



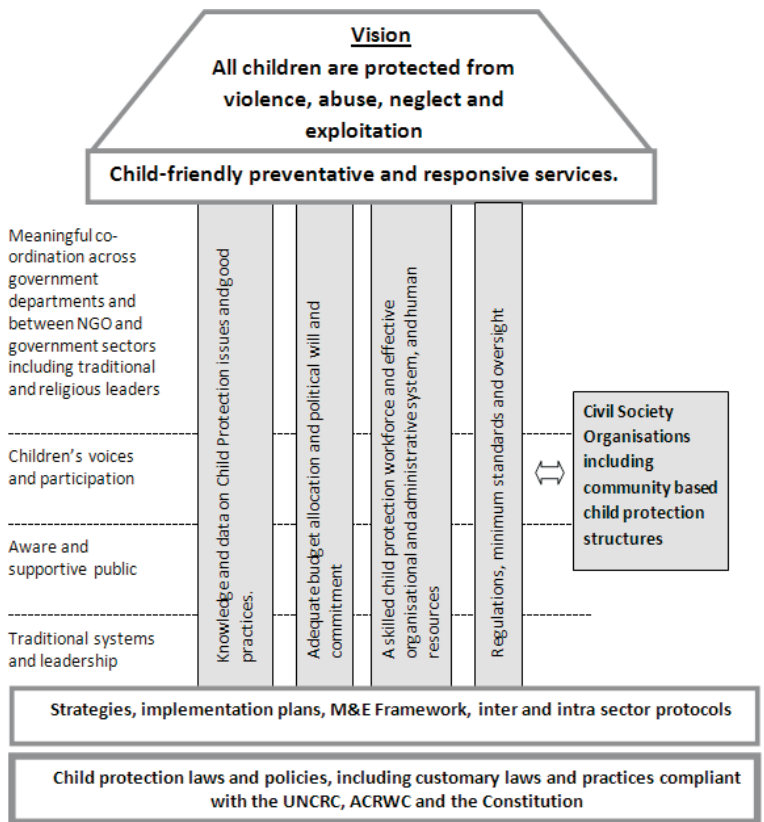
Protecting Children in South Africa from Violence, Abuse, Neglect and Exploitation

Baseline 2010: National Child Protection System in South Africa

What is a National Child Protection System and why do we need it?

Until recently, child protection focus has mostly been on individual protection problems, such as child trafficking, child labour and sexual abuse. The focus on different issues has contributed greatly to the protection of children and much has been learnt about what makes good child protection work. However, this approach has not been without its costs. Many children face multiple protection problems rather than just one, resulting in the focus on individual issues sometimes resolving one issue while leaving others untouched. This can be the case, for example, when children have been abused at home and are now working and living on the streets and are in conflict with the law. Fragmented child protection responses may deal with one of these problems but they rarely provide a comprehensive solution.

Well functioning National Child Protection Systems can provide well coordinated, equal, comprehensive, reliable and sustainable responses to children’s protection needs. Essential components of such a system includes: child protection laws and policies; meaningful coordination across government department and between sectors at different levels; knowledge and data on child protection issues and good practices; regulations, minimum standards and oversight; preventive and responsive services; a skilled child protection workforce; adequate funding; children’s voices and participation; and an aware and supportive public. When these components are present, they work together to address the multiple protection problems that children experience and strengthen the protective environment around each child.



In Southern Africa most governments have approved the relevant international and regional human rights instruments pertaining to children, including the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. There is also an increasing movement to harmonize national laws and policies in line with these instruments. However, despite this encouraging progress, international commitments to protect children from violence are often not translated into action at national and local levels. Instead, child protection remain fragmented, uncoordinated and tend to focus on issue-based programming. It has also been found that efforts to address violence against children are frequently reactive and focus on symptoms and consequences and not causes, with insufficient resources being allocated. Governments in the region are all publicly committed to children's involvement in all aspects of the National Child Protection Systems however, the mechanisms to ensure that this occurs regularly and in a meaningful way have not been formalized.

Status of child protection in South Africa

South Africa is ranked 15th on the "Index Values and Ranking for Protection of Children" carried out by the African Child Policy forum. In 2008, the South African Police Service statistics showed that 1410 cases of child murder was reported, 1488 cases of attempted murder, 16068 cases of child rape, 21736 cases of common assault, 19687 cases of assault to do grievous bodily harm and 3517 cases of indecent assault. Childline South Africa reported that in 2008, 3428 calls were received regarding physical abuse of children, 4827 calls on emotional abuse, 888 calls on sexual abuse and 3883 calls on neglect. From this it is evident that existing child protection structures are stretched with many children slipping through these safety nets. Although a strong suite of child protection laws have recently been passed, including the Children's Act, these have not yet translated into comprehensive, integrated services at a local level. A critical shortage of social workers, underfunding and poor coordination across government and between sectors, including with community-based organizations, are some of the factors which plague the system on all levels. These laws also do not adequately protect children from the most hidden form of violence, corporal punishment. The 2003 South Africa Social Attitude Survey revealed that 57% of the 952 parents interviewed applied corporal punishment, and that the average age of children beaten was four years. A similar study in 2004 on Partner Violence, Attitudes towards Child Discipline and Use of Corporal Punishment study revealed similar statistics where 57% of parents acknowledged using corporal punishment, 33% reported using *severe* corporal punishment.

Children's views on child protection:

The provision of safe homes to live in.

The provision of safe parks to play in.

Workers should be more patient.

Police should stop taking bribes.

Children must volunteer and contribute to the services offered in countries.

Establish children groups and campaigns in our community to educate the children and elders in the community.

Report any violence issues against children

Speak to educators. "They abuse children at school and we need to make them be aware that it hurts not only that child but all of us."

From "What did children say about child protection?" Childline

Child protection laws and policies compliant with the UN Convention on the Rights of the Child

The South African Constitution is mostly compliant with key international treaties including the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Section 28 of the Bill of Rights safeguards the rights to care and protection for children, over and above the rights they have in common with other citizens. The Children's Act, together with the Child Justice Act and the Sexual Offences Act, are the primary pieces of legislation which govern the care and protection of children. Whilst they are mostly compliant with the Constitution, a key challenge is that the Children's Act does not prohibit corporal punishment in the home setting and therefore the common law defence of reasonable and moderate chastisement still exists. There has also been considerable delay in the implementation of the Children's Act which has had a negative impact on service delivery in the child protection sector. Draft national and provincial implementation plans for the Children's Act have been developed in consultation with NGOs and key government departments however, no operational plans for the local level have been developed yet.

Recommendations:

The defense of reasonable and moderate chastisement currently available to parents in common law should be abolished and all forms of corporal punishment prohibited by law. (Department of Social Development)

Finalize the national and provincial draft implementation plans and develop operational plans for local level implementation of the Children's Act. (Department of Social Development)

Meaningful coordination across government and between sectors at different levels

The Department of Social Development is the lead department responsible for child protection and other key departments are: Department of Justice, National Prosecution Authorities, Department of Health, Department of Education and the South African Police Service. The levels of inter-departmental collaboration both horizontally and vertically amongst these departments is problematic with communication being the greatest challenge. National, Provincial and Local Child Protection Committees have been established to facilitate coordination between government departments and between government and civil society organizations. However, the functioning of these committees is not up to expectation. The two most notable reasons for this are that not all departments attend meetings regularly and the lack of protocols for provincial and local Child Protection Committees. Coordination between government and larger NGOs is generally good however, coordination and collaboration with smaller NGOs and informal structures in communities is poor.

Recommendations:

Strengthen the functioning and effectiveness of the National, Provincial and Local Child Protection Committees. (Department of Social Development and other core departments)

A strategy to strengthen the links between the National Child Protection System, smaller NGOs and informal structures offering child protection services in the community needs to be established. (Department of Social Development)

Knowledge and data on child protection issues

There is a lack of accurate and reliable information on child protection issues in South Africa. There are no national child protection indicators, no national research agenda on child protection and a lack of disaggregated data (urban/rural; gender; age of children; provincial). The South African Police Service releases annual statistics on crimes committed against children below 18 years and the Department of Social Development publishes their statistics in annual reports which includes data from the Child Protection Register. However, the reliability of these statistics is questionable as they are dependent on accuracy of reporting from local level service providers where data is not captured systematically. The Department of Social Development is about to embark on a five year National Child Protection Surveillance Study in order to rectify the gaps in knowledge and data and there are a number of international and local NGOs which undertake ongoing research into child protection issues.

Children were able to recognise and label a wide range of behaviours as abusive such as:

“When you hurt a child’s feelings”

“When you force a child to do things that he or she is uncomfortable with”

“When you hit or shout at a child for no reason”

“When parents don’t give a child enough food”

From “What did children say about child protection?” Childline (2009)

Recommendations:

Set a national research agenda on child protection issues and ensure that children’s views are represented in this process. (Department of Social Development with support of research institutions and civil society sector)

Develop a set of national child protection indicators which can be used to set targets/goals nationally. (Department of Social Development in consultation with other core departments and civil society sector)

Develop a central database for the systematic capturing of regular and reliable data on the number of children in South Africa who require and receive services. (Department of Social Development and other core departments)

Regulations, minimum standards and oversight

The South African Human Rights Commission plays a key role in providing oversight and monitoring of human rights violations. However, no unit exists within the Commission with a specific focus on children’s rights. Draft minimum standards and an M&E framework for the Children’s Act have been developed but are yet to be operationalized. Chapter 7 of the Children’s Act governs registration, inspection and assessment of child protection service providers however, these duties are not conducted on a regular basis. Another challenge found is that standards for registration are set too high leading to the proliferation of unregistered child protection service providers.

Recommendations:

Establish a unit within the South African Human Rights Commission which has a specific mandate for monitoring children’s rights. (South African Human Rights Commission)

Ensure sufficient resources for regular quality inspections and a pro-active system of regulation and oversight. (Department of Social Development)

Track the implementation of the Children’s Act, identify lessons learned and ensure that M&E frameworks are put into practice. Ensure sufficient resources in terms of capacity for implementation, including budget and skills. (Department of Social Development)

Preventative and responsive services

The key challenges for preventative and responsive services are the inadequate number and spread of these services, the lack of prevention and early intervention services and irregular monitoring of services for effectiveness and for identifying gaps in service provision. Furthermore, smaller organisations struggle to maintain links with the formal National Child Protection System. Traditional and religious leaders also play a key role as ‘change agents’ at local level. With improved understanding of children’s rights they can play an important role within the community to protect children. The social assistance programme in the form of cash grants is not seen as formally part of the National Child Protection System however, it has played a key role in enhancing the protection of children in South Africa through the reduction of poverty. Children have access to the Child Support Grant, the Foster Care Grant and the Care Dependency Grant. Uptake on the Child Support Grant is currently at 68.5%.

Recommendations:

Develop a central database of child protection service providers which should start with an audit of child preventive and response services. (Department of Social Development)

The gap in prevention services needs to be addressed, particularly programmes that focus on parenting skills, on alternatives to corporal and humiliating forms of punishment and the strengthening of families. (Department of Social Development)

Engage with religious and traditional leaders as change agents in communities on children’s rights and child protection. (Department of Social Development and Civil Society Organizations and the Department of Local Government and Traditional Affairs)

A skilled child protection work force

There is a severe shortage of social workers in South Africa which has serious implications for the effective implementation of the Children’s Act. A professional body for the registration of social workers and social auxiliary workers exists however, training of those working in the child protection sector is mostly ad hoc and uncoordinated. There is also no recognised formal qualification for ‘child protection work’ in particular, and is only covered as part of the social work curriculum at some universities throughout the country.

Recommendations:

Upscale the numbers of persons providing services and diversify the range of recognised and regulated social service professions. (Department of Social Development)

Define clearly the job classifications in child protection, and ensure that these are governed by minimum standards or a code of ethics. Establish a career path or career training matrix for child protection workers in different government departments and in civil society organizations, combined with a matrix of qualifications, skills, minimum standards and possible training service providers. (Department of Social Development and other key departments)

Adequate budget allocation

Provincial budget allocations for children’s social services in 2009/10 have increased, yet they are not sufficient to meet the lowest level of implementation of the Children’s Act. Furthermore, NGOs who play a critical role in providing services in the child protection sector are insufficiently funded.

Recommendations:

National Treasury and the provinces need to prioritize the implementation of the Children's Act when making decisions about budgets in order to fulfill its legislative imperatives. (Treasury and Department of Social Development in each province)

Re-examine the current model used for funding NGOs and develop a new funding model for NGO social services. (Department of Social Development in consultation with NGO sector)

Children's voices and participation

Child care legislation supports government's commitment to children's participation the National Child Protection System. Whilst the government did consult children in the development of the Children's Act and the Child Justice Act, NGOs continue to take the lead in ensuring children's participation. On the whole, consultation with children occurs on an ad hoc and often tokenistic basis as there are no formal mechanisms in place to facilitate regular and meaningful consultation with children.

Recommendations:

Actively engage with children in all aspects of the national child protection system, taking into account article 12 of the UN Convention on the Rights of the Child on child participation. Develop strategies and mechanisms at national, provincial and local level to ensure meaningful and mandatory involvement and participation of children. (Ministry of Women, Children and People with Disability, Department of Social Development)

"Government should include children in their discussions. For example when the president talks he must say something about children...Even when the president goes to help another country we do not hear him talking about how they are going to help the children of that country. It is okay for the president to help other countries but child protection must take centre. I want to be the next president but I am learning nothing about protecting children from the leaders" (12 year old boy)

From "What did children say about child protection?"
Childline

An aware and supportive public

Each department has its own awareness raising initiatives and key campaigns include the 16 Days of Activism for Women and Children and Child Protection Week however, there is no coordinated approach to awareness raising across sectors and between departments. The media plays a dual role. On the one hand the media sensationalise child abuse cases, on the other hand they play a key role in advocating for and raising awareness around children's rights.

Recommendations:

Public information campaigns should be comprehensive and well coordinated with clear objectives and ongoing monitoring and evaluation. Target groups for these campaigns should include the public and specific key stakeholders such as parliamentarians, religious leaders, traditional leaders and the media. (Department of Social Development in partnership with other core departments and the NGO sector)

Conclusion

South Africa's laws and policies are mostly compliant with the UN Convention on the Right Convention and the African Charter on the Right and Welfare of the Child but the length of time it has taken to finalize the Children's Act and its regulations has had a negative impact on service delivery in the child protection sector. Structures are in place to promote and coordinate child protection across government however, many of them are not functioning effectively. Whilst data on child protection issues are being collected by South African Police Services and the Department of Social Development, there are no core child protection indicators and there are gaps in the systematic capturing of regular and reliable data on the number of children in South Africa who require and receive services. The social assistance programme in the form of cash grants has been largely successful in reducing the depth of poverty for children however, the need for child protection services far outweighs the capacity of the state to respond. Some of the biggest challenges are the lack of prevention services, lack of regular training and the shortage of social workers. In addition, the child protection sector (government and NGOs) remains underfunded. Child participation in South Africa is low because there are no mechanisms in place for regular consultation with children. Lastly, whilst awareness raising activities around child protection issues do occur, this is usually done on an ad hoc basis, is limited to main campaigns and remains uncoordinated across government departments and the NGO sector.

For further information and full report, please contact:

Save the Children

Southern Africa Regional Office

1067 Arcadia Street

3rd Floor, SAQA House

Pretoria, Hatfield

South Africa

Tel: +27(12) 342 0222

Fax: +27(12) 342 0305

Email: postmaster@saf.savethechildren.se

Web: www.savethechildren.se



Save the Children

Our vision is a world in which every child
attains the right to survival, protection,
development and participation.

Our mission is to inspire breakthroughs in the
way the world treats children, and to achieve
immediate and lasting change in their lives.