



Children's Rights Centre

**June 2011**

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**JUNE- CHILD PROTECTION MONTH**

## NewsBytes on Children's Rights

### **(1) Upholding children's rights for 365 days a year!**

A celebration of the 'Day of the Child' or 'Child Protection Month' can be a useful tool to put the issue on the map— to make children visible!

But children and their rights also need to be on everyone's agenda for the whole year!

They should not be ticked OFF our list of things to do — been there, done that ...

Let's keep Children's Rights ON our list, and make it a better year for children!

Every year!

**Protection is a key pillar of children's rights. Another two are the right to development and the right to participation.**

We must never be SO protective that children are never challenged or stimulated to be the best they can be. They have a right to **development**—and it includes PLAY!

And effective protection of children depends on their **participation**. Their views must be heard and acted on:

- Bullying can only be tackled if the victim comes forward;
- Abuse can only be stopped if the child survivor is heard and believed;
- And safe, child-friendly clinics and care centres — and cities - depend on children's opinions being taken into account.

A child's resilience to trauma also depends on his or her belief in themselves — a belief dependent on feeling included and belonging — on the right to participation and to identity and a confirmation of their human dignity.

We have garnered eight articles that relate to protection, in particular, and hope you find them interesting.

Editor

## (2) Protection from bullying & cyber-bullying

Bullying in schools is a world-wide phenomenon that must be re-addressed year by year! It needs an ongoing transformation in each school. A study found that bullying occurs in all South African schools regardless of level, school size, setting, racial composition, whether a school is in wealthy, middle class or poor areas. This is a worldwide phenomenon that schools have to deal with (Johannesburg University research quoted in Heineman Education Publications: <http://www.heinemann.co.za>).

### Why is bullying so insidious?

It gives the bully a sense of power, and power is very seductive to anyone. It is important to note that bullies are often popular and from good households, but that does not mean that they would not bully. Power over others can be gained by direct action (physical assault, verbal or written harassment, etc) or indirectly (cruel exclusion from social situations, manipulation, etc.) Cyber bullying, i.e. harassment on the phone, the internet or via text messages, is also on the increase.

### Bullying has severe negative consequences

Bullying is seen as a normal part of life by many people, but in fact it has long term consequences for the victim and the bully. It can lead to depression, anxiety, low self-esteem and even suicide in victims. Research shows that if it isn't stopped in early childhood, aggressive behaviour can become habitual in bullies and could lead to criminal behaviour and domestic violence later in life.

### A school policy

A school policy has to be developed to help teachers prevent or decrease the prevalence of bullying. A survey will soon show where bullying mostly occurs – perhaps in taxis on the way to and from school, in school bathrooms, on school playgrounds during recess, in hallways, in classes that require group work or during sports activities and other extra mural activities. Where possible, these places should be supervised. Some schools use pupil-monitors, others cc cameras! There needs to be confidential way to report bullying – one school in Durban as a 24 hour hotline! And when a learner has actually plucked up the courage to report bullying, they need to know that they will be taken seriously and be protected. Reassurance must be given that the matter will be investigated properly.

### There are several key components that are necessary in a school policy against bullying.

- Firstly, there needs to be a statement of the school's stand against bullying.
- Secondly, the policy needs a definition of what bullying entails listing all the different kinds, including direct, indirect, cyber bullying, etc. Also note that teachers sometimes bully learners and visa versa. A confidential questionnaire can be circulated to determine how rife bullying really is.
- Thirdly, a declaration of the rights of people in the school (learners, teachers, etc.) should be drawn up to free the school of bullying.
- Fourthly, make sure learners know that when they see bullying occur they have a duty to stop or report it. Most bullying occurs in front of other learners and away from teachers.
- **Bystander intervention is one of the keys to preventing and stopping bullying.**
- Fifthly, the policy needs a description of what the school will do to try to prevent bullying and what sort of punishment will occur.
- All staff, the Management Board and all parents need to be involved to help the school prevent bullying. The whole policy needs to be evaluated regularly.

## PROTECTION FROM CYBER- BULLYING

**Teachers and parents need to recognize the reality of cyber-bullying and sexting .**

If it is important that the principal, staff and parents must recognize the prevalence of these vices in the school. It is even more important that a teacher must accept the fact that they are more than likely being practised by some learners in the classroom. Ignoring this reality is the same as closing your eyes to the possibility that some learners are using drugs – you may wish that this is not happening, but it does!

**School management needs to convince all stakeholders in the school to establish policies regarding cyber-bullying and sexting. Call these vices by name in your document. Publish the policy. And don't hesitate to enforce it!**

**Understand clearly how cyber-bullying and sexting work.**

How do learners use technology for these practices? What are the various forms they take? This implies that you must have a solid understanding of the technologies your learners are using. Do they have cell phones? For what do they use them? Do they have access to computers? Are they using social networks? Do you understand how these tools – which you may be using for teaching – can be abused?

**Let them know what you know.**

It is important that your learners know that you are aware of cyber-bullying and sexting. You must be one step ahead of them so that you're not caught by surprise. Have open discussions with them in class about the matter. You can deal with the topic during Life Orientation sessions, but it could also naturally come up during other lessons. The innocent learners in your class – the potential victims of cyber-bullying and sexting – must be prepared: they need guidance on how to handle these abuses and must know that you are there for them if they need your help. Similarly, the culprits (or future ones) must be deterred – they need to understand the consequences of their actions.

The one thing you must **not do** is to blame technology for cyber-bullying and sexting. Banning technology will not solve the problem, and is akin to banning books because of the likelihood that they may contain pornographic material.

**Safe use of technology**

**This is an important twenty-first century skill you must impart to your learners. Teachers who accept this responsibility are indeed a blessing to their learners.**

### DO NOT IGNORE BULLYING

**Bullying can cause permanent long term damage to learners. It is sometimes difficult to know how to deal with it, but if your school has a proper anti-bullying policy and teachers know what to be sensitive to, bullying can be decreased and prevented.**

The [principal](#) is responsible for establishing and enforcing policies to contend with cases of [cyber-bullying](#) and [sexting](#) in the school. Classroom teachers have an even greater responsibility, since they are dealing more directly with learners who may be affected by these practices.

Adapted from an article in Heineman Educational Publications: <http://www.heinemann.co.za>

### (3) PROTECTING CHILDREN ON THE MOVE IN SOUTH AFRICA

(From the UNICEF website)

Recognising that the numbers of children on the move within South Africa and from neighbouring countries are destined to increase, UNICEF and the Department of Social Development are committed to making sure these children have access to national care and protection systems, and are protected from abuse, exploitation and trafficking.

In 2010–2011, the aim is to:

- Improve the capacity of the Department of Social Development and its provincial substructures to implement basic procedures in dealing with unaccompanied and separated migrant children. This includes identification, documentation, assessment, court orders, placement, tracing and reunification.
- Establish a regional Child Protection Network. This will include setting up inter-country protocols for children on the move; compatible databases to strengthen documentation, tracing and reunification; and a common communications strategy to raise awareness of the risks faced by child migrants.
- Provide children on the move in areas of high concentration with emergency assistance and appropriate care such as shelter, food, hygiene supplies, clothing and access to education and life skills training.
- Provide services for vulnerable migrant women and children to prevent and respond to gender-based violence. Standard operating procedures to respond to sexual violence will be updated, and role players will be trained. Men and women in migrant communities will be mobilised to prevent sexual violence and promote access to services. UNICEF will also strengthen a monitoring mechanism on sexual violence and trafficking.
- Support the establishment of a supervised independent living programme for older children without parental care. This will be done in line with the provisions of recent childcare legislation.

### (4) PROTECTING VULNERABLE CHILDREN WITH PSYCHOSOCIAL SUPPORT

**Update from the Regional Psychosocial Support Forum: South Africa, 15-17th May, 2011**

REPSSI, SADAC, Nelson Mandela's Children Fund and UNICEF recently hosted a conference on Psychosocial support, examining the continuum of care and support that addresses the social, emotional, and psychological problems in order to preserve the well-being of individuals, their families and communities.

This conference brought together delegates working on PSS in Southern and Eastern Africa, though many of its findings have broader relevance. The conference explored the importance of PSS and the need to mainstream PSS into all service delivery, including alternative care provision.

**SADAC, the Southern African Development Community, is currently developing a minimum package of services of OVCs (orphans and vulnerable children) to guide governments in their service delivery.**

The conference discussed this package in relation to PSS. The regional conceptual framework for PSS for OVCs used to guide this process provides useful background on PSS in general and in relation to the PSS needs for Africa specifically.

## (5) PROTECTING THE RIGHT TO SEXUAL ORIENTATION & GENDER IDENTITY

And on 17 June, the Human Rights Council also passed the first ever [resolution](#) on human rights violations based on sexual orientation and gender identity. "The Human Rights Council has taken a step forward in history by acknowledging that both sexual and gender non-conformity make lesbian, gay, trans and bi people among those most vulnerable and indicated

## (6) LACK OF PROTECTION: OVER 90,000 CHILDREN AND YOUNG PEOPLE (15-24) LACK EFFECTIVE HIV CARE

### Durban still lacks proper response to HIV

eThekweni's Integrated Development Plan did not include HIV/AIDS in any significant way.

09.06.2011 Kerry Cullinan

**The HIV/AIDS epidemic in Durban is the size of the epidemics in Lesotho and Botswana combined, according to researcher Dr Mark Colvin.**

Drawing on a number of studies involving local residents, Colvin estimated that there were almost 530 000 people living with HIV in eThekweni municipality. Almost 18 percent of these were young people between the ages of 15 and 24.

Over four out of every ten pregnant women (41 percent) were HIV positive by 2009.

By 2007, almost one-third of eThekweni's agricultural workers (31 percent) had HIV, and over one-fifth of manufacturing workers had HIV, Colvin reported yesterday to the SA AIDS Conference being held in Durban.

Of the metro's 3.2 million residents, some 730 000 were estimated to live in informal settlements which were "highly vulnerable environments for HIV infection".

Despite the high HIV rate, there was "no co-ordinated city level response to HIV/AIDS", said Colvin.

**"At a municipal level, the local AIDS council is non-functional so there is no co-ordination between government and civil society," he said. Meanwhile eThekweni's Integrated Development Plan did not include HIV/AIDS in any significant way.**

Colvin said much of the data on HIV in the city was incomplete, for example there was no data on the rate of new infections. There was also no information on high risk groups, such as sex workers and men who have sex with men.

Colvin also found that there were a number of non-governmental AIDS organisations in the municipality but that there was "a lack of co-ordination, monitoring and evaluation".

"The city needs to conduct an epidemiological study to determine the trends in HIV prevalence and incidence as a baseline," recommended Colvin.

In addition, it needed to develop a response to the epidemic that was based on the National Strategic Plan.

(From Health E-News)

## (7) PROTECTING CHILDREN THROUGH NEW POLICE ACTION

### Implementation of the Domestic Violence Act

Adapted from Parliamentary Monitoring Group report by *Tandile Delihlazo*

On the 22<sup>nd</sup> June, the South African Police Service briefed the Parliamentary Committee on crime statistics against women and children, police training on the implementation of the Domestic Violence Act and the re-establishment of the Violence, Child Protection and Sexual Offences (FCS) units.

Statistics showed that the rate of violence against children (aged 18 and younger) had increased in all the provinces between the financial years 2008/2009 and 2009/2010.

During this period, according to cases that were reported and followed up by the police, 56 539 children (aged 18 and younger) were victims of crime, and nearly half of these were victims of sexual assault, and a similar number were the victims of assault. The remaining 3.7% were victims of murder or attempted murder. These totals do not reflect cases that were not reported or investigated.

### Police Training

Lieutenant General Christabel Nobubele Mbekela from the SAPS Training Division gave a presentation on police training in relation to the implementation of the Domestic Violence Act. Training to enhance the skills of SAPS members to effectively deal with violence against women and children, as well as people with disabilities, was prioritised in the 2010 Training Provisioning Plan (TPP), and still remained a priority in the current TPP 2011/12. Some of the training interventions included, Domestic Violence Learning Programme, Children and Youth at Risk, First Responder to Sexual Offences Learning Programme, Sexual Offences course for Investigating Officers, Vulnerable Children Workshop, Child Justice Act National Workshop, National Victim Empowerment Training, Human Rights in Policing, and the Disability Awareness Workshop. The number of police that attended a training course on Family Violence, Child Protection and Sexual Offences across all provinces totalled 1114. The number of police officers that attended the Sexual Offences Investigations course was 808, and 1398 participated in the Detective course.

### Bringing back the FCS Special Units

Major-General Vinesh Kumar Moonoo, Head of General Investigations, SAPS, made the final presentation on the re-establishment of the Family Violence, Child Protection and Sexual Offences (FCS) units. During the Budget Vote on 6 May 2010 in Parliament the Minister of Police emphasised that the fight on crimes against women and children must be strengthened and that FCS units must be re-established. All FCS units must be fully operational by 1 April 2011. The re-establishment of the FCS units began in June 2010. **There were currently 176 units at all clusters in all 9 provinces.** Details were provided on the locations of all of the units that were established.

Source URL: <http://www.pmg.org.za/node/27319>

## **(8) SOCIAL PROTECTION OF FOSTER-CARE CHILDREN EXTENDED**

**Since July 2009 many orphaned children entitled to the Foster Care Grant have been refused the grant by SASSA. At last their position has been put right!**

The Centre for Child Law won a court case against the National Minister for Social Development and all Provincial MECs compelling them to extend foster grant orders made by the Children's Court. Foster care orders lapse after two years unless extended by the Minister or a Social Development MEC, and the Minister and MECs had failed to decide whether or not these foster grant orders should be renewed. As a result, the South African Social Security Agency (SASSA), which had been paying grants to the children's foster parents, stopped doing so in July 2009.

**"In this matter, the foster care orders were not extended and due to the lack of valid foster care orders, there was no legal basis for SASSA to continue paying the foster care grant. The majority of these children had lost their mothers to HIV and Aids, others have been abandoned by their parents, and some have even lost their foster parents."**

### **Court order**

The North Gauteng High Court ordered that the foster care grants be extended: any foster care order granted before 1 April 2010 that has not yet expired, must be dealt with when it does expire, under the Child Care Act 74, 1984 and its regulations. This will hold good until 31<sup>st</sup> December 2014 or until the Children's Act of 2005 is amended to provide for a more comprehensive legal solution. All foster care orders that HAVE expired since 1 April 2010, will be deemed to be still valid and are extended for a period of 2 years from this date. (This excludes foster care orders that have expired due to the child turning 18 years of age - according to an amendment to the original Court Order).

All foster care orders that expired within a period of not more than 2 years prior to 1 April 2010 follow the same route – they are deemed to be still valid and are extended for a period of 2 years from this date – again excluding foster care orders that have expired due to the child turning 18 years of age.

During this two year period of grace, social workers must investigate each case, and make recommendations as to whether the foster care order should be extended (for the full 2 years or longer) or terminated. Social workers can still go to the Children's Court at any time to ask for a termination or variation in the foster care order.