



PROMOTING CHILDREN'S RIGHTS AGAINST ABUSE



POLICY BRIEF

JUNE 2022

Key Issues

- There is a growing trend of unreported crimes/incidents of violence against children.
- There is an increasing rate of sexual abuse and physical violence in single-mothered households.
- Bullying is now prevalent at schools. Almost every month, the Department of Education in Gauteng receives cases of bullying.
- The number of infanticide/neonaticide cases is expected to increase because of the Covid-19 pandemic and the increasing desperation of mothers struggling to cope financially.
- There is prevalence of sexual abuse incidents in Gauteng.
- The issue of child negligence does not receive much attention from the police.
- There is a high rate of male children from 11-18 years, committing various crimes including cyberbullying, physical bullying, rape, and sexual assault.
- There are alarming levels of femicide, and heinous crimes targeted at women.

Synopsis

This policy brief follows a series of dialogues conducted by Masiphephe Network. From these, key issues related to violence against children, with a special focus on the Gauteng province, have been consolidated. This brief also draws on the growing body of evidence in the areas of violence against children. It attempts to deepen the understanding of the root and underlying causes and how to respond effectively in these areas. Through tracking the discussions in the dialogues on the topics mentioned above, this policy brief also outlines the mandate of local government and how it is working together with community members to reduce child abuse cases.

The brief also:

- analyses advocacy initiatives that attempt to fight the GBV scourge and highlights notable progress to prevent and respond to child abuse and also points to the gaps being experienced.
- puts a strong emphasis on developing and implementing initiatives/programmes that aim to make a difference at a community level.
- cites the key challenges experienced in reducing abuse on children in communities served.
- proposes some best practices and recommends various solutions to fight violence against children.
is a starting point to influence policy makers, role players and practitioners to develop broad strategies on the issues related to violence against children and community safety.

Overview of violence against children

Violence against children is still higher than the global average in South Africa and children are disproportionately affected as they cannot report these crimes alone.

Research shows that about 82% of children in the country have experienced or witnessed some form of victimisation.¹ By the time they reach 15–17 years old, many would have experienced sexual, physical or emotional abuse, neglect, bullying, or have been exposed to high rates of violence. Every parent feels unsafe especially when it comes to girls because they are highly vulnerable to abuse, neglect and bullying.² While many cases of child abuse remain unreported, the access to criminal justice is however another challenge that makes the prosecution process very daunting.³

Because of lack of access to criminal justice as well as supportive psychological interventions, victims of abuse are more likely to engage in abusive sexual activity, and substance misuse, and to develop mental and physical health problems; children are at a higher risk.⁴ These, in turn, undermine their capacity to succeed at all levels which is a cost and a loss to the economy.

Legislative framework

The legislation provides a mandate on how the local government, relevant parties and the community at large can collaborate to respond to cases of violence against children at a local and national level. South Africa has taken numerous steps to date to build a legally compliant child care and protection system, through the adoption of a range of policies, laws, strategies and programs designed to create a developmentally enabling and supportive environment, with a strong focus placed on remedying inherited inequalities.⁵ These include the following:

The Constitution of South Africa recognises and guarantees the rights of all children to support and the services to ensure their well-being, their survival, protection from abuse, neglect and exploitation, and development to their full potential.⁶

The White Paper on Families recognises that strong and supportive families are central to the development of children and society more broadly. It further recognises that South Africa has many different forms of families, and that the Government must prioritise supporting them to fulfill their care and development potential.⁷

The National Plan of Action for Children (NPAC) in South Africa 2012-2017 calls for coordinated, rights-based measures to ensure the protection as well as development of

¹ MEINTJIES, H. AND HALL, K. (2011) Demography of South Africa's children. In the Child Gauge 2010/2011. Children's Institute: University of Cape Town.

² ROMAN, T. & HALL, K. (2011) 'Child Health', *Child Gauge 2010/2011*. Children's Institute: University of Cape Town.

³ DEPARTMENT OF BASIC EDUCATION. (2012). *Education Statistics in South Africa 2010*. Pretoria

⁴ LANDERS, C. (2013) *Preventing and Responding to Violence, Abuse and Neglect in Early Childhood: A Technical Background Paper*. New York: UNICEF Child Protection Section

⁵ DEPARTMENT OF SOCIAL DEVELOPMENT AND UNICEF. (2016) *Towards a more comprehensive understanding of the direct and indirect determinants of violence against women and children in South Africa with a view to enhancing violence prevention*. Cape Town, Safety and Violence Initiative, University of Cape Town.

⁶ DEPARTMENT OF PLANNING, MONITORING AND EVALUATION AND THE DEPARTMENT OF SOCIAL DEVELOPMENT. (2016) *Report on Diagnostic Review of the State Response to Violence against Women and Children*. Pretoria: Department of Social Development & KPMG.

⁷ HALL, K., SKELTON, A. & SIBANDA, S. (2017) 'Social assistance for orphaned children living with family'. In: Jamieson L, Berry L & Lake L (eds) *South African Child Gauge 2017*. Cape Town, Children's Institute, University of Cape Town

all children to their full potential. It outlines South Africa's goals and objectives and the responsibilities of different role-players.

The White Paper on the Rights of Persons with Disabilities (2015) affirms the rights of children with disabilities and obligates the formulation of policies and programs within a social model of disability that prioritises their care, inclusion, protection and development to their full potential.

The National Integrated Early Childhood Development Policy (2015) recognises that development, especially in the earliest years of a child's life, is key to the equalisation of children's opportunities to develop to their full potential and to the attainment of the country's national development goals. It mandates and prioritises the public provision of a comprehensive continuum of care and protection services for young children, especially in their first 1,000 days when risks are the greatest and investments yield the highest developmental returns.⁸

The Children's Act (Act 38 of 2005) is a comprehensive law developed through an extensive nationwide review of the apartheid-era Child Care Act and system. It adopts a holistic and developmental approach to the care and protection of children and seeks to give effect to South Africa's responsibilities to children under the Constitution, UNCRC and ACRWC. It recognises parents and families as the primary care and protection duty-bearers.⁹ It further recognises that they need support to fulfill these duties, and that in certain cases children are deprived of parental or family care and need additional, higher levels of support.

The South African legislative framework is complemented by global, regional, sub-regional commitments and national policies and guidelines including the **National Development Plan (NDP) Vision 2030, National Gender Policy Framework, National Youth Policy (2020 – 2030), White Paper on Social Welfare Services, White Paper on Families in South Africa (2012)**.

The above-mentioned laws are backed by a plethora of violence against children laws including a progressive constitution with a sound human rights-based Bill of Rights and various legal instruments such as the White Paper on Safety and Security (White Paper), which was adopted by Cabinet in April 2016, that seeks to (i) promote an integrated approach to community safety, crime prevention and violence; (ii) facilitate the objective of building safer communities in South Africa as set out in the National Development Plan (NDP); and (iii) facilitate an enabling environment for active community and civil society participation.¹⁰

Despite providing one of the most progressive and inclusive constitutions in the world with laws that are human rights-focused and include the right to live without violence, and also

⁸ BUDLENDER, D. & LUND, F. (2011) 'South Africa: A legacy of Family Disruption', *Development and Change*, 42(4): 925–946 onlinelibrary.wiley.com/doi/10.1111/j.1467-7660.2011.01715.x/full

⁹ DEPARTMENT OF SOCIAL DEVELOPMENT AND UNICEF. (2016) *Towards a more comprehensive understanding of the direct and indirect determinants of violence against women and children in South Africa with a view to enhancing violence prevention*. Cape Town: Safety and Violence Initiative, University of Cape Town.

¹⁰ SOUTH AFRICAN HUMAN RIGHTS COMMISSION. (2011). *Annual Report 2010/11*. Johannesburg

having signed the Convention on the Rights of the Child, South Africa's translation of policies protecting children from violence into practice has been poor, especially in Gauteng province. In March 2020, the President's office called on all parties to act urgently to reduce child abuse, but still, the cases continue to increase.¹¹ South Africa has a very sophisticated legal framework however the enforcement and resourcing do not match what is legislated. An effective, efficient and well-resourced justice system is key for child abuse advocacy. Policies and the legal framework should address child abuse holistically and extensively.

Covid-19 and children's rights

Before the pandemic, thousands and thousands of women, girls and children were exposed daily to different kinds of violence. In the third wave, as Covid-19 rapidly increased, homes became dangerous places where child abuse victims were trapped with their perpetrators, with no means to easily escape.¹² While risks increased, the capacity of formal and informal protection services was very limited.¹³ The criminal justice system together with the social services, civil society and other relevant parties cracked their heads on a daily basis, on how they can level-up services to prevent, report and respond with care and support. However, lockdown forced these parties to focus on remote support.

The unemployment rate is very high in Gauteng province and this was exacerbated by the pandemic. In some places, victims and perpetrators spent more time together on the same premises resulting in an increase in abuse.¹⁴ Children living in poor households were lured into sexual activities in exchange for food. There was a need to join forces and prioritise abuse against children in the face of a pandemic.

Covid-19 lockdown measures in South Africa helped to slow the spread of the virus but also, in some cases in Gauteng, further isolated vulnerable children at home and disrupted prevention and response services.¹⁵ UNICEF's global report 'Protecting Children from Violence in the Time of COVID-19' noted how children behind closed doors and away from school face increased risks of abuse and violence. The economic fallout from the virus also placed additional socio-economic strains on already struggling families. Parents, families and individuals understandably faced extreme stress due to the COVID-19 impact, but children should not bear the brunt of this. It was quite difficult to seek help in the presence of a perpetrator making it difficult for child abuse victims to access shelters, health services and the justice system. In instances where the perpetrator was a breadwinner, victims also withdrew

¹¹ JAMIESON, L., SAMBU, W., MATHEWS, S. (2017) *Out of Harm's Way? Tracking child abuse cases through the child protection system in five selected sites in South Africa*. Cape Town: Children's Institute. UCT

¹² CHILDLINE GAUTENG (2020) 'Covid-19 - Report on help line data lockdown period 27th March 2020 – 30th April 2020'. Available at: https://childlinegauteng.co.za/wp-content/uploads/2020/05/2.-Lockdown-Level-5_CLGP_-_Stats-Report_Final.pdf [Google Scholar] [Accessed March 31 2023]

¹³ DESMOND C., SHERR L., & CLUVER, L. (2020) 'Covid-19: Accelerating recovery'. *Vulnerable Children and Youth Studies*, 16(1). doi: 10.1080/17450128.2020.1766731.

¹⁴ NAIDU T. (2020) 'The COVID-19 pandemic in South Africa'. *Psychological Trauma: Theory, Research, Practice, and Policy*, 12(5):559–561. Available at: <https://psycnet.apa.org/fulltext/2020-47568-005.pdf> [Accessed April 1 2023].

¹⁵ EPIC. (2020) *Survey of Residential Services During the Covid-19 Restrictions*, EPIC - Empowering People in Care, Dublin, <https://www.epiconline.ie/publications/>.

cases for fear of financial instability, increased poverty levels and stigmatisation. Many child abuse victims also felt pressure from families who protected the perpetrator and this made it difficult to step away from the cycle of abuse.¹⁶

As the third wave cases escalated, the supply chains were critically disturbed and service providers had insufficient resources, especially rape kits, and other materials needed for clinical management and shelters. The Covid-19 pandemic also raised an opportunity to review and re-examine service provision and invest in a variety of delivery options to ensure safety of children in all places as well as access to criminal justice. This included the use of relevant technologies that could speed up the overall service delivery process, data management and communication.

Whilst the conditions above that affected GBV responses to child victims have receded due to the minimal threat that the pandemic is now posing, there is still a need to adequately prepare for prevention of GBV during natural or health disasters.

Stakeholder involvement

While there are various stakeholders advocating and responding to abuse against children, many of their efforts are fragmented due to lack of commitment but more so because of working in silos. Advocacy actions cannot be planned as a one-size-fits-all; there is a need for a multi-stakeholder response that starts at a community level and that works in collaboration with the local government, civil society and the private sector. While collaboration or partnership is now the new norm, there is a need to ensure that all the stakeholders are committed to respond to the child abuse pandemic and that all the efforts are consolidated so as to develop and implement strong strategies and initiatives. A multi-stakeholder response plays a crucial role in obtaining evidence-based information.

There is a need for resourced stakeholders to collaborate in formulating strategies that incorporate previous experience, lessons learnt and sufficient data. With so many organisations now tackling the issue of child abuse, this brief highlights key aspects that need to be considered in stakeholder mapping so as to respond to child abuse in Gauteng and South Africa at large. These include the following:

- Stakeholder administrative capacity;
- The key population served by stakeholders;
- Resources needed to enhance their services;
- Level and experience in child abuse response;
- Type of child abuse services offered including referrals and partnerships in service delivery and support;
- Willingness to participate in a collaborative structure such as Masiphephe Network; and
- Strengths in coordination and collaboration.

¹⁶ FNS (2020). *FNS Response to COVID-19, USDA-FNS, Food & Nutrition Service*. Available at: <https://www.fns.usda.gov/disaster/pandemic/covid-19> [accessed on 13 June 2022].

Best Practices and Recommendations

- There is a need to formalise and structure projects related to child abuse as this area has different dimensions with different drivers of such abuse.
- There is a need to mobilise resourced groups and partner to develop and implement nationwide campaigns as an attempt to respond to child abuse.
- There is a need to inform strategic decision-making in the launching of child abuse action plans and projects while ensuring balanced resource allocation.
- The local government needs to improve the implementation of policies and child protection initiatives.
- The current statistics on abuse against children are bleak. This calls for more reliable data that will allow relevant parties to make real progress in protecting children against violence.
- Child abuse justice requires an integrated approach that is victim-centered and also looks at the local context. This can be enhanced by developing and conducting capacity-building programmes for police, prosecutors, judges, and other criminal justice professionals.
- There is a need to populate guidelines on how to report child abuse-related cases.
- There is a need to develop an integrated data collection system, which will allow the establishment of a baseline and proper monitoring of progress. Relevant data on crimes involving abuse against children should include victimisation surveys and data collected by police, prosecution services or the judiciary.
- There is a need for dedicated personnel that render services, including in the criminal justice system.
- There is a need to improve capacity building by providing appropriate and continuous training for law enforcement professionals who work in the field of abuse against children, specifically police officers, investigation officers and detectives.
- There is a need for the criminal justice system to set performance targets to ensure that all child abuse-related work is completed comprehensively, efficiently and in a sensitive manner.
- There is a need to drive awareness campaigns and strategies to raise awareness of all forms of violence and abuse against children.
- Law enforcement needs to identify areas in Gauteng where children are at particular risk of abuse and take action to improve child abuse justice.
- Law enforcement should initiate programmes specifically targeted at victim and survivor support in an attempt to spread awareness on how law enforcement works, drilling down to what community members are not aware of.
- There is need for a strong legislative and policy framework on child abuse with clear monitoring of enforcement of these policies and laws.

Conclusion

It is evident from the preceding situational assessment that securing the survival, protection and development of all children to their full potential in Gauteng and South Africa at large, requires strengthening the developmental underpinnings of the national childcare and protection system. Priority must be given to increasing the coverage and

quality of preventative services, notably for children experiencing multiple and intersecting vulnerabilities. It is essential that responsive protective services be improved so that every child in need of care and protection is brought into the formal protective framework and afforded an equal opportunity not only to survive but develop to his or her full potential. Engaging parents and guardians on the subject of child rights will also enable prevention of intergenerational abuse.

It is the intention of this policy brief to remedy the identified gaps and challenges and contribute to the country's national development goals through the strengthening of the national childcare and protection system. Successful realisation of the policy vision and goals, also requires that all responsible role-players must know and act on their assigned responsibilities to plan and deliver the required package of services. Moreover, all children, especially those exposed to multiple risks, must be assured of accessing a package of services provided by different role-players. This requires the development of a national system that successfully brings together the diversity of role-players and services to ensure children receive the combination of services they need to survive, develop to their full potential and be protected from harm.

The policy dialogues concluded that there is a need to accelerate advocacy efforts to increase collective understanding of risk factors that render children into unsafe, unprotected and abused situations in communities. There is a need to foster accountability and integrated service delivery by statutory departments and civil society organisations for increased child protection, including programmes targeted at safeguarding and preventing violence against children.

DISCLAIMER

This policy brief is for the “Strengthening Local Governance to Improve Gender Based Violence” Project also known as the “Masiphephe Network” (“Let’s Be Safe”). The project is funded by the United States Agency for International Development (USAID), through its Democracy, Human Rights and Governance (DRG) unit, and led by the Centre for Communication Impact (CCI). The Masiphephe Network community-based gender-based violence (GBV) prevention and response partners across three provinces in South Africa, believe that GBV is the grave consequence of complex social and structural problems. Our programme encourages inclusive GBV interventions through strategic policy advocacy, community-led collaborative supportive multi-sectoral partnerships, building awareness and promoting behaviour change to shift GBV social norms. Our views are informed by community engagements and recommendations. The contents of this policy brief are the responsibility of CCI and do not necessarily reflect the views of USAID.

BREAK THE SILENCE, CALL 0800 428 428 (GBV COMMAND CENTRE) TO REPORT AND GET GBV SUPPORT.

Masiphephe Network Implementing Partners

ORGANISATION	IMPLEMENTATION SITE/ LOCATION	CONTACT #
CCI	Pretoria, Gauteng	012 366 9300
GHJRU	University of Cape Town	021 406 6023
Agisanang Domestic Abuse Prevention and Training (ADAPT)	City of Johannesburg Region E, Gauteng	011 786 6608
Sonke Gender Justice (Sonke)	City of Johannesburg Region D, Gauteng	011 339 3589
Ethembeni Crisis Care Centre (ECCC)	eThekweni West, KwaZulu Natal	031 704 6860
Gugu Dlamini Foundation	eThekweni INK Area, KwaZulu Natal	031 292 2852
Project Support Association Southern Africa (PSASA)	Emalahleni Local Municipality and City of Mbombela	013 752 5624

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