

# *Submission to the United Nations Special Rapporteur on the right to development*

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## **Contact**

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## Introduction

This submission is made by the South African Parenting Programme Implementers Network (SAPPIN), the South African National Child Rights Coalition (SANCRIC), Dlananathi, and the Do More Foundation. Together, the networks represent more than 200 organisations.

**All the organisations share a common vision: A South Africa in which every child develops their full potential and has the agency to exercise it as actively engaged citizens and nurturing caregivers to achieve transformation.**

We are making this submission to highlight the invisibility of children's right to development, and the lack of appropriate measures to realise this critically important right in the governance and accountability systems at a national level and at the level of the United Nations (UN).

We request the Special Rapporteur to highlight, in his 2024 report to the Human Rights Council and the General Assembly:

- The governance impediments raised in this submission to realising the right of this and future generations of children to develop their full potential.
- The measures that the UN should adopt to strengthen global leadership and government accountability for improving development outcomes of all children in South Africa.

## The meaning of the right to development for children

**What does the right to development mean for children in line with the relevant policy frameworks and normative instruments? What about the right to development of future generations?**

The right of all children to develop their full potential is a rights-based sustainable development imperative grounded in international and national law and the country's sustainable development commitments.

It is a right that must be realised for this generation of children in fulfilment of the country's treaty commitments, but also to secure the development of future generations, and thus, ultimately achieve national sustainable, inclusive development.

**Children's equal and optimal development, especially historically marginalised children and the capacity of their parents and caregivers to provide them with the nurturing care they need to develop their full potential is at the heart of the rights-based sustainable development agenda.**

The Convention on the Rights of the Child (CRC); the African Charter on the Rights and Welfare of the Child (ACRWC); the Survive, Thrive and Transform Agenda; the Nurturing Care for Early Childhood Development and INSPIRE Frameworks; and Africa's Agenda 2063 recognise that sustainable development depends on building inclusive human capital. This in turn depends on ensuring that all children develop their full potential and are empowered to exercise their agency as actively engaged citizens and parents and caregivers to drive transformation by providing the next generation of children with the care they need to develop their potential.

The Government of the Republic of South Africa (GRSA) has domesticated its treaty commitments in the Constitution, the National Development Plan 2030, the Children's Act, the National Plan of Action for Children, the National Integrated Early Childhood Development Policy, and the National Child Care

and Protection Policy. In so doing, the GRSA recognises children’s development as a right and development priority and has committed to use the country’s resources to ensure that all children, don’t just survive, but develop their full potential to achieve transformation. It has further recognised that this depends on realising their inter-dependent rights protected by treaties such as the CRC in combination.

**This is ultimately what the CRC obligates States Parties to do: to improve and ultimately secure the equal and optimal development of all children through the realisation of their rights. It is not enough to realise some rights for some children some of the time. All rights must be realised to improve and ultimately ensure children’s full development.**

In terms of international and national law, the primary duty bearers – as in the first, the most important and consistent - responsible for providing children with the nurturing care and protection they need to develop their potential, are parents, family members and alternative carers. The CRC explicitly recognises the right to nurturing parental, family, and alternative care as the foundation of children’s survival, development, protection, and participation.

However, because children’s development is a right and national development imperative, governments are duty-bound to provide parents and caregivers, especially those facing multiple and intersecting adversities, with the support and services they need to fulfil their caregiving responsibilities.

Development starts before birth and continues until children enter adulthood, requiring different support across their life course to develop their potential. The evidence is now abundantly clear, the earliest years are critical in laying sound foundations. If they are not in place, deficits accumulate across the course of their life to result in poor outcomes. Therefore, it is essential that parents and caregivers are supported, and empowered to provide nurturing care in the 1<sup>st</sup> 1000 days to ensure returns on later investments in education and health. However, to ensure the optimal development of all children by the time they reach the age of 18 years, parental and caregiver support must continue across the child’s life through later childhood and adolescence, to address changing developmental needs and gender, geography, and age-related risks.

The enabling instruments create clear governance duties, recently consolidated and documented in the *Maastricht Principles on the Human Rights of Future Generations (2023)*. **In summary, the implementation duties on the GRSA and other Member States are to build human capital for inclusive sustainable development by:**

- **Identifying improvements in children’s development as a national rights-based development goal and priority to be actioned and accounted for by all development partners, including all organs of state, civil society, business, the media, and donors, etc.**
- **Prioritising the earliest years and historically marginalised children and families.**
- **Establishing a system of inclusive, participatory, child-centred developmental governance to ensure the coordinated use of the country’s resources to achieve the common goal.**
- **Improving, and accounting for quantifiable improvements in children’s development outcomes, and equality of opportunity to develop their full potential.**
- **Sustainably providing the multiple services and support in the combinations needed to enable primary caregivers (parents, families, and alternative carers) to nurturing care to realise children’s rights to health, nutrition, protection, identity, education, information, opinion, in combination, across their whole life course.**

## Impact of development decisions on children

### How are the human rights of children and future generations impacted by development-related decisions?

The GRSA has taken steps towards advancing its development agenda. It has a world class social security system and has increased its education, health, and social security budgets significantly over the past two decades. This has improved access to basic services and realisation of some rights for some children. Notable improvements have been recorded in child mortality rates, reductions in child income poverty levels, acute malnutrition, enrolments in early learning programmes for children aged 4 to 5 years, and school enrolment rates.

However, these measures have not resulted in quantifiable improvements in development outcomes and equality for children. Ultimately, leading to a failure to build inclusive human capital, and a leading cause of the country's persistently high and increasing poverty levels<sup>1</sup> and its status as the most unequal country in the world.<sup>2</sup>

Despite world class policies, an explicit pro-poor agenda, and recording some of the highest comparative increases in spending on social services, development outcomes for most of South Africa's historically marginalised children have not improved over the past decade across all stages of their life course.<sup>3</sup> The deficits start early and accumulate across the life course, of especially the most vulnerable, thus fueling inter-generational patterns of poverty and inequality that prevent the realisation of the rights of today's children, as it did previous generations of children. And will, in the absence of transformation, trap future generations of children in the same negative cycle.

Children are failing to develop across their life course. While the child survival rate has improved, and is a laudable achievement, in the absence of effective, integrated, and comprehensive parental and caregiver support to provide nurturing care, this has resulted in a growing number of children at risk of poor development and no comparable improvements in development outcomes across the different stages of their lives, with the most marginalised children remaining trapped in intergenerational cycles of exclusion.

**The right to development is not realised in the early foundational childhood years.** In 2021, 57% of children attending an early learning programme failed to thrive by the age of five.<sup>4</sup> Failure to thrive is deeply inequitable, with children experiencing intersecting vulnerabilities at the highest risk of poor development, thus setting the patterns of life-long exclusions.

The failure to thrive in the early years is caused by a confluence of risks in the child's caregiving environment, including limited parental or knowledge of early child development and how to optimise it, gender-based violence, poor adolescent and maternal nutrition, poverty, substance abuse, maternal depression, poor access to water and sanitation and harmful parenting practices, including the wide-spread use of corporal punishment.

The failure to have achieved transformation in early outcomes is caused by, inter alia, the systemic failure to address these multiple and intersecting underlying risks through the provision of comprehensive support to parents and families to enable them to provide their youngest children with the nurturing care needed to thrive.

**The right to develop is not realised for many adolescent children.** The failure to thrive in the early years and the patterns of exclusion shape and aggravate inequalities and poor development outcomes into the next stage of childhood - adolescence.

For example, adolescent health is poor and deteriorating in core preventable areas. The leading causes of death and DALYS are HIV, diarrhoea, TB, lower respiratory illnesses, mental health and behavioral conditions and inter-personal violence.<sup>5</sup> A leading risk factor for poor health, but also a significant indicator of the failure to secure the equal and optimal development of adolescents is their educational status. South Africa has done well in improving school enrolment rates, but education fails to equip children with the agency they need to exercise their potential – contribution to high levels of persisting education, economic, civic, and political exclusion.<sup>6</sup>

As in the case of young children, a leading underlying cause of the persisting, deteriorating and unequal development status of adolescents is the failure to provide age- and risk-responsive parenting support and services.

**The right to develop is not realised by the time children transition to adulthood.** The poor survival, health and education outcomes across children’s life course accumulate to result in the loss of almost 60% of South Africa’s human capital potential. A child born in South Africa today will, by the time they reach the age of 18 years, as was the case 10 years ago, only develop 40% of their potential.

The World Bank’s Human Capital Index (HCI) measures the extent to which children’s potential is developed, based on survival, health, and education. **South Africa’s HCI (0.43) is lower than the global average (0.56).**<sup>7</sup>

**Of grave concern is the fact that the HCI in South Africa has not increased in the past decade, despite significant increases in its health and education budgets, increases in Grade R and primary enrollment and increased child survival rates.**

**Where potential is developed, agency to exercise it is lacking.** Not only is the children’s potential not developed, many lack the agency to exercise their potential. This is evident from the persistently high and increasing NEET levels (young people aged 15 – 24 not in education, employment, or training).<sup>8</sup> The NEET rate in South Africa has always been high and has increased in from 32.8% in 2002 to 36% in 2021.<sup>9</sup>

The most vulnerable are young people who have, from birth, been persistently and inter-generationally excluded. Most are Black (87%) and women (55%).<sup>10</sup> Girls are more than twice as likely to be NEET and, once they become NEET are at a higher risk of remaining NEET.<sup>11</sup> This fuels intergenerational exclusions, as these girls become the next generation of disempowered primary caregivers unable to provide nurturing care to ensure children’s development.

## Improving integrated, developmental governance

**How to integrate an intersectional approach to the participation of children to ensure that differentiated impacts on children due to various discriminations, exclusions or vulnerabilities are considered?**

The reason for persistently poor and unequal development outcomes for this and future generations of children is the failure to realise their rights in combination necessary to secure their development.

This in turn is a result of the failure to provide the required combinations of sustained, quality parental /caregiver support and services.

This is evident from the persistently high levels and inequalities in multi-dimensional child poverty. In 2020, 62.1% of children live in multiple deprivational poverty – measured by their access to the combinations of services and support necessary to strengthen their caregiving environments to ensure their survival, development, and protection: income support, health, nutrition, water and sanitation, education, and protection.<sup>12</sup> Historically marginalised children experience much higher deprivations.

**So, whilst South Africa has committed to and actioned a pro-poor development agenda, its design and implementation has not been adequate to ensure all children not only survive, but thrive and participate - socially, economically, civically, and politically across their full life course.**

Critically, the current system of governance is weak in the following respects:

1. The country does not have a shared, outcomes-based, quantifiable national development goal embedded in its rights-based development planning framework around which to galvanise and against which to hold itself and sectors accountable.
2. Children’s improved development outcomes across their different stages of development (early childhood, later childhood, adolescence and young adulthood) are not explicitly identified as a national development priority in instrument such as the National Development Plan, the Medium Term Strategic Planning Framework and the National Budget Policy Statement (and the corresponding instruments at provincial and local levels) – instruments that are used to drive coordinated, aligned and integrated planning to achieve a common goal.
3. Targets and indicators, including to measure equalising the development outcomes for marginalised children are not included in the national monitoring framework.
4. There is not a clear mandate on all organs of state to engage in child-centred developmental governance by mainstreaming the provision of parental and caregiver support across the life course of every child across their governance cycle.
5. There is no clear and defined nationally agreed policy statement of the required suite and combinations of parenting and caregiver support needed to equalise and optimise development of children in South Africa across the stages of development and to respond to the most prevalent risks. This has contributed to significant policy incoherence that underpins the fragmented, weak, and inadequate approach to parenting and caregiver support in the country and resulting gaps in the suite of available services.
6. Notable gaps include, for example:
  - a. The failure to support parents and caregivers to provide quality early child and learning development from birth.
  - b. The failure in the health system to support parents and caregivers as required by the national ECD, disability and other policies to empower parents to provide children with developmentally supportive health care, identify development difficulties and disabilities early and provide early interventions.
  - c. The failure to develop evidence-based mass media and communications for change initiatives to change society-wide harmful values, attitudes and practices that undermine child development.
  - d. The failure to provide education for sustainable development by delivering quality education to all children that will develop the agency by providing them with the knowledge, skills, and competencies to be agents of transformation through not only economic engagement but responsible, nurturing caregivers in turn.

**The reason for this failure and resulting human capital and development crisis is because of the weak, fragmented, and inadequately resourced implementation of the state's treaty and development responsibilities.**

To reiterate, the state has committed to build inclusive human capital for sustainable development by ensuring every child, especially the most vulnerable, have an equal opportunity to develop their full potential. It has committed to do so by ensuring the combinations of parental and caregiver support required are sustainably provided. Realising the full commitment is essential for ending inter-generational exclusions that not only prevent national, inclusive sustainable development, but disempower caregivers who are unable to provide children in their care with the care and protection required.

Realising this commitment requires that the GRSA adopt a child-centred, rights-based system of developmental governance that:

1. Identifies improved and equalised child development outcomes as a national development goal and treaty responsibility.
2. The goal must be accompanied by a quantifiable target and indicators across the different stages of children's lives to measure improved outcomes at a population scale, disaggregated to measure transformation / improved development among marginalised children.
3. There must be a clear identification of parental and caregiver provision of nurturing care as key to realising the goal, a definition parental and caregiver support for development, and a delineation of the services and support required to enable and empower parents and caregivers to fulfil their role across all stages of the child's life.
4. The goal, targets and indicators must, along with a state-wide mainstreaming responsibility, be embedded in the in the country's instruments governing integrated rights-based developmental planning, resourcing, and accountability, including:
  - a. The National Development Plan.
  - b. The Medium-Term Strategic Planning Framework.
  - c. The National Budget Policy Statement.
  - d. The National Monitoring, Evaluation and Reporting Framework.
5. The state-wide duty on all role players must be fleshed out and clearly mandated in a national, integrated parenting/caregiver support policy. All organs of state are creatures of statute. Unless they have a clear policy/legislative mandate to act and account, it is almost impossible to advocate for changes and hold role players accountable - an obstacle that is preventing civil society advocacy for strengthened parenting/caregiver support.
6. All responsible sectors must review, revise, and align their policies, programmes, services, budgets, human resources and information management systems with the policy and report on progress.
7. The government, through the Presidency, must report annually on improvements in children's development and equalising their opportunities.

## Conclusion and recommendations

**In conclusion, the UN has a critical role to play in supporting this fundamental shift in governance. Treaty and development oversight, support, monitoring and reporting mechanisms are ideally positioned to provide leadership, guidance and ensure accountability for governments, including the GRSA to place children's development and improvements in development outcomes at the centre of the rights-based development framework.**

The UN should identify and adopt clearly defined outcomes-based child development targets and indicators against which governments should be held accountable and required to report, not just in their SDG, but their treaty reports to, for example, the Committee of Experts on the Rights of the Child. Currently the Committee on the Rights of the Child continues to focus on individual rights, rather than ask States Parties to report on improvements in development outcomes, or the measures taken by governments to equalise and improve development outcomes. Even though the right to development is an explicit, overarching right in the CRC.

One of the challenges seems to be the lack of a shared, agreed child development index. There has been significant development in this regard in recent years, with several possible indices available, including:

- The “flourishing index”<sup>13</sup> which assesses progress using a combination of children’s health, education, growth, and experiences of violence.
- The World Bank’s Human Capital Index (HCI)
- The Global Scales for Early Development (GSED)
- The ECDI 2030 index
- The Thrive by Five Index in South Africa.

Currently child development is only explicitly referenced under SDG 4, and the indicator is limited only to children between the ages of 4 and 5 being developmentally on track. This does not provide insight into child development progress and is not used regularly by the treaty bodies monitoring the right to child development. The upcoming UN 2025 Comprehensive Review process during which the Inter-Agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDGs) will review and revise progress measures and indicators for the rights-based development agenda “provides a good opportunity to improve the indicator framework to help the global monitoring”<sup>14</sup> of the foundational building block – improved child development - of the 2030 agenda.

**We recommend that the Special Rapporteur:**

- 1. Highlight the urgent need for an outcomes-based suite of child development measurement tools/ goals / targets / indicators in the current monitoring framework used by treaty bodies and SDG oversight structures.**
- 2. Encourages and supports the facilitators of the 2025 Comprehensive Review process to engage with and address this gap.**
- 3. Recommend to treaty oversight bodies to focus on outcomes-based monitoring and reporting by States Parties on improvements in children’s development outcomes and inequalities in outcomes.**
- 4. Recommend to treaty oversight bodies to provide reporting guidelines, including examples of child development outcomes and indicators that can be used.**
- 5. Recommend to treaty oversight bodies to develop a General Comment on measures of implementation to realise the right of all children to:**
  - a. Parental and nurturing care for optimal development**
  - b. The right to development.**

We thank the UN for the opportunity to make this submission and invite the Rapporteur to engage further with civil society, business, the media, government, and critically children and parents to ensure a stronger and more effective global and national child-centred system of governance to drive transformation.



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<sup>1</sup> Statistics South Africa. Sustainable Development Goals (SDGs). Country Report 2019 – South Africa. Pretoria

<sup>2</sup> Stats SA 2017 in Plagerson et al (2019)

<sup>3</sup> [https://databank.worldbank.org/data/download/hci/HCI\\_2pager\\_ZAF.pdf?cid=GGH\\_e\\_hcpexternal\\_en\\_ext](https://databank.worldbank.org/data/download/hci/HCI_2pager_ZAF.pdf?cid=GGH_e_hcpexternal_en_ext)

<sup>4</sup> Giese S , Dawes A , Tredoux C , Mattes F , Bridgman G , van der Berg S , Schenk J and Kotzé J (2022) Thrive by Five Index Report Revised August 2022, Innovation Edge, Cape Town. [www.thrivebyfive.co.za](http://www.thrivebyfive.co.za)

[https://thrivebyfive.co.za/wp-content/uploads/2023/05/Index-report-w-addendum\\_singles-May-2023.pdf](https://thrivebyfive.co.za/wp-content/uploads/2023/05/Index-report-w-addendum_singles-May-2023.pdf)

<sup>5</sup> <https://platform.who.int/data/maternal-newborn-child-adolescent-ageing/static-visualizations/adolescent-country-profile>

<sup>6</sup> SALDRU. 2022. Profile of young NEETS in South Africa. <https://www.saldru.uct.ac.za/2022/06/30/profile-of-young-neets-in-south-africa/>

<sup>7</sup>

[https://databankfiles.worldbank.org/public/ddpext\\_download/hci/HCI\\_2pager\\_ZAF.pdf?cid=GGH\\_e\\_hcpexternal\\_en\\_ext](https://databankfiles.worldbank.org/public/ddpext_download/hci/HCI_2pager_ZAF.pdf?cid=GGH_e_hcpexternal_en_ext)

<sup>8</sup> SALDRU. 2022. Profile of young NEETS in South Africa. <https://www.saldru.uct.ac.za/2022/06/30/profile-of-young-neets-in-south-africa/>

<sup>9</sup> <http://www.childrencount.uct.ac.za/indicator.php?domain=6&indicator=58>

<sup>10</sup> SALDRU. 2022. Profile of young NEETS in South Africa. <https://www.saldru.uct.ac.za/2022/06/30/profile-of-young-neets-in-south-africa/>

<sup>11</sup> <https://data.unicef.org/resources/adolescent-health-dashboards-country-profiles/>

<sup>12</sup> UNICEF South Africa. 2020. Child Poverty in South Africa: A multiple overlapping deprivation analysis. <https://www.unicef.org/southafrica/media/4241/file/ZAF-multidimensional-child-poverty-analysis-policy-brief-07July-2020.pdf>

<sup>13</sup> [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)32540-1/fulltext#seccestitle60](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)32540-1/fulltext#seccestitle60)

<sup>14</sup> <https://unstats.un.org/sdgs/iaeg-sdgs/2025-comprehensive-review>