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Challenges in Accessing Identity Documents and Child Protection Services for Unaccompanied Minors and Undocumented Children in South Africa

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Summary



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Main question

This study, investigated the challenges that Unaccompanied Minors (UM) and Undocumented Children (UC) face to access ID documentation and protection services with a specific focus on Unaccompanied Minors and Undocumented Children, in Mangaung Metro (Free State Province) South Africa.

Findings

The findings discovered that, there were bureaucratic hindrances, limited resources in departments, and procedural complexities that prevents access to essential services for these UM & UC. The Department of Home Affairs (DHA), Social Development (DSD) and Education (DoE) face significant challenges in documentation processes, legal frameworks, and resource allocation.

Significance

Protection of children's rights is a legal obligation, aligned with policies and legislation, including the UNCRC, SDGs, SA Constitution, and the Children's Act. This research highlighted gaps/ challenges and the urgent need for interdepartmental coordination, policy changes and capacity building for officials in Child Protection Services to address these challenges.

Context and Background



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Legal Identity & Child Rights in South Africa

- Access to Identity Documents (IDs) is essential for children to realize their constitutional rights.
- Unaccompanied Minors & Undocumented Children (UM&UC) face:
 - Barriers to obtaining IDs
 - Limited access to Child Protection Services (CPS)
 - Risk of statelessness and exclusion from basic care (Mathe, 2018:46)

Global & Local Challenge

- These challenges are widespread globally and are evident locally, threatening social justice and cohesion (UNICEF, 2021:4).

Human Rights Framework: UN Convention on the Rights of the Child (UNCRC):

- Article 7: Right to a name, nationality, and parental care from birth.
- Article 8: Preservation of identity.
- Article 20: Children without family care must receive special protection and alternative care from the State.
- Governments are obligated to uphold these rights and to prevent statelessness (UN, 1989).



Problem Statement: Challenges Faced by UM & UC:

Barriers to Identity Documents

Unaccompanied minors and undocumented children face major obstacles obtaining IDs, limiting access to rights and services.

Consequences of Statelessness

Statelessness deprives children of care, education, healthcare, and a sense of belonging, increasing vulnerability.

UNCRC Protection Framework

UNCRC mandates every child's right to identity, nationality, and alternative care if deprived of family environment, yet this is not easily applied.

Implementation Challenges in South Africa

Bureaucratic inefficiencies and gaps are an impediment for support to undocumented children despite UNCRC commitments.



Purpose of the Study



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- This research study investigated challenges faced by OVC&Y (UM&UC), in accessing identification documentation and child protection services.
- It examined reasons for failure to obtain ID's and other child protection services
- It explored measures to address these challenges
- It explored perceptions of DHA, DSD and DoE officials on possible solutions.



Source: RSA (2014), Child Friendly Communities Framework

Research Methodology



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- A qualitative approach was used with 47 participants (professionals in CPS) from DSD, DHA and DoE. Interview schedules were used for data collection
- A multi-stage random purposive sampling was applied for the 3 Departments:
 - Firstly, managers and operational staff involved in child protection services from DHA, DSD and DoE were targeted
 - Then a stratified random sampling was used for DoE (schools) targeting SMT and SGB of ¹Quintile 1 and Quintile 2 schools.



¹Description used by DoE to categorise schools (quintiles 1–5), for more resource allocation to schools in poor communities i.e. quintile 1&2 (RSA 2004:8)

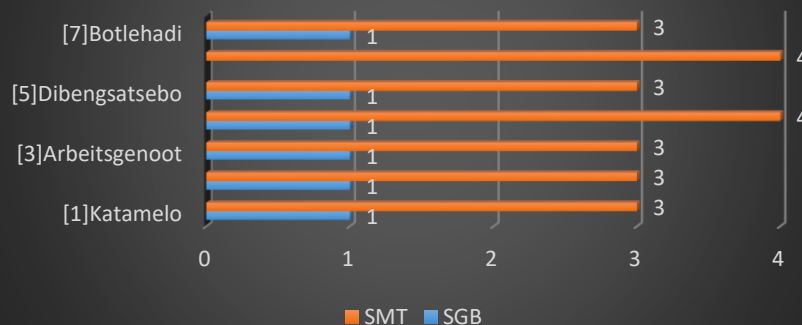
Sample representation: DoE sample profile (excluding the 2 Child Protection Managers)



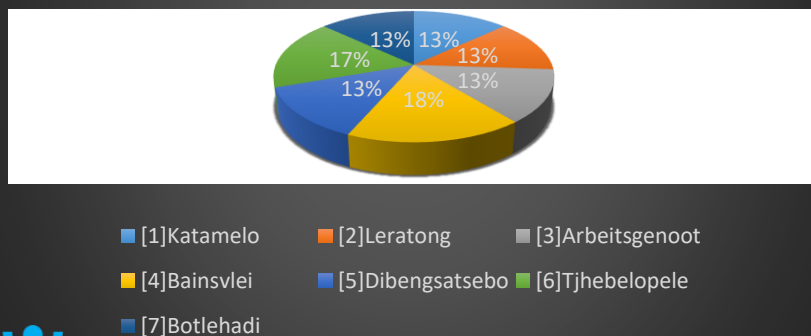
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Distribution of participants per school and category



% of SMT and SGB Participants per School

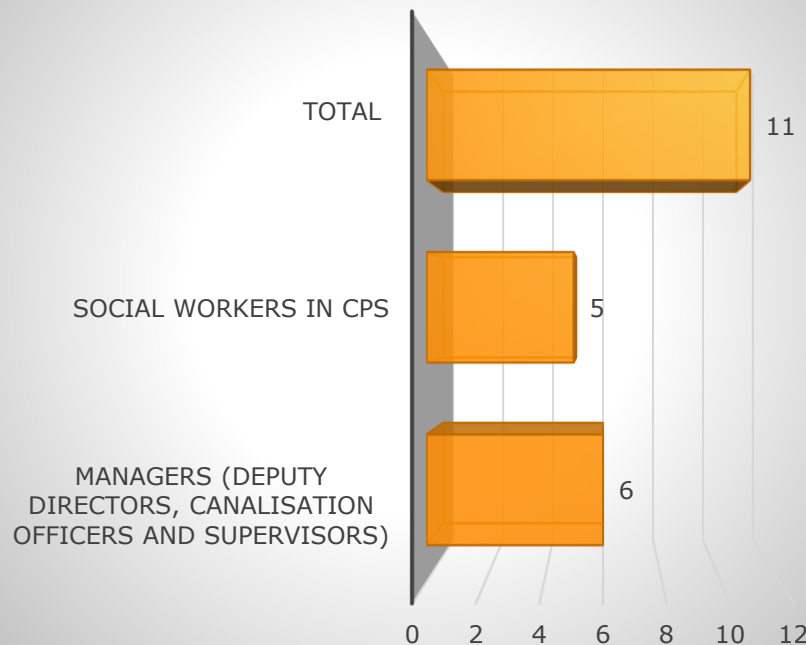


School	Total SMT participants	Total SGB participants
Katamelo Primary School	3	1
Leratong Secondary School	3	1
Arbeitsgenoot Primary School	3	1
Bainsvlei Combined School	4	1
Dibengsatsebo Primary School	3	1
Tjhebelopele Primary School	4	0
Botlehadi Primary School	3	1
TOTAL	23	6



Sample representation: DSD sample profile

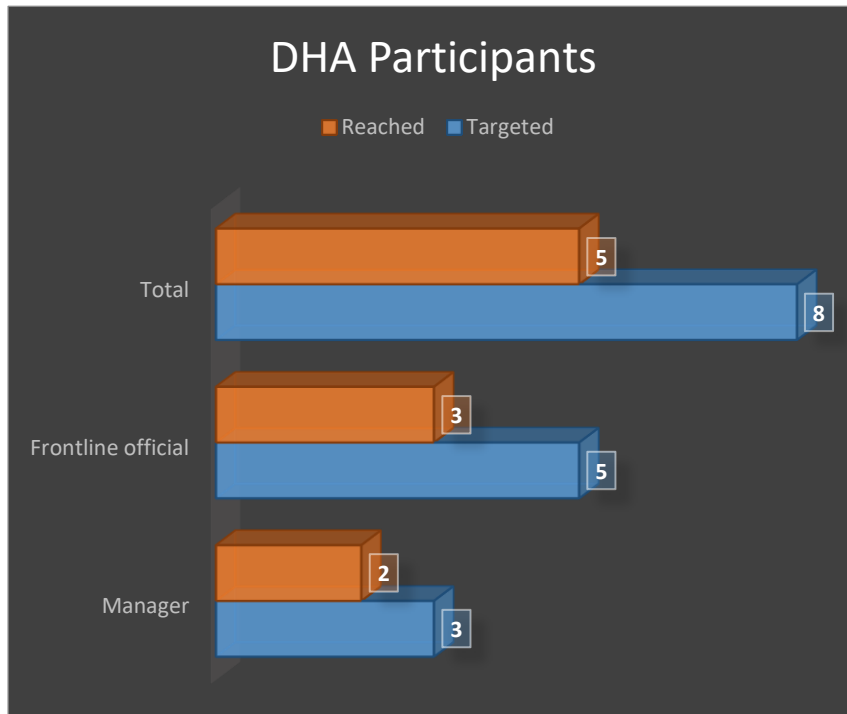
DSD Participants



PARTICIPANTS	TOTAL
Managers (Deputy directors, canalisation officers and supervisors)	6
Social workers in CPS	5



Sample representation: DHA sample profile



Category	Targeted	Reached
Manager	3	2
Frontline official	5	3
Total	8	5

Findings Summary for all 3 Depts



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DOE

Strict admission policies and system barriers (SA-SAMS, LURITS) are a hindrance to undocumented learners despite the court rulings (Makhanda High Court ruling, 2019)

DSD

Legal framework exists, but lack of documentation blocks access to CPS (grants, foster care, and services).

DHA

Complex registration processes, DNA tests, and 30-day birth registration limited time to access IDs.

Coordination

Intersectoral collaboration and cross-border mechanisms are perceived as the solution and deemed as essential for integrated child protection services.

Conclusions



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DoE: Needs to review admission policies and bureaucratic systems (SA SAMS & LURITZ) to streamline and ensure inclusivity for undocumented children as mandated by the courts.

DSD: Needs to lead and ensure effective intersectoral and intercountry collaboration: this is essential to address gaps in services for UM and UC.

DHA: Needs to simplify the registration process, have reasonable requirements, and timeous implementation of court orders to enable access to documentation and protection services.

Overall: A Multisectoral cooperation and streamlined procedures are crucial for the protection of the rights and well-being of UM & UC

Recommendations & Lessons



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DoE	Ensure effective communication of updated policies to schools and address IT system discrepancies.
DSD	Facilitate interdepartmental and intercountry collaboration, establish more childcare centers, and enhance capacity building for officials.
DHA	Simplify registration processes, reconsider DNA testing requirements, and develop SOPs promptly for court orders.
Stakeholder Insights: Inter-departmental	Officials from DHA, DSD, and DoE provide perspectives on solutions and emphasized intersectoral collaboration, that all 3 Depts should foster collaboration to address complex challenges.
Future Research/ Next steps	Explore roles of the DoJCD, as well as the DOH in streamlining child protection services for UM & UC Development of an intersectoral framework to streamline services to UM and UC.

Reflections

Effectiveness and Efficiency of a multi-sectoral approach



Source: RSA (2015), PSS Framework SA



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“Giving children a healthy start in life, no matter where they are born or the circumstances of their birth is the moral obligation of every one of us”

Nelson Rolihlahla Mandela

“We cannot be true liberators unless the liberation we will achieve guarantees all children their rights to life, health, happiness and free development, respecting the individuality, inclinations and capabilities of each child”

Oliver Tambo, 1987

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THANK YOU