

SUBMISSION FROM: SIYAKHANA YOUTH OUTREACH AND
EDUCATION PROGRAMME TRUST

SUBJECT: CHILDREN'S BILL AMENDMENT

SECTOR: SHELTERS AND DROP-IN CENTRES.... CHAPTER 14

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T.Mandela

BRIEF BACKGROUND ABOUT THE ORGANISATION

Siyakhana Youth Outreach And Education Programme Trust is a non-governmental organization that serves children working and sleeping on the streets and also children and youth who are at risk of harm. Siyakhana was established in 1998 and started operating as day care centres in 1999. Five centres were established in the following towns, Butterworth; Engcobo; Mthatha; Mt Frere and Lusikisiki as pilot projects with funds accessed by the then Presidential Projects Team (PPT). Thereafter the Department of Social Development started subsidizing our centres.

Up to now tremendous work has been done by these centres, providing temporary accommodation overnight as most of these children are identified as children in need of care and referred to our centres by relevant stakeholders and communities.

EXPERTISE AND EXPERIENCE IN THIS FIELD

These children are dealt with in a holistic and developmental approach within the context of their families and communities as they are reunited with their families, extended families and thus reintegrated into their communities. They are cared for by trained Child and Youth Care Workers who hold a Basic Qualification in Child and Youth Care (BQCC 2000) offered by National Association Of Child and Youth Care Workers. Social Workers and other relevant sources are utilized to offer professional intervention services to these children.

CONCERNS ABOUT THE ISSUE OF SHELTERS IN THE BILL

Children's Amendment Bill: Issues affecting Children on the Streets – Responses from the organizations working on Children on the Streets, representing shelters, drop-in centres and outreach programmes.

KEY RECOMMENDATION - REMOVE CHAPTER 14 FROM THE BILL

- **Shelters become child and youth care centres offering specialist services to children on the streets**
- **Drop-in centres should be either attached to child and youth care centres as an add-on service or registered as partial care facilities.**

Why?

Children on the streets have the right to equality and dignity.

They are vulnerable and need:

- **therapeutic programmes;**
- **individualised care plans working towards reintegration or long-term placement;**
- **to be cared for by an adequate number of suitably qualified staff;**
- **suitably tailored educational programmes- mobile units, bridging programmes, YBET (NB formal schooling is not appropriate in many cases);**

Children have the right to participate in the decisions that concern them - child forums should feed into management boards.

The majority of shelters offer these services, they should be recognised and compensated for the work that they do.

Informal shelters that do not offer these services should be closed.

No registration functions should be delegated to municipalities.

Shelters and drop-in centres are part of an integrated model of care that starts with prevention and early intervention, offers alternative care for children in need of care and protection and after care.

Chapter 14: Shelters and Drop in Centres

Protection from abuse and neglect is achieved by providing formal child protection services at facilities such as child and youth care centres, shelters and drop-in centres. This is a duty of the state.ⁱ These services are social servicesⁱⁱ which are aimed at the welfare of the child. Chapter 13 outlines the type of social services provided by child and youth care centres. The chapter can be applauded for being in line with several provisions of the Children's Convention and the African Charter. The programmes and services outlined in chapter 13 promote the right to the highest attainable standard of healthⁱⁱⁱ; point to the states' obligation to promote physical and psychological recovery and social reintegration of children who have been abused, neglected or exploited^{iv}, it also points to the states' duty to establish institutions for children in trouble with the law^v and the states obligation to take measures to protect children from drug abuse.^{vi}

However, the same extensive services are not outlined in chapter 14, it makes reference to basic services only.^{vii} Children on the streets are children in need of care and protection and are extremely vulnerable. They are entitled to the same standards of care and protection as other children. It is essential that they are offered therapeutic programmes and services, including education. Chapter 14 also fails to make provision for all the prevention and early intervention services provided for children on the streets. To safeguard the rights of children making use of shelters and drop-in centres, all the services offered in any other child and youth care centre must be provided for in shelters. This can be achieved by incorporating shelters and drop-in centres into child and youth care centres. Shelters would then become Child and Youth Care Centres offering services to children on the streets, they would benefit from the same funding. There is a duty on the National and Provincial Government to ensure that there is a sufficient number of child and youth care centres offering a range of services. Secondly, if shelters and drop-in centres are in it will lead to more holistic approach to service delivery, services will be seen as part of an integrated model of care and can offer support to each other.

Recommendation

Section 191 (1) identifies facilities considered to be Child and Youth Care Centres, Shelters and Drop-in Centres are specifically excluded, they could be incorporated into the chapter by deleting the exclusion. Drop-in Centres should be included as an ad-on service provided by child and youth care centres in terms of section 191(3)(c) of the Bill

Proposed amendment

Child and Youth Care Centres

191. (1) A child and youth care centre is a facility for the provision of residential care to more than six children outside the child's family environment in accordance with a residential care programme or programmes suited for the children in the facility, but excludes-

(a) a partial care facility

[(b) a shelter or drop-in centre]

.....

2. Include Drop-in Centres as an add-on service provided by Child and Youth Care Centres.

Proposed Amendment

Child and Youth Care Centres

191. (3) A child and youth care centre may in addition to its residential care programme, offer-

(c) A drop-in centre facility providing primary prevention and early intervention services

[c] (d) any other services that may be prescribed by regulation

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