South Africa Country Profile
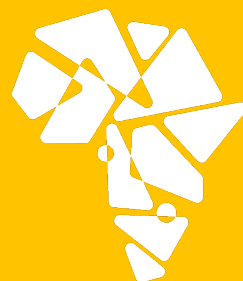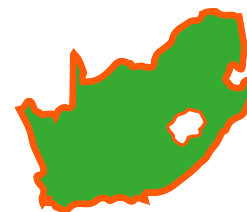
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South Africa Country Brief and Fact Sheet

Laws, Policies and Guidelines Related to Care for Children

Key international policy instrument	Country response
United Nations Convention on the Rights of the Child (1989)	Ratified, 1995
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	–
The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)	Acceded, 2003
African Charter on the Rights and Welfare of the Child (1990)	Ratified, 2000
Convention on the Rights of Persons with Disabilities	–

Key national legislation, policy instruments and frameworks

Child Justice Act No. 75 of 2008
Children's Act No. 38 of 2005 (as amended)
Domestic Violence Act No. 116 of 1998
Mental Health Care Act No. 17 of 2002
Prevention of Family Violence Act No. 133 of 1993
Probation Services Act No. 116 of 1991 (as amended)
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Social Assistance Act No. 13 of 2004 and South African Refugees Act No. 130 of 1998

Key Figures and Statistics

According to South Africa Child Gauge 2017 (Gauge 2017)[1] there were **18.6 million children in South Africa in 2015.**

17% of children are orphans who have lost either their mother, father or both parents. 21% of children do not live with either of their biological parents. 0.3% of children live in child-only households.
A study conducted between 2003 and 2015 showed that the number of children living below the upper bound poverty line fell from 79% to 62% as a result of increased access to basic services[2].

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[1] South Africa Child Gauge 2017

[2] Barnes H. et al, Review of Research Evidence on Child Poverty in South Africa, 2017

Social assistance grants are an important source of income for caregivers to meet children's basic needs. According to Gauge 2017, by March 2017 just over 12 million children received the Child Support Grant, 440,000 children received the Foster Child Grant (FCG) and a further 145,000 children received the Care Dependency Grant. (See below for more detail on social assistance grants).

Social Protection and Alternative Care Options

South Africa Child Support Grant (CSG) is an unconditional cash grant paid to the caregivers of eligible children. Between 2005 and 2008, the child support grant was only available to children aged 0-13 years, however from 2012, the CSG has been available to children until they turn 18.

The CSG has become the single biggest programme for alleviating child poverty in South Africa and the coverage has increased dramatically over the years. The grant amount is increased slightly each year to cope with inflation[3]. Studies conducted on CSG show that the grant not only helps to alleviate income poverty and realise children's right to social assistance, but is also associated with improved nutritional, health and education outcomes[4].

A report by the South African Social Security Agency published in 2017[5] documents that, as of April 2017, just over 12.1 Million Child Support Grants were paid.

Domestic and Intercountry Adoption are covered in the Children's Act. There is a National Adoption Coalition of South Africa. Their approach is often pushed as a panacea to the rising numbers of orphaned and abandoned children. However, local adoptions are bedevilled by social and cultural challenges. Research into child abandonment and adoption in the context of African ancestral beliefs has shown that, for example, a child born from a different or unknown blood-line can be viewed as a bad omen. Some would believe that the child was spiritually linked to rituals peculiar to that ancestry, and that a cross-pollination of rituals would anger the child's ancestors and cause all sorts of misfortunes for the child, including sickness and disease.[6] The same research has shown that international adoption is treated with mistrust, with most concerns stemming from a belief that the adopted child will experience a "loss of cultural roots" and that their welfare will not be a priority in the receiving country.

Kinship care has been informally practised for many years, however, it has never been formally regulated within the child protection and care system. Numerous social challenges including poverty and HIV and AIDS have significantly impacted the family structure leading to a rise in the number of children living with extended family members. Statistics are scarce, however, according to analysis of General Household Survey data by the Children's Institute at the University of Cape Town[7] approximately 3.7 million

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[3] University of Pretoria Children Count, 2017

[4] Grinspun A., No small change: The Multitude Impacts of the Child Support Grant on Child and Adolescent well-being, 2016

[5] South African Social Security Agency (2007-2017) SOCPEN database

[6] Dee Blackie, Child abandonment and adoption in the context of African ancestral beliefs in contemporary urban South Africa By:, 2014

[7] General Household Survey 2013, analysis by Katharine Hall & Winnie Sambu, Children's Institute, UCT, 2014

children in South Africa live with kinship carers; over 1.5 million of the 3.7 million are maternal orphans (children whose mothers have died) and are living with relatives. Only 400,000 are in formal kinship foster care, the rest are in informal kinship care. Those in informal foster care can apply for the foster Child Grant.

Statistics on children in institutional care are currently unclear and conflicting. UNICEF estimates there are 345 registered children's homes in South Africa accommodating around 21,000 children[8]. A 2014 article published by the DG Murray Trust regarding the necessity of ensuring that all Child and Youth Care Centres (CYCCs) are registered, cites the number of Registered CYCCs as 306.[9]

Fast Facts and Latest Developments

- The Department of Social Development wants to allow Government Social Workers to administer adoptions and related services. This is being opposed by both the National Adoption Coalition of South Africa, the Children's Institute and others, who are arguing that in terms of both legislation and practical implementation, this will impact on the quality of service being delivered, which in turn will increase the risk of children being trafficked or abused.

- A National Child Care and Protection Forum has been established, however, it is limited in scope and in terms of the involvement of CSOs (civil society organisations).

Recommendations

- **Improve data collection** by ensuring there is disaggregated data on institutions, and on children who are separated from their parents as a result of abuse, neglect and exploitation.
- **The government should enhance coordination in the sector at national and provincial levels** to improve the promotion, implementation and overall protection of the rights and welfare of the child.
- **Enhance children and youth participation** at national and provincial level in decision making processes.
- **Enhance supervision and regular monitoring of children in alternative family care**; this will ensure proper care and development, and safety and wellbeing of children.
- **Single parents must be supported** and have access to support services for parents and their children.
- **Increase resources available to implement child protection programmes** to increase safety for children.
- **Enhance the child protection and care system** for family-based support to ensure that all children, including children with disabilities are cared for and nurtured in families and communities and receive appropriate care, and to prevent the need for placement of children in residential care.
- Adopt a legal ban on children under the age of three entering into residential care, based on the existing evidence base that illustrates the negative effects of residential care on children's development, especially in the early years.

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[8] https://www.unicef.org/southafrica/protection_6633.html

[9] Department of Social Development and UNICEF, 2012

These Country Fact-Sheets developed by Transform Alliance Africa (TAA) Members are a snapshot of important national information relevant to care reform. They provide an overview of key policy and legislative frameworks, alternative care approaches and social protection, and latest developments in the sector. Note that the fact-sheets will be updated after every 6 months. If you have information relevant to care-reform please send an email to the Coordinator stephen@transformallianceafrica.org. We will consider the information in our next update.