

Children in Street Situations in South Africa: Conceptualizing Vulnerability.

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ABSTRACT

This study explains and analyzes the governance of children in street situations in South Africa. The research adopted a qualitative approach with the use of face-to-face interviews. Through the use of a post-structuralist deconstructive approach, I interrogate vulnerability and social protection as key concepts in the discourse of child vulnerability in South Africa. The South African Children's Act no 38 of 2005 outlines that children in street situations in South Africa belong to a broader category of children in need of care and protection. The social problem of children in street situations, commonly known as street children among other variations of labelling of this group, has been a contentious social policy and development issue for decades. This study indicates that vulnerability is central in the formation of social interventions for groups experiencing adversity, risk and exclusion.

Key words: Children in Street Situations, Vulnerability, Capabilities, Social protection.

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Introduction

The welfare of children is predominantly dependent on a stable family and sound social policies. When children become vulnerable to (inter alia) poverty, ill health, violence, abuse and neglect, it reveals the moral decadence of a society. This paper discusses the vulnerability of children in street situations in South Africa by interrogating the conceptualisation of vulnerability in social policy perspectives.

“...Remember, with our constitution, everyone has the right to life, when you are on the street anything can happen by the roadside there, a car can crash on you, without the shelter you are exposed there. Though it is your home, you are not protected because of that and again we know not long ago there was an issue where homeless people were being killed here in Pretoria, so I think that safety is the main issue that they are facing...*Mary, Social worker at the Department of Social Development, (Pretoria, 6/11/19).*

To say that “when you are in the street anything can happen” is to express our general view of streets as potentially “hostile” spaces or places of “danger”, particularly so for marginalized people like homeless adults and children. With these remarks, Mary, a social worker at the South African Department of Social Development (DSD) tried to sum up in a simple but profound way what this generic conception of the street as a space of risk and vulnerability means for children in street situations in South Africa. I met the social worker Mary at the DSD Provincial office in Pretoria. We had been discussing the vast problems that children in street situations face and must negotiate in their everyday life. I had asked her about the safety of children who live and work on the streets in Pretoria and she had been reflecting on how the lack of safety in the streets was the biggest source of the children's vulnerability. Rather than people looking at the dangers children face while on the streets, “people judge them harshly and look at them as a nuisance”, Mary told me.

Mary's view of children in street situations in South Africa as vulnerable to risks resonates with a wider social and policy understanding of these children. For example, in a news report about children in street situations in Pietermaritzburg, Kwazulu Natal province, some children deplored that their own family members called them 'phara' or vagrants (Khanyile, 2018). As the news report underlines, besides the risks of drug overdose, ill health, poverty, hunger (among other difficulties), 'These kids are traumatised. They are kids who have had huge suffering, they're abandoned... going to the streets is an act of despair' (Khanyile, 2018).

The South African Human Rights Commission and UNICEF (2011) reported that almost two out of five people are children and approximately seven million of these children live in the poorest twenty per cent households. South Africa is still a highly unequal country owing to the legacies of colonialism and racial divisions inherited from the Apartheid state (Francis and Webster, 2019). Racial disparities are still a reality where black children are nearly eighteen times more prone to growing up in poverty, (ibid). The woeful plight of the black South African family remains a contentious issue as the bulk of the problems they face are based on a wide spectrum of socio- economic, cultural, and political actions that they barely have control over. This household poverty is inevitably translated to child poverty hence it is difficult for poor children to escape poverty due to these structural factors that impede on their well-being and agency.

In this context, the efforts to address children's rights issues are still defined in part by this complex legacy of structural inequity, at least in comparison to the situation in several other richer countries in the global north. A child in the lower income quintile in South Africa today is highly unlikely to benefit from the same services such as water and sanitation, nutrition, and early childhood development programs as a child in the upper classes. But what

does it mean to be a child in street situations in the context of post-Apartheid South Africa today? Furthermore, what do these conceptions of risk and vulnerability mean for children in street situations in South Africa? Specifically, how are these understandings articulated in key legislative and policy processes and or documents?

This study situates the South African context within the broader literature and policy debates on children in street situations and the specific forms of risk and vulnerability that they must negotiate. I suggest that in relation to these global contexts of debates on issues and policy actions brought to bear on the question of children in street situations, specifying and unpacking the normative and localized conceptions of vulnerability for these children should precede all programs and policies designed to improve the lives of these children. This focus on vulnerability is not unrelated to the broader critique of the social, economic, and political theory of development. As discussed below, notions of basic needs and entitlement can also be framed and situated within a wider conception of human capability and freedom that has become commonly known as the 'Capability Approach' (see e.g. Sen 1990; 1999; Nussbaum 2000; Nussbaum and Sen 1993). In turn, the concept of vulnerability can be situated and understood within this broader lens of Sen's Capability Approach. Hence, while this study maps and contextualises the situation of children in street situations in South Africa in terms of vulnerability, in the end it posits that a critical understanding of localised conceptualisation of vulnerability and “vulnerable groups” in South African policy efforts can adequately be attained where these are thought of in terms of the government's desire to shore up the capabilities of these groups.

It is therefore important to discuss this normative conceptualisation of vulnerability, capabilities, and childhood in

the context of post-apartheid South Africa and how these shape responses to and interventions on children in street situations. Children are generally understood as a vulnerable group (Richter, 2004). Using a critical review of the vast body of literature on vulnerability and childhood, this paper will discuss representations of vulnerabilities of children in street situations and how they struggle against a variety of challenges. UNICEF's *State of the World's Children* (2006) shows that globally, millions of children live their lives impoverished, uneducated, abandoned, discriminated against, malnourished, neglected and vulnerable. Life is a daily struggle for them to survive and they face exclusion from essential services such as hospitals and schools.

At its core, risk and vulnerability are the main drivers of social protection systems everywhere. Designed through laws, policies and programmes, social protection systems aim to help individuals and families in different situations of marginality and vulnerability to “cope with crises and shock” (World Bank 2012). Accordingly, all social protection systems are framed around identifying the causes of vulnerability, the types of vulnerability, and the risks associated with those types of vulnerability (UNICEF 2004: 5). To gain a better understanding of these concepts, I review the literature.

Literature Review

Children and the Street: From 'Street Children' to 'Children in Street Situations'.

UNICEF's (2006) *State of the World's Children* reported that globally millions of children are impoverished, uneducated, abandoned, discriminated against, malnourished, neglected and vulnerable. Life is a daily struggle for them to survive and they face exclusion from essential services such as hospitals and

schools. Protection from families often lacks and they are largely at risk for exploitation and abuse, resulting in missing out on their childhood. Bourdillon (1994) argues that this vulnerability and marginalisation is particularly extreme for the growing number of children in the streets in large cities. As he puts it, while their plight often receives much attention from the media, they remain at the periphery because they are largely shunned by the dominant society. Panter- Brick (2002) underscores this when she writes that children in street situations appear to be 'nobody's children', they have no proper place in their families or society, and they are deprived of a proper childhood.

For these children inhabiting the streets in major cities and towns across the world, they are simultaneously familiar to the world through the views and representations of them and yet they are estranged by that same world, given how stigmatised they are within those representations. Children in street situations have often been labelled and categorised as “deviants”, “street urchins”, “vagabonds”, and numerous other derogatory terms that have resulted in an ongoing negative attitude towards them from the general public and media (Gilfoyle, 2004; see also Burr 2006 and the Asian Development Bank 2003). As the Institut International des Droits des Enfants (2007:2) remarks, “In most countries, the common attitude, driven by occasional contact with these children, is to consider the physical and emotional survival strategies (labour, theft, substance abuse, sexual promiscuity) of the children as the symptoms of a social pathology proper to the poor, themselves seen as a “dangerous class” (see also Lalor, 1999; Mufune, 2000). Even major organisations and notable individual figures have described these children using the phrase “street children” or a variety of it: “children in the street”, as, children of the street', 'run away children, throw away children', 'children living and working on the streets' and 'street connected children' (Institut International des Droits des Enfants (2016: 2). Hence, the idea of social flight, invisibility, or “escape” has been a

central trope in the broad range of popular as well as policy and scholarly perceptions, descriptions and or representations of children inhabiting or striving for their livelihood in the street.

Whether intended or unintended), the Institut International des Droits des Enfants (2007: 4-5) contends that these descriptions have been profoundly violent and damaging for these children. They have been “stigmatizing, discriminatory, and most of all, they do not take into account the child's subjective perception.” For Sérgio Luiz de Moura (2002) these “patterns of descriptions, characterizations and explanations” inscribe and produce these children and their families within a meta-discourse that “naturalizes social deprivation.” They “are portrayed as displaying socially unacceptable attributes which place them outside mainstream society” (de Moura (2002: 360).

The United Nations' Committee on the Rights of the Child (CRC) as an internationally mandated body of independent experts that monitors the implementation of the United Nations Convention on the Rights of the Child by its State parties as well as the three Optional Protocols to the Convention, on (i) the involvement of children in armed conflict and on sale of children; (ii) child prostitution and child pornography; and (iii) communications procedure, on the twenty first of June 2017, published its General Comment No. 21 on “Children in Street Situations.” This was remarkably important given that it was the first time a major international agency characterised or described these children in less derogatory terms.

Furthermore, much earlier, in the early 1990s UNICEF had also introduced the category of “children in extremely difficult circumstances” (CEDC) in lieu of “street children.” In doing so, UNICEF sought to incorporate children with disabilities, refugees, children affected by organised violence, unaccompanied

children in disasters and children in street situations into a single category (see UNICEF 1999). In many circumstances, children in extremely difficult circumstances now seem to be almost synonyms with children in street situations (Ennew, 2003).

In the CRC's General Comment 21, the term children in street situations is the preferred term for a variety of children in situations of extreme vulnerability, which comprises of, '(a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities.' This wider population includes children who sometimes live and work on the streets and children who do not live on the streets but regularly accompany their peers, family or siblings in the streets. Where children in street situations are concerned, being in the streets, 'being in public spaces' is understood to incorporate a considerable amount of time on the streets or in street markets, public community spaces, public parks, train, and bus stations but does not include public buildings such as schools, hospitals and other comparable buildings.

Despite this move away from the use of street children in favour of children in street situations, the latter is not without its own difficulties. As Riccardo Lucchini and Daniel Stoecklin (2020: 2) write, while the United Nations' (2017) General Comment on Children in Street Situations 'gives a substantive definition of these children', this expression 'remains a concept in search of an object' that is clearly defined. For this research the term children in street situations is adopted as it presents a broader narrative for children who may live, work or generally spend most of their time in the streets. The term includes a broader spectrum of children whose lives have a connection with the streets, but I will refer mainly to children who largely live and work on the streets and

even if they do return home at night or not, they are children involved in streets situations. Aptekar and Stoecklin (2014) argue that the child in a street situation is a social actor who adapts her/his behaviour to the social context by making use of instrumental resources such as time, space and activities and symbolic resources such as norms, values, images of self, relations, gender, and motivation. The problem is not with the children, but it is also in the situations they face.

These definitional or representational issues on children in street situations are important in so far as they sometimes affect the governance of these children through implementation of policy interventions and programmes. Based on how these children are perceived by society and policy makers, these definitional issues profoundly affect both the perception of these children as a social problem (in terms of scale) and potential solutions. Terres des Hommes (2010: 8), an international non-governmental organisation for the promotion of children's welfare, states that it 'prefers to use the term "Children in Street Situations" since the problem is not "the street child" but the situation causing the child to be in the street.' Ultimately, there is need for a critical approach to the question of how we address children in street situations as a "social problem."

One must look behind numbers, and ask oneself for whom, since when, how and why living on the streets has been a problem. The problem of children in street situations requires investigating also the people in contact with them, for they are part of the problem, and, let us hope, also of the solution. When speaking of these children, people usually analyse the situation through their own values, standards, and interests. For some, those children are bandits, for others, victims. Some inflate statistics, which may increase their feeling of insecurity, that will be exploited in turn to justify street "cleansing" operations. Others underrate the

problem, or more simply censor the issue (Institut International des Droits des Enfants 2016: 6).

In South Africa, there are various terms that have been used to describe and categorise children in street situations. In its Strategies and Guidelines, the South African Department of Social Development (DSD) (taking their cue from UNICEF) has distinguished three categories of children in street situations in South Africa. The first are children at risk. These consists of children of the urban poor, and they form the reservoir from which children who live and work on the streets emerge. The second category is children of the streets. For this group, the street is the main living place for these children with remote family ties and they visit their former homes only infrequently. The third category is children on the streets. These children come to the street to work so that they supplement their families' income. Some attend school part-time and perform similar tasks such as washing and minding cars and shining shoes. They are victims of extreme poverty hence look to the streets in order to be partially self-supporting, (Department of Social Development, n.d.).

Another subgroup of children living and working on the streets from this UNICEF typology are 'abandoned children,' which is a subset of refugees, orphans, runaways, and other distinct groups that have no access to their primary caregivers, (DSD, n.d). Firstly, children in street situations can also be classified as abandoned children, however, the concept of abandoned children is a contested terrain. According to Panter-Brick (2002) who argues that while children who sleep in the streets of a crowded urban centre can be viewed as 'abandoned' either by parents or society, it is of essence to step back and examine the life experiences masked by the concept of abandonment. He views abandonment as the opposite of the predominant prescriptive Western model of childhood, which is comprised by play and protection from adults.

The term abandonment evokes powerful emotional overtones for the general public and the media from whom charities solicit funding. As Ennew (1994) writes that the depiction of children on the streets as alone and abandoned aims to elicit pity and justify social interventions. Likewise, Panter-Brick (2002) argues that the promiscuous use of the term abandoned takes away any analytical value as the meaning of the word is diffused.

The DSD Strategies and Guidelines rightly argues that the term 'street child' is not a befitting term as there is no child born by the street. It is also important that terminology acknowledges that the person is a child first before anything, the people first language will enable a person to be seen foremost as a person and secondly as having a certain trait, for example focusing on the street first then child after, only belittles children as people and may lead to discrimination. The term homeless is a key descriptor for children who live and work on the streets, replacing the stigmatizing label 'street children'

The conceptualisation of terms can be done to forward agendas and individual interests, as seen by how children in street situations have been negatively portrayed over time to feed into sensationalism of their way of life, behaviour and capabilities by media and social policy. This negative perception of children in street situations has overshadowed structural political and economic factors that have played a role in children assuming 'adult' roles of supplementing family income while on the streets. Abandonment of children in this case comes from both the family and the State as both social actors have a mandate to provide social protection to children. When the roles of the State and Non-State Actors to protect children are unfulfilled, some children negotiate their way out of adverse situations at home and enter a generally unsafe space (streets). The streets have already been defined as inhabitable for children by adults, yet they leave their homes

which ideally, are supposed to be safe only to start a new life in an unknown and riskier place. Efforts to remove these abandoned children from the streets are made so that this 'problem' is made invisible to the public eye. Notably, how children in street situations are defined is based on how society defines them and how their lives are socially constructed.

Children's Rights and Social Protection for Children in Street Situations: Risks and Vulnerabilities.

The phenomenon of children in street situations is clearly an urban problem. In Africa, it has largely been accentuated by the structural adjustment programmes and policies favourable to economic globalisation that were adopted by governments between the late 1980s and early 1990s which saw the advent of street children in urban spaces (Kopoka, 2000). The visibility of children in unsafe and inhabitable public spaces has triggered conversations, programs, and policies by (inter alia) governments, NGOs, Academia, and communities to address the plight of vulnerable children in street situations. That striking visibility in the streets already suggests that children's rights are being violated or unrealised. That is, living on the streets may be an indication that the child's life has taken an unusual course, a path that strays from the norm. It is therefore a matter of how the governments' public policies, particularly social policies, can be mobilised to address the risks and vulnerabilities related to these children.

However, it is important that we define or situate conceptually what such risks and vulnerabilities may be for children in order to understand how the notion of vulnerability plays an important role in shaping the discourses on children's rights, social protection and welfare. Vulnerability is a complex idea. It generically refers to exposure to variety of risks. However, it differs from one individual to another and from one country to another (UNICEF,

2009). For children particularly, they rarely suffer from one kind of vulnerability. For instance, a child in street situations can also be an orphan or a young girl from the rural areas may most likely come from a poor family (ibid). The Organisation for Economic Co-operation and Development (OECD, 2019) argues that the degree and type of vulnerability varies because these factors evolve over time. For instance, age can shape a child's needs while exposing them to new risks, an infant and a toddler may experience risk and vulnerability based on the caregiver's health and material deprivation. On the other hand, a young adolescent's independence can make them susceptible to risks and vulnerabilities in their communities thereby emphasising the importance of supportive adults, good schools, and local economic opportunities for well-being, (OECD). Hence, a child in street situations may have had different risks and vulnerabilities from the time they were at home to the time they moved to the streets. South Africa's DSD aims at introducing preventive measures to equip poor families with income support in the form of Child Support Grants (CSG) as a way of cushioning families, particularly children from being intensely vulnerable.

From sociological and anthropological standpoints, vulnerability is an alternative way to characterise the multi-dimensions of poverty that are not captured by money metric values. Here, economic vulnerability ultimately translates into social vulnerability which is much more wide-ranging in terms of the areas of risks that impinge the individual's ability to live according to their aspirations. Social vulnerability captures vulnerable groups such as children at risk, the elderly, disabled and among others, female headed households, (Alwang, Siegel and Jorgensen, 2001:18). The United Nations Development Program (UNDP) defines vulnerability at its basic level as: 'exposure to a marked decrease in standard of living. It is of special concern when it is prolonged, and when standards of living fall below critical thresholds, to a point of deprivation.'

Vulnerability can thus be understood as being at risk to an undesired outcome, and the outcome that should be the main concern for policy makers (Cooper, 2015: 35). Notably, children in street situations are constantly at risk and are vulnerable to poverty, hunger, ill-health, lack of education, death, conflict with the law, violence, and abuse. The list of possible risks is long, but the question is how can social welfare and policy ensure that risk and vulnerability are minimised before they materialise? An important line of inquiry in the child welfare and children's rights discourse should be premised on a clear understanding of why children as a demographic are vulnerable and what makes them vulnerable. Such questions will shape the progression and design of social welfare for children, taking into consideration multiple vulnerabilities that a child can face. An integration of social, economic, and political reforms and policies is key in alleviating child vulnerability.

Martha Fineman's vulnerability theory has shaped the notion that vulnerability is universal, it is an inherent human condition that needs to be mitigated by governments, (Kohn, 2014: 3). Taken as a legal theory, the vulnerability approach argues for a more responsive state, considering that people are constantly vulnerable. As a result, the state's unit of analysis needs to shift from a liberal individual to a deeply vulnerable subject, (Fineman, 2010). However, the biggest critique to Fineman's theory is that it does not articulate how resources can be distributed among vulnerable individuals. Providing social protection to all children may be a noble idea but it might be a logistical nightmare to execute. Importantly, though, if children are already treated as a vulnerable population regardless of family income, ensuring that their rights are met through having budgets that support child welfare will help to avert problems such as having children living and working on the streets. A universal social policy that supports all children will promote inclusivity which will leave no children behind who otherwise would have been socially excluded from

any form of social protection.

The focus on the vulnerability of children propelled the United Nations Convention of the Rights of the Child (UNCRC) to extend care and protection to children based on their mental and physical immaturity, (UNCRC,1989). Since the UNCRC posits that children's physical and mental immaturity warrants them care and protection from State and Non-State actors, it means that children are an innately vulnerable and at-risk population. If all children are vulnerable, including children cushioned from the harsh realities of life by family, how much more vulnerable are Children in street situations. In this instance targeting in universalism will be appropriate were Skocpol (1990) argues that extra benefits are directed to low-income groups within the confines of a universal policy design. It will be a matter of fine-tuning already fundamentally universalist policies. Children in street situations may benefit more from targeted social interventions that will address their specific problems while fulfilling and protecting their rights as children.

Surely, if vulnerability is a central idea in how children in general and particularly children in street situations are understood, there are important questions to consider. Firstly, what factors constitute risk for children in a specific society? That is, what conditions make children vulnerable? Secondly, how is the vulnerability perceived or defined and by whom? Thirdly, do children's rights address the risks and vulnerability of children in general and children in street situations in particular? A seemingly obvious but critical point to also consider is whether children are perceived by adults as actual rights holders.

Social welfare for children is best conceived by the UNCRC and other human rights instruments to guide behaviour, policies,

programs particularly on 'non-discrimination; the best interests of the child; the right to life, survival and development; the right to be heard and taken seriously; and the child's right to be guided in the exercise of his or her rights by caregivers, parents and community members, in line with the child's evolving capacities' (CRC General Comment 21). The UNCRC has set the guidelines and standards by which children ought to be treated and protected in their families, community, and the state. Specifically, in post- Apartheid South Africa, efforts have been made to ensure and promote the protection of children by various social actors. For example, the 1995 National Programme of Action for children, steered by a National Steering Committee to encourage the inclusion of children in social development initiatives, works alongside the Office of the Rights of the Child which was established in the president's office in 1998. Both work to support the implementation of child welfare programs and initiatives. Development programs were introduced such as free healthcare for women and pre-school children and a national school feeding scheme (Richter and Dawes, 2008). Additionally, based on the South African Constitution, citizens have the right to access social protection in the form of social grants if they cannot support themselves and their dependants

According to the African Report on child Well-being (2018), African governments have surely made great strides in realising the fulfilment of children's rights and well-being. The African Committee of Experts on the Rights and Welfare of a Child's (ACERWC) recognition of the importance of the Day of the African Child (DAC) has aimed at enhancing awareness of the ACERWC and promoting children's rights and welfare. The DAC was formed as a result of the Soweto uprising of 1976, to date since 1991, the day is celebrated on the 16th of June annually as an initiative by the AU to remember the children who were gruesomely murdered under the oppressive apartheid regime. The DAC is used as a day to not only commemorate these children but to

also encourage public authorities and the non-governmental actors to remain committed to the cause of children's welfare and to continuously seek new ways to deal with the numerous challenges that African children are exposed to daily. The theme selected by the African Committee in 2017 is the “2030 Agenda for Sustainable Development for children in Africa: Accelerating Protection, Empowerment and Equal Opportunity.” (African Committee of Experts on the Rights and Welfare of a Child).

The hardships children in street situations face on the streets expose them to exploitation. Often these children are abused by adults with impunity. A life burdened by risk and vulnerability takes a toll on these children who end up at the mercy of perpetrators. Although children in street situations exercise their agency and find ways to manoeuvre around difficult circumstances, they still face their problems and try to find solutions. Regardless of whether their solutions are in their best interests or not, these children manage to survive in deplorable conditions. All in all, navigating the terrain of childhood for children whose lives are largely spent on the streets appears to be a complicated endeavour. Children in street situations are burdened by vulnerability and mostly live a life filled with risk yet they remain living and working in the streets. Being gripped by difficult circumstances and exposure to countless privations, the lives of children in street situations continue to be under threat because finding a habitat in a public space such as the streets is undeniably unsafe, especially for children. The social protection of is a key policy area in the vulnerability discourse. The vulnerability of children is best addressed in conjunction with children's rights and welfare.

Vulnerability, the Capability Approach, and social policy analysis.

As said, post-Apartheid South Africa's development remains marked by the legacies of colonial and Apartheid pasts. Deep inequalities, poverty, and socioeconomic vulnerabilities remain key features of this post-Apartheid period (e.g. Spaul 2013). The country has mainly pursued neoliberal policies that emphasise economic growth although there has also been an undeniable effort to implement redistributive policies (Gumede 2015). Since the 1980s, economist and philosopher Amartya Sen's work has provided the impetus and clarified the broad ideas and concepts that have come to be understood as a Capability Approach (CA) (see Sen; 1992, Sen; 1999 and Sen; 2002). Capabilities essentially focus on what people can be and do, they represent the real opportunities that enable people to live a life they have reason to value, (Sen 1985). Basic capabilities according to Sen are a subset of all capabilities which refer to the freedom to do basic things that are important for survival and enabling one to escape from poverty, (Robeyns, 2005).

In Sen's approach, there is no fixed or definitive list of capabilities. Rather, it privileges a flexible selection and weighting of human capabilities that depend on [personal] value judgements and advancement of individual agency (Sen 1993). The approach emphasises that people should have the freedom to live the life they have reason to value. According to Robeyns (2003) Sen's Capability Approach is used widely in development thinking, in welfare economics and social policies. It is a broad framework used in assessing individual wellbeing and social arrangements, policies and proposals that bring social change in society. Furthermore, it can be used to evaluate different facets of people's well-being such as poverty, vulnerability, well-being of individuals or the general well-being of a group. Sen uses the term

capability to refer to 'the alternative combination of functionings the person can achieve, from which he or she can choose one collection' (Sen, 1993: 31; see also Sen, 1992: 40; 2005: 153). The Capability Approach can also be used as another tool for a cost benefit analysis or a design to develop and analyse policy from affluent welfare states to government and NGO development policies in developing countries, (Robeyn, 2005). Sen's approach has been one of the leading alternatives to standard economic frameworks for thinking about poverty, inequality, and human development generally (see Sen 1999).

How does Sen's conception of capabilities illuminate our understanding of vulnerability as an important political and policy value in post-Apartheid South African development imagination? As discussed above, development policies in South Africa since 1994 emphasise the need to address the challenges associated with "vulnerable groups" through pro-poor policies and other strategies. Broadly, Sen's (1999: xii) view that freedom 'is the main object of development' is highly valuable for countries working to lift their people out of poverty and deprivation such as in South Africa today. From this perspective, policies targeting the poor must seek to support and empower the beneficiaries to enhance their capabilities. Beyond this, however, such public policies must also strive not to deliberately cause injury to the rights of the poor (Sen 1994; 2005). In short, development should be framed by the political and ethical focus on enhancing human capabilities and human agency.

Thus, for the purpose of this study, situating social and public policy analysis of vulnerable groups in South Africa within the Capability Approach provides some grounds to develop a critical and contextual understanding of vulnerability in development discourse in South Africa. As Qizilbash and Clark (2005: 109) write an analysis on poverty and inequality in the South African context following Sen's Capability Approach, one way to interpret

Sen's flexible conceptualisation of poverty and deprivation in 'absolutist' and 'relativist' terms involves 'seeing them as measures of *vulnerability*, where this relates to the possibility of being classified as poor' (emphasis in original). Specifically, for example, in studying children in street situations in South Africa, the task is to elucidate how policy interventions and strategies on children in street situations fit the overall policy focus on children as a “vulnerable group”. To that end, it is important to understand the fundamental values and principles that shape social interventions for vulnerable children in street situations and denote whether the expansion of capabilities (what one can be and can do) is one of them. As the Capability Approach assesses individual human well-being, the lives of children in street situations will be better understood in relation to the depth of vulnerability amongst them thereby encouraging their freedom.

The expansion of human freedoms is another expression of development, different from the normative views on development which are grounded in (inter alia) gross national product, personal incomes, and industrialization. For children in street situations, the attainment of freedom to satisfy hunger, attain employment, good health, shelter (the list can be expanded) can be seen as development which is a befitting mandate for the Department of Social Development. The expansion of the children's capabilities directly tackles the unending threats to their freedom and capabilities.

A high number of children suffer from multidimensional poverty, the dimensions of poverty range from a deprivation in health, education, and standard of living (UNDP, Oxford Poverty, Human Development Initiative, 2019). According to the Global Multidimensional Poverty Index (2019), across 101 countries, 1.3 billion people suffer from multidimensional poverty, half of the people (663 million) who suffer from multidimensional poverty are children under the age of 18, and a third of those (428 million)

are children under 10 years of age. Essentially, 63.5% of multidimensionally poor people are found in Sub Saharan Africa, which is the highest in all developing nations, the UNDP calls this a clarion call for action. Surely children in street situations bear the burden of multidimensional poverty considering that most of them do not attend school, have poor/ no access to health care and their standard of living (sanitation, housing and other amenities found in a home such as electricity) is below par. The enhancement of children in street situations' capabilities becomes a direct development initiative where children's lives are monitored and evaluated by assessing the reduction of multidimensional poverty, while improving children's quality of life.

The analysis of social policy requires a social analytical tool such as the Capability Approach instead of taking a rather economical or money metric approach to assess human well-being. Robeyns (2003) argues that a choice to focus on people's capabilities in social policy has resounding difference than focusing on neoliberal policies. The Capability Approach as a concept has been used to analyse policy in Europe, but a steady shift is now seen in using the Capability Approach to measure the outputs of social policy, (Goerne, 2010). Governance of children in street situations through the legislation and laws for children found in the Constitution of South Africa and the UNCRC are best adopted with the aim of expanding a child's capabilities, if real social development is to be achieved. Ensuring that the laws are direct in emphasising the exact opportunities that can be availed to children in street situations and how their capabilities can be expanded provides clarity on the exact policies and interventions that will avert vulnerability from children in street situations.

More so, Robeyns (2005) clarifies that the Capability Approach is not merely a theory to explain well-being, poverty, or inequality,

rather, it provides a framework to conceptualise and evaluate phenomena. Evaluating phenomena such as the cause of vulnerability and the definitions of it thereof provides an understanding of how a child's well-being can be safeguarded before one delves deep into risk and vulnerability. Since the main aspects of the Capability Approach are on what people are effectively able to do and be, their quality of life, the removal of hindrances that inhibit them from having the freedom to live a life they deem valuable through opportunities they may have access to (Sen 1993). The lives of children in street situations need to be carefully studied and documented so that all hindrances to their freedom are removed, this works if the children's voices are heard and respected.

To take a Capabilities Approach to examine vulnerability and children in street situations in South Africa, I ask: do the current generic policies on vulnerable children that the DSD implements effectively address the vulnerability of children in street situations? How are children's freedoms expanded through the liberty to have choices? Does the DSD play a key role in the empowerment of vulnerable children particularly children in street situations in Pretoria through its broad child welfare for all children in need of care and protection? How do the current laws and treaties seek to enhance the capabilities of children in street situations as a specific cohort of children in need of care and protection? Can the Capability Approach provide meaningful child welfare to address the complex nature of children who are in street situations? These questions start conversations on practical ways to unpack the depth of vulnerability amongst children in street situations and how to expand opportunities for their own well-being. The Capability Approach is fundamental in social policy for vulnerable children, in this case, children in street situations for it drifts from their weaknesses and negative traits and focuses more on their potential through focusing on what they can do.

I understand that the Capability Approach provides a more practical approach to development in child welfare because children do not earn incomes and their own development is not necessarily economic but rather social from the provision of facilities such as basic education, health, and social safety nets. As the key analytical distinction in the Capability Approach is that between the means and the end of development and well-being, while the end has basic importance, means are important to realise the goal of well-being, justice, and development. The ends of well-being, justice, and development ought to be conceptualised based on people's capabilities to function, their opportunities to undertake the activities and actions they want to engage in and become who they dream to be (Robeyns, 2005).

However, the Capability Approach has been critiqued by Martha Nussbaum (2003:40) who asserts that Sen did not manage to bring out a list of capabilities although nevertheless he managed to pinpoint health and education as particularly central. Of importance is to have a comprehensive list of well-defined but general capabilities that governments endorse and incorporate in their constitutions, (Robeyns, 2011). Such an initiative if adopted by the government of South Africa as a response to addressing vulnerability will create a direct response to how a person's vulnerability can be mitigated. Development as freedom for children in street situations may be propelled by encouraging individual capabilities and the capabilities of children in street situations as a collective.

Sen (1999) states that the ability to choose the life one has reason to value also works through the possibility of working with people who have reason to value the same things in life. Individual capabilities and collective capabilities are co-dependent. According to Nussbaum (2011) capabilities answer the question on 'what is this person able to be and to do' and Sen calls these

substantial freedoms where a person can choose and act. Therefore, capability is a form of freedom or opportunities created by a nexus between personal abilities and the political, social, and economic environment. Applying the Capability Approach in social policy will not necessarily be to analyse policy that addresses the vulnerability of children but mainly to measure the outputs of the same policy that seeks to reduce vulnerability of children.

Methodology.

Data Collection.

This was an exploratory study carried out by means of in-depth qualitative face to face interviews and literature review. O'leary (2010: 195) explains that face to face interviews may be useful in capturing the interviewee's thoughts and feelings. Haralambos and Holborn, (2004:906-907) state that some advantages of using face to face interviews are that "issues can be explored in greater depth and non-verbal cues are picked up'. Face to face interviews provided a platform for me to probe further and ask for clarification. It enabled me to explore issues in greater depth and detail, making face to face interviews more appropriate for this study.

I conducted interviews at a convenient time for the participants, either in their offices or a selected room at the department and all the interviews were carried out in the morning and mid-afternoon before lunch time. The interviews lasted between forty-five minutes to an hour, on average. A digital recorder was used to capture data, while the questions were administered with the aid of an interview guide. According to Green (2002:172) an interview guide helps as a map for the path the researcher will take when dealing with the specific issues relevant for the study. In addition, an interview guide will help the researcher to focus on the themes

of interest, De Vos et al (2006). The questions used were open ended questions that promoted follow up questions and probing in order to gain clarity on some answers provided. During face-to-face interviews I was cognisant that I might already have preconceived ideas and biases on policy around children in street situations, hence I was aware that it may affect my interaction with the participants and as a result distort the data I was collecting. However, because of this self-consciousness I did not let my own ideas affect or distort the data I was collecting. It is imperative that the researcher adhere to the suspension of prejudices and biases, use accurate and systematic recording of observation and the creation of a good environment in terms of the location and setting of the collection of data (Babbie and Mouton, 2007).

Discussion and Findings

Vulnerability of Children in Street Situations.

'...I will refer to the constitution as well we all have this right, regardless of where I come from whether I am black or white, we all have this equal right but street children obviously won't enjoy the same rights as a child from a household would enjoy like a right to dignity, like I said people see you on the streets and they just make assumptions and make conclusions without even engaging with you so for me that makes them vulnerable sometimes we judge without even trying to get closer to try and understand what is really happening... (*Mbali, Social worker, DSD Pretoria, November 2019*).s

In their discourses and narratives, social workers at the DSD in Pretoria offered vivid descriptions of the lived conditions for children in street situations. Indeed, my interviews with social workers at the DSD convey their awareness, insights, and use of

policies and legal resources to inform their work with children in street situations who are broadly categorised as 'children in need of care and protection' rather than being treated as a distinct group of children. That is, the research shows how the governance of children in street situations is delivered through laws, legislation, social policy, and social interventions.

One of the main questions of this study was to examine the meanings of vulnerability as conceptualised and used in policy and social interventions towards children in street situations. Firstly, as the study finds, vulnerability is the central and starting point in which the discourse of social protection of children in street situations and other groups of 'children considered to be in need of social support is premised on. Children in street situations live and work in the streets, a phenomenon that makes them vulnerable. The study outlined and discussed why children in general are constructed in discourse and policy as part of the “vulnerable groups” and how this construction might be extended to the specific case of children in street situations. Throughout my interviews with the social workers at the DSD, these experts and professionals reveal that children in street situations in Pretoria are vulnerable mainly because of hunger, substance abuse, homelessness, and poverty.

Furthermore, based on the interview data, I also underlined how substance abuse also deepens vulnerability where children in street situations become dependent on toxic substances that disrupt their everyday life, including their health, productivity, and well-being. Thabo, a statutory social worker indicated that children in street situations avoid social workers because of their interventions to curb substance abuse which shows how highly addicted to drugs the children are. 'Street children know Social Development is there, we go out and let them know about the services available we make

them try to use the services so most of them are not really interested coz there is already an added tendency of drugs already so they know there is no way you will be involved with anything with social workers' (Thabo, *DSD Social worker, Pretoria*)

Secondly, as children are inherently classified within vulnerable groups of people, the study sought to examine how, in turn, this understanding of children in street situations through vulnerability defines the actions and interventions that DSD social workers undertake or consider within the limits of law and policy. Vulnerable children who need care and protection are framed as (potential) recipients of welfare and social protection, mainly from the South African government. Although children are innately vulnerable by virtue of their age, worth recognising is that, as a generic category, children are not a homogenous group. They are differentiated by various factors such as race, gender and class that all contribute to defining the different levels and depth of vulnerability of some children over others. Black children from poor backgrounds constitute the pool in which most children who live and work on the streets emerge, (*DSD Strategies and Guidelines for Children Living and Working on the Streets*).

My analysis of these narrative descriptions underlined not only show the depth and multifaceted character of what vulnerability means for children in street situations in this context. It also shows some of the important implications for considering the impact of existing and potential interventions (social protection measures within social policy and the law) are designed to help and support children in street situations. Crucially, for example, throughout the study, I gathered that while institutional forms of support are the most dominant in policy, DSD social workers emphasize how family reunification is much more desirable for children in street

situations. Thus, I reason that while legal and institutional perspectives are instrumental in setting the tone on how children in street situations are conceived and embedded institutionally, it is not always clear that these are the most effective in meeting their needs.

Thirdly, an important finding of this study is the ambivalence on the problem of children in street situations in Pretoria amongst social welfare providers, even within the DSD itself. Within the specific and immediate area of Pretoria some social workers at the DSD are adamant that children in street situations are no longer a problem. According to this category of social workers, there are no children living and working on the streets. However, besides the fact that this view is belied by even a casual observation of the main avenues and streets in the city of Pretoria where one can clearly still see some children in street situations, there is also another category of social workers at the DSD that contend that the problem of children in street situations in Pretoria is still rife.

This ambivalence about the existence of children in street situations makes governance through delivery of interventions to children in street situations complex and unclear in terms of the very basis for formulating the interventions in the first place. The tensions on the existence or non-existence of children in street situations in Pretoria are not only confusing, but they also result in vague policies specifically for this group of vulnerable children. If the situation in Pretoria is instructive in one fundamental way, it is mainly that the DSD stills needs to determine for itself the very parameters by which children in the streets can be considered as children in street situations as well as the approximate numbers of these children across the whole country. In other words, the DSD is still faced with a definitional challenge of a problem for which legal and policy measures currently seek to address. To correctly

ascertain the existence of children in street situations, the DSD can mobilise the assistance of other agencies in protection services such as the South African Police Services (SAPS), the IDs services at Home Affairs, and legal protection from the Department of Justice. This specific finding of my study clearly indicates that while children in street situations are indeed in need of care and protection, they are a distinct category of children that needs targeted interventions that will succinctly address the complexity of their situations.

It should be noted that in as much as children are deemed inherently vulnerable, I suggest that children in street situations not be only viewed as a vulnerable population because of the tenacity and resilience they exhibit while living and working on the streets. Children in street situations in Pretoria choose to remain in the streets instead of being taken to CYCCs. Social workers mentioned that children do not want to be removed from the streets, and if removed by social workers, they abscond from the CYCCs. So, if children in street situations are as vulnerable as is the consensus, the question lies in why they choose to remain on the streets even after social interventions are introduced. The delivery of social interventions and social protection for children living and working on the streets is an attempt to address and 'fix' their vulnerability but because of the pseudo-adult life they live on the streets, the social interventions become misguided as they focus on removing children from the streets to placing them in CYCCs. CYCCs thwart the children's substantial freedoms and autonomy that they normally enjoy while on the streets.

The multiplicity of burdens children in street situations face emanate from their lifestyle and responsibilities which suggest that they are no longer children, yet their age and physical development contradicts their reality. Childhood for children in street situations

like most vulnerable children in third world countries is characterised with hardships and a warped sense of what draws a line between childhood and adulthood. Corsaro (2004) acknowledges that childhood is socially constructed and its definition changes across place and time. Mary, a social worker at the DSD pinpointed that there is a difference between a child in a household and those in the streets, where a child in street situations strives to meet their basic needs and have no time for leisure, a typical lifestyle a child living at home enjoys.

In this regard, children in street situations need to be assisted knowing that they have transcended the boundaries of childhood and how they are assisted should be rooted in a rights-based approach which gives them a voice to decide how best they can be assisted. This study supports the CRC General Comment 21 which calls for a rights-based approach to welfare for children which 'ensures respect for the dignity, life, survival, wellbeing, health, development, participation and non-discrimination of the child as a rights holder'. Social protection will achieve its mandate if children are included in policy formulation while treating them as knowledgeable autonomous beings.

If the government, child welfare organisations and the children themselves define practical meanings of vulnerability for this group then vulnerability will essentially be dealt with accordingly. Similarly, Richer (2019) states that social interventions must target the specific background of a child to ensure that effective programs are built for them. In my opinion, children in street situations need to be treated as emancipated minors whose rights are respected. Admittedly, the new social studies of childhood frames children as active beings who use their agency in difficult circumstances, although this assertion is plausible, there is need for balance which will determine the specific interventions that are in the best

interests of the child, as discussed with the child taking into cognisance their personalities and attitudes which are shaped by their experiences on the streets.

Even though the life trajectories of children in street situations bring to the fore a certain behaviour not normally found in domesticated children, social workers at the DSD made it clear that children in street situations are still children in need of care and protection in South Africa. Because of that, children in street situations are viewed and managed under the same lens and guidance as all other vulnerable children. Once the children are under the care of the DSD, they basically receive the same care and protection. I emphasise the importance of conceptualisations in social policy or broader social science where the definition of concepts is key in policy making.

The CRC's General Comment 21 uses the term children in street situations as the preferred term for children in extreme vulnerability while working and living on the streets or children whose lives have a strong connection with the streets in their everyday identities. So, as I analyse 'street situations' I get the impression that there are multiple situations that present themselves in the streets, often these are risky and dangerous situations that children are exposed to. Defining them as children in street situations evokes some level of sympathy, dignity, and commitment to ending the children's perceived vulnerability. In comparison to terms such as 'street kids', 'street children', 'urchins' among other demeaning terms, incorrect terminology only propels negative perceptions of who children in street situations are. Despite living and working on the streets children in street situations are children first before living and working on the streets defines them.

The DSD *Strategies and Guidelines for Children Living and Working on the Streets* also states that the term 'street child' is inappropriate because no child was birthed by the streets. With derogatory terms to describe children in street situations, I imagine that their vulnerability may easily be downplayed while their negative traits are put to the fore also negating that these children are full rights holders. Vulnerability plays a significant role in the discourse of children's rights, social welfare, and protection. Noteworthy, however, is that vulnerability also evolves with time because it depends on a myriad of factors. Presumably, the level of vulnerability for children in street situations deepened during the Covid 19 lockdowns where businesses were shut, and people lost incomes. This may have translated to them losing income on the street too.

Additionally, children's vulnerability also stems from structural socio-economic factors that are beyond their control. They are one of the groups of people hardest hit by poverty and inequality which is why some of them find solutions to their problems in the streets. For children in street situations who do not have any form of identity, their vulnerability multiplies as they are excluded from essential services such as education and proper health care. DSD social workers articulated that children can only benefit from the services offered at the CYCCs if they agree to be institutionalised, ironically, those who abscond from the CYCCs or refuse to be enrolled cannot receive the much needed assistance. Such rules and regulations embedded in law, which dictate that identity documents are a pre-requisite in accessing social services are necessary but can further marginalise the most vulnerable groups in society who need to benefit from such services.

In the end, vulnerability is a pressing social problem in South Africa that has mainly affected poor black people in post-Apartheid South Africa. For most children in street situations, their vulnerability does not only begin when they start living and working on the streets but usually begin while still in a household,

which is usually dysfunctional. Growing up in an adverse home environment which leads to opting for street life indicates the socio-economic failure of the household and the State. When families disintegrate especially because of poverty and unemployment, it is the role of the government to protect its citizens through sound socio-economic policies that ensure that children do not suffer the most. The socio-legal frameworks for child protection in South Africa have made remarkable effort to improve the well-being of children. It however requires concerted effort from families, communities, local government, religious organisations, and NGOs to continue family preservation and support so that children do not end up in street situations.

Implications

This study widely discusses and analyses the vulnerability of children in street situations, thereby contributing to bodies of knowledge on child vulnerability. I indicate that vulnerability is central to the work done by the DSD as it is the basis in which the governance of children in street situations is administered. The conceptualisation of vulnerability informs the social policies and interventions for children in need of care and protection. Cooper (2015: 35) understands vulnerability as being at risk to an undesired outcome, the outcome should be the main concern for policy makers.

Important questions in the discourse of vulnerability are necessary to ask such as what conditions make children vulnerable, what constitutes risks for children in a specific society and who defines vulnerability for a specific group of people, is vulnerability perceived the same across important social actors? These questions can set the groundwork for policy formulation while implementation would ensure that children's lives are improved, and opportunities created. The governance of children in street situations relies on proper conceptualisation of what vulnerability means, how it affects children and how best can they be taken out of risk and vulnerability.

Conclusion.

The DSD in South Africa continues to make great strides in improving the lives of vulnerable children through the Children's Act which is a guideline for child welfare. A radical approach to lift children out of vulnerability in post- Apartheid South Africa may need an approach such as the Capability Approach which sees development as freedom. When children have the freedom to choose the opportunities that enable them to live a life they have reason to value then vulnerable children in street situations may be fully empowered to leave the streets. Such institutional strategies that encourage capabilities will provide invaluable progress in the field of development and child welfare which also acknowledges children as rights holders.

Children in street situations in South Africa continue to be vulnerable mainly because of the difficult experiences on the streets. The interpretation of this vulnerability by social service providers sets the tone for the social protection of vulnerable children. This study finds that the conceptualisation of terms is pivotal in the development discourse, therefore children in street situations need to be assisted to address the situations they face on the streets rather than being treated with disdain. By enhancing vulnerable children's capabilities, children will be able to have opportunities that promote well-being coupled with the chance to live a life worth living.

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