

**RECONCILIATION  
LOOKING BACK REACHING FORWARD:  
Indigenous Peoples and Child Welfare**

**Canada, Niagara-on-the Lake  
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OPENING ADDRESS BY MINISTER FRASER-MOLEKETI, 26 OCTOBER 2005

**FROM PAIN TO RAINBOWS:  
TOWARDS A TRANSFORMED  
CHILD WELFARE SYSTEM**



Good Morning,

As I recognise the indigenous owners of this land we are on, I would start out with the words of President Mbeki on 8/05/1996 on the adoption of the South African Constitution.

*“I owe my being to the hills and the valleys, the mountains and the glades, the rivers, the deserts, the trees, the flowers, the seas and the ever-changing seasons that define the face of our native.*

*A human presence among all these, a feature on the face of our native land thus defined, I know that none dare challenge me when I say – **I am an African.***

*I owe my being to the Khoi and the San whose desolate souls haunt the great expanses of the beautiful Cape – they who fell victim to the most merciless genocide our native land has ever seen, they who were the first to lose their lives in the struggle to defend our freedom and dependence and they who, as a people, perished in the result.*

*Today as a country we keep an audible silence about these ancestors of the generations that live, fearful to admit the horror of a former deed, seeking to obliterate from our memories a cruel occurrence which, in its remembering, should teach us not and never to inhuman again.*

*I am formed of the migrants who left Europe to find a new home on our native land. Whatever their own actions, they remain still, part of me.*

*In my veins courses the bloods of Malay slaves who came from the East. Their proud dignity informs my bearing, their culture a part of my essence. The stripes they bore on their bodies from the lash of the slave master are the reminder embossed on my consciousness of what should not be done.*

*I am the grandchild of the warrior men and women that Hintsa and Sekhukhune led, the patriots that Cetshwayo and Mphahlele took to battle, the soldiers Moshoeshe and Nungunyane taught never to dishonour the cause of Freedom.*

*I am the grandchild who lays flowers at the Boer graves at St Helena and the Bahamas, who sees the mind's eye and suffers the suffering of a simple peasant fold, death, concentration camps, destroyed lands, a dream in ruins.*

*Being part of all these people and in the knowledge that none dare contest that assertion, I shall claim that – I am an African.*

*I have seen what happens when one person has superiority of force over another, when the stronger appropriate to themselves the prerogative even to annul the injunction that God created all men and women in His image.*

*I know what it signifies when race and colour are used to determine who is human and who, sub-human. I have seen the destruction of all sense of self-esteem, the consequent striving to be what one is not, simply to acquire some of the benefits which those who had improved themselves as masters had ensured that they enjoy.*

*I have experience of the situation in which race and colour is used to enrich some and impoverish the rest. I have seen concrete expressions of the denial and the dignity of a human being emanating from conscious, systematic and systematic oppressions and repressive activities of other human beings.*

*All this I know and know to be true because I am an African!*

*Because of that, I am also able to state this fundamental truth that I am born of a people who are heroes and heroines.*

*I am born of a people who would not tolerate oppression.*

*I am of a nation that would not allow that fear of death, torture, imprisonment, exile or persecution should result in the perpetuation of injustice.*

*The great masses who are our mother and father will not permit that the behaviour of the few results in the description of our country and people as barbaric.*

*Patient because history is on their side, these masses do not despair because to day the weather is bad. Nor do they turn triumphalist when, tomorrow the sun shines.*

*Whatever the circumstances they have lived through and because of that experience, they are determined to define for themselves who they are and who they should be.*

*The Constitution whose adoption we celebrate constitutes an unequivocal statement that we refuse to accept our Africanness shall be defined by our race, colour, gender or historical origins. It is a firm assertion made by ourselves that South Africa belongs to all who live in it, black and white."*

I offer this input as one contribution to your deliberations, not as a solution to the difficult steps that lie ahead for you. Our experience in South Africa, our reality, and my perspective and experience on child welfare and reconciliation may be very different to your particular reality, and I honour that. My hope is that the lessons we have learned, and continue to learn in our country, will encourage you to look back, and move forward, with the understanding that reconciliation is not only necessary, but possible.

Reconciliation, I believe, begins with a walk through reality, recognition of pain, and an honouring of experiences.

"We could not," said Archbishop Tutu in the Truth and Reconciliation Commission's report, "make the journey from a past marked by conflict, injustice, oppression, and exploitation to a new and democratic dispensation characterized by a culture of respect for human rights without coming face to face with our recent history."

Colonialism and Apartheid, because of their devastating affect on families and communities, played a fundamental role in shaping our child welfare system in South Africa. These effects were all the more devastating because the majority of people in our country are indigenous and more than 40% of our population of 44 million are indigenous young people under the age of 18 years.

South African children were exposed to countless horrors and suffered considerable trauma because of apartheid. Their role and involvement in the resistance struggle placed them on the firing line. Large numbers of African and coloured children were detained by the South African Government. At times, during the years of greatest conflict, children under the age of eighteen years of age represented between 26 per cent and 45 per cent of all those in detention. Of 80 000 detentions, 48 000 were detainees under the age of twenty-five.

As reported in the Truth and Reconciliation hearings, torture usually occurred at the hands of the security forces whilst children and youth were in detention. Types of abuse reported by children included food and sleep deprivation, solitary confinement, beating, kicking, enforced physical exercise, being kept naked during interrogation, suspension from poles and electric shocks. Other forms of torture included verbal insults, banging a detainee's head against a wall or floor, use of teargas in a confined space, enforced standing in an unnatural position, beating on the ears, near suffocation and cigarette burns. The Commission's documentation shows that children and youth were the dominant victims in all categories of gross human rights violations. For almost every adult that was violated, probable two or more children or young people suffered. Young people were killed, tortured, maimed, detained, interrogated, abducted, harassed, and displaced as well as being witnesses to these abuses.

Racism and violation of human rights was not however, introduced to South Africa by those who designed Apartheid. Colonisation was the beginning, as far back as 1652. In the 17th and 18th centuries for example, there was the elimination of the San and Khoi-Khoi by settlers. Between 1899 and 1902 the British forced Boer women and children into concentration camps in which 20 000 people died.

In 1913 the Land Act came into being, a far-reaching and profound attempt at social engineering, effectively laying the basis for the separation of Whites and Africans. Not only were Africans not permitted to own land, but the Act initiated forced removals of our indigenous peoples from their land, dislocating them from the only home they knew, splitting up families and communities and creating the beginnings of serious oppression and resistance, which ultimately led to gross human rights violations.

Then later came the Apartheid laws and structures – legislated, systemic racism and oppression. These included:

- The Native Urban Areas Act of 1923
- The Wage Act of 1925
- The Native Administration Act of 1927

- The Representation of Natives Act of 1936
- The prohibition of mixed marriages Act of 1949
- The Bantu Education Commission of 1949
- The Group Areas Act of 1950
- Separate Development Policy of 1959, and
- The Homelands Constitution Act of 1971

The various pieces of legislation and the structures setup to maintain Apartheid, together with a general belief that black people were worthless, effectively ensured that the majority of South Africa's children and families were exposed to oppression, exploitation, deprivation and humiliation.<sup>1</sup>

One example of exploitation that has impacted on thousands of families and communities is the implementation of what was known as the 'Dop system' (a dop is an Afrikaans word for an alcoholic drink). White farmers using black people as their slaves, paid for their services by giving them, not money, but alcohol.

The result is that generations and whole communities have been affected by alcoholism and its terrible consequences – family breakdown, foetal alcohol syndrome, child abuse, illness, crime and poverty.

At the beginnings of our democracy in 1995, the Truth and Reconciliation Commission (TRC) was established to help facilitate a healing process in South Africa. The Commission was required (as indicated in the title of this conference) to *look back to the past and forward to the future*. It was chaired by Archbishop Tutu and the process lasted for 4 years. Its inception came through an Act of Parliament and signified a constitutional commitment to a need for *understanding* and reparation, without any sense of vengeance or retaliation. The commitment to reconciliation called for a respect for human life and the strengthening of a restorative approach to justice. At the heart of the process was the recognition that individuals, families and communities needed to hear the truth and understand what had happened to their loved ones.

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<sup>1</sup> TRC Report, Vol 4, page 251

At the beginning of his report Bishop Tutu raises the concept of reconciliation and challenges those who think it is both easy and painless. He says, and I quote, "The trouble is that there are erroneous notions of what reconciliation is all about. Reconciliation is not about being cosy; it is not about pretending that things were other than they were. Reconciliation based on falsehood, on not facing up to reality, is not true reconciliation and will not last.... True reconciliation is not easy; it is not cheap."<sup>2</sup>

A Dutch visitor to the Commission observed that the Truth and Reconciliation Commission must fail. Its task, she said, is simply too demanding. Yet, she argued, "even as it fails, it has already succeeded beyond any rational expectations". She quoted Emily Dickinson: "the truth must dazzle gradually.... Or all the world would be blind".

We however, were not prepared to let South Africans and the world be dazzled gradually or as Desmond Tutu said 'grow gently into the hard realities of the past'. I do not believe that even in this conference we should tread softly around the truth.

Indigenous children, families, and communities must be heard.

Many of us have wept as we were confronted with its ugly truths, said Tutu. However painful the experience has been, we remain convinced that there can be no healing without truth.

Here is one of those painful stories, the Trojan Horse incidents, reflected upon by Beth Lyons who has sat in on TRC hearings in May 1997: She says, *"A state of emergency had been declared 11 days before the 'Trojan Horse' incident. On that day, three youths – Michael Miranda (aged 11), Shaun Magmoed (aged 16) and Jonathan Classen (age 21) – were killed and scores were injured. The children were allegedly throwing stones at the police, who testified they had feared for their safety. They said they had been ordered to arrest, not kill.*

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<sup>2</sup> Truth and Reconciliation Commission (TRC) Report, Vol one, page 9

*I am standing next to a young reporter in his thirties. He bursts into tears as the video starts. Then 22 years old, he was in Athlone that day in 1985 with the school children. 'It could have been me', he keeps saying.*

*A twelve year old student – just born when the attack occurred – perceptively points out that there was no room on the truck to put the children whom the police were supposedly going to arrest. And the police team was equipped with ammunition that could kill if fired at close range. Seven of the police officers in the video are sitting on the stage, looking smug, with no trace of emotion on their faces. They have been subpoenaed to appear. As the commissioners grill them, the still angry but disciplined spectators listen to the police responses and mouth the word 'liar' to each other. 'Where are the stones?' they ask in disbelief.*

*Ten years ago I am told this crowd would have wanted to lynch the police officers who murdered their children. But today, this hall is a safe haven. The officers' safety is guaranteed by the community's commitment to a process of building the new democratic South Africa, motivated by Ubuntu (which, in the words of Commission Chair Archbishop Desmond Tutu, is the essence of being human')*

*The audience includes relatives and friends of the dead and injured children. They testified on the first day of the hearings, recounting the unspeakable horrors they had witnessed and watched loved one's endure.*

*As I listened, I was repeatedly horrified not only by the abuses described but by the 'ordinariness' and ubiquity of murder, torture, detention and harassment in the daily lives of the majority of South Africans under apartheid."*

Let me turn now to the other component of this conference – child welfare.

South Africa's child welfare policy was (until 1994) based on discrimination, racism, the imposition of white western middleclass values, and a westernised approach to child welfare services. A combination calculated to alienate and marginalise indigenous families, all poor families (regardless of race), as well as our so called coloured people.

The bottom line being *the power* of government social welfare (and thus social workers) to define the nature of the 'ideal' family, the level at which they should function in order to receive services, who required services, the type of service required, and the resources allocated to that service either by way of social security or subsidization. The darker your skin, the less you received by way of services and resources, and the more you received by way of oppression and coercion.

The typical approach to child welfare in South Africa has, to a large extent, been based on the western individualistic model. African culture on the other hand, is rooted in collectivism, and I believe similar values are held by Indigenous peoples throughout the world. Social Collectivism encompasses a life in which people live in harmony within communities, depending on one another, on family, and contributing to the well-being of one another.

An African child will have many mothers and fathers, brothers and sisters etc, everyone in the extended family being a relative and having some responsibility toward the well-being of the children. In the days gone by, in our African communities, no child would be 'alone' and without support if their biological parents were not available. A child at risk would be taken care of by relatives, a child coming home from school and finding no food in her home would simply go next door and ask for food from the neighbour, who would gladly oblige. No child would behave badly in the street and go unrebuked by an adult in fear that a parent may question their right to interfere – neighbours or extended family would intervene to correct the child and demand that they behave differently.

A colleague of mine working in a remote rural village in our country tells of a situation a year back in which she asked a grandmother who was taking care of four orphans, whether she knew of any other orphans living in that area. The women replied, "I don't understand what you mean – we don't have that belief in our culture – we don't have orphans. Children belong to all of us."

While there are now more debates and challenges on this matter, the individualistic western approach has tended to define the ideal family to be the nuclear family and this places a total responsibility on biological parents to take care of and protect their

child. It carries moral judgements with it too, such as divorce is wrong or single-parenting places children at risk. The inappropriateness of basing welfare policy on the concept of a nuclear family was clearly challenged in South Africa in 1994 by a range of researchers and policy makers. It is seen as inappropriate because there are a number of forms of marriage in South Africa, there are many 3 generational households, there are a large number of rural women who head up households, and a significant number of children are raised separately from one or both parents.

The definition of family as the nuclear family has been coupled with the dominating view point that parents must meet white middle class standards of parenting, or be labelled as a failure and stand the risk of having their child removed (or apprehended as you would say here in North America). In our context this has applied to all children regardless of colour or race. Many thousands of children over the years have been removed from their families on the grounds of poverty, or too many children sleeping in the same room, or in the same bed, or parents sleeping in the same room as their children, or food not meeting the standard of what a middleclass family would provide, or a mother leaving her child with neighbours because she was working.

Some of these same issues relating to a dominating value system, I believe, are reflected in child welfare practice with most indigenous peoples. Reflecting on the structure of First Nations Society, Patricia Monture-Angus in her book *Thunder in my soul* says "no parent is left believing he or she is a "bad" parent – nor is any child alienated from the family or community".<sup>3</sup> She goes on to indicate, however, that the child welfare process does something entirely different to the First Nations approach. The child welfare system she says removes and then secludes First Nations children from their cultural identity and their cultural heritage."<sup>4</sup>

By the time our democracy began in 1994 our child welfare system was firmly established on the basis of principles and approaches which placed more children and families at risk than it provided them with the protection and developmental support they required. The degree of risk, because of Apartheid, was in direct proportion to

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<sup>3</sup> Patricia Monture-Angus. 1995. *Thunder in my soul: A Mohawk Women Speaks*.page195

<sup>4</sup> Patricia Monture-Angus. 1995. *Thunder in my soul: A Mohawk Women Speaks*.page192.

the colour of the child's skin. In addition, as I've indicated, western middleclass values dictated policy and practice.

In 1995 President Mandela signed and the South African Parliament ratified the United Nations Convention on the Rights of the Child (UNCRC) and in early 1996 he instructed that all children be removed from prisons. Following this instruction he established the Inter-Ministerial Committee on young people at risk under the leadership as the Minister for Welfare the time with the instruction that we transform services to children and families and create an integrated child and youth care system. We founded that transformation on non-negotiable principles which included among others:

- The resourcefulness of each young person and their family should be promoted by providing opportunities to use and build their own support networks and to act on their own choices and sense of responsibility
- Young people and families should be actively involved in all stages of any intervention.
- Young people and their families should be exposed to normative challenges, activities and opportunities which promote participation and development.
- No child may be removed from their family without a developmental assessment by a multi-disciplinary team, including the child and family, which considers the strengths and competencies of the family as a priority.
- All services to children and families should prioritise the need to have young people remain within their family and community context
- The approach to children in trouble with the law should focus on restoring harmony and putting wrongs right rather than on punishment.
- All services to children and their families should reflect an understanding of the African context in which they are based.
- Prevention and early intervention must take priority over any out of home placement.

You will be interested to know that in searching for those approaches which resonated with African traditions, we familiarised ourselves with what is known as the Circle of Courage. This approach, based on the medicine wheel, and described by Dr Martin

Brokenleg<sup>5</sup>, a Lakota Indian, captures some of the Native American principles of child rearing and community living, and effective ways to respond to children at risk. This approach now forms the heart of our South African child and youth care system. John Collier, in his work *the Indians of the Americas*, says, "They had what the world has lost. They have it now.....Be it for now or a hundred years from now, or a thousand – so long as the race of humanity shall survive – the Indian keeps his gift for us all."<sup>6</sup>

Well indeed that gift has been given to us in South Africa, and all South Africa's children are benefiting, indigenous or not.

We have been challenged during these last 10 years of democracy to re-think and re-define our ideas of poverty, risk, appropriate care, parenting, community, family and so on. We continue with this struggle, but slowly we are seeing change. In our new Children's Bill for example, we now make provision for kinship care, and we define family member as " any other person who has parental responsibilities and rights in respect of the child; a grandparent, brother sister, uncle, aunt, cousin; or any person with whom the child has developed a significant relationship, based on psychological or emotional attachment, which resembles a family relationship."<sup>7</sup>

While the discriminatory policy and resourcing established by the Apartheid regime has been eradicated, and considerable transformation has taken place in our child and youth care system, the western middleclass value system and the western approach to social work inherent in our system, continues to haunt day to day child welfare practice. Social work training is in the process of revision, but this will take time to make a difference, plus many thousands of social workers have yet to make the mind shift, let alone change their practice. This is not unexpected given our history and neither do we want to eradicate every western idea or model. What is critical, I believe, is to have our values and principles of practice very clear, and completely appropriate to all the peoples of our land, and ensure that these are enshrined in our legislation and policy. Rights must of course be a central focus.

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<sup>5</sup> Brokenleg, Brendtro & van Bockern. 1990. *Reclaiming Children and Youth at Risk: Our Hope for the future.*

<sup>6</sup> John Collier, *The Indians of the Americas*

<sup>7</sup> Republic of South Africa, Children's Bill, page 11

Our Constitution, based on rights, is clear on the rights of children and families. While we have ratified the UN convention on the rights of the child, we did find that the emphasis on the rights of the individual child as espoused in this Convention does not always harmonize with African concepts of childhood and hence we subscribe as well to the African Charter on the Rights and Welfare of the Child. A number of aspects are important for our child welfare legislation and practice. For example, the balancing of children's rights and responsibilities understood within the context of the extended family is better reflected in this Charter and although many concepts and ideas that are in the UNCRC are included in the Charter, African traditions are given special attention, with positive traditions seen as being in accordance with the charter, whilst customs that are harmful to children are discouraged to the extent that they are inconsistent with the charter.<sup>8</sup>

Our Constitution acts as our guideline and we move forward beyond the pain of the past and I want to read to you the powerful preamble:-

We the people of South Africa, Recognise the injustices of our past,  
Honour those who suffered for Justice and Freedom in our land,  
Respect those who have worked to build and develop our country  
And believe that South Africa belongs to all who live in it,  
United in our diversity.

Let me end with a personal experience –

In 1981 I was living in Harare in a residence used by the African National Congress. The incident I will refer to took place on the fateful evening of 31 July that year, twenty four days before my 21<sup>st</sup> birthday. A week before that I was due to leave for Angola where I was to undergo military training and a message had been sent to my mother to visit me as I was due to depart.

My aunt who was exiled in the Netherlands, came to Zimbabwe on 31 July to serve as a representative for NOVIB.

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<sup>8</sup> Skelton, A. *The influence of Restorative Justice on South Africa's Developing Justice System*. LLD thesis, University of Pretoria (forthcoming).

We borrowed a car to collect her, her husband and her two young sons from the airport as it coincided with my mother's presence in Zimbabwe. They had not seen one another since 1967.

We called comrade Joe and asked if we could eat dinner at the house before leaving to go to Melford, where my Aunt was due to stay for the next two years. We enjoyed dinner together, took a group photo and then left, leaving the gate open because Comrade Joe had said he would be following immediately. We returned close to midnight to find the gate open and the car in the drive way. We immediately realised that something was wrong. I walked to the front door as a young man with me went towards the car and then heard him shout "Geraldine, run!" He had seen the shattered glass of the driver's window and hence his reaction.

Comrade Joe was dead – a total of 22 bullets had been fired at him. The intention was not to wound. They wanted to ensure that he was dead, and even after he was clearly dead they had fired bullets into his body. A South African hit squad had been sent to kill comrade Joe and they expected at least three persons in that house on that fateful evening.

We only know this because the person responsible for this hit unit was recently killed in Iraq where he was operating as a mercenary and the details of the 1981 assassination has subsequently become public information.

This is our history.

We must deal with this pain and move forward, so that our children are protected.