

BRIEFING OF THE PORTFOLIO COMMITTEE ON WOMEN, CHILDREN, AND PEOPLE WITH

DISABILITIES

PARLIAMENT

13 MARCH 2013



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Purpose and Background

To brief the Committee on the United Nation Country Report on the Convention on the Rights of the Child.

The Department has made the following inputs into the Country's combined second, third and fourth periodic state party report to the Committee on the Rights of the Child:

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Children's Act

- The Department (DSD) has overseen the process of reviewing the child care legislation which led to the development of the Children's Act (The Act) since 1997;
- The Act came into operation on 01 April 2010 and it was launched by the President in May 2010; and
- Gaps and implementation challenges were identified and led to the review of the Act which is in progress.

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Inter-Sectoral Collaboration

- The Children's Act places obligation for service delivery on more than one Government Department;
- A Children's Bill Working Group was established to consult, develop and finalize the Act;
- A Child care and Protection Forum was with relevant role players including civil society organizations to monitor the implementation of the Act;
- A National Policy Framework was developed to promote cooperation and collaboration and to identify roles and responsibilities of stakeholders;



Inter-sectoral Collaboration continues

- The Act further calls the DSD Minister in consultation with other Ministries to develop comprehensive National Strategies for Partial Care facilities, Early Childhood Development, Prevention and Early Intervention, Child Protection, Child and Youth Care Centres as well as Drop in Centres; and
- There is ongoing training and capacity building to social service practitioners and civil society on the Act.

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Early childhood Development (ECD)

- ECD enjoys priority programme status within the DSD;
- For the reporting period DSD's focus has been on improving accessibility of ECD services to all children including children with disabilities;
- DSD also conduct regular monitoring of ECD centres to ensure compliance with the norms and standards as required by the Act; and
- DSD hosted an ECD conference held in 2012 which highlighted a lack of ECD services and subsidies to rural children.

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Prevention and Early Intervention (PEI)

- DSD has established a directorate for families which has facilitated the development of several documents including a green paper for families to enhance the provision of PEI programmes to families; and
- Best practice models were sought for and this informed the development of guidelines on the principles and core elements for the design and development of PEI programmes.

Child Protection Register

- The Children's Act provides an expanded range of protective measures for children, including mandatory reporting of physical and sexual abuse and deliberate neglect;
- It introduces a Child Protection Register (CPR).
- Part A of the register records instances of abuse or neglect; and
- Part B of the register records names of persons who are unsuitable to work with children.

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Child Abuse Neglect and Exploitation

- The Act provides a comprehensive legal framework for the protection of children from all forms of exploitation;
- It also responds to the accented international obligations including the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; and
- The Act also places an obligation on any social worker or social service professional to report any offence listed in Schedule 1 or Schedule 2 of the Criminal Procedure Act to a police official.

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Child Headed Household (CHH)

- The Act includes special provisions for children living in CHH.
- It stipulates that such households:
 - be officially recognized;
 - that they function under the supportive supervision of a designated adult; and
 - that they may not be excluded from grants, subsidies or other state relief and assistance programmes.

Children living and/or working on the Streets

- In terms of the Act, a child who lives or works on the streets or begs for a living is considered a child in need of care and protection;
- The Act makes provision for drop-in centres and child and youth care centres for the reception and care of such children; and
- DSD has developed a National Strategy for these children, which is aimed at addressing the factors that drive children from their homes and to provide care and protection.

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Children in conflict with law

- DSD has drafted a Policy Framework on the Accreditation of Diversion Services in South Africa;
- An accreditation process was devised and implemented. This process gave rise to a published list of accredited service providers of the Diversion Programmes; and
- DSD has also initiated therapeutic programmes for children in Child and Youth Care Centres who have been diverted from the criminal justice system or who are awaiting trial.

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Discipline of Children

- DSD through the review of the Act will revisit the issue of banning corporal punishment in the home;
- The Act also promotes the approach of positive discipline at CYCC's and expressly prohibits certain behaviour management actions eg physical punishment; and
- DSD has also sought through numerous advocacy and awareness-raising campaigns, to promote the use of positive discipline rather than corporal punishment.

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Alternative Care

- DSD has developed comprehensive child welfare and protection policies which include provision for a range of alternative care options, for emergency, short term and long term care;
- The policies emphasize that removal of the child from the family should be a last resort and that separation should ideally be temporary; and
- Alternative care options in South Africa include adoption, foster care, temporary safe care and child and youth care centres.



Alternative care cont...

- Regarding periodic review of foster care placements DSD complies with SA legislation which requires that a Court order for foster care be reviewed every two years;
- Social service professionals provide foster care supervision at least once every two years to monitor and evaluate the placement; and
- Care plans, permanency plans and individual development plans for children placed in alternative care are reviewed every six months to determine whether there is a need for a **change** of programme.

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Alternative care cont...

- Despite the emphasis on 'short term' placement in residential care, DSD recognizes that some children remain in alternative care for too long; and
- Therefore, it has embarked on the development of a strategy which is aimed at development and implementation of independent living programmes for older children living in residential care settings who cannot be placed back with their families.

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Strengthening social service capacity

- A key issue impacting on the delivery of services to support family and alternative care for children is the shortage of suitably qualified social service practitioners;
- This service delivery gap has been acknowledged and efforts are in place to address it through:
 - Social Work Scholarship Programme; and
 - Engagement with veteran social workers to assist in the mentoring of newly qualified social workers in order to improve service quality...

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Strengthening social service capacity cont...

- In addition, there is recognition of the need to broaden the spectrum of social service practitioners that are legally able to assist in child care and protection services;
- The Act makes provision for some child protection functions to be performed by 'social service professionals' other than social workers; and
- DSD is also in the process of recruiting and orientating the first contingent of child and youth care workers to be involved in the rollout of the **Isibindi** model.

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Cultural issues

- The Act broadly provides that “Every child has the right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being”;
- It goes further to prohibit and regulate a number of practices that are deemed harmful to children, including child marriages, forced marriages, genital mutilation, virginity testing and circumcision of male children; and
- DSD has sought through numerous advocacy and awareness-raising campaigns, to protect children from such harmful practices.

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Substance Abuse

- DSD has developed an Act and a number of policies and programmes to protect children from substance abuse, namely,
 - The Prevention of and Treatment for Substance Abuse Act;
 - A National Strategic Action plan for the Prevention of Substance Abuse among youth in SA;
 - Drug prevention as part of the Life Skills' program in schools; and
 - A National Drug Master Plan.

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Substance Abuse cont...

- According to the Act, a child that is addicted to a dependence-producing substance and is without any support to obtain treatment for such dependency is a child in need of care and protection and therefore treated as such; and
- There are currently public treatment centers operating in provinces, there are also registered private treatment centers which are subsidized by the Department .

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Social Assistance

- The provision of social security remains the cornerstone of the fight against poverty on children and their families;
- For the reporting period DSD saw an impressive growth in the number of children benefitting from three major grants, namely Child Support, Foster Child and Care Dependency Grants which are specifically targeted at children; and
- An impact study has confirmed that the Child Support Grant (CSG) now reaches a substantive number of children in the country.

Statistical Information

DSD has provided statistical information as required in the country report. The information is as follows:

- Expenditure on Child Support, Foster Child and Care Dependency Grants over the reporting period;
- No of children accessing ECD services;
- No of children adopted, children in foster care and Child and Youth Care Centres; and
- There was no data for children in street situations, child headed households, and child labour.

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THANK YOU

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