fields, pit latrines, or public restrooms as South Africa has witnessed on numerous occasions.

Th directive missed a crucial point in that the rights of children has per the South African Constitution Section 28 can only be executed, if the child's right to life as per Section 11, is first and foremost secured. Enforcing this directive will abolish an infant's right to life through unsafe infant abandonment which is also a violation of Section 10, an infant's right to human dignity.

Baby savers fill a necessary gap in the child protection system. A gap left by government's worsening financial constraints to employ more social workers, increase funding to NGOs as well as increase the value of the child support grant to be in line with the food poverty line as recently recommended by a study commissioned by the national department for social development, *Reducing Child Poverty: A review of child poverty and the value of the child support grant*.

Desperate mothers are turned away from their families, police stations, public hospitals and social workers when attempting to safely handover their infants, which due to various reasons, they can no longer care for. A prime example was in October 2022 when a 23-year-old mother from Verulam KZN abandoned her 3-month-old baby along a stream in Dawncrest and left a note detailing how on two occasions, social workers failed her and her baby and that the 'system' is fragile.

This gap in the child protection system and a detailed explanation of how baby savers operate was well ventilated during the public hearings on the Children Amendment Bill, however, its inclusion, as well as the opportunity to strengthen the voice of biological fathers, were dismissed and side-lined due to the national department of social development and portfolio committee's pressing concern to meet the North Gauteng High Court order deadline in relation to the foster care backlog crisis.

Enforcing this directive will remove a thin safety net for unwanted infants via registered and vetted child protection NGOs and give rise to illegal and black-market criminal organisations as child trafficking becomes more prevalent.

Commissioner, I appeal to you to investigate the Gauteng Provincial Department of Social Development and MEC Mbali Hlophe for undermining Sections 10 and 11 of the South African Constitution and to instruct the provincial department and MEC to set aside the directive which condemns infants to cruel and inhumane abandonment, which evidence has shown, will likely lead to their death.

Let us always remember the teachings of the late President Nelson Mandela: "*The true character of a society is revealed in how it treats its children.*"

Thank you

Sincerely,

A.L.A. Abrahams

Hon. Alexandra Abrahams

Member of Parliament of RSA

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