

SERVICES AND BENEFITS FOR VULNERABLE CHILDREN – AN OVERVIEW

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International, continental and national obligations

- ❑ South Africa's Constitution recognises its international and continental obligations in terms of the UNCRC and ACRWC to realise children's rights to:
 - Name and a nationality
 - Nutrition
 - Health care
 - Shelter
 - Social services
 - Protection from abuse, neglect and exploitative labour
 - Appropriate treatment when in conflict with the law
- ❑ The extent of the obligations vary - depending on the degree of vulnerability of the child
- ❑ The underlying assumption - that all children are vulnerable, but that some are more vulnerable due to circumstances such as poverty, disability, illness and/or absent, deceased or neglectful parents and
- ❑ There is a more onerous obligation to meet the rights of these children

When is there a duty to provide support?

- ▣ When does the heightened duty to provide support come into play?
- ▣ This book sought to answer this question; to review how government has discharged its onus through different government departments; to identify persistent barriers to fulfilling its obligations
- ▣ The existence of a duty depends on the “vulnerable” status of the child

Defining vulnerability

- ▣ A range of overarching policies and programmes aim to provide support to vulnerable children, but few define vulnerability
- ▣ The Policy Framework on Orphans and other Children Made Vulnerable by HIV and AIDS (2005) defines vulnerable children as:
 - *Children whose survival, care, protection or development may be compromised due to a particular condition, situation or circumstances that prevents fulfilment of his or her rights*
- ▣ Regionally, SADC's Strategic Framework on Comprehensive Care and Support for Orphans, Vulnerable Children and Youth uses a similar definition
 - *Children who are deprived or likely to be deprived or harmed as a result of their physical condition or social, cultural, economic, political circumstances and environment, and require external support because their immediate care and support system can no longer cope.*

A web of policies and programmes

- ❑ Common to the definitions is the risks vulnerable children face and that they need additional (often external) care and support
- ❑ Often their parents cannot provide this and government is obliged to provide it
- ❑ It has sought to fulfil its obligations through a tapestry of policies and programmes
- ❑ These fall within the competency of a diverse a range of government departments such as:
 - Social Development
 - Health
 - Education
 - Water
 - Energy
 - Police
 - Justice
 - Home Affairs
 - Agriculture
 - Human Settlement

Services and barriers to realising the right to a name and nationality

- ▣ The Department of Home Affairs is responsible for providing the following services:
 - Birth registration and issuing birth certificates
 - Issuing identity documents
 - Registering marriages, deaths and issuing certificates
 - Processing refugee applications
- ▣ Barriers include
 - Cost of applications –travel costs, photographs and photocopies
 - Insufficient accessible service points in rural areas
 - Insufficient knowledge and information about what supporting documents are required and obtaining these
 - Fraud and corruption
 - The need for either proof of paternal identity or the presence of the child's father
 - Traditional naming practices
 - Lack of maternal identity documents

Service relating the the right to Health Care

- ▣ The Department of Health provides he following services:
 - Free primary health care to pregnant women, children and adults
 - Free secondary and tertiary care for children younger than 6
 - Subsidised secondary and tertiary health care for poor children older than 6 and their family members
 - Free health care for all children with disabilities
 - Integrated nutrition programme
 - HIV and AIDS care, management and treatment
 - The prevention of mother to child transmission programme
 - Integrated management of Childhood Illnesses (IMCI)
 - Immunisations
 - School health services

Key impediments to accessing health services

- ▣ Insufficient sites of service, especially in rural areas and informal settlements
- ▣ Poor management resulting in insufficient qualified staff, lack of supplies and medicines & lack of administrative infrastructure
- ▣ Inequitable coverage of maternal, neonatal and child health interventions
- ▣ Provincial and locally variable quality of services
- ▣ High cost of transport
- ▣ Unavailable / unsuitable assistive devices for children with disabilities
- ▣ Lack of access to safe water, sanitation and hygiene
- ▣ Nutrition remains a problem
 - There is nothing concrete in place to prevent malnutrition
 - The integrated nutrition programme remains clinic bound – it does not reach into communities
 - Insufficient and incorrect support on feeding options contributes to malnutrition and HIV transmission post-birth
 - Coverage of vitamin supplementation programmes is poor

Impediments continued

- ▣ Access to and the availability of HIV interventions in the post-natal period drop (cf to the ante-natal period)
- ▣ HIV positive Babies and children have been diagnosed too late and treatment has been starting too late (but new initiatives aim to address this)
- ▣ Distances to clinics and lack of financial and psycho-social support means many children do not maintain their treatment
- ▣ On the immunization front, maintenance is problematic. There is high drop-out rate between the 14 week and 9 month immunization
- ▣ Insufficient knowledge of programmes remains a problem

Services related to social assistance (cash transfers)

- ▣ The Department of Social Development, the South African Social Security Agency (SASSA) and the Department of Labour are obliged to provide the following services:
 - The CSG for all children up to the age of 15 (soon to be extended to 18)
 - The FCG
 - The CDG
 - SROD
 - Older persons grant
 - Disability grant
 - Grant-in-aid
 - UIF (including maternity, adoption and dependent's benefits)

Impediments

- ▣ Cost barriers
- ▣ Lack of accessible sites of service delivery
- ▣ Lack of early access to social assistance, especially in the 1st year
- ▣ Lack of access to supporting documents
- ▣ Lack of knowledge and information about for example SROD and dependent's benefits

Social protection services

- ▣ The Departments of Social Development , Justice, the Police and Labour are obliged to protect children from abuse, neglect and exploitative labour
 - Prevention and early intervention services
 - Investigation of allegations of abuse and removal of the child if necessary
 - Protection and support for survivors of abuse
 - Prosecution of perpetrators
 - Inquiries and placement of children in alternative care if necessary
 - Foster care placements
 - Adoption
 - Reunification
 - Investigations into exploitative and/or unlawful labour practices

Impediments

- ▣ Insufficient budgets to meet growing demand
- ▣ Insufficient reliable statistics
- ▣ Lack of staff, services and facilities
- ▣ Insufficient prevention and early intervention services
- ▣ Lack of access to courts, especially in rural areas
- ▣ Secondary victimisation
- ▣ Insufficient child victim witness protection

Services relating to early childhood development

- ▣ The Departments of Social Development and Education are obliged to provide the following services:
 - Registration of compliant ECD centres
 - A subsidy to centres to assist with the costs of children from poor families
 - Early childhood development programmes - centre and non-centre based
 - Home and community-based integrated ECD services

Key impediments

- ▣ Registration of sites is difficult and costly
- ▣ The subsidy is discretionary and differs in administration and the sum available from province to province
- ▣ ECD does not reach children who are not in centres – there is no meaningful budget for non-centre-based programmes
- ▣ Variable quality of ECD services

Services relating to the right to schooling

- ▣ The Department of Education aims to provide the following support and services:
 - Guaranteed admission of all learners - children may not be excluded on any grounds
 - Protection against discrimination for failing to pay fees
 - No-fee schools in the poorest or areas
 - School fee exemptions for poor learners attending fee paying schools
 - School uniform policy to make uniforms more affordable
 - Physical access to schools outside the school catchment area
 - The national school nutrition programme

Impediments

- ▣ Provincial variability
- ▣ Policies are implemented at provincial, district and down to school level by school governing bodies and schools. The devolution of responsibility is not supported in terms of financial support and training
- ▣ The policies are very broad, especially regarding questions of discrimination, making it practically difficult for implementation at school level
- ▣ Quality of education and educational outcomes

Services related to the right to housing

- ▣ Services include
 - Housing subsidies for families
 - For the aged, disabled
 - Rural housing subsidy
 - Emergency housing assistance
- ▣ Barriers include
 - The needs of especially vulnerable households are not prioritised
 - Children not in the care of an adult cannot qualify for housing assistance because of their lack of contractual capacity
 - Unmarried parents of young children are excluded
 - Lack of access to documents
 - Slow implementation of the rural subsidy which excludes women

Services relating to water and sanitation

- ▣ The Department of Water makes provision for 6 kl of free water per poor household
 - Yet in 2008 7 million children had no access to on-site clean running water and used pit latrines, buckets or open land
- ▣ Impediments:
 - Municipal variability and inequity. In terms of water supply, municipalities are required to provide this to the extent that they can afford to do so – so some do not provide it at all. On sanitation – poorer rural provinces provide less access to sanitation.
 - Municipalities use different and complicated means tests to determine eligibility
 - 6 kl is not enough to meet the needs of households with additional needs, such as those affected by HIV and AIDS, or with children, especially very young children
 - More broadly, the policy does not prioritise families / households with vulnerable children
 - No national sanitation policy

Services relating to food and nutrition

- ▣ The Department of Agriculture aims to provide support – in cash and in-kind to support agricultural production in food insecure households
- ▣ Impediments:
 - Poor households lack sufficient food and this is worse in rural and women headed households
 - Lack of arable land, water and skills to address hunger and development through agriculture
 - The Department follows a demand driven approach – requiring knowledge of the availability of the service, how and where to apply for it
 - Support for small scale domestic agriculture is sporadic and inequitable
 - No policies or programmes in place to effectively prevent malnutrition

Children in conflict with the law

- ▣ Children in conflict with the law are entitled to protection through:
 - Provision of age-sensitive information and treatment upon arrest
 - Investigations into age-appropriate responses determined by capacity
 - Diversion from the formal justice system
 - Various sentencing options
 - One-stop child-justice centres (to be established)
- ▣ Barriers include
 - Lack of access to courts
 - Language barriers
 - Insufficient linkages between courts and social workers
 - Onerous workload for justice staff and lack of resources

Common impediments across the departments

- ▣ Whilst the government has acquitted itself admirably on the policy front
- ▣ There is cause for some concern at the service delivery fault lines
- ▣ These have seen large numbers of very vulnerable children unable to access services and support for a long time
- ▣ Fault lines: Poverty, provincial geography; rural locations; children with disabilities; very young children; children living in women-headed households
- ▣ They face the same seemingly intractable barriers:
 - Lack of roads and transport
 - Poor management and services in certain provinces
 - Lack of documents
 - Insufficient accessible or effectively coordinated and integrated sites of multiple service delivery
 - Insufficient prevention and early intervention services creating the need for more spend on remedial interventions, leaving less budget for prevention and early intervention services
 - Insufficient access to justice / courts
 - Insufficient knowledge of rights and processes
 - Insufficient data
 - Insufficient budgets to meet demand

Thank you

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