

The International Conference on Children, Repression and the Law in Apartheid South Africa

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I was privileged to be invited by the Law Faculty of the University of Zimbabwe to present an address at the Harare gathering. Together with Don Foster of my department at U.C.T., who also presented a key-note address, I represented the Organisation for Appropriate Social Services in South Africa (OASSSA).

The Harare conference had many facets, and it is not easy to convey the truly momentous nature of this occasion. I shall nonetheless attempt to do so recognising that it is impossible to do the experience justice.

The conference was convened by Archbishop Huddleston under the auspices of the Bishop Ambrose Reeves Trust and the University of Zimbabwe. Delegates included Academics from South Africa and abroad, international human rights organisations, government legations, the African National Congress, South African community activists, young victims of oppression in South Africa, the European Parliament, the British Labour party and many others. The clear intent of the conference was to focus international attention on the position of disenfranchised youth in South Africa, and to produce practically formulated resolutions aimed at relieving the plight of children suffering under apartheid. It was thus not a conference of rhetoric but as the convenor repeatedly stressed, a conference geared towards action. The list of resolutions adopted at the conference has been forwarded to the nations of the world and to organisations such as the United Nations the British Commonwealth and the European Parliament.

There were a number of levels of discussion at our meeting, ranging from academic papers on international law as it relates to human rights abuses in South Africa to the testimony of young people who had suffered abuse under apartheid. Papers also presented by South African lawyers, community activists, doctors, psychologists and social workers. A striking feature of these very different forms of discussion was the collective sense of repugnance which

the exposure of the practices of the South African state engendered in the delegates. Also evident was a unified urgency to find ways of facilitating transformation in South Africa.

In this regard, certain western governments such as the United States and Great Britain were repeatedly taken to task for their reluctance to act more forcefully to bring about change. They were, in short, charged with hypocrisy for mouthing human rights rhetoric while doing little to change the circumstances giving rise to the situation that brought us to Harare.

It is impossible in the space available to summarise the content of the plenary sessions of the conference. Some highlights will be mentioned.

Professor Falk of Princeton University noted that "to be human in the late 20th century is to be anti-apartheid". The major message of his address was that according to international law, Apartheid can be considered to be a crime against humanity. He reminded delegates of the Nuremberg Principles which make it clear that those who commit crimes of state and those who aid in the support of a regime which commits such crimes, may be tried in their individual capacities should such a human rights trial take place in South Africa. His words were echoed by Professor Asmal of

the University of Dublin. The principles established at Nuremburg in 1946 have been accepted by the United Nations. In 1976, the same body formally adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid. As Asmal noted, this convention forbids the denial of individual and collective rights as a matter of state policy solely on the grounds of Race. Asmal went on to detail a number of ways in which the perpetrators of apartheid may be held to be individually criminally responsible for their actions. This includes mental health and medical personnel who have facilitated the development of Apartheid practices or who have collaborated in acts of which are a breach of the Tokyo Declaration.

Legal contributions from inside South Africa included commentary on the State of Emergency as it affects children's rights (Haysom of Witwatersrand University), the position of the child in court (McQuoid-Mason of the University of Natal Durban) and the child in prison. Much of this material is familiar to South African scholars, but Mason's paper is worth noting as a shocking indictment of the failure of the Criminal Procedure Act and the Child Care Act to provide adequate legal support for children who are brought before magistrates. His survey of trials of juveniles in the Durban area showed convincingly that large numbers of children are not represented by lawyers and do

not have parents in attendance during court proceedings.

Papers did not restrict their content to what the state formally regards as South Africa. A Johannesburg lawyer took delegates through a seemingly endless string of horrifying affidavits taken from children resident in Boputhatswana, who had been systematically beaten by the homeland police. Other delegates spoke of similar events in Ciskei and other areas.

Some people present including myself questioned the wisdom of bringing young children to Harare to tell of their experiences. Clearly the act of travelling in an aeroplane to a foreign country for the first time to face the harsh gaze of television in a vast auditorium can only be described as highly stressful for anyone let alone a young child. The main purpose of this exercise was to have personal accounts which could not so readily be dismissed as the lies of adult activists by the South African government. In addition it is clear that public testimony by children and parents can have a powerful impact on a normally complacent public.

There is obviously a dilemma here. One wants to exert whatever pressure one can for change, and the testimony of children is likely to be moving enough to possibly shock the world into some form of action. But one is troubled by the

possible psychological consequences for the children and their questionable ability to give fully informed consent to their participation. Do larger political imperatives have to override such concerns at the present time? This is a difficult question indeed. The testimonies were particularly harrowing and did serve to dramatically raise the awareness of delegates as to alleged practices of the security forces.

Another concern was the safety of the children on their return home. The conference organisers declared their intent to monitor the children's situation on their return, so as to protect them from possible harassment and intimidation.

In the final analysis while the children received support at the conference, and while their testimony had a tremendous impact, I would not support such a practice with children below the age of sixteen. At least at that age there is a greater possibility of assessing their capacity to understand the implications of their agreement to testify.

On a completely different level of course, the presence of the A.N.C. gave the conference an added dimension. I can only describe the experience as being akin to being in a post-apartheid time warp! As is well known, President Tambo addressed the conference and the South Africans

present. The level of warmth and human concern for South Africa, its people and its future that were expressed by Tambo and other members of the A.N.C. was extraordinary.

Very little was said regarding ANC policies on health and mental health systems and it seems as though the movement has not given great consideration to these areas as yet. What does seem clear is that the ANC favours a nationalised health service with a particular emphasis on primary health care, preventive services and rural services.

While future mental health policies were not discussed, mental health personnel from the ANC presented papers on their work with refugees from South Africa. They reported high incidences of stress related disorders in this population. They also stated that frequently youths experienced initial feelings of relief at having left South Africa, but they became clinically depressed as the full impact of the loss of family, friends and home was realised. Other young refugees emerged from South Africa having been physically abused. In this group it was not uncommon for virtually uncontrollable rage to be present.

Many of these individuals required therapeutic assistance of some kind, varying from medication to the use of guided day-dream techniques in order to facilitate a cathartic release of emotion associated with such experiences as torture.

Finally it was gratifying to meet other psychologists from West Africa and abroad who expressed great interest in Psychology in Society (P.I.N.S.). They voiced their admiration for and support of the work that progressive mental health personnel are undertaking in South Africa. It was clear that in many ways our thinking on the application and researching of psychology in African and third world contexts is ahead of ideas elsewhere in Africa. This support was a highlight for me and will hopefully give added encouragement to colleagues who feel somewhat beleaguered in these embattled times.