



A Children's Bill to heal a nation - addressing the wrongs of the past

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A Children's Bill to heal a nation - addressing the wrongs of the past

- ⊙ The legacy of a patriarchal colonial and apartheid history
- ⊙ Child abuse and neglect in South Africa
- ⊙ The consequences for children
- ⊙ The role of legislation
- ⊙ The costs of failing to prevent
- ⊙ Beyond legislation



The colonial and apartheid legacy (1)

Structural inequality

- ⊙ Colonialism set the foundation for the systematic denigration and dehumanisation of 90% of our population by the minority
- ⊙ Apartheid perfected, legalised and claimed god's blessing for it
- ⊙ The inhumanity we practiced and taught each other as we fought for or against apartheid lingers in our national psyche
- ⊙ The inequities which were built into the bones of all systems in society are being addressed, but we are a long way from removing them – in particular, the legacy of poverty to which most South Africans are still heir creates significant problems.



The colonial and apartheid legacy (2)

Poverty

- ① South Africa has one of the fastest-growing and largest gaps between the “haves” and the “have nots”
- ① Between 10.5 and 14.5 million children live in deep poverty - around ¼ of our total population (1)
- ① Poverty routinely denies children access to education, health services, justice, adequate material living conditions, and nutritious food
- ① Poverty enormously increases the vulnerability of children to rape, abuse and neglect
- ① Poverty means living with desperate parents who, feeling disempowered and helpless, are unable to protect their children from abuse and violence
- ① Poverty means being exploited by those who are supposed to protect you - sexually and in other ways



The colonial and apartheid legacy (3) the social construction of gender

- ⊙ In general, South African society prescribes rigid roles for men and women
- ⊙ Women's status is largely determined by their relationship to men - father, husband, son or brother
- ⊙ Masculinity is about being strong and in control, about knowing what you want and going after it, at whatever cost; it is inextricably linked to an active sex life, and to a sense of entitlement about sex
- ⊙ Femininity is about being weak and subservient, about being unsure about your own gut reactions; it is inextricably linked to the fact of being in a relationship at any price - including a lack of space to negotiate sex



Child abuse and neglect in South Africa (1)

Sexual abuse

- ⊙ South Africa has the highest rates of reported rape and sexual abuse in the world (2)
- ⊙ It is estimated that 1 million rapes are committed each year in this country (3)
- ⊙ 40% of all rape in S.A involves children under 18 (4)
- ⊙ Given the current narrow definition of rape (relating only to penis-vaginal penetration), we know that the real rate is considerably higher
- ⊙ South Africa has an alarmingly high rate of the rape of infants and very young children (5)
- ⊙ 15% of all rape involves children under 11 (6)



Child abuse and neglect in South Africa (2)

Physical abuse

- ⊙ Corporal punishment has been banned in schools, places of safety and as a sentencing option - but not in the private sphere
- ⊙ Parental rights to physically punish their children are an accepted norm
- ⊙ In 2000, over 72,000 crimes against children were reported (7)
- ⊙ Over 40,000 (55%) involved murder, attempted murder, and common and aggravated assault (8)
- ⊙ 1 in 6 domestic partnerships in South Africa is a violent one (9) with children either witnessing or being on the receiving end of this violence



Child abuse and neglect in South Africa (3)

Child labour

- ⊙ There is increasing evidence that children are trafficked into, out of and within South Africa for purposes of sexual exploitation (10)
- ⊙ Large numbers of children work in domestic and agricultural labour - 36% of children work more than three hours per week to contribute to the family income (11)
- ⊙ Increasing numbers of children live and work on the street (12)



Child abuse and neglect in South Africa (4) Neglect

- ① 1 out of 4 children live in poverty with care-givers who are ill-equipped to provide adequate shelter, clothing, food and security (13)
- ② 30% of households experience food insecurity (14)
- ③ It is estimated that 25% of all children currently under 5 years of age will lose their parents as the HIV pandemic bites deeper (15)
- ④ Increasing numbers of children are responsible for the care of younger siblings and sick adults (16)



The consequences for children

- ⊙ Disruptive disorders (17)
- ⊙ Higher aggression and delinquent behaviour (18)
- ⊙ Greater difficulty in forming friendships and relationships (19)
- ⊙ Inhibited social functioning (20)
- ⊙ Deficit in cognitive abilities, (21) verbal and non-verbal performance, language and mathematics (22)
- ⊙ Higher prevalence of psychiatric disorders (23)
- ⊙ Strong presence of PTSD (24)
- ⊙ Depression (25)
- ⊙ Suicidal ideation (26)
- ⊙ Maladaptive sexual behaviour (27)
- ⊙ Impaired social functioning and social adjustment problems (28)



The role of legislation - The Children's Bill (1)

- South Africa is developing new legislation to govern issues related to prevention and protection against child abuse and neglect
- This process commenced in 1996, culminating in the development of a new Children's Bill handed over to the Department of Social Development in December 2002
- Excisions to the Bill since then have resulted in something which will not achieve a fair dispensation for children in which their rights are promoted and protected
- These issues are currently being discussed by the Portfolio Committee on Social Development in the South African Parliament



The role of legislation - The Children's Bill (2)

- ⊙ This provides a golden opportunity, which will not come our way again for at least a generation, to challenge and change the context in which children are raised. Children are not only our future - they are also the present and it is the present that informs the future.
- ⊙ Legislation should protect and promote the rights of children and ensure an environment conducive to the raising of healthy adults capable of running our economy and our country.
- ⊙ A range of measures is needed - primary, secondary and tertiary



The role of legislation - The Children's Bill (3)

- South Africa has the resources to do this, and thus take proactive steps and put in place measures which address and right the wrongs perpetrated against the majority of children under colonial and apartheid rule
- Legislation must ensure, in the first place, that children can grow and develop within healthy families and communities
- Where these measures fail, various early intervention mechanisms should come into operation
- Where this second level does not have the desired effect, an effective protective system should be in place, designed to safeguard children from further harm and, where necessary, ensure their reintegration into the community



The role of legislation - The Children's Bill (4)

- ◎ Special attention must be paid to the needs of children who experience multiple infringements of their basic human rights on a daily basis,
 - those living on the streets,
 - those displaced by war and other disasters,
 - those caught up in child prostitution,
 - those exploited for other forms of labour,
 - those marginalised by disability,
 - those in child-headed household, and
 - those affected in various ways by HIV/AIDS



The role of legislation - The Children's Bill (5)

- ⊙ A crucial element of making provision in this way is an inter-sectoral approach
- ⊙ It is critical that legislation highlights that children are impacted upon by the policies and budgets of a wide range of government departments – not just Social Development
- ⊙ This could be ensured by putting in place an inter-sectoral implementation and monitoring mechanism which recognises that children are everybody's business and that, at budget and planning level, an inter-sectoral approach with teeth is critical
- ⊙ This would result in the level of inter-departmental co-ordination which will be required if South Africa is serious about protecting children from abuse, neglect and exploitation



The costs of failing to prevent (1)

- ⊙ This sounds expensive - and it is. The initial phase of investment will be significant, but the returns will make it worth it, and will ultimately save a fortune.
- ⊙ The cost of these interventions, when compared with the cost of NOT making them, is a lot less
- ⊙ According to a study undertaken by the Michigan State University, the cost of prevention is 19 times less than the cost of non-prevention (29)
- ⊙ Factors considered included birth weight, infant mortality, special education, protective services, foster care, juvenile and adult criminality and social services



The costs of failing to prevent (2)

- ① Unfortunately, comparable statistics are not available for South Africa; however the wealth of international evidence is persuasive
- ② The most expensive long-term consequences of child abuse and neglect are related to criminality. This has been estimated to be over US\$55 billion per annum (30) in America.
- ③ An Australian study found the long-term costs of child abuse and neglect to be in the order of Aus\$1,3 billion per annum (31).



The costs of failing to prevent (3)

- ⊙ Also costly is the loss of productivity to society from adult survivors of child abuse, who are disproportionately affected by unemployment – estimated to be US\$656 million per annum (32).
- ⊙ A New Zealand study found that the loss of earnings, extra health bills, and unmet potential of adult survivors was costing NZ\$2.4 billion per year (33)



Legislation to redress the past

- ⊙ The South African context is rife with opportunities for the abuse and neglect of children
- ⊙ The basic rights of many, many South African children are violated daily
- ⊙ Support for families and vulnerable children is critical to changing the context
- ⊙ Legislation which entrenches the rights of children and is proactive about creating a world fit for children can go a long way to ensuring that children have the sort of childhood that can result in socially, emotionally, physically and intellectually healthy adults in a democratic and peaceful society



Beyond legislation (1)

- ⊙ South Africa has ratified the Convention on the Rights of the Child (1995) and the Charter on the Rights and Welfare of the African Child (2000)
- ⊙ The South African Constitution, s 28, provides for the protection and promotion of the rights of children
- ⊙ Issues related to the rights of children are also dealt with in a range of other legislative measures - e.g. the Domestic Violence Act
- ⊙ Policy is relatively well-developed
- ⊙ However, a number of pieces legislation are still outstanding – especially the Child Justice, Sexual Offences, and Children’s Bills



Beyond legislation (2)

- ⊙ And implementation of existing legislation and policy is fraught with problems
 - ✦ Service delivery to children is “fragmented, piecemeal and ineffectual” (34)
 - ✦ The child protection system is woefully under-resourced in South Africa
- ⊙ We need urgently to identify where the obstacles to delivery are and address these
- ⊙ Services to children, especially those focused on prevention and early intervention, must be prioritised in budgets and fiscal policy – and this resourcing must be generous



Useful Internet resources

- ⊙ Child Rights Information Network (CRIN): <http://www.crin.org>
- ⊙ Children's Institute: <http://web.uct.ac.za/depts/ci>
- ⊙ ChildrenFIRST: <http://www.childrenfirst.org.za>
- ⊙ Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN): <http://www.rapcan.org.za>



Thank You

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