

**SUBMISSION TO THE  
EASTERN CAPE  
(PROVINCIAL COMMITTEE  
ON SOCIAL DEVELOPMENT)  
ON CHILDREN'S AMENDMENT BILL  
[No. 19 OF 2006]**

**SUBMITTED  
BY THE  
UMTATA CHILD ABUSE RESOURCE CENTRE  
(UCARC)  
IN COLLABORATION WITH THE  
SOUTH AFRICAN SOCIETY  
FOR THE PREVENTION OF CHILD ABUSE  
AND NEGLECT  
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## 1. **INTRODUCTION**

This submission relates to the PREVENTION AND EARLY INTERVENTION Chapter 8 of the Children's Amendment Bill. It focuses on proposing amendments to this very important chapter to prevent children coming into formal care system and ensuring that children are protected from all forms of violence including that which occurs within the family setting.

The Umtata Child Abuse Resource Centre (UCARC) therefore requests an opportunity to address the Provincial Portfolio Committee at the O.R. Tambo district municipality, Mthatha area

## **BACKGROUND OF THE ORGANISATION**

UCARC is a non governmental organization (NGO) based in Mthatha, it works from a child's right perspective to prevent abuse, neglect and exploitation. This is done by conducting Education and Training as a core strategy of the organisation focusing on abuse recognition, appropriate response, awareness about the root causes and prevention. These activities are supplemented by advocacy to ensure an appropriate legislative framework to protect and promote the rights of children and by dissemination of a range of materials for prevention. In addition we mobilize communities especially community leaders to participate actively in all issues affecting their children.

UCARC is affiliated to the South African Society for the Prevention of Child Abuse and Neglect (SASPCAN), which is a National Forum providing information, training, networking and promoting inter-disciplinary co-operation in the co-ordination of services to abused children and their families. SASPCAN has a particular interest in the development and implementation of legislation and policy, which articulates the protection and realization of the rights of children in South Africa.

## 2. **OUR EXPECTATIONS OF THE CHILDREN'S AMENDMENT BILL**

The most significant challenges facing South African children are poverty, child abuse, sexual assault, as well as lack of access to the basics of human survival – including adequate housing, healthcare, nutrition and education. The fragmentation of the family unit due to the colonial and apartheid history as well as loss of care givers due to HIV and AIDS pandemic are the main causes of the social ills which challenge most of our children.

It is a known fact through research studies that children who grow up in such difficult circumstances perpetuate those circumstances and the manner in which they were raised. We know the Child Care Act 74 of 1983 had flaws, more than anything else it was re-active more than being proactive. It is for this reason that we feel that the new Act should address those discrepancies and be restructured for the South African Child.

This means more emphasis on Prevention and Early Intervention than is currently the case.

It is shocking to learn that a unit dealing with the Management of Sexual Assault and other related child abuse cases, sees  $\pm$  50 cases. Per month,  $\pm$  3 – 5 cases a day. In this case we see a need to embark vigorously on Prevention and Early Intervention strategies, it is a well known fact that Prevention is better than cure. According to a study undertaken by the Michigan State University, it revealed that “the cost of prevention is 19 times less than the cost of non prevention”.

### 3. **OUR BROAD CONCERNS**

#### 3.1 **Resourcing Current Situation**

Prevention and Early Intervention Services as well as protection services are chronically under provided and under funded especially in the former Transkei of the Eastern Cape Province:

Our first concern is the funding of the Prevention and Early Intervention as well as Early Childhood Development (ECD) services. Most of these services are delivered by NGO's and CBO's, which too often lack resources and are as a result not well represented in rural areas. While it is clear that such services could continue to be delivered by civil society organizations, they need significant government support to do so. Where services do not exist, it will be necessary to establish them.

Although we do not have equivalent estimates for the South African context, as compared to other countries where estimates are billions of dollars with regard to consequences of child abuse, neglect and exploitation which are related to criminality. The cost is undoubtedly extremely high. Child abuse, neglect and exploitation damage our human capital and are serious threats to our nation's developmental agenda. Remember Mr Mandela refers to children as the nations most treasured assets. How can we therefore fail the future nation of this country.

#### 3.2 **An Appropriate Balance between Prevention and Early Intervention and Formal Child Protection Services**

SASPCAN and UCARC are concerned that the Children's Amendment Bill, like the present Child Care Act, relies disproportionately on the formal child protection system, which operates in large measure through the country's overstretched children's courts and its shrinking pool of social workers. The system is urgently in need of upgrading to enable it to be more effective in dealing with cases of active maltreatment of children.

But, the present situation cannot effectively address the mass based problems facing the hundreds of thousands of orphans and vulnerable children in our country whose problems arise from poverty in combination with HIV and AIDS and other pervasive hazards.

### Example

A survey conducted at Port St Johns area in October 2005 by the Eastern Cape Aids Council revealed 157 HIV and AIDS orphans in 124 households. Seven (7) of the households were headed by children, and in one village (Ntsimbini) there were 15 AIDS orphans who were living alone without any income. The needs of these children can only be met through a combination of improved access to social security and a national roll out of easily accessible community based support and empowerment programmes. These should work through voluntary, supportive alliances with families, communities and community leaders, rather than through the legal authority, which is a strong feature of formal protective service. Such services could make judicious use of social workers where necessary, while also mobilizing all other categories of social service professionals, along with community developers and volunteers. They should involve all spheres of government in partnership with NGO's and CBO's and could be linked to, if not built into, the Integrated Development Plans of local authorities. The work of the Child Care Forums, should also play a key role.

In this way a layer of promotive, preventive and early intervention services would be readily accessible to hundreds of thousands of vulnerable children who could be prevented from falling into deepening levels of marginalisation, and the increasing destruction of their potential. The strengthening of these services would also serve those children who are permanently in the care of their extended families due to the death or incapacitation of their parents. Vast numbers of these children are currently being inappropriately channeled into formal foster care because there is no other way of giving them access to social security.

We understand that children in court ordered foster care has increased by 500% since 2000, and is continuing to increase. People now are apparently misusing this formal child protection service, where you find children being moved from their biological parents to give someone so as to access the grant for which parents themselves are not eligible. This means people are taking this formal child protection service as an income maintenance system, and is now being paralyzed by the sheer numbers involved.

We are saying through strengthening the Chapter 8 of the Children's Amendment Bill, a strong and dependable layer of Prevention and Early Intervention services would enable vulnerable children to access effective support in their immediate environment without their having to enter the endless queues for admission to social work caseloads and children's court procedures. It would in addition enable certain children who would qualify for statutory protective services but would not necessary respond well to such an approach, to be linked with alternative forms of assistance better suited for their needs.

Good examples are children on the streets and those in certain forms of labour. Other advantages are:

- free up the courts
- social workers will carry out urgently needed protective and rehabilitative tasks which require their specific skills and training
- this layer will respond to special needs of children at risk of marginalization due to disability and chronic illness
- this layer could also be used to educate families and other community members about the non-violent methods of discipline

### 3.3 **Interdepartmental Co-operation and Co-ordination**

Another area of concern is the lack of co-operation and co-ordination of services delivered to vulnerable children across various sectors. This fragmentation frequently give rise to unnecessary expenses, high levels of frustration and hopelessness, and further trauma to the child. These conditions result to lack of impact and effectiveness of the very services delivered to vulnerable children. To rectify this situation, there is a need for a NATIONAL PLAN FOR PREVENTION AND EARLY INTERVENTION to be developed in consultation with ALL role players, including civil society. Emphasis should be more on the Department of Education to work closely together with the Department of Social Development.

- ◆ Firstly, compulsory education is a critical component of prevention and early intervention in its own right, and prevention and early intervention in schools cannot be over-emphasized
- ◆ Accordingly, the fact that the child is at school and in the class of the same teacher provides a unique opportunity for early identification of vulnerable children. There is a good chance to do something before the problem becomes such that a tertiary level intervention is required

Clearly neither the Department of Social Development nor the Department of Education can implement effective Prevention and Early Intervention programmes without an involvement of both departments at all levels – from decision-making, policy and budgeting through to implementation.

Another area which is also very critical at this layer is the local government, where we are saying that they should take children's needs into account when developing their IDP's (Integrated Development Plans) particularly in the area of

- Water, sanitation and refuse removal
- Electricity
- Housing
- District level health services
- Partial care facilities (cretches)
- Road building and maintenance
- Traffic control and road safety enforcement
- Safety at public entertainment facilities

The proposed amendments, which are herewith attached in this submission have the above considerations in mind.