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Children, Families and the State: Collaboration and Contestation

CAPE TOWN, 20 November 2018 – Over 6 million children in South Africa still live below the food poverty line. This means that their families cannot even provide the minimum amount of nutrition needed to survive and thrive. This is just one of the many challenges faced by families in SA.

There is therefore an urgent need for families and the state to align their efforts to improve conditions for children. Families are arguably the state's greatest resource: The state needs families to reproduce the population, to nurture children and provide for their needs. But it must enable families to do so by ensuring that the necessary infrastructure and services are in place, are accessible to all, and are of good quality.

So how do we achieve good collaboration between families and the state so that children develop well and no child is left behind? This is the central question in the *South African Child Gauge 2018* released today.

This annual review of the situation of the country's children is published by the Children's Institute (CI), University of Cape Town, in partnership with DST-NRF Centre of Excellence in Human Development, University of the Witwatersrand; UNICEF South Africa; and The Standard Bank Tutuwa Community Foundation.

This year's issue is the 13th *Child Gauge* and it focuses on children at the interface of families and the state. It looks at areas of effective collaboration as well as contestation or tension between families and the state, such as where families fail to nurture children in ways that the state requires, or when the state does not fulfil its obligation to provide an enabling environment in which to do so. While families have increased access to services in the post-apartheid era, the 2018 *Child Gauge* urges government to focus attention on improving the capacity and quality of responsive services to families.

"In general, the state recognises the diversity and multi-generational nature of many families, but in practice different departments have divergent views of what a family is (or should be) and who is assumed to bear responsibility for children," said Katharine Hall, Senior Researcher at CI and lead editor of the 2018 issue.

The state should recognize the varied strategies that families adopt to care for children, so that policies and programmes cater for families as they are, without assumptions about what they should be.

Responding to the needs of families as they exist

Families and household arrangements are dynamic, responding to social, economic and political factors. "Extended" family households account for 36% of all households in South Africa, followed by single-person households (22%) – a household form that is increasing as more adults migrate to cities in search of work. Many migrant adults leave children behind, in the care of family. Only 25% of children live in nuclear families, while 62% live in extended family arrangements.

"What the surveys cannot see is the extent to which families are stretched, with members spread across different households," explains one of the co-editors Zitha Mokomane, an Associate Professor in the Department of Sociology at the University of Pretoria. Over seven million children live in households where the household head is defined as their grandparent or great-grandparent, but this does not mean that biological parents are not present, or that those who are absent do not maintain contact with their children. *"Many absent parents see their children regularly and help to support them financially even when they live elsewhere,"* Mokomane added.

Family members are highly mobile and household arrangements change over time as families strategise to maintain homes, provide care for children and seek work – often away from the household of origin. These dynamics make it extremely challenging for the state to target services and benefits to children or their caregivers. As long as the frame of reference for policymakers is that of the nuclear family, the state's family policy will continue to ignore the lived experiences of care of many South African children.

The Child Support Grant, which reaches over 12 million children every month, is designed to follow the child, but even that is difficult to achieve when administrative systems struggle to keep up with movement and changing care arrangements. While it may not be feasible to allocate everything perfectly, policies and services still need to be sufficiently flexible to accommodate the dynamic nature of family structure and living arrangements. This approach will help the state to target policies and programmes for children at risk and their caregivers.

Enforcing the state's obligations and parental responsibilities toward children

By law parents, families and the state have the responsibility to provide for the realisation of children's rights. The Constitution and other legislation place primary emphasis on parents and caregivers' obligations for the care of children, including for the provision of their basic needs. The protection of these rights has been expanded in legislation such as the Children's Act and are enforceable against the state, families and any other person who violates them. While parents, guardians and caregivers bear the primary responsibility for providing for children and realising their rights, the state is the ultimate duty-bearer. The state must give families the necessary protection and assistance so that they can fully assume their responsibilities. Where families are unable to do so, the state is obliged to step in. Given the large number of children in families who are too poor to provide even the basic entitlements to shelter, adequate nutrition, and other children's rights, this is a huge responsibility for the state.

The state is yet to meet its obligations towards ensuring that all children in South Africa enjoy the basic rights provided for in the Constitution. In some instances, it has taken the courts to ensure that the state meets its obligations.

Navigating cultural norms in pursuit of children's best interests

The 1996 Constitution gave legal force to both statutory and customary law, making South Africa a legal pluralist state. Many areas of family life are regulated under customary law, in ways that may be different to statutory law. In theory, people can choose which legal system to use in order to resolve family disputes, though in practice may not always be possible as disputes themselves may involve imbalanced power relations between men and women or between adults and children. One of the main sources of tension between the two systems is that unlike state law, customary law does not give children individual entitlements outside the welfare of the family as a whole.

Elena Moore, Associate Professor at the Department of Sociology, UCT, explains: *"whereas Western systems of law emphasise the individual and the nuclear family, customary law tends to prioritise a child's development under the protection of its patrilineal or matrilineal family."* Contestation may arise between cultural norms and children's best interests with respect to child support and custody. This creates challenges in ascertaining what the living customary law is in each matter, such as maintenance, custody and duty of support. For example, fathers do not have automatic rights and responsibilities towards their children under customary law. Rather, the recognition of a father's status (and the absorption of the child into his family) flows from marriage and the transfer of lobolo, or if not married, from the payment of *inhlawulo* (damages) and *isondo* (claim to custody or access). These once-off payments are a form of financial support, to provide for the child. But they do not absolve men of the duty to pay maintenance under statutory and common law.

Recognising that care strategies are family strategies

Decisions about the care of children are often negotiated among families rather than made by individuals. Care decisions are often made in the context of low marriage and cohabitation rates, and high rates of HIV, poverty and unemployment. Survival pressures and livelihood needs impact deeply on what families can do to provide care. *"The decisions, opportunities and resources available for caring for children in South Africa are rooted in systems of inequality that are experienced along the lines of race, gender and class. The apartheid regime's deliberate and systematic incursion into family life has meant that the contexts in which children are cared for are often circumscribed by variables beyond the control of the family,"* explains Nolwazi Mkhwanazi, *Child Gauge* author and a medical anthropologist who runs the Medical Humanities programme at the Wits Institute for Social and Economic Research.

The state's policies and programmes need to recognise that survival pressure and livelihood needs limit a family's choices about child-care arrangements. A parent choosing to leave her children in the care of relatives to work or seek employment may be a strategic decision that is in the interests of the family as a whole.

Hardships limit a family's choices about how to respond to child-care demands. Care is deeply gendered and can be demanding and stressful. It often falls to women who have to cope with many responsibilities and competing demands in resource-poor settings. Services and investments in women's physical and mental health are important, both for those who provide care and for the children they care for. Caregiver support services need to start early in the antenatal period and be sustained for the duration of the childhood, and these need to include good referral systems.

While women continue to carry the main burden of childcare, those who provide services to children and their families need to see men in and around the household and recognise that they may play a positive role and also need support (but may also present a risk).

Adopting an integrated approach to stopping violence in the home

The family has enormous potential to protect children and keep them safe from physical and emotional harm. In spite of its shape, size or wealth, a family may be at times intimate, warm and supportive, or a place of uncertainty, neglect and risk. In fact, the family can be a place of extreme risk for children: A national study of child homicides found that three in four murders of young children (0–4 years) occurred in the context of abuse by a caregiver at home. Although almost double the global rate, child murder is a relatively rare occurrence, children are much more likely to experience or witness physical punishment and domestic violence. The Birth to Twenty Plus study found that 99% of children had experienced or witnessed some form of violence, and more than 40% had multiple experiences of violence in their homes, schools and communities. This has severe impacts on their health and development.

"Although harsher forms of physical punishment are more strongly associated with negative outcomes, even 'mild' forms of physical punishment such as spanking can lead to increases in child aggression, delinquent and antisocial behaviour, and have negative effects on child mental health," said Stefanie Rohrs, a Senior Researcher at the Children's Institute, UCT, and *Child Gauge* author.

Another problem is that children model behaviours they see in the home. Those who witness or experience violence in the home are themselves at risk of becoming abusive and neglectful parents and at risk of exposing themselves to similarly violent situations as adults. This fuels an intergenerational cycle of violence and makes it critical and urgent to shift norms and strengthen responsive services.

The state has a duty to create safe environments and communities and support families to protect children, but when children experience violence within the family, the state has a duty to intervene and protect them from their families. Violence against women and violence against children co-occur in the same households and share common risk factors. Service providers need to be trained to respond to violence in a systematic way that connects child protection services to services that respond to domestic violence. For example, a woman who reports domestic violence should also be asked about the well being and safety of her children. *"Our increase in knowledge on the intersections and links between violence against women and violence against children suggests that it is imperative for us to stop addressing the problem in silos but to start integrating prevention programmes to address both problems,"* explained Prof Shanaaz Mathews, Director of the Children's Institute, UCT, and 2018 *Child Gauge* author.

Reporting rates for domestic violence are low; some women prefer to use traditional mechanisms such as family meetings rather than the state legal system as domestic violence is considered a private matter. To improve identification of children exposed to violence, screening for intimate partner violence and child maltreatment needs to be introduced into universal services (e.g. antenatal programmes, clinic and home-based services, and schools).

"But to support identification and reporting we urgently need to strengthen prevention and protection services," warned Lucy Jamieson, a Senior Researcher at the Children's Institute, UCT, and 2018 *Child Gauge* author.

Tailoring state income support to the reality of children, families

Both poverty and child care are highly gendered. Where mothers are present but not fathers, the mothers generally are responsible for providing both care and the financial resources that children need to survive and thrive. However, South African society is still plagued by inequality where women account for 89.5% of the total time spent on activities related to the care of children and are also more likely to be unemployed and, if employed, paid less than men. State income support for the family should be allocated in accordance with this pattern of gendered inequality. The Child Support Grant is structured this way as it is paid to the primary caregivers of children, but its value is so low that it is not sufficient to cover the basic nutritional costs of a child, let alone enable women to pay for child care so that they can work.

Children who live in nuclear family households are better off than those who live in other household forms, and these households are the most likely to have salary income. Conversely, households that are better off may be more able to have children living with their parents. Lone parent and extended households (home to 77% of children) are the poorest. Many, particularly in rural areas, depend entirely on grants.

The state not only has a legal obligation to assist families that lack financial resources to access basic services for children, but it is in the interests of society that it provides adequate and substantial income support and good quality services.

Lifelong investment in the development of the child

Families depend on state support to raise their children, and nurturing children is essential to building the capacity of the state.

The time is ripe for renewed and conscious collaboration between the state and families to ensure that all children, and especially those who are vulnerable, receive care and support through state services, community inclusion and family support. They must combine their strengths and complement each other's weaknesses to give all South Africa's children a better chance. As a collective with authority and resources, the state must take the lead.

"Where the state and families collaborate in the interests of children, they all thrive. This is the goal of governments and families everywhere, too often distorted by short-term interests and distractions," said Linda Richter, Distinguished Professor, DST-NRF Centre of Excellence in Human Development, Wits and co-editor of the 2018 *Child Gauge*. *"It is time for the state and families to align their efforts and commit to improving the conditions for children,"* she added.

END

#ChildGauge2018 #ChildrenFamiliesState #SAFamilies

Note to editors, sub-editors and journalists: The *South African Child Gauge*, published by Children's Institute, is an annual review that includes the latest research on a theme. Therefore, evidence and data cited in the publication and this press release are not necessarily from Children's Institute studies but are from academic partners and other experts. Please consult the publication for references to the primary sources of specific data that you might want to cite. Download the book and an accompanying poster from www.ci.uct.ac.za.

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