

Research for communities

A voice for the mute

Getting children justice is not an easy job

It was still early, but already the sun was beating down on Rustenburg that February morning in 2008. The taxi rank was swathed in sweltering heat, minibuses were honking, and passengers wiped sweat from their foreheads as they crammed into the confines of stationary Toyota Hi-Aces.

A woman who stood alone was approached by another carrying a child only a few days old. They greeted cordially and exchanged pleasantries. "Would you be so kind as to hold my son while I quickly make a call at the phone booth nearby?" she was asked.

Replying in the affirmative, she took the child from his mother. She would never see the mother again.

The boy's name is Ben. His fate would take him to a shelter where the children on the floor and in the yard. Nourishment for the older children consisted of bread smeared with tomato sauce. The babies were neglected and blowflies eggs in the children's ears, where their larva also hatched. Ben's fate — unfortunate, horrifying and unimaginable — was to serve a purpose he might never understand. His plight five years ago was the catalyst for the formation of the child justice unit within the North-West University's Law Clinic.

The clinic forms part of the faculty of law at the North-West University's Potchefstroom campus and employs law practitioners to assist at grassroots level in helping those without the means to do so themselves.

The shelter where Ben lived was closed down and he was placed in foster care. His foster parents decided

to adopt him and brought an application for his adoption. His mother was tracked down and, although she had abandoned her child, she wanted custody. Her claims were denied. Ben was adopted and is as happy as any toddler can be.

Since the promulgation of the Children's Act (Act 38 of 2005) on April 1 2010, there has been increasing emphasis placed on the protection and promotion of children's rights. In the North West, the child justice unit is at the forefront of educating and training the community, children and social workers on these rights.

"We are a close-knit team here at the child justice unit," says Hilary Clayton, candidate attorney. "We share the same goals and will stop at nothing to protect the rights of children."

One of the unit's main focus areas is to provide children with legal representation and advice to prevent any further violation of their rights. Children are also provided with the basic means of life, including clothing and food, to ease the emotional and physical pain once they are removed from their families.

The Children's Act appoints Legal Aid South Africa as the legal representative of children when the court needs to appoint a legal representative for a child. Through its affiliation with Legal Aid, the law clinic assists just more than a hundred children a month.

"When children are involved, cases are very emotional and often result in a high level of conflict between parties. The child justice

unit plays an important part in keeping communication channels open and arranging discussions to avoid further conflict for the child, often having case discussions, family group conferences and mediations," says Endriette Barnard, attorney and project manager of the unit.

Hilary Clayton recalls a bittersweet encounter with a 13-year-old girl who walked into the offices of the law clinic some time back. The girl was not from the province, but had heard about the law clinic and came begging for assistance.

Her quandary was a peculiar one: she wanted to go to school because she felt the home-schooling programme her parents used was insufficient. It turned out she was right: it was neither accredited nor up to standard. Her insubordination with regard to her prescribed means of education caused a lot of conflict in her household, and she was moved to a place of safety.

With the help of the child justice unit, she enrolled at a public school, was later reunited with her parents and is thriving.

"What is so unique about this case is that the girl really wanted a proper education and did everything she could to procure one."

Then there are the wounds that are too deep to heal.

Barnard shows a picture of a boy, his face beaten to a pulp. His parents are drug addicts who assaulted him daily. He would be kept in the house for weeks at a time, and was fed only dog pellets. After being rescued from his dire circumstances he was taken to hospital where a neurologist discovered that he had bleeding on his brain.

He spent a week in the intensive care unit and after his hospital stint he was placed with his grandmother.

But the (lasting) damage had been done. He runs away from home, returning only to run away later again. His behaviour is uncontrollable and he is exceedingly aggressive.



Running the show. Hilary Clayton, candidate attorney, with Dorcas Phelane, paralegal, Endriette Barnard, attorney and project manager of the child justice unit, Schalk Meyer, director of the North-West University's law clinic and Mari Payne, projects coordinator and assistant project manager. Photo: NWU

"His grandmother is struggling to cope, but at least he's not living in those wretched circumstances anymore," Barnard says, crestfallen.

"You cannot help but get emotionally involved when defenceless children are mistreated. Once you start with a case you always deal with a very sad story but you also know that once you start working on the case things will rapidly get better for the child or children involved. Knowing that keeps you motivated when dealing with so much sorrow. When people ask me how many children I have, I always joke and say that I have about a hundred at the moment of which one is my own."

It is a time-consuming, emotional endeavour that requires the utmost patience and understanding.

"An example of the skill and time needed by the child justice unit to represent children can be seen when we consult. Children who are party to children's court proceedings do not naturally trust a person; the relationship of trust has to first be built between attorney and child.

"Trust and respect must be built and the child's concept of his or her family has to be determined. This is done through drawing pictures, playing games and using other skills of the personnel of the child justice unit. These skills are developed through play therapy training," Clayton says.

Children are also given a "Love Box" when they have to appear

in court. The Lions Club of Potchefstroom provides these boxes to the unit. The Love Box consists of ready-made porridge, pencils and a booklet to draw on, a juice and toys to keep them occupied during the proceedings.

Barnard tells of a case where a young boy was called to testify. He had been raped and used a teddy bear in the Love Box to illustrate to the intermediary and the court where and how he was violated.

She says that the job can be a taxing one, but also that necessity dictates that she and her colleagues always place the needs of a child first. It's their personal commitment, their self-imposed obligation.

For Barnard, this realisation came when she was involved with a very sensitive case that aimed to reunite a mother and young daughter. She found herself in an open-air space looking at the daughter who was clad in bright pink, a stark juxtaposition with her drab surroundings. A pink, fluffy pompom sat perched on blonde locks that were tied in a ponytail.

Pretty and petite, she would have been the picture of any celluloid fairy tale were it not for the tears welling in her eyes and her quivering lips. In her hand she held the South African flag. "I know this might sound a bit melodramatic, but that image stays with me. I remember thinking: these are the children of South Africa, and they are sad. We need to do anything and everything we can to help them."

Free advice for local municipalities

In 2011 the North-West University launched a pro bono office at its Potchefstroom campus to provide local governments in the North West with free advice on environmental management and environmental impact assessments.

This was based on a decision by the department of environmental affairs to house the country's first pro bono office as a pilot project. In October 2012 the pro bono office was awarded the NWU Vice-Chancellor's Award for Community Development because of its success in training and community service.

"Local governments today find themselves in a very complex management environment and they often don't have the expertise and resources to cope with the accompanying challenges," said Professor Francois Retief of the environmental sciences and management research unit at the Potchefstroom campus. "They must, for example, adhere to a plethora of laws and regulations and do not always know which type of authorisation is required for a particular project."

Professor Retief is the co-ordinator of the pro bono project and JP de Villiers, a professional environmental consultant, manages the office. As part of their practical work, honours students in geography and environmental management conduct environmental



Professor Francois Retief of the environmental sciences and management research unit at the Potchefstroom campus, co-ordinates the pro bono office that services local municipalities with free advice on environmental management. With him are Professors Leon van Rensburg, director of this research unit, and JP de Villiers, the manager of the pro bono office. Photo: NWU

impact assessments for municipalities. In the process, they obtain valuable practical experience. They assist, among others, the local governments of Ventersdorp and Ditsobotla (Coligny and Lichtenburg) with environmental impact studies for township establishment and cemeteries.

Since 2011 more than 70 municipal

officials have been trained on the environmental mandate of local municipalities and their responsibilities in terms of environmental legal compliance. Based on the NWU's success, other pro bono offices are also expected to open at higher education institutions in other provinces to render similar services to local governments.

Help for grain farmers and speculators

A book to inform farmers in South Africa and speculators in the grain industry about how futures markets work is a first in South Africa.

Dr Mariëtte Geyser from the research unit for environmental sciences and management at the Potchefstroom campus of the North-West University saw the need in the market for such a book and published it with the help of NWU.

Professor Herman van Schalkwyk, campus rector, praised the publication. "Although the NWU's Potchefstroom campus does not offer agriculture as degree course, a lot of research is done here to fill the gaps in the area," he said.

The book will also be invaluable for students in agricultural economics, who previously had no South African-based handbooks in this subject.

The publication, *Long and Short of Futures Markets: SAFEX, Grain Hedging, Speculation*, covers everything about the functioning of derivative instruments in the grain market. The derivative markets offer the ideal instruments for producers, cattle farmers, feeding-pens, millers and other users of grain, to manage price risk. The handbook makes the grain derivative market accessible to the reader, both in Afrikaans and English.

Some of the aspects covered in the book are fundamental and technical factors that influence grain prices and the nature of term contracts,



The rector of the Potchefstroom campus of the North-West University, Prof Herman van Schalkwyk, congratulates the author of the book, Dr Mariëtte Geyser, on the publication.

including their functioning and margins. There is also a detailed look at the profit and loss profiles of a variety of option strategies suitable for different market conditions.

Geyser says contributions by experts in the commodity market show, in practical examples, how derivative instruments can be used effectively. The author also looks closely at delicate matters such as location differentiation.

The book is published by Kejafa Knowledge Works and is a hard cover, full colour publication of 215 pages. The price is R450. For orders please contact 011 025 4388.