

***SUBMISSION FROM
UMTATA CHILD ABUSE RESOURCE CENTRE
(UCARC)***

***IN COLLABORATION WITH
THE SOUTH AFRICAN SOCIETY
FOR THE PREVENTION OF
CHILD ABUSE AND NEGLECT
(SASPCAN)***

***TO PORTFOLIO COMMITTEE ON
SOCIAL DEVELOPMENT
(NATIONAL ASSEMBLY)
ON CHILDREN'S AMENDMENT BILL
[B 19 B – 2006]***

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1. **INTRODUCTION**

The Umtata Child Abuse Resource Centre (UCARC) is a non governmental organisation (NGO) based in Mthatha, it has been working very closely with the South African Society for the Prevention of Child Abuse and Neglect (SAPCAN) in ensuring that the **PREVENTION AND EARLY INTERVENTION** chapter, Chapter 8 articulates to the protection and realization of the rights of children of South Africa.

We welcome this opportunity of being afforded to make a submission with regard to this important and foundation chapter. The chapter as it is now appears weak in some areas, and if left unamended will cause more harm than good, this information is going to reflect in this submission.

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

According to research studies done, one by the Children's Institute, University of Cape Town in November 2003, revealed the situation of childhood in South Africa as characterized by high levels of interpersonal violence, of sexual assault, and of poverty, as well as access to the basics of human survival – including adequate housing, health care, nutrition and education. The situation of children in South Africa is significantly exacerbated by the HIV pandemic. These factors indeed make our country a fertile breeding ground for the social ills which face our children.

Knowing very well that children learn what they live and as Archbishop Desmond Tutu said in his support for the Global Initiatives “Violence begets violence and we shall reap a whirlwind”. It is for this reason that we feel that the upcoming legislation, which is long overdue, must ensure that childhood is restructured for South African children in general, and those that are vulnerable in particular.

This means greater emphasis and resources are needed on the Prevention and Early Intervention Chapter than is currently the case. There are but many broad prevention strategies that are required to prevent children from falling into the formal child protection system, most of the social ills facing children are preventable. The Prevention and Early Intervention services is a foundation chapter as it cuts across other chapters, examples of some of the broad prevention strategies are – affordable housing, free education, social security, capacity building for parenting, income support, access to health care, access to Early Childhood Development to mention but a few.

3. **OUR BROAD CONCERNS**

3.1 **Resourcing**

Most of the prevention and early intervention services are delivered by NGO's, CBO's (Community Based Organisations) and FBO's (Faith Based Organisations). Currently these sectors lack resources to be able to run effective services, in rural areas they are poorly represented. It is clear that such services could continue to be delivered by civil society but they need significant government support to do so. Where such services do not exist, it is necessary that they be established.

We do acknowledge that the effective broad prevention strategies will be costly, but we are saying – the cost of failing to prevent abuse and neglect exceeds that of not preventing many times over. There is a saying – “Prevention is Better than Cure”. The failure to address the needs of our children are undoubtedly extremely high. Child abuse and neglect damage our human capital and are a serious threat to our nation's developmental agenda.

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

Our Old Child Care Act relied disproportionately on the formal child protection system, it is one of the reasons it was not suitable for the South African Child because it was reactive more than pro-active. In this new act we would like to see a shift whereby children could be prevented from falling into deepening levels of marginalisation, and increasing destruction of their potential.

We are talking of overstretched children's courts and the shrinking pool of social workers and yet the new act continue to overburden the system with something, which could have been preventably. We are saying the needs of the 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 and communities, rather than through the legal authority, which is a strong feature of formal child protective services.

The number of children in court ordered foster care has increased by 700% since 2000 and is continuing to skyrocket. Such an approach is inappropriate and unsustainable in a country where the majority of children are poor, and where deaths of parents are occurring on a massive scale. The result is that the formal child protection system has become an income maintenance system. This approach has also resulted to biological parents to give someone access to a grant for which the parents themselves are not eligible in other words it has opened loopholes.

3.3 Interdepartmental Co-operation and co-ordination

This is another concern as people working for this sector, service delivery to vulnerable children is given in a piece-meal fashion, fragmented and uncoordinated. People from all walks of life who are for children have recognized that child protection services are inadequate. This has deteriorated to zero due to the disbandment of Child Protection Units. Victims of abuse are now seen by police who are not necessarily trained to deal with children's issues. Children are now suffering "secondary" abuse in the hands of the service which should have protected them.

Case Study

A five year old girl was raped at Ncanasini Administrative Area. The case was reported to the police station at Mqanduli, nobody ever made a follow up to investigate the case. I personally took the child with her grandmother to Sinawe Referral Centre in Mthatha where the blood was taken from the child as well as counselling sessions. The perpetrator has not been apprehended as the child refuses to disclose. It is essential that a National Plan for Prevention and Early Intervention is developed in consultation with all role-players, including civil society. It is especially important that the Department of Education and Social Development work closely together.

The importance of the involvement of the Department of Education in the provision of prevention and early intervention cannot be over-emphasized. Firstly, compulsory education is a critical component of prevention and early intervention in its own right.

Secondly, the fact that children are at school with the same teacher each day provides a unique opportunity for the early identification of vulnerable children is a realistic option.

Clearly neither the Department of Social Development nor the Department of Education can implement effective prevention and early intervention services alone. There is an urgent need to work together in multidisciplinary teams in providing a continuum of care and support services.

4. **RECOMMENDATIONS TO THE CAUSES OF THE AMENDMENT BILL**

143(1) Prevention and Early Intervention services instead of programmes.

For logistical purposes we recommend that “prevention” should take place before “early intervention”

144(1) (a) preserving a child’s family structure in situations of vulnerability

- (b) developing appropriate parenting skills and the capacity of parents and care-givers to safeguard the well being and best interest of their children, including the promotion of positive, non-violent forms of discipline.
- (e) providing psychological, rehabilitation and therapeutic programmes for children with issues of trauma and grief in families affected by illness, death, separation, violence or natural disasters;

add the following sub-sections (j) – (o)

- (j) providing practical assistance and guidance for older persons, children and young adults who are serving as caregivers for children;
- (k) providing assistance to families with children with disabilities;
- (l) providing assistance to families with children with chronic illnesses;
- (m) providing assistance to children in families with sick or terminally caregivers and children living in child headed households;
- (n) providing assistance to children suffering from substance abuse or children living with caregivers suffering from substance abuse ; and
- (o) providing aftercare services and support to children when they leave residential care.

2. Prevention and early intervention services or programmes must where necessary include –

- a) assisting families to obtain the basic necessities of life and to access essential services;
- b) empowering families to obtain such necessities and access essential services for themselves;
- c) providing families in desperate need with the basic necessities of life including food, clothing, and shelter

Strategies for securing prevention and early intervention

145(1) the Minister, after consultation with interested persons, including the Ministers of Education, Finance, [Community Safety](#), Health, [the provincial MEC's for Social Development](#), and members of civil society

[Proposal of 2 new clauses by SASPCAN, UCARC and other sectors with regard to:](#)

147(a)

- i) [Every Local Authority must take children's needs into account when developing its Integrated Development Plan, particularly in the areas 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](#)

- ii) [Every Local Authority must develop, in co-operation with all relevant role players, an intersectoral plan for supportive services to orphans and vulnerable children](#)

148 [The principal of a public or private school must on a confidential basis –](#)

- a) [identify children who are frequently absent from school, where this may be due to their becoming involved in exploitative child labour or excessive household responsibilities, or lack of appropriate care](#)
- b) [take all reasonable steps to assist them in returning to school or to discourage them from leaving school;](#)
- c) [submit the names and addresses of those children to an appropriate prevention and early intervention programme or alternative support service, or to the nearest office of the Department of Social Development for assistance; and](#)
- d) [submit the names and addresses of those children to the provincial head of Social Development, for purposes of data – gathering and planning](#)