



CHILD WELFARE SOUTH AFRICA

**UNITED NATIONS SUBMISSION
UNIVERSAL PERIODIC REVIEW
ON STATUS OF HUMAN RIGHTS**

NOVEMBER 2011

A. CHILD WELFARE SOUTH AFRICA: THE ORGANISATION

Child Welfare South Africa (CWSA) was established 84 years ago and is the national umbrella body for 267 member organisations and outreach projects throughout South Africa. As a collective Child Welfare South Africa is the largest non-profit organisation in South Africa providing services in the fields of child protection, child care and family development.

At the national level, CWSA initiatives for children and our constitutional obligations to affiliates are met by national programmes aimed at

- Creating safe and caring environments for children and promoting community mobilisation for the effective protection of children.
- The development of capacity in member organizations in order to enhance and support their role in providing direct services to children and families.

As a national body CWSA,

- Advocates for the development of a children's rights culture in South Africa.
- Assures relevance, and contributes to, national policy and legislation for the protection of children.
- Strengthens community initiatives aimed at meeting identified needs.
- Supports members, associates and communities via training, mentoring and developing resources.
- Formulates and co-ordinates programmes based on research and targeting key social issues.
- Establishes practice standards, conditions and policies for the protection of children.
- Assures the equitable distribution of Child Welfare services to disadvantaged communities.
- Generates funds and fundraising opportunities to assist members in sustaining their work.
- Implements organizational development programmes at all levels of the CWSA infrastructure to secure sound management, financial viability and service excellence.
- Informs and educates the public on issues detrimental to the well-being of children.
- Maintains a high level of credibility through membership of national and international organisations, national and provincial committees as well as local groups.
- Promotes the work of Child Welfare and its member organisations.
- Spearheads and co-ordinates national projects/pilots in partnership with local communities.

| | |
|-----------------------|--|
| Contact person | Ashley Theron National Director |
| Postal address | P O Box 2846 Edenvale 1610 |
| Telephone | +27 11 452 4110 |
| Email | ashleyt@childwelfare.org.za |
| Web | www.childwelfare.org.za |

B. SUBMISSION

1. INTRODUCTION

This document is a first time submission by Child Welfare South Africa (CWSA) to the United Nations universal periodic review on the status of human rights/children's rights. The content of the document includes the broad context in which CWSA functions to facilitate children's rights, provides three examples of achievements/best practice and includes a contribution from the National Council for Persons with Physical Disabilities in South Africa in relation to human rights and children with disabilities. Recommendations are included. ¹

2. CHILDREN'S RIGHTS, CONTEXT AND RISK

Poverty and unemployment are serious problems in South Africa and compromise children's right to basic nutrition, safe shelter, education, health care and social services. In 2009 South Africa's child population totalled 18.6 million with nearly two thirds of children (61%) living in income poverty households; that is, below a poverty line of R552 per person per month which includes the payment of any social grant; 2 921 000 children were also living in households experiencing hunger. By April 2011 10.6 million children were in receipt of the Child Support Grant and evidenced improved access to food, education and basic services which is a great move forward. However, although the grant meets the minimum basic needs of some it has not

¹ Statistics were extracted from the South African Child Gauge 2010/2011 Children's Institute University of Cape Town and sourced from the South African Social Security Agency, Statistics South Africa and the Actuarial Society of South Africa.

brought about a reduced demand for social services from the NGO sector, particularly from Child Welfare which delivers the greater part in spite of poor resourcing by government. South Africa's needy child population is just too high and a challenge to both the human resources of NGOs and the sustainability of the child protection programmes of some of CWSA members. The capacity of South Africa to maintain a safety net of social grants as a developing country in a disturbed world economy, and which will increase in cost over time, is also questioned by some.

In the 1990s CWSA extended services to children and families in un-serviced and predominately rural communities to meet the State requirement of providing welfare services to the poorest of the poor. As a result the organisation was well-placed 2000+ to mobilise communities for the identification of children whose rights were affected by HIV and Aids. Discrimination, stigmatisation and myths linked to the disease abounded at the time and placed children at risk for unwanted and undesirable attention. By 2009, 4 253 000 children were orphaned having lost a mother, father or both parents and 0.5% of children lived in child-only households though not always on a permanent basis. To facilitate community acceptance, support and understanding for children in difficult circumstances extensive awareness programmes on children's rights and social issues were, and continue to be, conducted by CWSA human resources at every level of our infrastructure. Peer educators and mentors are trained for awareness and monitored in schools; a programme for child headed households is in place, and numerous volunteers trained for awareness. One example of the success of awareness programmes was the reduction of HIV prevalence in children aged 15-17years, 2007/2009, even though adolescent sexual activity increases at this age. The application of the Child Support Grant to all children likely also works to reduce the idea of certain groups of children being singled out for special attention.

South Africa has comprehensive legislation (namely the Children's Act No ... 20..) in place to protect children from abuse and neglect and to improve the realisation of children's socio-economic rights. However, the human resource capacity needed to operationalise requirements of Acts is insufficient and again children are placed at risk - child sexual abuse cases can take years to finalise and are often dismissed; a shortage of skilled and experienced human resources to act as intermediaries exists; and courts are not child friendly. The State is being lobbied to establish child protection units in every province and speed up court processes to avoid secondary trauma for children. Acts and Bills also on occasion obstruct children's rights and require change; e.g. orphans, abandoned and refugee children find it difficult to access legal documentation in order to secure access to related services.

The extent of social ills affecting children in South Africa is overwhelming – extensive physical and sexual abuse, child trafficking, child prostitution, sexual exploitation, drug availability, family violence, school violence, abandonment and more. Of these social ills some stand out more prominently, such as concerns with regards to increase in commercial sexual exploitation of children. Although definitive statistics are not available with regards to the occurrence of sexual exploitation of children through prostitution, child pornography and trafficking for sexual purposes media reports and experiences of those working within the field seem to indicate an increase in such exploitation of children. South Africa has been identified as a source, transit and destination country for the trafficking of children especially for sexual purposes. This is fuelled by several social factors including HIV and Aids, unaccompanied foreign minors entering the country and the growing tourism industry.

The vulnerability of our children is closely linked to the growth within South Africa's tourism industry. Tourism is a key economic sector, based on a number of factors including the labour intensive nature of the industry and the many entrepreneurial opportunities associated with business and leisure travel. International tourist arrivals to South Africa have doubled since 1994, with a reported month-on-month increase of 3.1% since 2009². It is envisaged that growth within the industry will contribute to sustaining economic growth. But rapid growth in tourism also conveys a number of potentially negative impacts for children. Tourism growth and development can engender a number of social problems ranging from sex tourism to child labour.

Due to political and economic instability in the region and there has been an increase number in unaccompanied and undocumented minors entering South Africa in the hope of finding their family members, work or access to schooling. Musina is the main port of entry for overland migrants seeking asylum and better livelihood opportunities in South Africa. Anecdotal evidence suggests that some unaccompanied minors were coming into SA with the intention to work and some with the intention to look for relatives who are said to be in SA. Some have relatives' contact details while most do not know where and how to look for these relatives. This makes them vulnerable to sexual abuse, trafficking and forced labour on farms and as domestic workers. Presently, children are placed within partial care facilities in Musina where their basic needs are partially met. Concerns however are present in that often no structured plans are put in place to address the needs of individual children. Children remain in partial care for extended periods of time often resulting in them running away to look for brighter prospects. The need for individual care plans and placement options of children into family care (foster care) is necessary if the psychosocial needs of children are to be met.

² <http://www.eturbonews.com/14037/south-africas-tourist-arrivals-46>

A comprehensive and knowledgeable human resource component, supported by government budgetary allocations is necessary if children are to realise their right to protection in the light of these. However even this, though welcome, would only be an interim response as existing social and economic conditions need to be tackled to bring about meaningful change.

3. GOOD PRACTICE/ACHIEVEMENTS

This section highlights three community based approaches undertaken by CWSA that if scaled up can have far reaching impact on the well-being of children in South Africa.

3.1. “Asibavikele”: Let’s protect them

This programme was designed by CWSA as a proactive response to the care and protection of children in the context of HIV and Aids. The programme is nationally coordinated and mobilises communities to identify and monitor the care and rights of orphans and vulnerable children. Awareness on children’s rights and other matters is a key activity of Asibavikele trained volunteers, and foster care and community safe homes are alternative forms of family care when needed. . Asibavikele is a community based support programme and has been successfully implemented in all of our 9 provinces across the country. The programme facilitates school attendance, food gardens, health requirements, access to birth certificates and identity documents, application for social grants, life skills training, psychosocial care and support and much more.

‘Asibavikele’ was started in 2005 in 21 marginalised communities and is today implemented in 56 communities. In 2009/2010 a total of 27 788 Orphans and Vulnerable Children (OVCs) were reached while in 2010/2011 a total of 19,191 OVCs were reached.

‘Asibavikele’ is one of the largest responses to orphans and vulnerable children in South Africa and has international recognition as a good practice model. The programme is resourced by international donors - PEPFAR, the Global fund and USAID³ - and prescribed as a prevention and early intervention programme in South Africa’s new legislation for children.

Additional response services to children have grown out of this programme and include the “empowering the girl child project”. This project came about as a result of the

³ PEPFAR - The President’s Emergency Fund for Aids Relief.

Asibivikele programme and is a response to the many child headed households and females that were discovered by the volunteers who were in circumstances that made them vulnerable to HIV/AIDS, neglect and serious abuse. The Girl Child project aims to inspire and empower girl children living under disadvantaged circumstances to lead successful, independent and fulfilling lives. In doing so the programme:

- Increases awareness amongst girls of how women are treated unequally in society due to gender bias and discrimination which in turn affects their emotional well-being, reduces vulnerability to gender based violence and enhances their economic potential;
- Motivates girls to become agents of change within their own lives and homes enhancing their emotional and economic well-being for the future.
- Increases the awareness of girls to the fact that they can take action, individually and collectively, to promote women's equality and their future economic success.

3.2 "Isolabantwana": Eye on the Children

This community-based child protection programme was initiated in 2003 and currently operates in 64 outreach communities. The programme advocates for the collaboration of communities and formal resources to protect children against abuse, neglect and exploitation – justice, police services, health etc. 'Isolabantwana' is a one-stop 24hr protection service resourced by trained CWSA community volunteers. Place of safety parents open their homes to children in crisis until a social worker can intervene. The latter is supported by the justice system and important as the communities concerned are distant from the nearest town and resources. Over 10 000 children at risk of abuse or living under abusive circumstances are identified and assisted annually. The success of these programmes is founded in the community based roots, and the empowerment of community members to join in making a difference in the lives of children in their immediate community.

3.3 FIFA Child Friendly Spaces

Mid 2010 South Africa hosted the FIFA Soccer World Cup with matches being played across the country and viewed by hundreds of thousands of soccer fans on huge screens at Fan Fest sites. As the World Cup took place during school holidays members of civil society and the NGO sector concerned with the welfare of children expressed doubts

about the safety of children at a time when many were left alone at home and others would visit Fan Fest sites.

To safeguard children's rights the national Department of Social Development, together with civil society representation, developed a National Plan of Action which received the financial and technical support of UNICEF. The concept of Child Friendly Spaces at Fan Fest sites was endorsed by FIFA and a first time experience for all involved. Child Welfare South Africa facilitated and coordinated the project at a site in four provinces.

The Child Friendly Space project was a huge success. Sites provided safe supervised environments for children, emergency tracing and reunification services for lost children and unaccompanied minors in and around the Fan Fests, plus onsite child protection services and referrals should children be affected by abuse, neglect, violence or exploitation and which was not needed. The implementation process was closely monitored and recorded in a Final Report compiled by CWSA outlining lessons learned. The Report has since been passed on to the coordinating authority for FIFA in Brazil and act as guidelines for establishing Child Friendly Spaces at the coming World Cup and to protect children.

4. THE NATIONAL COUNCIL FOR PERSONS WITH PHYSICAL DISABILITIES IN SOUTH AFRICA

The National Council for Persons with Physical Disabilities in South Africa (NCPDPSA) was established in 1939 and is a national coordinating and development body for seven autonomous provincial associations, four regional associations and 90 branches. The focus of the Council is on rural development and social and economic empowerment. Services cover the whole of South Africa.

The immediate concern of the NCPDPSA is that although South Africa is obliged under international law, the Constitution, national policy and legislation to ensure that all children, including children with disabilities, access education large numbers of children with disabilities are discriminated against and denied the right to do so because of,

- Slow policy implementation by the Department of Basic Education with little attention being paid to inclusive ECD which means that children with disabilities and other barriers to learning find themselves excluded from the foundational support provided in this phase.
- Non-existent collaboration and no State inter-departmental collaboration forum in place to realise the right to education for children with disabilities. No cohesive body to drive the process.

- The lack of a range of different learning settings providing for low to high levels of support for children with different learning requirements. Some special schools do not go beyond grade 10 and ordinary schools are not equipped to support learners at this stage.
- Children in poor socio-economic conditions being educationally the most neglected because of a lack of special schools in rural areas as well as transport barriers in these areas.

In addition to the above, the NCPPDSA is increasingly concerned about the non-provisioning for children with disabilities in the SA child care and protection system. The organisation believes that child centred, developmental and community based programmes would best achieve the protection and advancement of this group of children's rights and that this option should be incorporated into Child Protection legislation as a viable and credible child protection mechanism.

Children with disabilities can be especially vulnerable and to secure their rights to protection and education the NCPPDSA will conduct research 2011/2012 to obtain comprehensive and reliable information for lobbying, advocacy, and social awareness and action processes for increased and consistent levels of government funding and for support within and across all provinces for centres that provide for children with disabilities excluded from the formal school system.

5. FINAL COMMENT

It is clear from this submission that the NGO sector and CWSA in particular, has gone to great lengths to assure children's rights in challenging social and economic circumstances. Government on the other hand has made gains in terms of enacting legislation to assure the child's right to justice in the event of being subjected to criminal acts, and for the protection of children. Progress has been made in the distribution of social grants to meet children's basic needs. In general the NGO sector responds quickly to manage social conditions in the field and state departments take longer.

In addressing challenges faced in the protection of children CWSA would like to recommend the following:

- The rights and needs of children need to be mainstreamed into all decision making processes within South Africa. When deciding on priorities for the country, government should ensure that the impact of these priorities on children is always considered.

- Government allocates appropriate resources to providing child protection services to children. This includes supporting those services provided by the NGO sector and refers to developing infrastructure as well as providing funding.
- Government must ensure that legislation pertaining to the protection of children is effectively implemented throughout South Africa and that all legislation impacting on the lives of children is harmonised. This includes ensuring that legislation pertaining to human trafficking is finalised and implemented.
- Good practices models being implemented through the NGO sector must be written up and scaled up to meet the needs of children.
- Social service professionals, inter alia Social Workers and Social Auxiliary Workers are empowered to provide adequate care and support to children. This can only happen if more people are drawn into these professions through study bursaries and placement options.
- The above can only be successful when government and civil society work together as partners in meeting the needs of children.