

THE ROLE OF CITIES IN ENDING VIOLENCE AGAINST CHILDREN IN SOUTH AFRICA

Rongedzayi Fambasayi and Rejoice Shamiso Katsidzira

Abstract: The global development agenda acknowledges the role of cities in achieving the United Nations' Sustainable Development Goals (SDGs) and addressing contemporary challenges caused by urbanization. SDG 11 aspires to make “cities inclusive, safe, resilient and sustainable” by 2030, even as the global urban population continues to grow exponentially, along with — even more rapidly — the population of children living in cities. Cities are the level of government closest to people’s daily lives, and are best placed to address the numerous challenges and rights violations that children are exposed to, including sexual exploitation and abuse, violence, trafficking, and child labour. SDG 16.2 has the primary aim of ending the “abuse, exploitation, trafficking and all forms of violence against children”. Through the lens of the subsidiarity principle, this article argues that localization to the city level of law and policy strategies that address violence against children can provide normative and powerful legal tools for their protection. Although there is developing scholarly literature on the global aspirations expressed in SDG 11 and SDG 16.2, little has been offered from a child rights perspective on the role of city governments in the prevention of, and protection of children from, violence.

Keywords: cities, SDG 11, violence against children, SDG 16.2, pathfinding cities

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The global development agenda acknowledges the role of cities in achieving the United Nations' Sustainable Development Goals¹ (SDGs) by 2030. To that end, SDG 11 aspires to make “cities inclusive, safe, resilient and sustainable” by 2030 (United Nations Department of Economic and Social Affairs, 2015). This aspiration is founded on the understanding that the global urban population is growing exponentially (United Nations Department of Economic and Social Affairs [UNDESA], 2018; UN-Habitat, 2018). More than half of the world's population, approximately 55%, live in cities and other urban areas, and this percentage is expected to increase to approximately 68% by 2050 (UNDESA, 2018). Inevitably, the proportion of children who are born in or migrate to cities and other urban areas will only increase. It is estimated that by 2030, 60% of the global urban population will be under the age of 18 (United Nations Children's Fund [UNICEF], 2012) and the South African urban context is not an exception (South African Local Government Association, 2019).

Violence against children (VAC) is a global threat to children's well-being that demands multisectoral coordination and collective action (Pineiro, 2006). Yet all forms of VAC, such as sexual exploitation, trafficking, and abuse, are experienced in the local communities where children live (Pineiro, 2006): cities are the level of government closest to urban people's lives, children included. The rates of VAC are alarming (World Health Organization [WHO], 2020):

Globally, it is estimated that one out of two children aged 2–17 years experience some form of violence each year [Hillis et al., 2016]. A third of students aged 11–15 years worldwide have been bullied by their peers in the past month, and 120 million girls are estimated to have suffered some form of forced sexual contact before the age of 20 years [UNESCO, 2019; UNICEF, 2014]. (p. x)

The results of a survey covering 176 cities and towns across South Africa's nine provinces indicate an alarming rate of VAC from online activities (UNICEF, 2022; see also Phyfer et al., 2016). For instance, UNICEF South Africa observes that one third of South African children who access the internet are vulnerable to violence, exploitation, and abuse from risky online behaviour (UNICEF, 2022). In South Africa, overall VAC is escalating, as are its immediate and long-term impacts, including child death (Cappa & Jijon, 2021): it is estimated that 13% of injury deaths in children under 15 are due to child abuse and neglect (Department of Social Development, 2019).

We concur with WHO (2020) in conceptualising VAC as comprising all violence against persons below the age of 18, whether perpetrated by parents or other caregivers, peers, or strangers;

¹ The SDGs are: (1) no poverty; (2) zero hunger; (3) good health and well-being; (4) quality education; (5) gender equality; (6) clean water and sanitation; (7) affordable and clean energy; (8) decent work and economic growth; (9) industry, innovation, and infrastructure; (10) reduced inequalities; (11) sustainable cities and communities; (12) responsible consumption and production; (13) climate action; (14) life below water; (15) life on land; (16) peace, justice, and strong institutions; and (17) partnerships for the goals. See <https://sdgs.un.org/goals>.

its forms include physical, sexual, and emotional violence. South Africa is the most researched African country as far as VAC is concerned. Previously published literature focused on the prevalence and magnitude of violence (e.g., Cappa & Jijon, 2021; Devries & Meinck, 2018; Kassanjee et al., 2018; Smit, 2021; Ward et al., 2018), on children’s experiences of violence (e.g., Lansink & Nampewo, 2022; Petrowski et al., 2021), and on the implications thereof (e.g., Fang et al., 2017; Hsiao et al., 2018; Myers et al., 2021; Schmidt & Azzi-Lessing, 2021). Scholars have recommended a multipronged approach to VAC prevention (Mathews & Benvenuti, 2014), and identified a need for positive and supervisory caregiving coupled with household food security (Cluver et al., 2020). Other preventive measures that have been recommended include changing social norms (Rasool, 2022), and focusing on community-level interventions (Molnar et al., 2022; Weber & Bowers-DuToit, 2018). In their study on community-level programming to prevent VAC, Molnar et al. (2022) identified a need for relevant “efforts to build infrastructure that effectively coordinates services and prevention efforts” (p. 465). In this article, we focus on VAC in cities as a way of extending the discourse on localized responses and on prevention measures that focus on the role of cities.

In 2019, adapting the pathfinding countries model, the Global Partnership to End Violence Against Children (End Violence Partnership; 2022) piloted “pathfinding cities”, a program in which cities make a public commitment to ending VAC in all its forms, complementing the efforts of the central government. Pathfinding cities focus on the localization of violence prevention strategies at the city level. In the pathfinding countries model, governments make a formal public declaration and commitment to take comprehensive measures to end all forms of VAC. The pathfinding initiative is framed around the WHO’s (2018) “INSPIRE: Seven strategies for ending VAC”², and joins with the End Violence Partnership to provide technical support and coordination, and to galvanise efforts, modelled on what works in other countries, to upscale prevention and response measures. As the End Violence Partnership’s (2022) website explained:

Within 18 months ... pathfinding country governments are expected to:

- Appoint a senior government focal point to lead the in-country process;
 - Convene and support a multistakeholder group; collect, structure and analyse data on violence against children;
 - Develop an evidence-based and costed action prevention and response plan that sets commitments for three to five years, and a related resource mobilisation plan;
 - Consult with children and adhere to partnership standards on child participation.
- (para. 5)

South Africa has been a pathfinding country since July 2018, and the coordination of efforts is a responsibility of the Department of Social Development.

² INSPIRE is an abbreviation for: Implementation and enforcement of laws; Norms and values; Safe environments; Parent and caregiver support; Income and economic strengthening; Response and support services; and Education and life skills.

This article argues that the localization of VAC prevention strategies and responses in urban law and policy at the city level (a) provides children with a powerful tool to protect themselves and (b) provides city authorities and stakeholders with key reference documents for violence prevention, mapping, implementation, and monitoring.

Given the role of cities in global governance, there is emerging scholarship on the crucial role cities play in protecting children from contemporary challenges, such as climate change (e.g., Fambasayi, 2021). However, the authors of this article are aware of the criticism that cities are not bound by international laws and standards, as it is the domain of national governments to ratify international human rights laws and developmental goals. We argue that states parties are obligated to comply with international laws and standards and to adopt them into national legal and policy frameworks. In the same light, cities are constitutionally and legislatively bound to respect and observe national laws, policies, and standards, and this should arguably put them in compliance with international normative frameworks as well.

In the pages that follow, we detail the methodology used in the study and proceed to undertake a legal and policy review of international, national, and city-level literature. This article uses SDG 11 (specifically in relation to the “safe cities” aspect), SDG 16.2 (on ending all forms of VAC), and other children’s rights literature to provide the normative expectations in terms of policies.

Methodology

For this contribution, we adopted a doctrinal research methodology, which entailed a legal and policy analysis of the literature on children’s rights with a specific focus on protection from all forms of VAC in the context of urban law and policy. We employed a desktop qualitative content analysis of laws, policies, and strategies in relation to VAC (broadly) and focused the analysis on city-level violence prevention and response strategies. This involved reviewing primary sources of data ranging from international and national law to policy documents relevant to VAC at the city level.

A qualitative approach demands a transparent and rigorous literature search to select the most relevant laws, policies, and publications. It also requires identifying relevant data in a systematic fashion. For example, given the focus on VAC, attention was paid in the search process to such concepts as the pathfinding initiative in which governments make public commitments to ending VAC, and even more to the emerging concept of pathfinding cities that localise the VAC agenda. The documents were searched online using various search engines such as Google Scholar and Google. We further made use of databases such as Jura and Lexis-Nexis, enabling us to access literature not available through Google. Access to VAC-related reports was enabled through a survey of the websites of relevant organisations, such as UNICEF, UN-Habitat, the Global Partnership to End Violence Against Children, and WHO. Reports on VAC are not in short supply; we therefore narrowed our focus using keywords such as “cities”, “local government”, and “localization”.

In total we reviewed 57 documents, including 11 legal and policy instruments, 1 strategy, 2 action plans, 4 reports, 3 handbooks, and 36 studies, commentaries, books, or journals relevant to VAC or cities. The selected documents were read and analysed to determine the extent to which their content (goals, objectives, strategies, etc.) focused on ending VAC in South Africa, and on the role of cities in relation to VAC. Our analysis provides insights on gaps in scholarship, thereby situating this article to provide a unique contribution to research on, and policy implementation to address, VAC prevention from a city-level lens in South Africa.

Law and Policy Review

International Urban Policy Attuned to the Protection of Children from Violence

The role of cities, globally and locally, has been the subject of many legal and urban policy debates, finding expression in the SDGs, and by extension, the New Urban Agenda (NUA; 2016), which was developed at Habitat III, a United Nations Conference on Housing and Sustainable Urban Development. Generally, commitment to implementation of the SDGs and the NUA is voluntary — they have no binding legal force. Yet, these global policy documents have the potential to advance human rights protection in unprecedented ways. In interpreting and implementing these policy goals and aspirations, states have a duty to fulfil their rights-based obligations, whether at the national level or indirectly through ensuring compliance from provincial and local governments. As observed earlier, SDG 11 specifies four descriptors — inclusive, safe, resilient, and sustainable — that characterise its urban development goals to be achieved by 2030. SDG 11 elevates both the role and status of cities in global governance (Aust & du Plessis, 2018; du Plessis, 2019;) and the localization of SDGs such as SDG 16.2, which aims to end the “abuse, exploitation, trafficking and all forms of violence and torture of children”. A purposive and unified reading of SDG 11 and SDG 16.2 thus creates an expectation for the localization at the city level of efforts to end all forms of VAC.

Looking at SDG 11 through a children’s rights lens, we find that two of its targets explicitly mentions children. Target 11.2 aims to provide “access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, ... with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons”. Target 11.7 aims to provide “universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities”. These two targets express a safety paradigm to benefit and protect children in city life. SDG 11 thus tasks cities with the protection of children from any actual or potential harm or violence in the public space. The concept of safer cities in SDG 11 relates to addressing contemporary threats to life, freedoms, and individual peace and integrity (Stoffels & du Plessis, 2019).

VAC is a threat to the life, freedom, integrity, and dignity of children living in cities. Viewed from a child rights perspective, a safe city is one in which children are free to come and go with no fear of harm or violent deprivation of fundamental factors that are essential for their well-being. In terms of international children’s rights law, such as the United Nations Convention on the Rights

of the Child (CRC; 1989), South Africa has an obligation “to protect the child from all forms of physical or mental violence, injury or abuse, ... maltreatment or exploitation, including sexual abuse” (Art. 19[1]).

In addition, the NUA (2016), which was adopted to contribute to the implementation and localization of the SDGs, takes into account vulnerable groups, particularly children. The NUA emphasises the key role of city governments in strengthening the interface among all relevant stakeholders (urban planners, policymakers and lawmakers, politicians, and children themselves) who work on ending VAC. For instance, paragraph 39 declares a commitment

to promoting a safe, healthy, inclusive, and secure environment in cities ... enabling all to live, work and participate in urban life without fear of violence ... taking into consideration that women and girls, children and youth, and persons in vulnerable situations are often particularly affected.

The paragraph goes on to encourage deliberate efforts “towards the elimination of harmful practices against women and girls, including child, early and forced marriage and female genital mutilation” (NUA, para. 39).

In addition, city authorities are urged to enforce all practical measures that “will, where appropriate, engage relevant local communities and non-governmental actors in developing urban strategies and initiatives ... concerning public safety and crime and violence prevention” (NUA, para. 103). NUA provides guidance to city governments and other local stakeholders on how to approach the issue of cities and sustainable development (Lin, 2018), and on how to manage violence prevention. The transition in cities from theory to practice in the “safety” dimension embedded in SDG 11 and the NUA — part of a thickening layer of urban law and policy, localization, and good urban governance — is a work in progress.

UN-Habitat has been working on issues around safety in the urban public environment for over two decades, since the UN Conference on Human Settlements (Habitat II) of 1996. The Report of the UN Conference on Human Settlements (1996) explicitly set action targets in relation to urban crime, and called for a series of government actions:

To prevent, reduce and eliminate violence and crime, Governments at the appropriate levels, including local authorities, in partnership with all interested parties, should:

- a) Design, create and maintain liveable human settlements that encourage the use of public spaces as centres of community life so that they do not become places for criminal activity;
- b) Promote awareness and provide education in an effort to mitigate crime and violence and strengthen society;
- c) Promote crime prevention through social development by finding ways to help communities deal with underlying factors that undermine community safety and result in crime (para. 123)

More importantly, the report on Habitat II (1996) explicitly referred to children (and women) in the context of urban safety and the necessity for all levels of government to play a role towards achieving that goal. For instance, in the context of crime, Habitat II encouraged children and youth to take an active interest in their own futures and the future development of their communities (para. 123[d]). It can thus be inferred that the safety of children was regarded as having paramount importance, and that having children participate in the discussion of such issues could provide a further important perspective on how to eliminate VAC in cities. Further, Habitat II encouraged the establishment of programmes and projects for children and youth, and urged all levels of government to commit to serious efforts in the prevention of violence and crime (para. 123[i]).

According to the CRC (1989), states must adopt protective and preventive institutional structures, mechanisms, and measures to protect and offer psychosocial support to victims of abuse or exploitation (Art. 19[2]). It is clear that international and African regional children's rights law has entrenched a safety and protection dimension as an integral part of the rights-based approach. Thus, it is peremptory for governments at all levels to take all appropriate measures to protect children from actual and potential harm, danger, and exploitation. As the level of government closest to children's lives, city governments have a duty to take all appropriate legal, administrative, social, and educational measures to protect children from harm. The Human Rights Council (2015) document, "Role of Local Government in the Promotion and Protection of Human Rights" states that, "Local government is, in principle, in a much better position than central government to deal with matters that require local knowledge and regulation on the basis of local needs and priorities" (para. 8).

In principle, a safe city guarantees the respect, protection, and promotion of human rights, thereby ensuring the fulfilment and enjoyment of those rights. For children, some of these rights include the right to play and recreation, and the right to enjoy and participate in cultural activities (CRC [Art. 30, 31], 1989). The violation of children's rights — the right to play, for example — increases their exposure to VAC, making them more vulnerable to living on the street, gang violence, and child labour and other forms of exploitation. In practical terms, public open spaces are urban policy resources of profound significance that can serve as arenas for community revitalisation and participatory local democracy (Carmona, 2015). Open spaces are locations where children interact with the city, meet with peers to play and socialise, and experience their cultural life and identity. Children have the right to temporarily appropriate (physically occupy) the urban space, thereby enhancing the realisation of their "right to the city" (see Pieterse, 2014). Safe urban environments are places in which children can develop their cultural identities and recognise their vital role in the development and governance of their communities.

In line with the above commitments, UN agencies have launched programmes to foster urban safety and address protection concerns. For instance, at the request of African mayors, UN-Habitat (n.d., 2019) launched the Safer Cities programme in 1996. Safer Cities supports city governments in their efforts to combat crime and ensure the safety of all urban inhabitants, including children (Birkenkötter, 2019, p. 133). Another agency, the UN Entity for Gender Equality and the

Empowerment of Women (UN Women, 2019a), launched the Safe Cities and Safe Public Spaces initiative to address the perpetual vulnerabilities and continuous acts of violence against women and girls in cities and urban communities. This programme has been implemented in a number of cities, including some in Egypt, Morocco, Mozambique, South Africa, and Rwanda, the gains it has made in advancing the respect, protection, and promotion of the rights of girls cannot be overstated. For instance, the UN Women report, “Safe Cities and Safe Public Spaces for Women and Girls Global Flagship Initiative: International Compendium of Practices”, documents the expected safety impacts of installing a gender-responsive bus system in Cairo, Egypt (UN-Women, 2019b). Of course, improvements made to provide safer transit for women also provide safer transit for children. Accordingly, we note that there is a sound policy and programme framework, built on both international law and African regional law, that aims to protect the rights of urban inhabitants, children included.

The concept of safe cities is also embedded in the Child Friendly City initiative launched by UNICEF (2004) in recognition that a healthy habitat is central to the well-being and development of children. The Child Friendly City initiative recognises urbanization as a transformative trend, and acknowledges the significant role that city governments play within national political and economic systems in regard to the respect, protection, promotion, and fulfilment of children’s rights (Thivant, 2018). As Thivant (2018) put it:

A “Child Friendly City” is a city, town, community or any system of local governance committed to fulfilling child rights as articulated in the [CRC]. It is a city or community where the voices, needs, priorities and rights of children are an integral part of public policies, programmes and decisions. (p. 10)

Simply put, a child-friendly city has a system of governance committed to fulfilling the rights of children and, in particular, to protecting them from violence using the powers of local government. In principle, the Child Friendly City initiative envisages the implementation of international and African regional children’s rights as the responsibility of not only national governments but also of local authorities. This implies that local governments have obligations under international, regional, and national human rights agreements to ensure that children’s rights and interests are taken into account in decision-making, budget formulation, and policy and strategy review. At a conceptual level, the Child Friendly City framework is built on the CRC’s (1989) four cross-cutting principles of children’s rights: the right to life, survival, and development (Art. 6); the right to non-discrimination (Art. 2); the best interests of the child (Art. 3); and the right to participate and be heard (Art. 12). Thivant (2018) noted that the framework of action for a child-friendly city is anchored on: the right of every child to be valued and respected as a distinct individual, non-discrimination, the right to participate and be heard, protection rights and the right to live in a safe and healthy environment, and the right to play and recreation, laying the onus on city governments to uphold protection rights (the safety dimension) in cities and urban environments. International and regional children’s rights law, as read with SDG11 and the NUA,

thus provides a normative framework for the safety concerns and protection of children from violence in the urban context.

Furthermore, the local governments of child-friendly cities commit, among other things, to the safety of children, protecting them from violence, exploitation, degradation, and sexual abuse (Thivant, 2018). This implies a commitment to adopting institutional structures and mechanisms, along with appropriately framed governance instrumentation, that take into account the best interests of every child (Whitzman et al., 2021), including violence prevention strategies and coordination. Thus, municipal laws, governance policies, and resource allocations should be tailored to create safe public spaces and foster opportunities to raise awareness and advocacy strategies for ending VAC. Considering the normative framework discussed above, it is clear that international and African regional children's rights law and the developing body of urban policy offer city authorities a legal and policy framework that enables respect, promotion, protection, and fulfilment of the human rights of children living in cities, and, in particular, supports efforts to prevent VAC and to address its harmful consequences.

South African Legal and Policy Review

National Law and Policy Framework for the Protection of Children in Cities

South Africa has a multilevel legal and policy framework that is aimed at, on the one hand, addressing urban challenges and transforming cities and, on the other hand, addressing the scourge of VAC. First, the Constitution of the Republic of South Africa, 1996 (Constitution) provides for a justiciable Bill of Rights, in which the rights of all persons are protected, including children. Children are bearers of rights and entitled to the full enjoyment of all rights guaranteed in the Bill of Rights, except those they cannot legitimately exercise such as the right to vote. Importantly, section 28 of the Constitution, the children's rights clause, explicitly outlines specific rights of children including the right to protection from exploitation, abuse, degradation, and child labour, and the right to have their best interests considered paramount in all matters concerning them. In terms of section 7(2) of the Constitution, all spheres of government including municipalities must respect, protect, promote, and fulfil the rights in the Bill of Rights, including those of children.

In addition to the constitutional protection of children, many pieces of legislation collectively promote the protection of children from violence. For instance, the Domestic Violence Act, 116 of 1998 addresses the forms of violence perpetrated in home settings and provides for remedies to respond to or prevent its occurrence. Given that gender-based violence can have significant impacts in the lives of children, the Domestic Violence Act is a useful legal tool that cities can highlight in awareness raising and advocacy campaigns to educate communities about responding to violence that interferes with children's rights and well-being. The Prevention and Combating of Trafficking in Persons Act 7 of 2013 provides for the law on criminalisation of human trafficking, including child trafficking, and lists among its aims the prevention and combating of trafficking, and the protection of victims. Another legal instrument that addresses VAC is the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, whose goal was to provide a

comprehensive review and amendment of the laws pertaining to sexual offences, including new and revised provisions regarding such matters as the grooming of children and child pornography. Although criminal charges are laid only after a violation of a child's rights has already occurred, in some instances courts provide deterrent sentences with the hope that future would-be offenders will refrain.

Municipalities are a distinct sphere of government with governance responsibilities closest to the lives of children. They have the legal status, rights, duties, functions, powers, and political mechanisms to govern their urban communities on a wide range of issues. In particular, section 4 of the Local Government: Municipal Systems Act 32 of 2000 declares that the municipality has a right to, among other things, govern the affairs of the local community and also to “promote a safe and healthy environment” (p. 20) free from all forms of violence. Of note, according to Part B in Schedule 4 and Part B in Schedule 5 of the Constitution (1996), municipalities have exclusive competencies in functional areas such as child care facilities, wherein violence prevention measures could be strategically implemented and monitored. The above provisions on the power and competencies of municipalities are embedded in the subsidiarity principle, which holds that, to promote localisation and efficiency, regulation and governance should take place at the lowest level of government (du Plessis, 2006).

In addition to the assortment of laws explicitly or implicitly protecting children from violence, South Africa adopted the National Strategic Plan on Gender-Based Violence and Femicide (NSP; 2020). The NSP is a comprehensive document that demonstrates a political commitment at the highest level of government to ensure multisectoral, coherent, strategic policies and programming to end violence against women and children. It aligns with the WHO definition of VAC and instructs all levels of government to take deliberate and collective action aimed at preventing and effectively responding to violence. The NSP is guided by 10 principles that work in a synergistic manner: (1) “multisectoral approach”, (2) “complementing and augmenting existing strategies”, (3) “active and meaningful participation”, (4) “gender-responsive and transformative approach”, (5) “human rights-based, victim-centred, survivor-focused approach”, (6) “intergenerational, youth-friendly approach”, (7) “progressive realisation of outcomes”, (8) “forward looking”, (9) “mutual accountability”, and (10) “inclusivity, embracing diversity and intersectionality” (p. 18).

These principles espouse multilevel leadership and multisectoral coordination on violence prevention and responses. At face value, the role of cities (municipalities) is subordinate to national government departments. For instance, municipalities are assigned a supportive role in coordination, accountability, leadership, violence prevention, and responses in the implementation of the NSP, instead of a frontline position (pp. 66–77). While this may appear to align with the constitutional legislative mandate bestowed on cities (see Local Government: Municipal Systems Act, 2000), there is more that cities could do in leading the agenda at the community level to end VAC.

Moreover, the National Plan of Action for Children (2019) acknowledges that VAC is extremely high in South Africa, and observes that large numbers of vulnerable children remain trapped in environments in which they experience various forms of violence such as sexual abuse, neglect, and exploitation (p. 69). It creates a workable policy framework to strengthen the protection of children from violence, especially when taken together with the Department of Social Development's (2018) Integrated Programme of Action Addressing Violence Against Women, Children, and LGBTIQ persons (2019–2024). While specific to VAC, these policies are not binding and must be interpreted in line with other instruments, such as the Children's Act 38 of 2005, to ensure the comprehensive protection of children in urban settings.

Further, the concept of urban safety is embedded in national urban policy frameworks that could be used to accelerate the protection of children from violence in the urban context. For instance, the National Development Plan: Vision 2030 (NDP; National Planning Commission, 2012) — a blueprint to inform and guide urban development and governance until 2030 — sets as one of its key objectives the need to build safer communities, placing the onus upon city governments to understand and prioritise safety needs at the local level (see South African Cities Network, 2016; White Paper on Safety and Security, 2016). While the NDP does not explicitly reference “violence against children”, one could interpret the express emphasis on the safety needs of children, particularly girls, to assert that city authorities have a blanket normative duty to act to protect children.

In addition to NDP, the Integrated Urban Development Framework (IUDF; 2016) — the government's blueprint for domestic urban policy — anchors South Africa's urban transformation and articulates a national vision on matters relating to the survival, development, and well-being of urban residents. The IUDF has four strategic goals, nine policy levers, and three cross-cutting issues³, which are central to the protection and realisation of human rights in cities, including the rights of children and the protection of children from violence. Interestingly, the development of the IUDF was informed by SDG 11. The provisions of the IUDF are sensitive to vulnerable groups; a purposive reading of the IUDF could foster the adoption of approaches that ensure the protection of children from violence. Explicitly, the IUDF (2016) aims for:

Cities and towns that are stable, safe, just and tolerant, and respect and embrace diversity, equality of opportunity and participation of all people, including disadvantaged and vulnerable groups and persons. (Policy lever 7, p. 41)

Cities and towns that have the necessary institutional, fiscal and planning capabilities to manage multiple urban stakeholders and intergovernmental

³ The four goals are: spatial integration, inclusion and access, growth, and governance. The nine policy levers are: integrated urban planning and management, integrated transport and mobility, integrated sustainable human settlements, integrated urban infrastructure, efficient land governance and management, inclusive economic development, empowered active communities, effective urban governance, and sustainable finances. The three cross-cutting issues are: rural–urban interdependency, urban resilience, and urban safety.

relations, in order to build inclusive, resilient and liveable urban spaces.
(Policy lever 8, p. 41)

Although there is no mention of children in the IUDF (2016), except in reference to children dropping out of school, city governments may harness the opportunities that are presented within the legal and policy frameworks and invest in the protection of children and young people. Importantly, the IUDF sets urban safety as one of its cross-cutting issues. In this regard, the IUDF aims to ensure liveable and safe urban spaces, where all persons live free from violence and crime (pp. 33–34). The IUDF acknowledges that South African cities are hotspots of violent crime; many risk factors, including high levels of substance and alcohol abuse and high unemployment, directly and indirectly drive the rise in cases of VAC, specifically against girls (p. 33). It further recommends the integration of urban safety into the entire fabric of local municipal programmes (p. 34).

Safety concerns within the sphere of city governments and the protection of children are also emphasised in the White Paper on Safety and Security, 2016. The White Paper on Safety and Security aligns itself with the NDP, the IUDF, and, to some degree, international norms, in advocating that city authorities be provided with standards to protect children from VAC and thereby ensure their safety in their urban communities.

We have shown that the South African national legal and urban policy framework expressly recognises the need to protect children from all forms of violence, and aligns with international urban policy frameworks, as well as international and African regional children’s rights laws, creating a strong legal and urban policy framework that promotes safe cities for children in South Africa, which cumulatively contributes to efforts aimed at ending VAC. However, the reality on the ground is that these laws and policies fail to protect millions of boys and girls from exploitation and abuse.

City-Level Perspectives: City of Johannesburg

As a key example, to provide a local government perspective, we use the City of Johannesburg, which is a “category A” city⁴ and therefore has executive powers to govern matters within its jurisdiction. The City of Johannesburg is an economic hub in Southern Africa, attracting both South African and foreign migrants, thereby increasing social instability, making the city riskier for children. The City of Johannesburg has adopted the Joburg 2040 Growth and Development Strategy (City of Johannesburg, 2019), which addresses, among other key outcomes, inclusiveness

⁴ The South African Local Government: Municipal Structures Act 117 of 1998 provides for three categories of municipality: category A (metropolitan municipalities), category B (local municipalities), and category C (district municipalities). For a city to qualify to be in category A, it must have “a conurbation featuring areas of high population density; an intense movement of people, goods, and services; extensive development; multiple business districts and industrial areas; a centre of economic activity with a complex and diverse economy; a single area for which integrated development planning is desirable; and ... strong interdependent social and economic linkages between its constituent units” (Ch. 1, Part 1, para. 2).

and safety within the city. In regard to urban safety, for instance, the document affirms that all inhabitants should feel “safe, individually and collectively, from real or perceived forms of threat, harm or risk” (p. 15).

In addition, the City of Johannesburg has adopted strategies and policies to ensure a comprehensive approach to achieving safer communities. The Johannesburg City Safety Strategy (2015) emphasises the role of municipalities in creating safe communities. The City Safety Strategy, as presented at the Johannesburg CID Forum (2016) envisages a safer Johannesburg as:

- A city where everyone feels and is safe
- A city in which safety is supported by a culture of respect and care
- A city that provides for equitable access through welcoming public spaces, trustworthy public transport and safe streets
- A city designed and managed with safety in mind
- A vibrant, thriving city that fosters individual, family and community well-being, resilience, prosperity and self-sustainability ...
- A city in which ... law enforcement and regulatory role-players are relied on and respected, as an integral part of a well-functioning safety system
- A city in which safety is ‘grown’ through the collective efforts of everyone (p. 17)

The draft City of Joburg Children’s Services Policy of 2022 envisages the protection of children from violence, abuse, and exploitation as not just a basic moral value, but a constitutional obligation imposed upon the city. Additionally, in 2020, the city’s Gender Policy acknowledged the alarming rates of domestic and gender-based violence and aimed to mainstream a gender-transformative approach to city plans, programmes, service delivery, and institutional governance with a view to dealing with violence against women and girls. However, municipal by-laws do not explicitly mention the safety and protection of children in public open spaces. For example, one would expect that the Public Open Spaces By-laws (2004) would be explicit on protection and safety concerns, yet they focus instead on the social purpose, regulation, and management of public spaces. On the other hand, the Culture and Recreation By-laws (2010) state that when a child below the age of 14 years who attends cultural and recreational activities in public places should be accompanied by, or under the supervision of, a parent or other responsible adult (section 52). The central aim of this provision is to ensure the protection of children from potential harm or violence in the urban space.

While the City of Joburg is not representative of all South African cities, it serves to illustrate the fact that cities are conscious of the scourge of VAC and are making efforts to prevent and respond to cases of violence, exploitation, and abuse. We have established that South African municipalities have the constitutional mandate and legislative powers to govern in matters of concern to their communities, including matters relating to ending VAC. South African cities have different developmental, human resources, and financial capacities and priorities, which affect the

success or failure of their efforts to end VAC. However, there is no excuse to justify the continued violation of children’s rights by any form of violence in any city. The City of Joburg is not currently a pathfinding city, yet it has already taken some legal and policy measures that can be expected to reduce VAC. Given this start, the city could now leverage its legal and policy arsenal to make a public declaration of its intention to join the pathfinding cities initiative and of its commitment to ending VAC.

Conclusion

With this contribution, we establish that cities are important actors in global and national governance on matters relating to the SDGs and human rights, and specifically the protection of children from violence. This is based on a normative framework envisaged in terms of the CRC (Art. 19), SDG 11, SDG 16.2, and the NUA in regard to cities and the protection of children from violence. Within international and African regional children’s rights laws, there is a compelling and robust demand for the protection of children from all forms of violence, abuse, and exploitation in all spheres of government, including the city level. For instance, we have demonstrated that the right to protect children and prevent any real or potential harm is enshrined in international children’s rights and in the South African Constitution and in legislation. The protection of children from violence is thus a legal requirement operationalised through policies and other measures. Violence prevention is non-negotiable and cannot be left to the discretion of — or sidelined by excuses from — governmental authorities at any level.

This article has demonstrated that VAC, whether it occurs at home or in the streets, whether it is in the form of sexual abuse, exploitation, child labour, or degradation, is a matter that affects the well-being, integrity, and dignity of children in cities. We argued that, in light of the subsidiarity principle, city governments have the legal duty to ensure the respect and promotion of children’s rights and protect them from threats in public spaces, and even in private homes. The indivisibility and interrelatedness of the SDGs, in particular SDG 16.2 and SDG 11, require authorities to adopt an integrated, multisectoral approach to the protection of children from violence at the city level, and to demonstrate their political commitment to doing so. While existing laws and policies do broadly address children’s rights, one challenge we observe is that policy on VAC is generally framed as addressing violence against “women and children”; VAC receives no special attention at the city level. This could lead to cases of VAC falling through the cracks in policy programming, prevention, and responses. We argue for the deliberate and explicit incorporation of VAC in urban law and policy: this will provide children with a powerful legal and policy tool to use in attaining their rights, and also offers civil society organisations a firmer footing from which to advance violence prevention strategies and advocacy in South African cities.

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