



Original

Adventures

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SPRING

Life



PART ONE:

Children and Law Reform

Part one examines recent policy and legislative developments that affect children and youth in South Africa. These include:

- Amendments to the Sexual Offences Act;
- A High Court judgment on *ukuthwala*;
- Policies to promote the sexual reproductive health rights of adolescents;
- Proposed amendments to the Children's Act;
- Amendments to the Maintenance Act;
- The National Youth Policy 2015 – 2020.

Legislative and policy developments 2014/2015

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This review comments on the key legislative developments affecting children between August 2014 and July 2015. These include:

- Amendments to the Sexual Offences Act that decriminalise sexual acts between consenting teenagers and stop the automatic inclusion of child offenders on the National Register for Sex Offenders.
- High Court judgment that *ukuthwala* cannot be used as a defence against criminal charges of trafficking and rape.
- Policies to promote the sexual and reproductive health rights of adolescents and reduce the stress on learning caused by direct and indirect effects of HIV, sexually transmitted infections and tuberculosis.
- Two new Bills that propose to amend the Children's Act to:
 - ensure that all orphans will be eligible for foster care;
 - allow government social workers to handle adoptions; and
 - stop the automatic inclusion of child offenders on the National Child Protection Register.
- Changes to the Maintenance Act to improve the enforcement of maintenance orders and provide for the blacklisting of maintenance defaulters.
- The National Youth Policy 2015 – 2020, which seeks to address the specific needs of young people over the medium term.

Amendments to the Sexual Offences Act

The Constitutional Court has ordered Parliament to amend the Sexual Offences Act¹ after finding that some sections were unconstitutional² (for a full discussion of the case see the *South African Child Gauge 2014: Part One*)³. The Sexual Offences Act Amendment Bill⁴ was tabled by the Minister of Justice and Correctional Services in November 2014. Parliament passed the Bill in June and the Sexual Offences Amendment Act⁵ came into effect on 3 July 2015.

The first significant amendment is that the definition of "child" has been brought in line with the Constitution and the Children's Act, and is now defined as a person below the age of 18. The previous definition created two different categories of children. For purposes of sections 15 and 16 in the Sexual Offences Act, a child was a person older than 12 but younger than 16. In respect of the rest of the Act, a child included all persons below the age of 18. This created considerable confusion in the application of

sections 15 and 16, which refer to consensual sexual acts between adolescents.¹ This amendment is an improvement as it removes the confusion that the previous categories created.

The text of sections 15 and 16 now specifically refers to "a child who is 12 years or older but under the age of 16 years", rather than relying on the definition of "child". Following the amendments, no child who is older than 12 and younger than 16 may be charged with committing an act of consensual sexual penetration or violation with another child in the same age group. In addition, consensual sex between a 16- or 17-year-old and a child below the age of 16 is not considered a crime provided that the children are less than two years apart in age. Even if the age gap is more than two years, only the Director of Public Prosecution can authorise prosecution of a 16- or 17-year-old child.

It should be noted that the age of consent to sexual acts remains 16 in respect of sexual acts between children and adults aged 18 or older. Any sexual conduct between an adult and a child below the age of 16 is a criminal offence and must be reported to the police. Non-consensual sex is always a crime and that, too, must be reported.

In the case of *J v National Director of Public Prosecutions*,⁶ the Constitutional Court declared section 50 of the Sexual Offences Act unconstitutional because it failed to distinguish between adult and child offenders or consider the child's best interests. Parliament amended the section to make it clear that a child who is convicted of a sexual offence against a child is not automatically included on the National Register for Sex Offenders. A child sex offender may only be included on the register:⁷

- On application from the prosecutor for an order that the child should be included on the register;
- After the court has considered a report by a probation officer and any other evidence dealing specifically with the risk that the child offender may commit another sexual offence against a child;
- After the child offender has been given an opportunity to make representation as to why his or her name should not be included on the register; and
- If the court is satisfied that substantial and compelling circumstances exist that justify the child offender's name being included on the register.

In addition, section 51(2A) creates a mechanism that will allow

¹ Section 15 relates to acts of consensual sexual penetration with certain children (statutory rape). Section 16 relates to acts of consensual sexual violation with certain children (statutory sexual assault); this includes kissing and caressing.

child offenders whose names were included on the register before the amendments came into effect to remove their names from the register.ⁱⁱ A child whose name was included may apply to court for an order to remove his or her name from the register. The application must convince the court that it is unlikely that the child will commit another sexual offence against a child or mentally disabled person and that there are no pending charges against the child offender relating to a sexual offence against a child or mentally disabled person. A similar application may be made by a child whose name was placed on the register after the amendments came into effect and who wants to have his or her name removed before the prescribed time period has lapsed.ⁱⁱⁱ

Forced marriage and *ukuthwala*

The matter of *Jezile v the State*⁸ dealt with the forced marriage and rape of a 14-year-old girl in the context of forced marriage, or *ukuthwala*. Her uncles and grandmother arranged her marriage to the 28-year-old Jezile in exchange for R8,000 *lobola* (bride money). Jezile took her to Cape Town where he repeatedly raped and assaulted her. She escaped and made her way to the police. Jezile was charged with and convicted for trafficking, rape and assault with intent to do grievous bodily harm.

On appeal to the Western Cape High Court, Jezile claimed that his actions fell within the cultural practice of *ukuthwala*, and this was a defence against the charges against him. The court was called on to determine what the practice of *ukuthwala* entailed and whether it could be a valid defence to a charge of trafficking, rape and assault. The court found that a central requirement of the cultural practice of *ukuthwala* is consent from both parties to the marriage. Without consent from the girl, this case could never amount to real *ukuthwala*. The court concluded that the “aberrant” form of *ukuthwala* that involves forced marriage, rape and assault in order to subdue the girl bride is not a valid defence to criminal charges. The case emphasised the importance of the obligations on society to protect girl children. In this case, the girl was still in her school uniform when she was forced to relinquish all her children’s rights and become an adult.

Policies to promote sexual and reproductive health rights

The government released two policy documents over the last year that promote healthy sexual behaviour and support the fulfilment of adolescents’ rights to sexual and reproductive health services. The Department of Social Development (DSD) published the final *National Adolescent Sexual and Reproductive Health and Rights Framework Strategy 2014 – 2019*.⁹ The Department of Basic Education (DBE) released the *Draft National Policy on HIV, Sexually Transmitted Infections and Tuberculosis*¹⁰ for public comment in May 2015. Both aim to reduce teenage pregnancy; increase levels of educational attainment; and decrease HIV levels amongst young people.

National Adolescent Sexual and Reproductive Health and Rights Framework Strategy 2014 – 2019

The strategy purports to take a rights-based approach and is indeed inclusive as it specifically targets the needs of marginalised groups such as adolescents with disabilities; lesbian, gay, bi-sexual, transgender, queer and intersex adolescents. It describes itself as an “action guide” but provides little more beyond the list of other related laws, policies, strategies and key definitions, with no actual guidance on which stakeholders should do what to achieve the intended outcomes.

The strategy highlights the high incidence of unplanned and unwanted teenage pregnancies as a major concern and obstacle to sustainable development that needs “urgent and collaborative attention from all spheres of government, civil society and development partners”.¹¹ In 2011, the proportion of women who give birth by age 20 was 30%;¹² thus teenage pregnancy is a pressing issue. Whilst the strategy focuses on measures to reduce the birth rate, the government also has an obligation to develop policies that will allow adolescent mothers to continue their education.¹³ Sadly, the strategy pays little attention to supporting teenagers who become pregnant – a missed opportunity as current policy is contradictory and confusing.¹⁴ And although the strategy recognises the need for a coordinated approach and input from a range of stakeholders, it identifies the National Youth Development Agency (NYDA) as the lead agency. It is doubtful that the NYDA has the capacity to coordinate input from the DSD, DBE, Department of Health and the range of civil society organisations that will be required to implement the services.

Draft National Policy on HIV, Sexually Transmitted Infections (STIs) and Tuberculosis (TB)

This draft policy of the DBE recognises that the combined direct and indirect effects of HIV and TB make children vulnerable and place additional stress on learning and teaching in the classroom. The policy aims to reduce the incidence of HIV and TB amongst learners and staff by firstly improving access to HIV and TB prevention, diagnosis, treatment and care and support services; and, secondly, by increasing knowledge, cognitive skills and information about life skills, and HIV and TB in particular.

It includes a range of measures to ensure access to age-appropriate information about sexuality, relationships and responsibilities as part of the curriculum. This is to be welcomed as young people need more education on how to prevent the transmission of HIV and STIs.¹⁵ The true skill is in managing relationships and developing healthy sexual behaviours, and holistic programmes like PREPARE and Stepping Stones have been shown to reduce intimate partner violence and postpone sexual debut.¹⁶

The policy also promotes access to contraception, and states that “access to male and female condoms [barrier protection] and information on their use will be made available to all learners”.¹⁷

ii The final order of the Constitutional Court in *J v National Director of Public Prosecutions* did not suspend section 50 and the placement of child sex offenders on the register. This meant that during the period between the judgment of the court and the enactment of amendments, child sex offenders’ details were still entered on the register. The legislation therefore needed to create a mechanism that would allow child sex offenders to have their names removed from the register.

iii Section 51(1) prescribes when any person whose name is on the register may apply to have his or her name removed subject to the person’s sentence and number of convictions.

However, it is unclear what is meant by “access”. The first question that needs clarification centres on the age of the learners who will be offered contraception – the Children’s Act states that any child over the age of 12 should have access, whilst the Integrated School Health Policy (ISHP) illegally restricts access to those over 14 without the consent of the parent or caregiver.¹⁸ Given that almost 11% of learners report that they had sex before they were 15¹⁹, access to contraception should be from the lower age of 12.

The second challenge is that learners are often reluctant to get condoms issued by an authority figure.²⁰ If learners have to approach a nurse to get condoms from mobile clinics, as provided for in the ISHP, it is possible that many will be put off. Learners need easy and discreet access to condoms. Condom dispensers could be placed in male and female bathrooms. Children also need access to counselling and support but access to condoms should not be dependent on them first obtaining counselling.

Another area of concern is the question of who gets “access” to voluntary counselling, screening and testing. The DBE policy states that counselling services will be offered through mobile units to all senior and further education and training-phased learners as well as intermediate learners,^{iv} where required.²¹ It is important that the policy is brought in line with the Children’s Act which states that all children above the age of 12 can consent to HIV testing, and those below 12 who have the capacity to understand the risks, benefits and social and other implications of the test.²²

Coordination of sexual reproductive health services

Improving adolescents’ experience of sexual reproductive health services will require close cooperation between government departments and, whilst the partnership developed between the Departments of Home Affairs and Basic Education seems to be strengthening, the fact that DBE and DSD published two separate policies covering many of the same issues suggests that they are not working together closely. This does not bode well for integrated delivery.

The Children’s Act

The Department of Social Development published two draft Bills for public comment in November 2013.²³ The draft Bills were then considered by Cabinet and some changes were made. The Minister of Social Development tabled the Children’s Amendment Bill²⁴ and the Children’s Second Amendment Bill²⁵ in Parliament in April 2015. Both propose to amend the Children’s Act.²⁶

The reason for two Bills relates to the Constitution’s prescribed processes for passing legislation. When the national Parliament deals with a Bill that will be implemented by national government departments, the National Assembly and the National Council of Provinces are the only bodies that deal with the Bill. However, when a Bill deals with matters that the provinces must implement, the provincial legislatures have a right to participate in the process of developing the legislation alongside the national bodies. The Children’s Act contains competencies that must be implemented

by both national and provincial departments; therefore the Amendment Bill – just like the original Act – was split into two parts. Although they will be processed separately, the two Amendment Bills should be read together. For the sake of simplicity, we refer here to the “Amendment Bill”.

Some provisions remain unchanged from the initial drafts published for public comment, including the judicial review of emergency removal of children from their parents; the definition of persons deemed unsuitable to work with children, and changes to the alternative care chapter. For more information about these provisions see the *South African Child Gauge 2014*.²⁷ This section will focus on the sections that are new or revised in the tabled version of the Bill.

National Child Protection Register

The Amendment Bill proposes that child offenders’ names should be included in the National Child Protection Register (NCPDR). However, it gives the court discretion not to add a child offender’s name to the register “on good cause shown”.²⁸ After allowing a child offender to make representations, the court may decide that it is not in the child offender’s best interests to add his or her name to the NCPDR. This amendment is intended to harmonise the Children’s Act with Constitutional Court’s judgment in the *J* case²⁹ and amendments to the Sexual Offences Act.

The amendments to the Children’s Act mirror what was in the original Sexual Offences Act Amendment Bill³⁰. However, that Bill was changed by Parliament and the final Sexual Offences Amendment Act³¹ contains better protection for children. In the Sexual Offences Amendment Act³² the default position is that children’s names should not be added to the register and the onus is on the prosecutor to ask the court to include a child offender’s name on the register and to prove that the child poses a risk following an assessment by a professional. Therefore the Children’s Amendment Bill should be aligned with the Sexual Offences Amendment Act.³³

The amendments also strengthen the provisions aimed at populating the NCPDR with the names of anyone convicted of any of the offences listed in section 120(4)(a) in the five years prior to the commencement of the Children’s Act. The Act commenced in 2010, so this would include convictions dating back to 2005. There is no exception made for offenders who were children at the time of the offence, and the police’s criminal records do not list the age of the victim. Therefore, it may not be possible to identify child offenders from electronic records. The Bill also includes a new procedure that will enable child offenders to apply to have their names removed from the NCPDR; however, they should not be there in the first place.

Change to the definition of child in need of care and protection in relation to abandoned and orphaned children (foster care)

The Children’s Act states that not all orphans are in need of state care and protection, only those “without visible means of support”³⁴.

^{iv} The intermediate phase is grades 4 – 6; the senior phase is grades 7 – 9; and the further education and training phase grades 10 – 12.

This phrase was interpreted by some magistrates to mean children “without care” and by others to mean “without financial means”. As a result, children in the same circumstances were treated differently. The South Gauteng High Court was asked to interpret the meaning of the phrase. In two separate judgments,³⁵ the court ruled that it essentially amounts to a means test for the Foster Child Grant (FCG) to be applied by magistrates. In response to these judgments, the Amendment Bill proposes to change the wording to:

- (a) has been abandoned or orphaned and does not ostensibly have the ability to support himself or herself;

In the High Court cases, the interpretations of section 150(1) (a) were arguably necessary to protect the best interests of the three children before the court to enable them to access the FCG, which has a much higher monetary value than the Child Support Grant (CSG). However, the interpretation is not systemically implementable and thus not in the best interests of children as a group.

The number of orphans living in poverty with relatives far exceeds the capacity of social workers and courts to process them through the foster care system. According to the DSD’s own calculations, there is currently a shortfall of 3,725 social workers to manage the existing foster child placements.³⁶ It has taken over 10 years to reach around 500,000 orphans and over the past two years the number reached has been decreasing, not increasing, whilst it is estimated that a further one million orphans living with relatives would qualify if the amendment is passed.³⁷ The foster care system will not reach the majority of orphans and all efforts to try are diverting much-needed resources away from the care and protection of abused and neglected children.

A further concern is that the amendment is likely to confuse matters further as the wording is unclear and vague. Imposing a means test on the child as a test for entering foster care would exclude orphans who have a small inheritance/pension. This would be in conflict with a 2015 Constitutional Court judgment that the Road Accident Fund may not deduct FCGs or CSGs from payments arising through the death of a parent in a road accident.³⁸ Furthermore, if a means test was imposed on the FCG, it should be contained in the Social Assistance Act³⁹ and its regulations and administered by the South African Social Security Agency (SASSA) according to a prescribed formula. Having a means test at the placement stage without specifying a formula will result in each magistrate creating their own means test and result in inequities in access to the FCG across the country. Furthermore, having a means test at the placement stage confuses the need for “care” with the need for “financial support”. A child with an inheritance may not need financial support, but they may very well still need an adult to “care” for them.

In the aftermath of the first High Court case, the DSD announced that it planned to amend the Social Assistance Act to create a kinship care grant for relatives caring for orphans.⁴⁰

On 20 November 2013, a draft Children’s Third Amendment Bill was presented at the National Child Care and Protection Forum (NCCPF) in Johannesburg, accompanied by an amendment⁴¹ to the regulations of the Social Assistance Act. This Third Amendment Bill addresses the systematic challenges in the foster care system. It proposes to divert orphaned children who are living safely with their family members away from the child protection system to SASSA to apply for an “Extended Child Support Grant”. This grant would be meant specifically for orphaned children living with family members and would be a higher amount than the existing CSG. This proposal would be cheaper and relieve pressure on the child protection system. The Third Amendment Bill is still in the very early stages of development and it could be several years before it reaches Parliament.

Adoptions

A series of amendments aim to:

- stop adoption orders lapsing after two years;
- extend the definition of adoptable children to include stepchildren, and children whose parents consent to an adoption; and
- allow the spouse or life partner of a biological parent to adopt their partner’s children, without the biological parent losing his or her parental responsibilities and rights⁴².

The amendments also include a change to the definition of an “adoption social worker” to allow government social workers to provide adoption services. At the NCCPF in February 2015, government officials argued that this reform is necessary to expand the pool of professionals that can render adoption services and to increase demand for adoptions by reducing costs.⁴³ They argued that government services are provided for free, whereas private agencies charge fees (although, designated child protection organisations typically do not charge fees for adoptions).

One concern is that government should not be permitted to both accredit and provide the service, i.e. to be both a player and a referee. A further concern is that the definition would appear to allow any government social worker to provide adoption services. Yet social workers in private practice must have registered this speciality with the South African Council for Social Service Professionals before they can apply for accreditation to offer adoption services. There is no explicit requirement in the Amendment Bill for government social workers to have the specialisation. The Social Service Professions Act recognises adoption as a social work speciality and following widespread consultation on the Policy on Social Service Practitioners⁴⁴ there are no proposals to change this. Therefore, the two laws seem to be contradictory.

If passed, this definition could mean that children and parents, both biological and adoptive, served by government social workers will receive a less specialised and arguably less expert service. This is contrary to the equality principle enshrined in the Constitution and the Children’s Act.

Maintenance Amendment Bill

The Maintenance Amendment Act⁴⁵ was adopted by Parliament^v and signed by the President on 9 September 2015. It will come into operation on a date fixed by the President by proclamation in the *Government Gazette*. The Bill introduces several amendments to aid the practical operation of the maintenance courts including:

- granting the maintenance officer the power to subpoena any person to give evidence in connection with the enquiry;
- placing a duty on the maintenance court to conclude enquiries speedily; and
- establishing a uniform manner for the transfer of files from one maintenance court to another.

The most important substantive amendments relate to the Act's enforcement provisions. Firstly, the maintenance defaulter may potentially be "blacklisted". When a complaint is made at the maintenance court that a person is failing to pay maintenance in terms of a maintenance order, then the maintenance officer must forward the details of the defaulter's name to the Credit Bureau. The aim is to prevent maintenance defaulters from obtaining any further loans or credit while they still owe maintenance.^{vi}

Secondly, the court will now decide whether or not to convert criminal proceedings, where a person is prosecuted for failure to pay court-ordered maintenance, into a maintenance inquiry. Prior to the amendment the court had to convert the proceedings when the public prosecutor requested a conversion. In terms of the amendment, the court may of its own accord or at the request of the prosecutor convert the criminal proceedings into a maintenance inquiry if there is "good cause".⁴⁶ This allows court oversight to ensure that criminal proceedings continue when it is appropriate.

National Youth Policy 2015 – 2020

The National Youth Policy 2015 – 2020⁴⁷ (NYP 2020) was published for comment in February 2015, and passed by Cabinet in May. The policy frames government's approach to meeting the specific needs of young people over the medium term. Very positively, the analysis underpinning the policy recognises the need to address both structural economic issues, the enduring effect of apartheid legacies, and some social dynamics, particularly around race and gender.

Importantly, the new policy acknowledges that the absence of a strong youth machinery is a critical blockage to responding effectively to the needs of young people in South Africa. The National Youth Commission and the Umsobomvu Youth Fund, which were the original mechanisms expected to deliver youth development, and the NYDA which replaced them in 2009, have struggled to implement programmes effectively, lobby effectively for policies that could unlock real change for young people, and position the needs of young people in the public and political space.

The new institutions proposed by the policy include a youth presidential working group comprising all deputy-ministers

which will focus on mainstreaming youth across all government departments. The policy implementation relies heavily on "youth desks" at various levels of government – these are meant to promote youth interests in all departments, and to implement youth interventions. There is little evidence that any of the previous youth desks have had positive effects in representing young people's interests, promoting youth participation in decision-making, or implementing interventions to support young people. The only proposed mechanism for reporting on youth to Parliament is through the NYDA's episodic reports to the Portfolio Committee for Performance, Monitoring and Evaluation. This limits Parliament's oversight to the work of this single agency, rather than overall government responses to the specific needs of young people.

Fortunately, the policy does recognise the limited capacity, and far too broad mandate, of the NYDA and notes that it will seek to explore a more feasible role for the agency. The new policy's engagement with non-governmental organisations relies on, and seeks to strengthen, the South African Youth Council (SAYC). The SAYC has a very poor reach and is generally unresponsive and perceived to be politically aligned. The singular reliance on the SAYC as a "voice for the youth" in the policy is extremely worrying.

The situational analysis in the new policy also identifies the following challenges affecting young people:

- unemployment and joblessness;
- high drop-out rates and inadequate skills development;
- poor health, high HIV/AIDS prevalence, and high rates of violence and substance abuse;
- lack of access to sporting and cultural opportunities;
- lack of social cohesion and volunteerism;
- inadequate framework for youth work; and
- disability.

It is very positive that the policy does recognise these critical issues, seeks to create a framework through which to tackle them, and sets some targets for achievement within the next five years. The policy includes a range of proposals to stimulate economic participation; boost skills; improve the health of young people; fight substance abuse; foster social cohesion; and build effective and responsive youth development institutions. The specific recommendations range in their strength and quality. Many of the recommendations simply call for improvements in the quality of existing services and the inclusion of young people at a larger scale in anti-poverty initiatives.

The policy does not spell out how each recommendation will be implemented – that is the work of the Integrated Youth Development Strategy (IYDS), which should be formulated and released shortly. However, in some ways the policy reads as a wish-list rather than a strong, well-articulated approach with clear mechanisms for successful implementation. The setting of very ambitious targets in some areas (Eg, "in the next five years learner retention rates should be increased to 90%"⁴⁸) may spur on immediate and dramatic shifts in practice. Without strong and

v The Bill was passed by the National Assembly on 23 June 2015 and the National Council of Provinces on 25 June 2015.

vi Clause 11 of the Amendment Act inserts a new section 26(2A) in the principal Act.

evidence-based strategies to reach these targets, however, the policy will be rendered toothless.

Until there are clear lines of accountability, and strong leadership driving it forward, the policy itself is unlikely to achieve big shifts across various sectors. There is, therefore, a strong and important role for young people themselves and for youth-orientated organisations to mobilise around this process of rolling out the policy over the next five years. And they should use the policy itself to do it – as it notes “young people must lead in driving the realisation of the constitutional dream.”⁴⁹

Conclusion

All of the changes to law and policy described above identify pressing challenges facing children and young people; however, the legislative framework is still silent on some of the most contentious issues. For example, the government has, in the face of opposition from certain sections of the public, recognised that teenagers are having sex and proposed sensible measures to enable them to do so safely. The Sexual Offences Amendment Act decriminalises sexual acts between consenting adolescents, whilst the Adolescent Sexual and Reproductive Health and Strategy⁵⁰ and the Draft Policy on HIV, STIs and TB⁵¹ aim to reduce teenage pregnancy, increase levels of educational attainment and decrease HIV and STIs levels amongst young people. However, that neither policy pays adequate attention to supporting teenagers who become pregnant leaves a serious gap in government policy.

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- 50 See no. 9 above.
- 51 See no. 10 above.

For the most part all of these legislative developments are to be welcomed in that they set goals that further children's rights. Restricting people's access to credit if they have defaulted on their maintenance payments puts children's best interests first, and ending the automatic inclusion of child offenders on the NSRO and NCPR acknowledges that children can be rehabilitated.

In other cases the picture is more complex: The proposed change to the definition of a child in need of care and protection in the Children's Amendment Bill intends to increase the number of orphans that are placed in foster care. Whilst this seems like a laudable goal, government does not have the resources to implement the proposed change; thus children who have been abused and neglected will wait longer to receive child protection services.

Implementation challenges go beyond a simple lack of resources as many of the instruments will require intersectoral collaboration to be effective. The National Youth Policy recognises and seeks to address the specific challenges faced by young people in South Africa. Whilst the objectives of the policy are closely aligned to the aspirations of the current generation, the coordination relies on institutions that the policy itself acknowledges are weak. Unless the line departments that will deliver these services incorporate these goals into their own strategic plans, the commitments in the NYP2020 will remain a wish-list rather than a strong well-articulated approach with clear mechanisms for successful implementation.