

# Children's Institute

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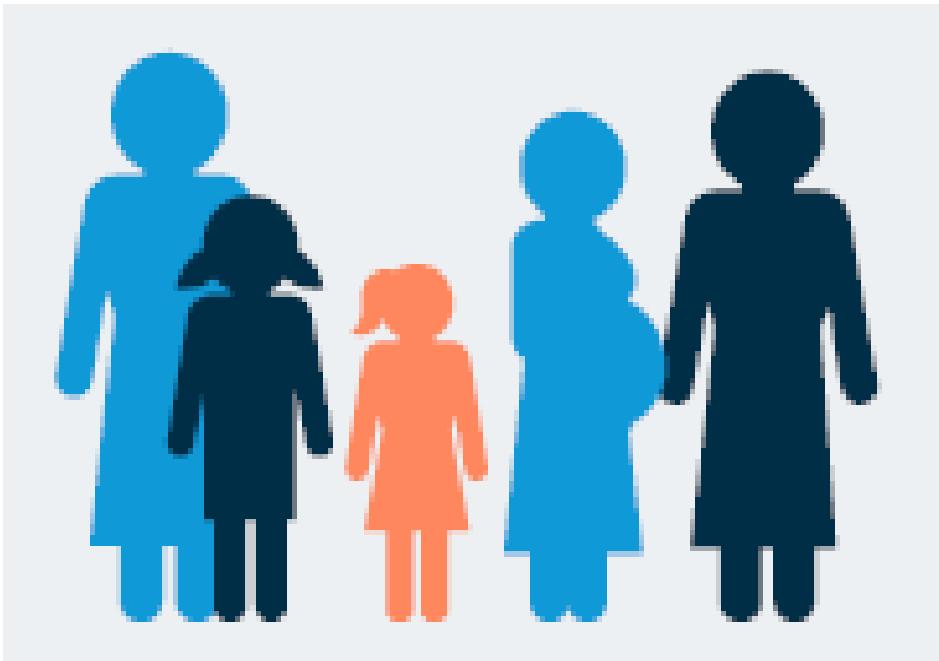
# Intro

- The Children's Institute (CI) was established in 2001 as a multi-disciplinary policy research unit located in the Faculty of Health Sciences of the University of Cape Town. CI aims to contribute to policies, laws and interventions that promote equality and realise the rights and improve the conditions of all children in South Africa, through child focused policy research, advocacy, education and technical support. One of the CI's research focal areas is the prevention of and responses to violence experienced by children in South Africa.
- Prof Mathews is the director of the Children's Institute, and a Professor in the Faculty of Health Sciences at the University of Cape Town. She has a PhD in Public Health from the University of the Witwatersrand. She has 30 years' experience in the women's and children's sectors and has worked within civil society organisations, as an academic and technical advisor to government programmes specializing in violence against women and children. Her research has spanned both VAW and VAC over the past 2 decades. Her research on the intersections of violence against women and children has focussed on understanding how childhood adversities shape men's violence towards intimate partners and service responses to the co-victimisation of mothers and children



# Outline of our presentation





1 in 2 women have experienced physical and sexual IPV in their lifetime

35-45% children have experienced violence in the home

# Co-occur in households

- VAW and VAC co-occur in the same household and shaped by the presence of **shared risk factors** and underlying **social norms**<sup>1-5</sup>.
- Children coming from **violent households** were at a greater **risk of experiencing violence** as well as **perpetrating** it.<sup>6- 10</sup>
- VAW and VAC **mutually reinforce** one another.<sup>11</sup>
- Children in households where mother is abused are more likely to **experience violent discipline**



<sup>1</sup>Diddy et al 2016; <sup>2</sup>Reichenheim et al 2006; <sup>3</sup>Chan et al 2011; <sup>4</sup>Benavides et al 2015 ; <sup>5</sup>De Vries et al 2017; <sup>6</sup>Mathews et al. 2016 ; <sup>7</sup>Abrahams and Jewkes 2004 ; <sup>8</sup>Heaton et al. 2008 ; <sup>9</sup>Dalal et al 2010 ; <sup>10</sup>Fulu et al 2017; <sup>11</sup>Guedes et al 2016 ;



# Co-occurrence of violence in the home

A man explained he tried to intervene while his father was abusing his mother, as a consequence he was also beaten by his father, he said:

*“What stands out for me was the time he smacked me I was a child and was very depressed I went and cried in the bushes.”* (45 yr old male)

- Impact on feelings of safety
- Exacerbate feelings of powerlessness
- Repeated painful experiences become internalised and affect later interpersonal relationships

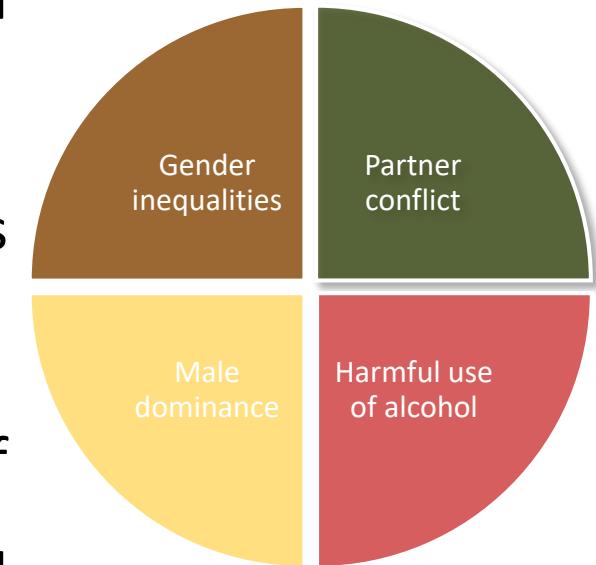
Mathews S, Jewkes R, Abrahams N. (2011) “I had a hard life”: Exploring childhood adversity in the shaping of masculinities among men who killed an intimate partner in South Africa. *British Journal of Criminology*. 51(4)





# Common Risks

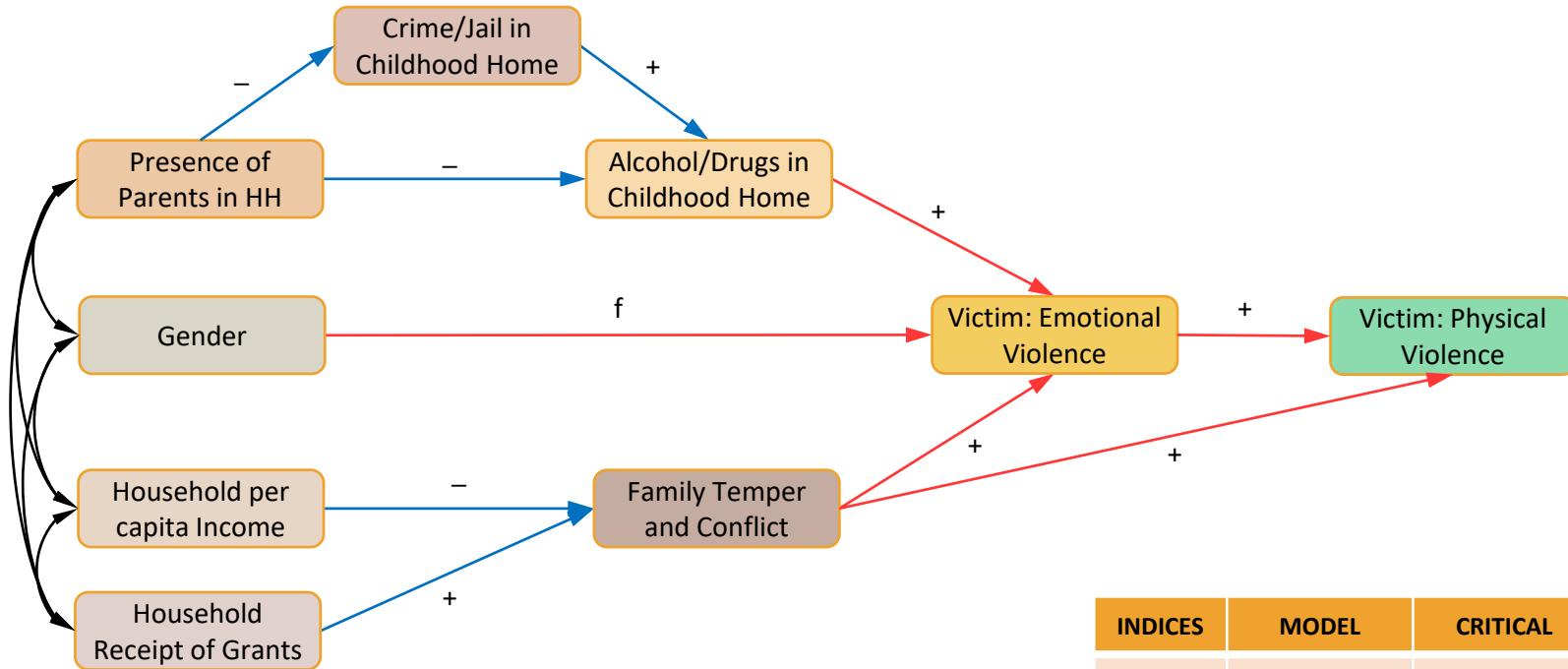
- **Gender inequality** drive power dynamics between adults and children and creates the possibility for violence to occur <sup>1-7</sup>.
- **Male dominance** underpin controlling behaviour and drives violence at home <sup>8-12</sup>
- **Partner conflict** was associated with IPV and increased risk of children experiencing emotional, physical and sexual violence<sup>13-14</sup>.
- **Harmful use of alcohol and drugs** are associated with increased risk for IPV perpetration <sup>15-21</sup>



<sup>1</sup>Atteraya et al. 2015; <sup>2</sup>Castro et al. 2017 ;<sup>3</sup>Jansen et al. 2016 ; <sup>4</sup>Atiquil et al. 2019; <sup>5</sup>Abrahams et al; 2006 ; <sup>6</sup>Barchi et a.. 2018 ; <sup>7</sup>Usta et al., 2013 ;<sup>8</sup>Kiss et al. 2012; <sup>9</sup>Alangea et al. 2018 ; <sup>10</sup>Garoma et al. 2012; <sup>11</sup>Gautaml et al. 2019; <sup>12</sup>Hayes et a. 2017 ; <sup>13</sup>Pereira et a.. 2015 ;<sup>14</sup>Usta et al., 2013<sup>15</sup>; Gass et al. 2011; <sup>16</sup>Clark et al. 2019 ; <sup>17</sup>Mulawa et al. 2018; <sup>18</sup>Onigbogi et al. 2015 ; <sup>19</sup>Flake et a. 2005 ; <sup>20</sup>Jeyaseelan et a. 2007 ; <sup>21</sup>Patrika et al., 2017.



# Determinants of emotional & physical violence



INDICES	MODEL	CRITICAL
$\chi^2/df$	1.2	< 4
CFI	0.99	> 0.95
RMSEA	0.01	< 0.05

Mathews S, et al., 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. Safety and Violence Initiative, University of Cape Town, Cape Town. (Research Report)

# Intergenerational Effects

- Exposure to IPV in the home has **negative consequences** for children's health, development and wellbeing <sup>1</sup>
- Violent discipline and exposure to intimate partner violence against women in childhood both appear **to increase the risk of violence in adulthood**, either as victims or perpetrators <sup>2-5</sup>
- **Men who experienced violence in childhood**, including corporal punishment, are more likely to perpetrate IPV as adults <sup>6-7</sup>
- Men exposed to childhood trauma are at **increased risk for IPV perpetration** in adulthood <sup>8</sup>
- Women are at **increased risk of experiencing physical and/or sexual IPV** in adulthood <sup>8</sup>

<sup>1</sup>Benavides et al. 2015 ; <sup>2</sup>Devries et al. 2017; <sup>3</sup>Li et al. 2019 ; <sup>4</sup>Fulu et al. 2017; <sup>5</sup>Contreras et a. 2011 ; <sup>6</sup>Contreras et a.. 2012 ; <sup>7</sup>Contreras et al. 2011; <sup>8</sup>Fulu et al. 2013

# Recommendations

**Domestic Violence Amendment Bill [B20 – 2020]**



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# Definitions to include

- Corporal punishment in the definition of domestic violence
  - We have to take into account the linkages between corporal punishment and IPV
- Exposure of children to domestic violence
  - Experience and exposure has similar long-term intergenerational effects that requires urgent need for therapeutic support of children and their families
- Stalking – do not delete from the Act – stalking is part of an act of intimate partner violence and shows a failure to acknowledge this act as a form of domestic violence



# Children in shelters

- Mother remain the primary care-giver and responsible for meeting children's needs
  - Children are removed from the family environment hence strict regulation as per the Children's Act
- Harmonisation with the Children's Act that allows for the removal of the perpetrator from the family home
- Providing access to appropriate therapeutic services
- Promote removal of offenders in the best interest of children



# Other issues

- Seizure of a dangerous weapons - welcomed
  - But, firearm licenses should be suspended for 5 years or more
- Sentencing – harsher sentences does not act as a deterrent to domestic violence
  - We call for a functional criminal justice system that successfully prosecute cases and serves the needs of communities
- Training of police officers and magistrates –
  - Gender transformative - emphasize an intersectional and victim centred approach
- Urgent need for a central surveillance system
  - That allows for information sharing will enable improved monitoring and used for planning of services



# Recommendations

Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill [B16 – 2020]



2020/10/20

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# The state has a duty to protect children from abuse

Children have a constitutional right to protection from violence, abuse, maltreatment, neglect and exploitation- sections 12(1), 28(1)(d), (e) and (f) [also 13]

- *This includes an obligation to prevent violence against children*

The SORMAA aims to protect children and persons with mental disabilities, and now the broader categories of vulnerable groups, by preventing known sex offenders from engaging in employment that would put them in close proximity with vulnerable groups.

This aim is to be commended.



# Screening against the National Register for Sex Offenders is NOT the best way to protect children from violence

- **The NRSO is does include everyone who poses a risk – 19 688 cases in total validated between 2009 and 2018/2019 – versus ca. 20,000 reported every year or 200,000 over 10 years**
- **The NRSO is not comprehensive – some crimes against children are held on the National Child Protection Register whilst others are on neither** For example, in theory a teacher who has a criminal record of physically (but not sexually) assaulting children should be on the NCRP but this register is also under populated. But driver who has convictions for driving under the influence appears on neither.
- **The screening process is cumbersome and confusing – small CBOs offering services to children must screen against both registers**



# Requiring Criminal Records checks provides greater security

- Criminal records are comprehensive – all violent crimes not just those committed against vulnerable groups
- Also includes other crimes that would render individuals unsuitable to work with children – e.g. driving under the influence
- Using the SAPS Criminal Record system would ensure that limited resources are pooled into ensuring that only one system, that is already functioning, provides the information needed to identified stakeholders. Ultimately, screening against the SAPS Criminal Record system would be more reliable.



# The right to protection after abuse

- *The obligation to protect children from further harm if they have already experienced violence*
- *The obligation to support and treat children who have experienced violence so as to restore them to physical and psychological health*
- There should be clear obligations on the state in the Criminal Procedure Act and the Sexual Offences Act to ensure that child victims and witnesses receive therapeutic services, counselling, court preparation and support, to protect children from secondary trauma as well as ensure good case outcomes.



# Child offenders right to special protection

- Child offenders have a right to have their **best interests** considered of paramount importance<sup>1</sup> and to **special protection** within the criminal justice system<sup>2</sup> these rights are protected under international law, regional law; and under the Constitution
- Given **children's potential for rehabilitation and reintegration** we believe that the duration of time that an individual's information is held on the SAPS system should not be increased if that person is a child offender or was a child at the time of the commission of the offence.
- The proposed amendments to section 42 of the Act would allow for the publication of details of every person whose particulars have been included in the NRSO. Where “every person” includes child offenders or people who were children at the time of the commission of the offence.
- **It is not in the best interest of the child to have his or her details made public**

<sup>1</sup> United Nations Convention on the Rights of the Child of 1989 *article 3(1) [also 9, 18(1), 20(1) and 21]; African Charter on the Rights and Welfare of the Child of 1990 article 4 [also 9(2), 19(1), 20(1)(a), 24, 25(2)(a) and(3)]; Children's Act of 2005 - sections 7 and 9*

<sup>2</sup> UNCRC articles 37 and 40; African Charter on the Rights and Welfare of the Child article 17; constitution sections 28(1)(g) and 35.

