



Ann Skelton

NOMINEE • Pages 90–109

WHY HAS ANN BEEN NOMINATED?

Ann Skelton has been nominated for the 2012 World's Children's Prize for her more than 20 year long successful fight for the rights of children affected by the justice system.

Ann has done ground-breaking work for South Africa's children both in the court rooms and by changing laws affecting children. When Nelson Mandela became president Ann was asked to chair the writing of the new law protecting children in trouble with the law. By assisting for example a child in a divorce case, a child mistreated at a children's home, an unaccompanied refugee child, children being ill-treated in prison, children in 'mud schools' in bad conditions, and reaching a court decision in favour of the children, Ann has helped and protected all South Africa's children in similar situations. Ann is the Director of the Centre for Child Law at the University of Pretoria and is assisted by two young women attorneys.



Ann with students at Pretoria Boys High School and Girls High School interested in promoting children's rights. PHOTO: MASI LOSI

Ann grew up under the violent Apartheid regime in South Africa. When she was 15 years old, black children her age who protested were being shot and jailed. As a young prosecutor she saw children who had been beaten by police and bitten by police dogs, and who were sentenced to whipping. She became a lawyer fighting for children's rights and has written laws protecting them. She takes children's cases to court, and when she wins those cases, many children in similar situations to her clients are helped.

“Children are people. They need opportunity to participate in the decisions that affect their lives”.



When Ann was a teenager, she hated all the rules at school. “When I first started high school, my classmates and I had to wear placards around our necks with our names on them. I thought this was debasing and refused to wear it.”

But that was only the first in a series of humiliations

for Ann at her new high school.

“The older children picked on us, sent us to buy things for them and treated us like slaves just because we were younger. I rebelled against all this bullying and of course got into trouble, often ending up in the school's detention room. I always felt apart from this

system where you could be punished just for having your own mind and a different opinion.”

Apartheid rules

Ann went to a ‘whites only’ school in Pietermaritzburg – at that time black and white children were separated from each other in all walks of life. It was literally a crime for a black child to visit a white child in a white neighbourhood without a permit that was called a ‘pass’!

Ann recalls the day when black children took to the streets to protest against apartheid.

“When I was 15 years old and saw on television how black children in South Africa rebelled against apartheid rules, I understood their grievances differently to most people in my whites-only school and neighbourhood. This was in 1976, when black children protested against the apartheid government who



forced them to live in poverty and learn in Afrikaans – the white people’s language. But many children who protested on the streets on June 16th 1976 were jailed or shot dead by police, just for having their own opinions and for refusing to be treated like slaves. I remember writing a poem about my feelings and the children who had to pay for freedom with their lives.”

Ann’s family

“My father, who was the son of a coal miner in England before he came to South Africa, understood what it was like to be poor. One day, when we walked past a place where many black people were standing in a queue outside a factory to try and get work, my father said:”Poor people, I remember what it was like standing in a queue like that.” In that moment I

The Child Justice Act was developed by a committee led by Ann. The law emphasises the need for care and rehabilitation of child offenders rather than punishment. Most of the children who get into trouble with the law in South Africa are now released to parents, or if detained, most go to child care centres, not prisons.

knew that my family was no different to black families and that we were all the same, worthy of respect.

“In my final year at high school, I made a speech about inequality. This did not make me popular because it was still during the time of apartheid, but it was important to me because I learnt to put my rebellious feelings and thoughts into words. I did not realise then that I was to become a lawyer who would talk on behalf of children and fight for their rights. But that was what happened.”

Children in jail

“Years later, I went to study law and in 1986 got my first job as a prosecutor in court. In this job, I saw many children appear in court, arrested



When Ann was 15 years old she saw black children protesting against apartheid. Hector Pieterston, who was only twelve years old, was shot dead by the police. Hector posthumously received The World’s Children’s Honorary Award in year 2000.



Apartheid was legal racism

Racism started early in South Africa, but in 1948 it was made legal and named apartheid, which means ‘separateness’. In those days, black and white people were kept separate and blacks faced discrimination and persecution. South Africa was divided into black and white areas. Millions of black children and their families had to go and live in the ‘black’ areas. The children were left behind while their parents went to find work far away, in the homes, farms and factories of white people. Many children only saw their parents at Christmas. Black people were arrested if they entered a white area without a permit. They were not allowed to use the same buses, parks, public toilets, restaurants and countless other services reserved for whites only. When children protested against these inequalities and called for freedom, police and soldiers used violence to silence them.





By assisting Shaafi from Somalia and other unaccompanied refugee children in court cases Ann has protected the rights of all such children in South Africa.



➔ and beaten up by police, bitten by police dogs with their wounds still open. Some were or cold without clothes to keep them warm. They were often very young and was being detained without a trial and were kept in police cells for any amount of a long time. If they were found guilty of breaking a law, they could be sentenced to being beaten with a being whipped with a cane.

“I realised that the system was very bad for children who got into trouble with the law and that we needed to change it. I left the court, went to work for Lawyers for Human Rights and set up a project that was aimed at helping

children in jails. Now, my lawyer colleagues and I could go to court during the day and we could see for ourselves which children were arrested during the night.

“Sometimes, we would have to sit and wait on hard benches in the police stations for hours because the police would try their best to make us go away. But we sat and waited until they showed the children to us. We tried our best to contact their families to tell them that their children had been arrested, to help them to come to court so that they could take their children home with them. Now you must remember that during that time, there were no cell phones. It was very difficult to find even one family member who had a phone, but when we managed to do that, we could really help to get the child released.”

Beaten to death

“One day in 1992, a 13-year-old boy called Neville Snyman and his friends broke into a shop, where they stole sweets,

”I saw many children arrested, beaten by police and bitten by police dogs.”

chips and drinks. When the police found them, they were arrested and put in jail. Here, Neville was raped and beaten to death. Newspapers all over the country told this shocking story and many people realised, for the very first time, how bad things were for children in jails.“

To Ann, this was the final straw. She could not take it any more.

“I realised that up until then I had only been helping a few children in one town and that we needed to help all children in jail all over the country straight away. So we started a campaign called ‘Free a Child for Xmas’. I

called hundreds of people and every human rights lawyer in South Africa called another lawyer, who called another ... and so we made a chain of adults who worked together to make sure that we sent as many children as possible home for Christmas. I went to speak to the government and to prison authorities and managed to get them to co-operate with me. We got 260 children out of jail that year!”

Threatened with detention

One day, the apartheid security police raided the offices where Ann and her fellow human rights lawyers worked. They took their files



and many documents where Ann kept information about the children she was helping. Ann immediately realised that it was possible that she herself would be detained, as the security police were arresting her black colleagues and thousands of other people all over the country who were fighting against the apartheid laws at the time. Ann went home straight away and called her husband. She told him that he had to learn to bottle feed their small baby that very day, in case Ann was next to end up in prison. Her husband was shocked, but he did as she asked because he knew that Ann would not give up her work for children, even when faced with detention.

That was 1992 and things were changing fast. Apartheid was coming to an end and it was a very exciting time in South Africa. Finally, after many years of struggling against the apartheid system, Nelson Mandela and other freedom fighters were released from jail. It was a time to dream about how a good country would treat its children.

Nelson Mandela became President in 1994 and in his first speech to parliament he said, "We must empty the jails of children!" And he really meant it. Ann was asked to chair a special committee, which was to write a new law for children who got into trouble with the law.

Asked children

While writing the new law, Ann and her colleagues decided to ask children what they thought. After all, the new law was going to affect them! These were some of the comments children made:

"Children under 10 years of age are too little to plan a criminal act unless there is an older person encouraging them to do it."

"The police man talked nicely to me the time he came to arrest me. But at the police station things changed. I was tortured and I even confessed to things I didn't do because he said I did these things. It would be better if someone like a parent or social worker was with you when you told the police what happened so that you don't get scared."

"The police just took me and locked me up. They did not tell me it was my right to make a phone call. Even if you are arrested you have to be told your rights."

"There are no beds in a prison cell. You cannot buy food. There is no one to assist you when you are ill. You sleep with much older people who abuse you. Prison cells lead to suicidal thoughts when you are depressed."

"Courts must be more child-like with colour posters, paint, furniture, sweets. The adults must not wear long black jackets because they look scary."

Children are people

Ann explains that the children's views of prisons and

Ann became a lawyer who speaks out on behalf of children and fight for their rights.



When Nelson Mandela became President in 1994 he said: "We must empty the jails of children!" Ann was given the the task of chairing the committee which was to write a new law for children.

courts told them stories of despair and anger. They expressed the terror and loneliness children felt when they came into conflict with the law.

"The children's stories also told us how adults fail children when they get into trouble. But they also told us that if we genuinely consult their opinions and treat their thoughts with dignity and respect, they can express themselves in logical and sensible ways that in turn, can help us to help them."

Ann calls the children she helps her 'child clients'.

"Children are people," she says, "They need the opportunity to participate in the decisions that affect their





Ann believes that children are often failed by the system, and that adults need to learn to listen to the children.

lives. One of the things I find most joyful is to help a child organise his or her anger or rebelliousness into constructive action, so that the child can find ways to help change his or her own situation!”

Crime hurts

Ann smiles when she says: “Today we have that new law we wrote. It is called the Child Justice Act. It accepts that children make mistakes and that teenagers tend to break the rules. If we treat them like criminals there is a danger that they could come into contact with real criminals, become hardened and grow up to commit really serious crimes. If we realise that they have done wrong, but give them a second

“Today, when we take cases to court, it is no longer to help the children who are already in jail, as during apartheid. Now we have learnt that what happens in that court can affect thousands of children.”



In a case initially involving seven ‘mud schools’ in South Africa Ann pointed out that she and the Centre for Child Law represented children all over South Africa in the same situation to those in the seven schools. The result of the case was that the South African Government promised to spend a total of 8.2 billion rand (USD 1.2 billion) replacing all the mud schools.

chance to put things right without taking them into the courts and prisons, then it is likely that they will learn from their mistakes and grow up to be law-abiding citizens who respect the rights of other people.

“They should not be made to bear the consequences of their mistakes for the rest of their lives and be made into criminals. The law allows them to be diverted to programs where they can learn what is wrong and what is right, how to behave towards others and why crime is hurtful towards other people. They can grow up into law abiding members of society.”

“However, if they keep committing crimes or if their crime is very serious like murder, armed robbery or rape, the new law states that they may be put on trial and if they are found guilty, then they may be sent to a secure care centre or prison. If they do go to prison, it must be for the shortest possible time and they must be kept separate from adults. All children are

entitled to a lawyer and if they cannot afford it, then Legal Aid South Africa (which gets it money from the government) will provide a lawyer free of charge.”

One case helps many

“Nowadays my work is not only about children in prison. I take cases to court about many issues that affect children. Although we now have better laws in South Africa, these laws are not always fol-

lowed and children suffer. Sometimes we take a case on behalf of many children at once, so that their rights can be fulfilled. Sometime we take one case for one child, and if we win then we can help all the children in the same situation – Shaafi’s case is like that, the case was about Shaafi, but it helps all children who are asking to be refugees in South Africa, like Shaafi.”



Previously these two boys reading The Globe at a child care centre would have been in prison. But the new law for children that Ann has been involved with emphasises the need for care and rehabilitation of child offenders rather than punishment.

TEXT: MARLENE WINBERG PHOTOS: SATSIRI WINBERG





Shaafi was bombed, robbed, illegal and now legal

When Shaafi's home in Somalia was bombed he fled and travelled through four countries before he reached South Africa. There he became 'illegal' and was arrested. Ann Skelton and Lawyers for Human Rights took his and other refugee children's case to the High Court, to fight for his and other refugee children's rights to be 'legal'...

Open the door!" The man hisses his command in a low voice while Shaafi's eyes dart to the gun in the man's hand on the shop counter between them. He rushes to unlock the shop door. The two men step inside and hit Shaafi. He falls to the ground.

"Where is the money?" the thieves demand.

Shaafi points to the coins and notes in the two cardboard boxes next to the shop counter.

"If you shout for help we will kill you," warns one of the men, pointing his gun at Shaafi. The other man empties the moneyboxes full of coins and notes





Shaafi sleeps underneath the shop counter.



into a bag and grabs a few tins of fish from behind the shop counter. They are gone as quickly as they came.

Shaafi gets up and locks the door behind the men. His hands are shaking but he keeps himself composed and standing straight. The Somali shop owner left him in charge

of the shop today because he had important business to attend to. They have been robbed before and Shaafi is determined not to let his employer down. He needs this job.

Prays five times

A few minutes later, a woman



Shaafi keeps his only possessions in a small suitcase. He opens the suitcase five times a day to take out his Koran and to pray to Allah. His prayers are for his family and his own future.

Unaccompanied children

Children like Shaafi who cross over borders by themselves are called 'unaccompanied children' or 'unaccompanied minors'. Some of them do this because they are running away from something bad that is happening in their own country such as war or famine. Others move because they live in countries where most people are poor and they are hoping to find better opportunities in another country – such as education or, if they are over 15 years, work. Still others might be searching for family members that they have become separated from. When children travel alone it can be dangerous, because strangers might try to abuse them. Once they get to the new country, they may find it difficult to find a place to live or a school to attend, because they do not have papers to show that they are allowed to be in the country. Lawyers can help them to get papers and prevent them from being 'deported', which means being sent back to their own countries. If a child can never go back to the country he or she came from because the situation there continues to be dangerous, they can become 'refugees' in the new country and eventually be allowed to stay there permanently. In South Africa there are many unaccompanied children from other African countries such as Zimbabwe, Mozambique, D.R. Congo and Somalia.

comes to buy bread. In his broken English, Shaafi tells her that there is no change today.

"How many eggs can I have for the change from the bread?" she asks.

Shaafi does a quick mental calculation. "Three," he replies and carefully wraps the eggs in old newspaper.

Shaafi sleeps underneath

the small shop's counter, where his mattress and blankets are tucked in during the day. At sunset, he locks the door behind him and at sunrise, he unlocks it. In between these hours, Shaafi is too scared to go to the toilet, which he is allowed to use in the neighbour's yard.

Next to his bed, on a shelf with the tinned food, is his



only possession, his suitcase. Neatly folded inside are his few pieces of clothes next to his Koran, which he uses five times a day when he prays to Allah. His prayers are for his family in Somalia, their safety, his own future in South Africa and most especially, to be able to go to school.



Shaafi Daahir Abdulahi, 17

LOVES: Reading the Koran and praying for peace in life.

HATES: War.

THE WORST THING: When my house was bombed, my father died and mother disappeared.

THE BEST THING: When Ann Skelton helped me to be legal in South Africa so I could not get arrested anymore.

LOOKS UP TO: Allah.

WANTS TO BE: Successful in life. Have a family of my own and be able to look after them.

DREAM: To find my mother.

Home bombed

How did Shaafi end up working and living in a corner shop in the dangerous Mamelodi suburb of Tshwane in South Africa?

In September 2010, Shaafi's home in the Somali capital Mogadishu was bombed. His father was killed and his mother and brothers fled in different directions in the panic that followed.

Countless houses were shelled that day and soldiers from the militia groups shot many people. Shaafi joined a group of survivors who fled for their lives. He left his hometown with only the clothes he stood up in, not knowing if his mother was dead or alive.

For weeks, Shaafi and the refugee families travelled on foot and by car, making their way to South Africa, hoping for a life in that country. They travelled through Kenya, Tanzania, Zambia and finally Zimbabwe. It was a dangerous journey. They were robbed of money in Zambia and had to spend several nights in the bush before

finally reaching the border between South Africa and Zimbabwe. Here, they declared to the border officials that they were seeking asylum and asked for a permit to apply for refugee status. They were given a transit permit allowing them 14 days to make their way to the nearest refugee office.

Worried and arrested

"The adults in my group paid for my transport to

Johannesburg and in return, I carried their luggage," says Shaafi. "But when we arrived and went to the refugee office to apply for my asylum seeking permit, the people there refused me because they said I was a child. They told me to go to the South African government's Department of Social Development. I did not know what this was or where to find it. By now, I was getting worried because my 14-day permit was about to expire. I had to find a place to live and work to buy food.

"This is when I started to work for the Somali shop owner. I started to learn English from my customers. I looked around for a school and was offered a place in a Muslim school, but I could not enrol because I did not have papers to prove who I

am, nor could I afford the school fees.

"The police raided the shop in December 2010 and asked to see my permit. Because I could not speak English, the shop owner explained that I could not get a permit because I was a child. The policeman arrested me and said that I was an illegal and if I was really a child, I should not be working. The shop owner gave him 30 rand and then he let me go."

'Ann's laws' protect

"A few weeks later, a policeman raided the shop again but luckily he did not take me to jail. But my luck ran out when again a policeman demanded to see my permit while I was walking along the street. I was arrested and harassed in the police van for



Between sunset and sunrise Shaafi is too scared to leave the locked shop, even to go to the toilet, which he is allowed to use in the neighbour's yard.





When there are no customers Shaafi plays with some young children outside the shop.

- Declare that all refugee children without parents must be given the same permit.
- Order the Department of Social Development to make a list of all the refugee children without parents and write a plan for them to claim their rights.

Shaafi is 'legal'

Shaafi is now a 'legal' person with rights, but his permit cannot protect him from the xenophobia of those people who do not like him just because he is from another country and religion. But this permit can allow Ann to help him plan his future.

Shaafi has an asylum seeker's permit now. But this is not enough. On a cold winter

Development to come to court. Now all the people who had refused to help him would have to listen to Shaafi's story. This is what Ann and Shaafi asked the High Court:

- Immediately give Shaafi his asylum seeker permit that says who he is and allows him his legal rights.

➔ about an hour. I was released when a friend came to the police station and paid 50 rand for me. I lived in fear and had no way to get my life together or even think about school.

"Other Somalis then advised me to go to Lawyers for Human Rights to ask for help to get my permit. The lawyer was kind to me and explained that the South African government had a law that protects refugee children like me. Then they took me to the Department of Social Development. The adults at this place refused to help me and said that there

was no law to force them to help foreign, refugee children."

The government did not know its own country's laws. South Africa has signed the International Convention on the Rights of the Child that protects refugee children's rights to asylum processes. Ann Skelton decided to help Shaafi. She knew that South Africa had new laws to protect children, because she had been at the head of writing these laws. She knew that Shaafi had the right to go to school, get treatment at a hospital when he needed it and be protected from harassment by police and other adults.

In the High Court

Together, Shaafi and Ann went to the High Court. The judge ordered the Department of Social



This is Shaafi's view from the small shop where he stays nearly 24 hours a day.



Hard to live far from home

"I was 8 years old when the Mai Mai community soldiers took me from my school. Before that I lived with my mother in Bukavu, which is in the Eastern part of the Democratic Republic of Congo. There were many other boys taken at the same time as me, to another place and taught how to use guns.

After some time I managed to run away, together with four of my friends. We travelled through different countries, staying in various places. I know the African map well! Eventually I ended up in South Africa. I have been given help, I have a place to live and my school fees and transport to school are paid

for. Some South Africans do not like foreigners, and sometimes foreigners are attacked because of xenophobia. At these times I have been scared to go out, and at one stage I did not attend school for a whole month because I was afraid to catch the train. However, I have shared my story with the children at my

school because I want other children to understand that it can be hard for children separated from their families, far from home. I have one more year at school after this one. When I complete it, I hope to study international politics."

Joshua Masudi, 17



Ann Skelton asks Shaafi what he wants to do now that his rights in South Africa have been recognised.



“I don’t want to go to a children’s home because they would not respect my religion and the other children would make fun of me”, says Shaafi.

afternoon, Ann Skelton drives to the Mamelodi suburb where Shaafi works. She risks being robbed and even risks her life by sitting with him next to the corner shop, to find out what Shaafi wants for his future. She wants to help him build his life and realise his dreams.

“There is something I want to tell you,” he says, “I recently met another boy who fled from my hometown in Somalia where the war is still continuing. He told me that my younger brother was alive. The soldiers had taken him to become a soldier like them in their war. He said that no one had seen or heard from my mother.”

Respect my religion

“Shaafi, now that your rights in South Africa have been recognised, do you want me

to find you a safe children’s home and school to go to?” Ann asks.

Shaafi does not have to think about his answer. “I want to go to school, but not to a children’s home.”

“Why do you not want to go to a safe home?” Ann wants to know.

“They would not let me pray five times a day and respect my religion. My culture is different and the other children would bully or make fun of me, like they do here.”

Ann nods, she understands. Many adults would have told him that he is ungrateful and should go where they tell him to. But Ann listens. She knows that freedom of religion and freedom from bullying is a basic human right and that children are human beings. Now she has a new mission. She is thinking

about how to create a special children’s home for refugees, where children like Shaafi would feel free to remember their family’s culture without discrimination or fear. 🌐

Xenophobia and racism make people treat fellow human beings badly

‘Xeno’ means foreigner and ‘phobia’ means fear, so the word xenophobia literally means ‘fear of foreigners’. Why would people be afraid of foreigners, who are fellow human beings? In some countries, especially where many people are poor, they are afraid that foreigners

coming to live in the country will get jobs and other opportunities, such as education, instead of them. Sometimes these people who fear foreigners use violent ways of trying to force the foreigners to leave – threatening them, hurting them or damaging their property, and in

some cases even killing them. This makes the foreigners, including foreign children, very scared. They often cannot return to their own countries because of wars or other life-threatening things happening there. Xenophobia can also develop into racism.

Tell your views on xenophobia and racism

Have you experienced xenophobia or racism? Tell your story and thoughts about treating ‘other’ people badly to the World’s Children’s Prize.



*Xenophobia
Racism*

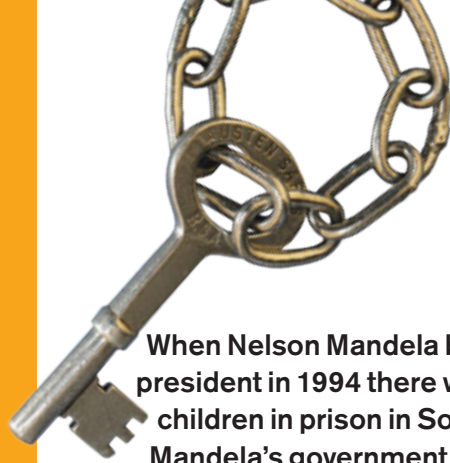
Badly treated

Ann's case changed law for all South Africa's children

South Africa's Constitutional Court is a very important court, because it can decide whether a law is in keeping with the rights in South Africa's Constitution. The Constitution is the most important law in the land, and other laws or actions by people cannot go against it. Anyone whose rights are affected can take a case to court, even children, as long as someone assists them.

One of the cases that Ann took to the Constitutional Court on behalf of all children in South Africa was about a law that allowed children to go to prison for a very long time, including life imprisonment. The Constitution says that detaining children in prison must be a measure of last resort, and that a court must always try to find another kind of sentence, and for the shortest possible period of time.

The Constitutional Court found that the law allowing long sentences and life imprisonment was against the children's rights in the Constitution, and ordered that it must be taken off the law books. Children can no longer be sentenced to life imprisonment. This important case changed the law for all children in South Africa, because all the judges in all the courts in the land have to follow what is said by the Constitutional Court.



When Nelson Mandela became president in 1994 there were many children in prison in South Africa. Mandela's government asked Ann Skelton to develop a new justice system for children. In 2010 The Child Justice Act was put in place, developed by a committee led by Ann. The law emphasises the need for care and rehabilitation of child offenders rather than punishment. Most of the children who get into trouble with the law in South Africa are now released to their parents. If detained, most children go to child care centres where they receive special therapy, and there are classrooms for learning, art, carpentry, welding and plumbing, as well as upholstery workshops and sport.

Four boys at the Horizon BOSASA centre in Cape Town tell how they got into trouble, and what their dreams for their futures are.



Locked up



The happy face is Dominique's greeting to his mother.

Best mother I could have

"I had a good childhood with the best mother a boy could have. When I was two months old, my mother divorced my father because he was doing drugs. I did not see my father until I was 5 years old. I had a good life until I was 15 years old when a friend introduced me to drugs. I was quickly addicted and started stealing. My mother saw that things were going missing and that I was getting thin and wasn't eating much. So one night she asked, 'Dominique, are you doing drugs?' I said, 'Are you crazy?' Eventually my Mom put me in a home for boys who are addicted to drugs. I stayed there for about one week. I then stole a laptop and ended up in custody. This is why I am in BOSASA. I am on a program to help me with my addiction. The adults here are kind to us, but I do want to go home, every day.

"I want to stop being a drug addict and become a nature conservationist one day. That is how I can say sorry to my mother for hurting her."

Dominique

Michael



children



The boys are writing their life stories.

I made wrong choices

"When I was 3 years old, my mother and father started drinking and began to beat me. A social worker took me to a children's home. When I was 7 years old they sent me to foster parents whom I did not know. I stayed for one year and then ran away because they were making fun of me. When I was 9 years old, they took me to another foster home. I fought a lot because when they asked me if I had real parents, they laughed. That was why I got angry and started fighting.

"When I was 12 years old, I started asking where my real parents were. I got very aggressive. That was why they sent me to another place very far away. One day I asked my foster parents for some money and they swore at me. I ran away and started breaking into houses and stealing people's stuff. They found me and sentenced me to six months in prison. After that I stole again and in 2010 they gave me a 2 year sentence. I am not proud of what I am doing. I made wrong choices in life. That's why I want someone to help me stop breaking into houses."

Michael



I am sorry mother

"My mom and dad were divorced a long time ago. Dad got married again and has five children with his wife. He does not care for me, and my mom works alone for me and my sister. I went to school until I was in grade nine, but then I started doing drugs with my friends. This messed my whole life up. We started stealing to pay for our drugs. I was arrested for burglary and theft. At court, they sent me to Pollsmoor Prison for four weeks, but when I appeared in court again, they sent me to BOSASA. I hope that next time I appear in court, they will send me home. If I am sentenced, they will send me to Pollsmoor Prison again because I will be over 18 years of age and no longer a child.

"I want to say I am sorry to my mother who worked so hard for my school fees. If I am lucky enough not to get a sentence, I want to finish school and work to become a motorcar engineer."

Kevin

My family means the world

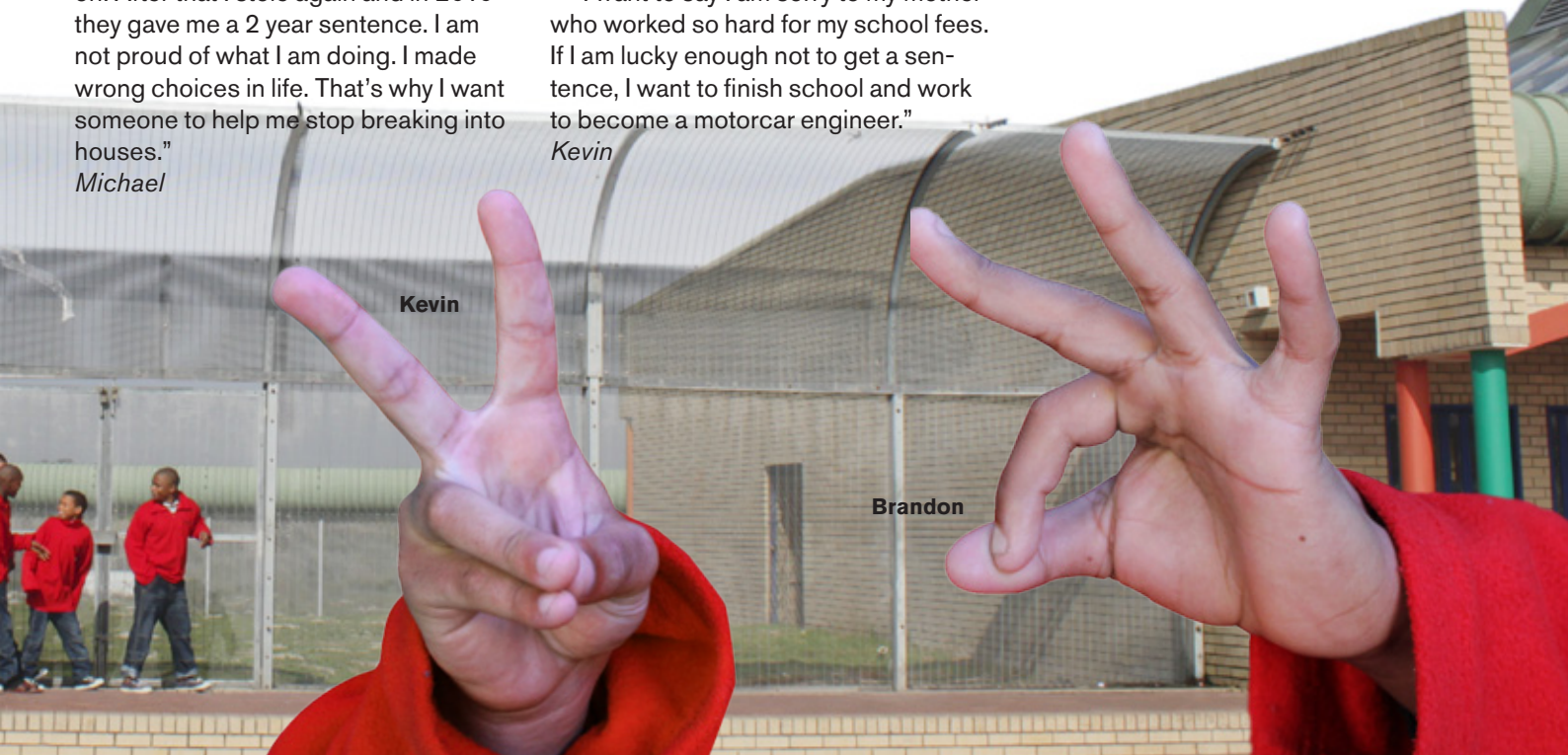
"My father died when I was seven years old in a motorbike accident. My mother was also on the motorbike and because of that accident, she cannot work. So we struggled at home with our needs. My family means the world to me.

"I hung out with the wrong friends and ended up on the streets looking for money for my drug problem. I stopped going to school. I got arrested because I was angry with my Mom and messed up because of drugs. I hit her on her shoulder and she got hurt. She made a case at the police station against me because she said that I had to learn how wrong that was. My Mom said she would drop the case if I co-operated. The court sent me to BOSASA where I am now on an anger management program that helps me with my cravings for drugs. My dream is to finish school and be a welder on an oil rig one day and own a nice house and a car."

Brandon



TEXT: MARLENE WINBERG PHOTOS: SATSIRI WINBERG





Ann's case changed law for all South Africa's children

The 'mud schools' case started with seven primary schools in the Eastern Cape province of South Africa that lack the most basic needs of a school. The buildings are made of mud, there is no running water and the children do not have enough desks and chairs.

Zinathi's school, Tembani Junior Primary, is one of the schools. It has 220 students sharing 53 desks, and in some classes there is not a single chair. In another school, Nomandla Senior Primary, the children are forced to use their classmates' backs as writing surfaces as there are no desks. The parents and children of these schools decided to go to court (helped by their lawyers from the Legal Resources Centre) to demand that their schools be fixed, that they get running water, and that they get enough desks and chairs.

Ann wrote an affidavit (a promise that you are telling the truth) for the court. In it she said that her organisation, the Centre for Child Law, supported what the parents and children in the seven schools wanted, but also that this problem was much bigger. She pointed out that there were many schools in the whole of South Africa that were also made of mud and did not have enough desks and chairs. The importance of the Centre for Child Law joining in the case is that they represented children all over South Africa in the same situation to those in the seven schools. This meant that the government could not solve the problems of only the seven schools.

The result of this case was that South Africa's government promised in writing that over the next three years, they will fix all the mud schools in the country and make sure that they all have running water and enough desks and chairs. They have promised to spend 84 million rand (USD 11.5 million) on the seven schools, and a total of 8.2 billion rand (USD 1.2 billion) replacing all the mud schools in South Africa.

No school for

Zinathi is a student at Tembani Junior Primary, one of South Africa's many 'mud schools'. In wet weather, Zinathi and her classmates can't get into their classroom unless they use planks as a bridge.

"As my dream to change our lives depends on going to school, it upsets me when we can't do that," says Zinathi. She hopes that things will get better now, as her school is one of the mud schools that the South African government has promised to replace.



7 a.m.

Zinathi gets up from her reed mat and washes from a bowl of water.



Zinathi in rain

Zinathi is sitting close to the fire that warms her family's traditional house in the small village of Ngqeleni. She watches as the sparks shoot up from the flames and mingle with the smoke as it rises up towards the small smoke hole in the grass roof of her home.

It is pouring with rain outside. Zinathi and her friends cannot go to school today

because the road is full of mud and besides, it is a four kilometre walk to school. They would all be soaking wet by the time they got there.

Clear the water

"When we get to school after it has rained like this, we have to clear the water from the class room before we can learn. We take some of the



Apartheid destroyed forests

The forests around the village where Zinathi lives are endangered. This area was known as a 'homeland' called the Transkei until Apartheid was abolished in 1994. Thousands of people were crowded onto a small area of land and it therefore became overgrazed by cattle and farming. The people here are very poor and have to rely on the few small forests that are left for firewood, water and grazing for their animals. But elsewhere in the Eastern Cape Province, the government has established wilderness protection programs and game parks to protect the natural resources.

7.30 a.m.

Zinathi walks to school with her friend, Amanda Puzi. It is a long, eight kilometre walk to school and back. "It keeps us fit!", says Zinathi.



8 a.m.

Zinathi and Amanda line up with the other children at school and march into their mud classroom where they learn until 2 pm.





3 p.m.

Zinathi comes home and eats a little porridge from the pot on the fire. Today she has sugar and lemon to add – a treat!



4 p.m.

Zinathi collects water and wood from the forest. When she gets to the stream, she washes her clothes in a bowl.



planks we use for desks to make a little bridge through the door of the classroom. Our school is made of mud and has no windows or doors and rain drips on our books. It is difficult to learn in our classroom, even when there is no rain.”

Zinathi is frustrated about not being able to go to school, but she has plenty of work to catch up with around her homestead. It is her job to help keep up the family’s supply of maize flour or ‘mealie-meal’, a task that takes time to do.

Wants a change

The rain has cleared up enough for Zinathi to make an outside fire for cooking. When the water in the black pot boils, she adds a few cups of her freshly ground mealie-meal to the hot water,

stirs and then leaves it to cook for an hour or so. Her mother received some sugar from a friend today. With an added squeeze of lemon juice, the porridge will have a good, sweet-sour taste today.

While waiting, Zinathi works on weaving the mat she has been making from the reeds she collects at the river. She sleeps on a reed mat on the earth floor in her family’s sleeping room.

But Zinathi is tired of eating mealies everyday and sleeping on a reed mat on the floor. She wants to change her family’s poverty.

“I want to go to school, so that I can earn good results and become a police officer. I know that going to school will one day help me to do away with the kind of life we have. I do not want to eat mealies every night. I also want to sleep on a bed with a soft pillow, like I have seen other children in the village do.”

With my first salary from being a police officer, I will buy a fridge like my neighbour has and put meat and vegetables into it.”

Theft and abuse

Providing for her family is not the only reason why Zinathi wants to become a police officer when she finishes school one day.

“There are many people in

this village who do not work and steal from others,” she says.

“I want to change this. My dream is to become a police officer when I am older, so that I can look after my family and my neighbourhood.”

Only a short while ago, Zinathi’s friend was assaulted



Zinathi Ngxokagi, 12

LOVES: To have enough food with meat for me and my family.

HATES: Crime.

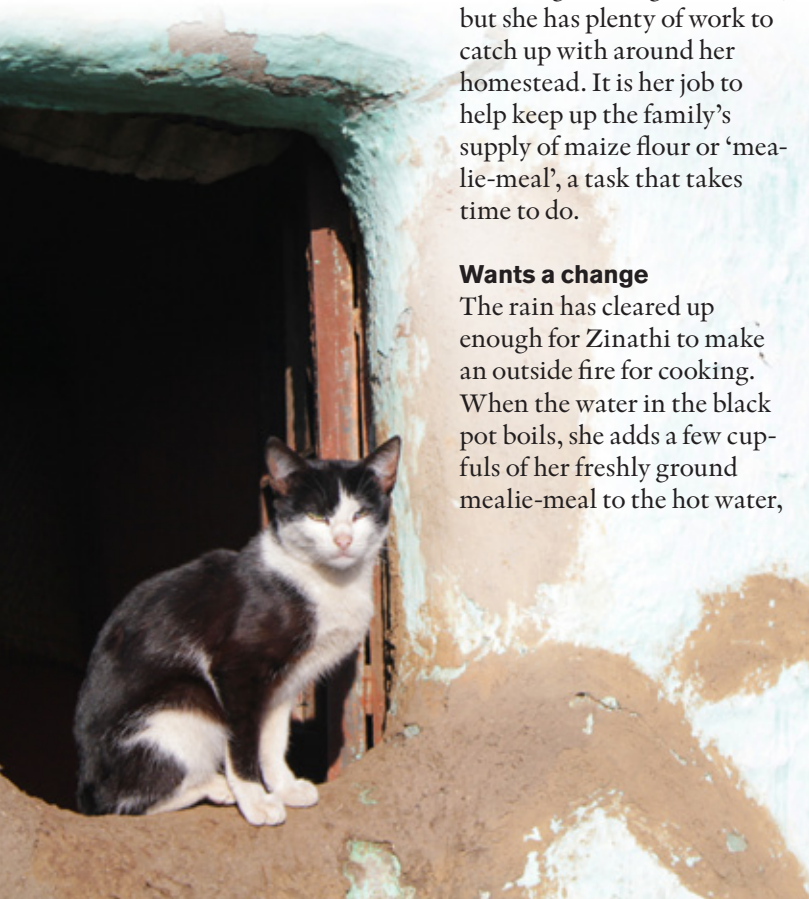
THE WORST THING: When my friend was abused in our neighbourhood because now no-one is safe anymore.

THE BEST THING: When we get a new classroom with windows, a roof and many chairs.

LOOKS UP TO: Nelson Mandela.

WANTS TO BE: A police woman so that I can stop the criminals.

DREAM: To be safe in my neighbourhood. To have a new green dress.





Zinathi is weaving her new sleeping mat and a basket. She knows this weaving pattern so well that she could do it with her eyes closed. It is a traditional craft she has been learning since she was a little girl.

5 p.m.

It is time to do more household chores. Zinathi grinds mealies into flour for the porridge. She scoops up several handfuls of dry mealie pips and puts them into her grandmother's old grinding stone.



by a man in the forest next to their homestead. Since then, the girls have been fearful to walk away from their houses. However, they have to go into the forest in small groups almost every day because they depend on the trees for firewood and the stream for water to drink and wash with. There are no shops in Zinathi's village and people have to make do with nature's resources so that they can live.

"This is why it upsets me when we cannot learn at school. My dream to change our lives depends on going to school. I can only go to Police College if I finish school with good grades." 🌐



Clean school uniform

In wet weather, Zinathi's school uniform easily gets dirty on the long walk to school. Zinathi has washed it clean.



9 p.m.

Zinathi sleeps on the floor, on her reed mat.



Zinathi's friends



"I like to watch TV. I dislike the poverty and crime in my neighbourhood. I want to study and become a nurse one day."
Amanda Puzi, 12



"I like to play soccer. I don't like the bullies at school. I want to be rich one day so that I can afford good food for my family, and a house and a car."
Magwenqana Masithebe, 12



"I enjoy playing games. I don't like crime because it hurts people. I want to be a TV star."
Emihle Sawulisi, 12



"I like to play soccer. I don't like school. I want to live in a house made of bricks with windows and drive a car."
John Asiphe, 13

"I like to drive in a car. I hate the violence in my village and want to become a teacher one day so that I can help people to become something in life."
Nelisa Sonyaka, 11



The new school!

Soon the new school is ready to open. Zinathi sweeps up outside.





A rap for Wonder's angel

When Wonder Machethe was 10 years old, he started to run away from home. When he was twelve he was locked up in a children's home, where the boys should have received love, education and a good life. Instead Wonder lived in fear and when it rained his bed got wet.

When Ann Skelton came into Wonder's life, she did exactly what she has done for years: helping many children by taking one case to court. She took the children's home to the High Court and won. The judge said: "We betray these children," and ordered the children's home to change and become a good place for the children. Since then, this decision has to be followed by children's homes all over the country.



Wonder with his two sisters Ashley, 12, and Robin, 10. Ashley says: "I admire my brother because he looks out for me, he talks to me. He has gone to a good school, so he helps me with my homework and tells me that school work is the best thing I can do for my life."

The violence at my place was too painful for me. We shared a house with several families, many of whom were very poor, like us. There was always somebody who was shouting, drunk or drugged, fighting with his wife or neighbour or child. I was often afraid and one day, I just opened the door and ran. I did not know where I was going, but ended up hitching a ride out of town. I knew that my uncle lived in the Limpopo province in a small village and decided to try and find his place. It took days, but eventually I did. When I arrived at his home, he was kind, but told me I had to go home to my parents. He put me on a bus.

"Back in Johannesburg, I stayed at first, but again, I got so sick of the bullying at school and violence at home that I took off again. I roamed around a lot and one night I ended up sleeping in the Johannesburg train station toilets. Early the next morning, a security guard found me there. He handed me to the police because he said I was not allowed to sleep there."

Felt threatened

Wonder's time on the run had come to an end. He was 12 years old when he was locked up in a children's home called Luckhoff School.

"It was a terrible place. The

rain leaked in and soaked our beds and I always felt threatened by the housemaster and his wife. They did not care about children and punished us badly. When one child stabbed another with a knife, he was put in a cell for three weeks, but he just came out worse than before.

"This was a place where the police and state put children whose parents could not look after them. They called it a school of industry because we were supposed to learn some industry, like welding or carpentry or motorcar mechanics. But we did not learn anything like that.

"I was good at school and really enjoyed my sport. I played football and got onto the team. This really boosted

my confidence and I felt very good when the sports teacher invited me to his house one Saturday afternoon. He came to fetch me. I told him how I felt and that I really wanted a chance in life to work hard and play sport. I told him I felt in danger of getting hooked on the drugs the children smuggled in and out of that place. He listened to me and made me feel understood by an adult for the first time in my life."

Ann takes action

Ann Skelton found Wonder at this school when he was 12 years old. He calls her an angel. Ann remembers the day she met Wonder well. It was five years ago and she visited the Luckhoff School of Industry to inspect the place after she received a phone call from an anonymous person who told her about the children's plight at the school. Ann and Wonder think it was Wonder's sports teacher who called her, shortly after Wonder confided in him.

"I went to do an inspection at the school and found it in a

dreadful condition. The children's beds were bad, the roof leaked and when it rained, they got wet. Their blankets were thin and worn. Windows were broken and there was no security around the building."

Ann wasted no time and took Luckhoff School to the High Court. The adults from this state school tried to defend themselves in court by saying that they had no money for blankets. Yet, they had money to pay for the court case!

"We betray them"

The judge declared that the Luckhoff School violates the rights of the child and the country laws. He ordered them to immediately supply each child with a sleeping bag and build a safe fence around the school. He also told them to write up a plan for every child to receive good care from trained adults and to report back to him within a few weeks on their progress. He said:

"What message do we send to children when we tell them



Ann Skelton found Wonder at the children's home when he was 12 years old.

➔ they are to be removed from their parents because they deserve better care, and then wholly neglect to provide them that care? We betray them, and we teach them that neither the law nor the state institutions can be trusted to protect them.”

Ann says that it is not enough to make good laws to protect children.

“We also have to teach those laws to adults, like we did at the Luckhoff School. Many adults do not know how to protect and support children. They have to be taught a new way to treat children – with kindness. This case made a difference not only to the children at the Luckhoff School, but to all similar schools across the country.”

“My life changed”

Ann understood that Wonder’s ability to work hard at school and his talent for playing football had to be nurtured. She invited a benefactor to sponsor Wonder at a private High School in Pretoria for five years.

“This changed my life,” says Wonder, “For the first time, people treated me with respect and I learnt how to trust a group of brothers. I lived in the school hostel and here, children were not punished with violence, but with words and counselling. I became excellent at rugby and made the best team in the school. I finished school last year and passed my exams!”

“My mother has moved to a better place now and I live at home where I share a room with her and my sisters. My experience has also helped my younger sisters, Ashley and Robin, because I can help them with their homework. I talk to them so that they can work hard to get a better life in the future.” 🌐



A rap for Ann

When Wonder heard that Ann had been nominated for The World’s Children’s Prize, he wrote her a rap song. Rap, he says, is like poetry with a beat, it has a message and can express your passion and your pain.

“When I was 12 years old, I got taken from hell to heaven.

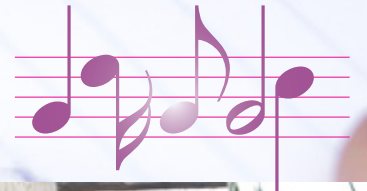
Been raised up in the ‘hood, but now my life’s been raised from bad to good.

Six years later, you’re being nominated for The World’s Children’s Prize.

What you’ve done for me is hard to describe, you gave me love from a different angle!

I swear when I saw you for the first time, you looked like an angel.

You picked me up when I was down, I guess it’s my turn to turn things ‘round, coz you found me as a sinner – whatever happens on that day, to me you will always be a winner!



When Ann took the children’s home where Wonder was staying to the High Court, she did this to help Wonder and the other boys there, but also to help all children at all children’s homes in South Africa. Here Wonder is writing a rap for Ann, who he calls an angel.

My voice must be heard

When Sarisa was twelve years old, she found herself in the middle of a court case between her divorced parents. They did not agree on how to share the custody of her and her sister. Sarisa was unhappy that her views were not being heard and wrote a letter to the judge.

I am 12 years old and I am involved in a court case in the Higher Court concerning my human rights as a person and a child.

The first time I heard about children's rights was in a school when I was 10 years old. I learnt that children's rights are part of the constitution called the Bill of Rights, but children aren't always considered to be included in having rights.

Every child has the right to be helped by a lawyer. A lawyer is a person who is trained to understand the law and help you. Sometimes a court case would turn out to be unfair for a child if a lawyer did not help.

Every child has the right to be protected from being treated in a way that makes them feel bad about themselves and also from being hurt by someone.

The Centre for Child Law helped me to get a court order to have my own lawyer appointed of my own choice, who now represents me in court so that my rights as a child can also be protected and my voice can also be heard about matters affecting my life.

Sarisa



'Kids get say in custody battles' states the Pretoria News after the judge agreed to listen to Sarisa van Niekerk when she was twelve years old (she is 19 today). Her parents could not agree on how to share her custody. Ann Skelton was Sarisa's lawyer and it was the first time that a child in South Africa had her own lawyer helping her in a custody battle.

Ann Skelton, who was Sarisa's lawyer, told the judge that when parents get a divorce, children should be consulted about decisions that affect their lives, such as how much time they should spend with one parent.

This made a difference for Sarisa, because the judge listened to her and because of that, adults did too. But it also made a difference for

many other children, because it began a process of children's voices being heard in their parents' divorce cases. Sarisa's case was the first in South Africa where a child in a custody battle had her own, separate lawyer to help her. Sarisa's case set a precedent for other cases. Now it is no longer uncommon for children to have legal representation in court.