

**Submission to the Western Cape Provincial Parliament Standing
Committee on Social Development on the Draft Children’s Amendment
Bill (B19-2006) NCOP**

From **The Homestead (Projects for Street Children) NPO 003-217**
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Topics covered:
Definition of Street Children
Drop In Centres
Shelters
Children in Alternative Care

1. Background

The Homestead has been working with Street Children for since 1982, and over 24 years has developed a comprehensive range of prevention and developmental services. Based on our experience, we recommend three vital changes to the Draft Bill under consideration today, and one change to the principal Act.

2. Definition – Chapter 1 of Act 38 of 2005

In the principal Act (Chapter 1 of Act 38 of 2005) all references to “street child” should be removed and replaced by the phrase “child who lives or works on the streets or begs for a living”. This definition is used in section 150 of the Draft Children’s Amendment Bill under consideration here.

The label “street child” is used to allow for second-rate treatment for children with this label. Yet these children are generally in need of specialised services – not just shelter from the elements as is envisaged in the Draft Bill.

3. Drop In Centres – Chapter 13

We recommend that all references to Shelters be deleted from Chapter 14 and that Shelters be relocated to Chapter 13 as Child and Youth Care Centres. I will come back to this in my next point. Chapter 13 should focus on Drop In Centres with some important amendments.

Section 213 (2) we recommend that the phrase ‘children who voluntarily attend the facility but who are free to leave’ be amended to read ‘children who voluntarily attend the facility’. Stating that children are free to come and go does not encourage children to commit themselves to developmental programmes.

Section 214 does not provide for a sufficient spread of Drop In Centres throughout a province. It implies that if the provincial legislature does not

appropriate money for Drop In Centres, there will be no funds for them. Yet, often the very first service offered to children living on the streets in small towns and rural settings is a Drop In Centre. This is often the base from which a comprehensive range of services develops over time.

Section 214 (1) should read ‘The MEC for Social Development MUST, from money appropriated by the provincial legislature, ensure the provision of Drop In centres for that province’.

Section 218 deals with applications for registration of Drop In Centres. We recommend that **(c)(ii)** referring to ‘such fee as may be prescribed by regulation’ be deleted. Asking concerned citizens who establish NGOs to pay a fee to provide a service may make it difficult for disadvantaged communities to establish services for children living on the streets.

Section 219 which specifies how applications for registration are considered requires the addition of two subsections:

- a) One subsection should provide for a Management Board for Drop In Centres.
- b) A second subsection should provide for the staff and managers of Drop In Centres to be adequately qualified and in sufficient numbers to provide protection to children at the Drop In Centre. The required qualifications should specify that there is at least one Auxiliary Child Care Worker or Auxiliary Social Worker on the staff.

Drop In Centres need to be set up organisationally just as stringently as Child and Youth Care Centres – otherwise anyone (paedophiles, for example) can set up a Drop In Centre. They can also use the centre as a way to raise money, little of which is ever used on the children’s needs. Children living on the streets need to be protected from inappropriate and unsupervised services, especially because they are without adult protection, find it difficult to report ill-treatment or abuse, and are frequently not listened to when they do report to the police.

Section 220 which specifies the Minimum Standards for Drop In Centres needs two additional clauses so that Drop In Centres work developmentally and do not just provide space, water, toilets and so on.

We could delete the existing **Section 220 (2)** which relates to Shelters (as these should be moved to Chapter 13) and add a clause “Drop In Centres must have suitable qualified staff to provide for an assessment of the child’s needs, the chances of family reunification, and referral to other off-street programmes.

We could add a new subsection **Section 220 (3)** to specify that there must be proper child care programmes at a Drop In Centre, such as a development and treatment plan, and a family reunification or other placement programme.

These clauses will prevent Drop In Centres from assisting the same children for years, and therefore helping and encouraging children to stay on the streets by making life more comfortable for them. The additional clauses ensure that Drop In Centres help children to change their living conditions in the longer term.

Section 225 which allows the functions of the Department of Social Development to be assigned to a municipality should be deleted. We feel strongly that no functions should be assigned to municipalities, because too often the agenda of municipalities is driven by business interests and not the interests of the children. There is thus a danger of programmes to 'clear the streets' and 'remove the children'. The Department of Social Development is the appropriate body to carry out functions related to the protection of children.

4. Including Shelters in Chapter 13 as Child and Youth Care Centres

The Draft Bill discriminates against children who have been living on the street, and seems to miss the point of working with the children. Chapter 14 makes Shelters only that – places of shelter to keep children warm, dry, and fed in hygienic conditions. The complete absence of any developmental programmes implies that these children either cannot benefit, or are not worthy of fully fledged services like other children.

The best way to illustrate this is to give an example of two children:

Vuyo's teacher notices that he often comes to school with unexplained injuries. He is quiet and withdrawn - a 'good' child – liked by the teacher. She notifies a Social Worker, who investigates and finds that Vuyo's stepfather is physically abusing him and he is removed to a Child and Youth Care Centre, where he and his family receive appropriate interventions to enable him to return within two years to a changed situation.

Andile, on the other hand, is regarded as a 'bad' child. His aggressive acting-out behaviour hides the fact that he is living a life of hell at home. His 'bad' behaviour is his cry for help, but nobody realises this. After some time, he drops out of school because he hates being there too – the teacher calls him stupid and often punishes him. Andile ends up living on the streets as a way of escaping the situation at home. Nobody has helped him and he doesn't trust adults after his experiences of abuse and neglect. On the streets, he has many bad experiences and is affected by solvent abuse. He is deeply emotionally damaged by what he has experienced in his short life. When a street worker finally wins his trust and persuades him to leave the streets, what do we offer him? In Chapter 14 we only offer him a bed and food. No professional staff to work with him on his problems. No visits to his family to try and repair relationships, or find other relatives.

Andile's needs are actually much more challenging for the staff than Vuyo's. But Chapter 14 doesn't require the Shelter staff to have any qualifications – they must somehow cope with his behaviour without training.

None of this makes any sense to those of us who work with children who have lived on the streets. We know that their needs are just the same as other children's, and that, in fact, more individual therapeutic attention is often needed. Shelters are cheap options for government – they have a lower subsidy than Child and Youth Care Centres. So they have less staff and less of everything.

The addition of a clause to section 191(2) (a) in Chapter 13 making specific provision for 'the reception and safe care of children who live or work on the streets or beg for a living' will make this possible. The reason a separate clause is needed is that our experience has shown that placing other children (not street children) in shelters could result in their taking to the streets. Children living on the streets need specialist Child and Youth Care Centres.

We recommend that the definition of a shelter in Chapter 1 section 1 be changed to 'shelter means a child and youth care centre providing programmes to children living, working or begging on the streets'.

5. Children in alternative care - Chapter 11

The statutory requirements are different for a child who voluntarily admits himself to a Shelter from the requirements for a child who is removed from home on temporary safe care orders pending a Children's Court Inquiry. We suggest that an **additional clause (9) in section 170** be inserted to cater for this. 'This section does not apply to children who voluntarily admit themselves to the Child and Youth Care Centre'.

Our experience is that children who have been living on the streets often move in and out of the shelter for a while before settling down. They have a flight reaction if they are told that they 'have to' stay anywhere. They have been making their own decisions for a long time, and will only begin to benefit from our programmes if they themselves make the decision to change their lives. This can be a slow process. It is better to design programmes that fit the special needs of children who have been living on the streets than to try and force them into a mould that does not fit their needs.

6. Conclusion

Thank you for this opportunity to contribute to this important debate. As it currently stands the Draft Bill does not protect street children adequately. We trust that you will not allow this Bill to continue to condemn children living on the streets to second-rate services. This is the only chance that there will be to change that pattern for many years to come.