

Exploring an Inextricable Relationship between the State of Poverty and Children's Rights in South Africa: A Literature Review

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KEYWORDS South African Constitution. United Nations Conventions on the Rights of Children. Millennium Development Goals. Child Caregivers. Children Institutionalization. Child-headed Households. Universal Primary Education

ABSTRACT This paper, through a review of literature explores, debates and discusses possibilities of an inextricable relationship between the state of poverty besetting children and denial of their rights. Although global, regional and national contexts uphold and advocate for the inalienable rights of children, there appears to be an interwoven relationship between poverty surrounding the children and the denial of their rights. In South Africa for example, the children's attainment of rights is undermined by poor schooling conditions, having children live in difficult circumstances, having to live in the streets and in unpalatable care environments, being prone to be infected by HIV/AIDS, and being in the hands of impoverished parents or guardians. Further, the state of poverty generally has the effect of denying them normal child development, leads to child neglect, child abandonment, vulnerability to HIV/AIDS, and possible deprivation to education. These researchers call upon the government, policymakers and other child friendly organizations to work towards improving the environment of children so that they may attain their inalienable rights inherent in the country's constitution if South Africa is to get a significant score in the 2015 Millennium Development goals stock taking.

INTRODUCTION

As the world continues to experience the effects and spinoffs of globalization, modernization, eurocentrism and westernization, the economic situations of the children continue to be a significant part of the global, regional and national agenda (Engle 2008; Kang'ethe 2010). This has been made even more imperative and urgent by many United Nation bodies' advocacy and lobbying for the rights of children to be recognized, and more so to address the state of poverty of children (UNDP 2004; UNICEF 2004). Incontrovertibly, the poverty of children denies them their rights to a good life, education, shelter, clothing, health and many other psychosocial needs necessary for normal growth (Sharp and Cowe 1998; Blanchfield 2009). Perhaps this is why many psychoanalytic practitioners have warned of possible future negative behavioral consequences for children if they lacked basic needs while they are growing (Batra 2013). Indubitably, poverty largely stifles their normal growth rights. It is to this end that United Nations continues to advocate for countries especially in the developing part of the world to work towards eradicating the poverty of children by

meeting their basic needs. In fact, the Millennium Development Goals (MDG) number one, two and four are particularly applicable to the welfare of children, as well as their rights. While number one aims to address poverty and extreme hunger, it is immensely applicable because in the event of extreme poverty, hunger and starvation, it is children who perish before the adults. By considering the MDG goal number two that aims to achieve universal primary education, it is children more than the adults that are affected by lack of an enabling environment that guarantees universal primary education. Pertinently, also lack of education stifles the rights of children to a better future. This is because there is an inextricable relationship between the level of education and quality of life that one is likely to achieve. Goal number four aims to reduce child mortality rates. This is directly applicable to the quality of life of children. This is supported by some researchers that have empirically validated an inextricable relationship between poverty and child mortality (Hillemeier et al. 2003).

Although considered a middle-income country, the country of South Africa has had many of its children suffer a myriad of vulnerabilities, more so before the advent of democracy in 1994.

In fact, some researchers indicate that South African children have been made vulnerable and at risk due to immense poverty in their surroundings. This has denied them normative growth rights as spelt out in national, regional and international human rights tenets (Pretorius 2011; Organization of African Unity (OAU) 1990; United Nations Conventions on the Rights of Children (UNCRC) 1989, quoted by Kang'ethe 2010). Such vulnerabilities include failure to go to school, hunger and disease prevalence (White Paper for Social Welfare 1997). Although the situation dramatically changed after 1994, as the transition saw a paradigm shift, both policy-wise and in practice, the state of children's poverty has somehow lingered more than expected (Pretorius 2011). Perhaps these researchers contend that the many developmental challenges associated with the adjustment from apartheid to a new democratic dispensation has also left the position of children vulnerable. Children needing a place of abode, being without proper guardians, relatives and the need to have them taken care of in the institutions of care, form such challenges (Blanchfield 2009). These researchers consider it pertinent to look into these challenges inherent in the poverty of children and their human rights dimensions thereof.

Operational Definitions

Poverty

In this research paper, poverty refers to a state of being in a vulnerable position, a condition of not having means of support, being in destitute, in dire need or having no access to basic needs in one's life.

Problem Statement

Although globalization has brought into the limelight the rights and the best interests of children, making it imperative that countries domesticate, operationalize and implement them, these researchers consider it pertinent to assess how these rights have been stifled or affected by the state of poverty in South Africa. This is in the light of revelations from an array of literature, experiences and observations on the ground that the rights of children, immensely due to poverty are increasingly being compromised. Various literature sources, however, hold that a significant proportion of children have challenges associ-

ated with accessing basic needs, shelter, education and medication, and a family with a warm environment. This affects their physical, social, emotional and cognitive development. It is therefore pertinent to look into the environment of poverty and how different faces of it affect the realization of children's rights in South Africa.

METHODOLOGY

This paper is a discourse one and had elicited debates and discussions using government publications, journals, books on children and human rights to show an inextricable relationship between poverty and several states of human rights denial or violation.

Rationale of the Study

This paper will invaluablely and hopefully guide researchers within the domain of child welfare. It will enlighten on the rights of children in South Africa and the best interests of the child, as well as bring to the fore various factors associated with poverty that lie along successful realizations of the children's rights. The generated information will be of much relevance to policymakers, as well as organizations dealing with children in South Africa. The study is going to bring awareness to the communities, social workers and everyone who is in contact with children, of the effects of poverty and its associated factors towards normal child development, and possibly come up with possible solutions to face off the challenge or problem.

OBSERVATIONS AND DISCUSSION

Evidence of Poverty of Children in South Africa

Poor Schooling Conditions of Children

Just like in many countries of the developing world, South Africa has been struggling to ensure that all the primary schools are adequately equipped with requisite infrastructure to afford children a conducive opportunity to learn (White Paper for Social Welfare 1997). However, this has been an arduous and an uphill task. Statistics indicated in the White Paper bring out that fifty-four percent of all South Africa's children live in poverty (White Paper for Social Welfare 1997). Although these researchers be-

lieve that these statistics may have improved since year 1997, they contend that the problem of children emanates more from lack of implementation of government plans more than lack of money. This is because the South African budget in education is very big. According to year 2011 Macro Indicator Report, almost eighteen percent of total expenditure was spent on education (Macro Indicator Report 2011). This means that if government policies and plans are effectively implemented, there is an opportunity to improve the state of education especially at the primary level, which many players indicate is of lower quality compared to other countries in Africa (Macro Indicator Report 2011). Currently, the inefficiencies in the education sector have been highlighted by newspaper revelations of how children suffer immensely due to inadequate school infrastructure (News 24 2013). The 2013 debated issue of Limpopo Province textbook saga leaves no doubt that there have been many problems regarding the procurement and distribution of school books in the province. The Limpopo phenomenon brought a revelation that management of schools in South Africa especially ensuring requisite infrastructure such as books is not being handled professionally. Textbooks and other requisite infrastructure have not been availed to students timeously (News 24 2013). This compromises the rights of children as far as achieving universal education is concerned. It's a serious drawback towards attaining the global Millennium Development Goal number two (UNDP 2004).

Children in Difficult Circumstances

Literature in South Africa indicates that children face an array of challenges with regards to violation and deprivation of their rights (Pretorius 2011). Literature on poverty in the three provinces of Limpopo, KwaZulu-Natal and the Eastern Cape holds that more children are found to live in child-headed households (Statistics South Africa 2009). Moreover, most of these children are placed in child institutions of care, most of them in foster care. Children qualify for a Foster Care Grant if they are orphans in need of care, neglected or abused, or for other reasons. These provisions are contained in the Children's Amendment Act of 2007 (Republic of South Africa (RSA) 2008). As such, the increase in the beneficiaries of foster care grants indicates that

there is an increase in the number of children who are in need of care, neglected and/or abused within this time period. To this end, a study conducted in Pretoria whose respondents were teenagers of ages 13-14 indicated that the country had an estimated 10-12,000 homeless children (Consortium for Street children 2009). This figure is likely to be big considering the challenge of inadequate social workers that the country has been grappling with (South African Council of Social Service Professions (SACSSP) 2009). This has led the government to declare the profession a scarce skill to attract many graduates to study social work and also to attract foreign nationals (SACSSP 2009). Further, corroborative information on the state by the Department of Social Development in 2006 indicated that an estimated prevalence of three percent or about 155,000 children from birth to four years had moderate to severe disability. This happens largely due to poor nutrition, poor medical access and harsh care environments riddled with immense poverty (Gyekaye and Akinboade 2003). This takes away the inalienable rights to good care and medication that are strongly inherent in many countries' bill of rights, with South Africa being no exemption (Pretorius 2011; RSA 2008).

The Phenomena of Street Children and their Denied Human Rights

As alluded to above, South Africa is characterized with number of children living on the street due to homelessness and several kinds of family dysfunctions (Pretorius 2011). However, life on the streets, coupled with the conditions that cause children to leave home, make street children vulnerable to a variety of risks to their physical, emotional, social and cognitive development (Meintjes 2007). Inadequate nutrition, prolonged exposure to cold and damp weather, substance abuse and high levels of violence, all compromise their chances of survival and development. They may be subjected to and targets of abuse from other street dwellers, as well as from the police and from members of the public who object to their presence or exploit them. Girls on the street are especially vulnerable to rape and sexual abuse. While boys may also suffer sex related challenges such as being sodomised, the street usually offers them a training ground to be criminals (Meintjes 2007).

It is therefore important that the government fund more community activities to keep children off the street and out of trouble (Meintjes 2007). In light of the above statistics, it becomes germane that child welfare services are adequately implemented to meet the basic needs of the children in South Africa (RSA 2008). With the government of South Africa spending close to 100 billion annually in welfare issues, these researchers contend that the problems associated with children's homelessness and being in the street should have been arrested. This raises the pertinent question, why? (White Paper for Social Welfare 1997; Earle 2008)

State of Children in Institutionalized Care

Although the importance of care institutions in South Africa and other countries cannot be overemphasized, it should be poignantly clear that it is poverty that pushes them out of their communal domiciles away from their kins (Better Care Network [BCN] 2009). Gyekaye and Akinboade (2003) reported that forty-seven percent of rural households and twenty-four percent of urban households lived below the poverty line in 1995 in South Africa (the majority of them from the Black community living in abject poverty and various types of vulnerabilities). The above researchers also indicate that Limpopo Province is the one most affected by poverty and children in the Province face great risks of living below the poverty datum line (Gyekaye and Akinboade 2003). Families often feel that placing their children into care is the only way to ensure getting education and enough food and other essentials (Csaky 2009). While John Bowlby's attachment theory may offer a framework that may drive and motivate governments and community structures to take care of children instead of having them in the institutions of care (Bowlby 1951 cited in McLeod 2007), it is good to note that there are many challenges of human rights nature that are associated with care institutions. For example, children are deprived contact and socialization with their biological families and kins. This is borne from the fact that not all the children in care institutions lack parents. Some sources indicate that about eighty percent or more of the children in institutions have at least one surviving parent (Better Care Network [BCN] 2009). This therefore implies that poverty, not the absence of family, is the most

common reason for placing children in institutional care. To support the above observation, studies in Zimbabwe by UNICEF found that the single most important factor contributing to the admission of children to orphanages is poverty (Better Care Network [BCN] 2009). Therefore, the rights of children, whether social, economic and association, are compromised in that they are deprived of family care, love and affection ([BCN] 2009).

Children and HIV/AIDS

Regrettably and unfortunately, the advent of HIV/AIDS has changed the fate and the lives of many children. In 2007, an estimated 370,000 children in South Africa became seropositive through mother to child transmission (Harrison 2009; United Nations Convention on the Rights of the Child 2012). An estimated 72,200 children were newly infected with HIV in 2009 in South Africa (Statistics South Africa 2012). All these children suffer innocently for the crime they never committed. This is because HIV/AIDS has brought poverty to their parents, relatives, guardians and even their governments (Whiteside 2006). Perhaps Kang'ethe's empirical validation of an inextricable relationship between poverty and HIV/AIDS applies to the state of children in South Africa and elsewhere in many countries of the developing world (Kang'ethe 2004). With South Africa being the refuge of the highest number of people living with HIV/AIDS in the globe. It is then logical to suggest that it could still be the country having the highest number of children infected and affected by HIV/AIDS globally (Ramphela 2008; South African National AIDS Council 2007).

To say the least, the seropositive children face the challenge of mitigating the effects of the virus especially in absence of a responsible parent, relative or a guardian. This has a devastating effect in rural communities where access to medical care remains difficult (Muturi 2007). These researchers wish that increased efforts could be made by the government and other non-governmental organizations to design nutrition programs for schools so that a large number of children have access to them. Poverty, therefore, combined with a high rate of HIV/AIDS in communities has contributed to the violation of the rights of children. This is usually the case when children needing care and support do not get them. The abandoned and the orphaned chil-

dren may not even know their statuses, or understand the protocols of drug regimen to arrest HIV/AIDS (Treatment Action Campaign (TAC) 2007).

Parental Poverty and Children's Rights

It remains an incontrovertible fact that above fifty percent of the South African Blacks suffer from immense poverty. Immense poverty exists alongside extreme wealth in South Africa. There is an extreme inequality in the distribution of income among racial groups and households (White Paper for Social Welfare 1997). The poorest forty percent of the households in South Africa earn less than six percent of the total national income, whilst the richest ten percent earn more than half of the national income (Eastern Cape Development Indicators 2012). The evidence is glaring with the sprawling shacks and ghettos still being a common feature of the South Africa Black habitation. In addition to this, there are a large number of children who reside in shantytowns, particularly in the Western Cape and Gauteng Provinces as well as the Eastern Cape region where the housing facilities are very poor (Eastern Cape Development Indicators 2012). These kinds of habitation expose children to health risks and threats to life (Harker 2006).

In many cases, poverty in South Africa is due to the fact that the country has a high unemployment rate. This is attributable to lack of employable skills among the majority blacks, and partly due to the education system that has inclined them to opt only for the white-collar jobs or wage market (Kingdon and Knight 2006). In these researchers' perspective, a paradigm shift to change peoples' attitudes towards wage and labor employment needs to be effectuated. This calls for people's efforts to be increased to tap and harness informal and indigenous resources. Perhaps the incessant advice from World Health Organization for countries of the developing world to consider the exploitation of their indigenous resources and talents as a way of achieving community and economic development is critical, urgent and timeous (WHO 2002). In the same vein of unemployment, gender based dynamics are also a major contributory factor to poverty. Some South African families (particularly single mothers and those without a fixed income) lack resources for food sustenance (Kang'ethe 2014).

Pertinent Effects of Poverty on Children's Lives and Rights in South Africa

Child Development Crisis

In South Africa, abuse, neglect and cruelty faced by many children has destroyed their trust in their families and community members. This has also increased their possibilities for psychosocial maladjustments that are believed may be the cause of their negative behavioral adjustment in their future (Maguire 2002; Engle 2008). These phenomena are adequately explained by psychoanalysts such as Eric Erikson and Sigmund Freud in their psychosocial and psychoanalytic theories (Maguire 2002; Engle 2008). Children often encounter shame and doubt, which obviously inhibits self-expression and developing their own ideas, opinions and a sense of self. It is therefore a known fact that childhood experiences have a lifetime impact on every individual and that negative experiences in the childhood phase is likely to cause developmental problems in children (Maguire 2002). This poses a serious threat to human rights development in their lives. These researchers urge the government of South Africa, NGOs and other child friendly bodies to consider educating the general populace on the effects of bad child nurturance and its possible effects on the children's future lives (Maguire 2002). Good childhood development is of paramount importance in helping a child build better future relationships (Engle 2008).

Child Neglect and Human Rights

UNICEF and other United Nations bodies as well as many child friendly national guidelines concur that child neglect poses serious human rights degradation (Republic of South Africa (RSA) 2008; Government of Botswana (GOB) 2008). Neglect among other acts done to children is a manifestation of poverty and poses serious human rights denial. This is because neglect comes with neglecting the needs of the children, whether socio-economic basics such as food, emotional, environmental, cultural or otherwise. Neglect, therefore, to some extent is inextricably linked to the poverty phenomenon. It happens when situations dictate that parent or guardians can no longer afford to take care of their children. This is usually due to lack of ade-

quate resources to nurture this child, state of apathy due to hopelessness, drug abuse, and family conflicts (Pretorius 2011). However, factors of responsibility and accountability are sometimes important factors besides the pecuniary factors. According to Meintjes et al. (2007), approximately thirty percent of the children in care institutions are there because they have experienced neglect and abandonment. Empirical research has shown that abuse and neglect are the principal reasons pushing children into care institutions (Meintjes et al. 2007).

Child Abandonment and Human Rights

Abandonment deprives children love and care that families are believed to provide (Gerand and Taula 2013). According to human rights tenets and instruments, whether international, regional or national (UNCRC 2012; RSA 2008), children have the rights to experience parental care, love and other psychosocial aspects of nurturance. Abandoned children are deprived of these basic rights alongside those of living in decent and habitable shelter. Most children are abandoned by their teenage mothers when they cannot take care of them, or as a way of indicating they were not ready to have them. Some children are abandoned and dumped to their very old grandmothers who may need care from their children. In many cases and contexts, abandonment can be associated with poverty and cases of teenage pregnancy. Once these children have been abandoned, their rights to a decent shelter, access to school, as well as emotional rights are then compromised. Meintjes et al. (2007) highlight that about twenty-four percent of children in care institutions in South Africa were recorded as abandoned children. Although an array of reasons are responsible for their abuse, parents who are likely to abuse drugs such as alcoholics are likely to abuse their children, either physically or emotionally. To exacerbate the problem, most girls are also sexually abused, while the boy children are also grossly neglected, beaten and molested (Meintjes et al. 2007). This is a gross violation of their different rights of existence embedded in many countries constitutions. It is these researchers' contention that although United Nations is increasingly advocating for the rights of children, national governments should take the phenomenon further and domesticate the efforts to holistically understand

the rights of children and how to mitigate cases of neglect and abandonment.

Prevalence of HIV/AIDS Among Children

Incontrovertibly, empirical research has shown that incidences of HIV/AIDS largely necessitate institutional care for the children (Meintjes et al. 2007). This is because most people are less willing to take care of HIV positive children and they feel safe to seek their care in residential care. Documented by Meintjes et al. (2007), a social worker in Cape Town reported that in their agency, they received many HIV positive children because people were less willing to care for them compared to healthy children. On the same note, parents who are sick, however, do not want to or are less willing to approach other people or organizations for help with their children because they do not want to disclose their status. This is due to the state of stigma attached to HIV/AIDS in most communities in the developing world (Kang'ethe 2010; UNAIDS 2002). Another heartbreaking factor is that most of these HIV positive children are often abandoned in hospitals ending up in residential care eventually (Meintjes et al. 2007).

Deprivation from Basic Education

The South African Country Report of 2011 states that since the dawn of democracy in 1994, South Africa has embarked on a massive campaign in ensuring that all children in the country have access to education and bursaries (South African Country Report 2011). However, and to the contrary, some of the parents especially from deeper rural areas either do not have access to such information and their children never access education. The lack of education access is worse for the handicapped children whose parents never take them to school. This could be due to stigma associated with disability. These researchers, therefore, would like to use this forum to sensitize parents, governments and NGOs to consider the plight of the disabled children and sensitize their parents to take them to school.

The Rights of Children in the South African Constitution

According to Section 28 of the Bill of Rights in the South African Constitution, the constitu-

tion emphasizes on the basic rights of children that include the right to a name, family care and appropriate alternative care, basic nutrition, shelter, healthcare services and social services (RSA 2008). Every child has the right to be protected from maltreatment, neglect, abuse or degradation, to mention just a few. To corroborate the information above, Sharp and Cowie (1998) summarize the needs of children to include basic physical care, protection, security, guidance, support and control, need for love, affection and respect, need for stimulation to learn and access to education, need for autonomy and responsibilities. In meeting the above needs of children, child welfare in the South African context offers a range of services aimed to protect the best interest of the children and to provide for their basic needs (Convention on the Rights of the Child [CRC] 1989 in Blanchfield 2009)

Bernstein and Grey (1997) state that South Africa has been an active player internationally in advocating and lobbying for the rights of children. They go on to state that when the political change came to South Africa, the concern for human rights and children's rights found expression in the constitution of 1996, within its bill of rights. The constitution gives special protection to the child. In light of this, it can be seen that the relevance of child welfare practice in South Africa stems from the commitment of the government, the private sector, and the NGOs to ensure that the best interest of the child takes the center stage in all interventions and provisions made by the children (United Nations on the Convention of the Rights of a Child (1989) cited in Blanchfield 2009).

In South Africa, the significance of child welfare practice is brought out by its incorporation with the national laws and legislation pertaining to the protection of children and their families. These laws and legislations include The White Paper of 1997, The Children's Act 38 of 2005, and the Children's Amendment Act 41 of 2007 amongst others (The White Paper 1997; RSA 2008). It can be noted that the main reason for the need to protect children is that they are the future generation of South Africa and they are still minors who cannot protect themselves (RSA 2008).

RECOMMENDATIONS

- ♦ The government needs to advocate and lobby for all the children institutions to uphold the rights of the children as upheld by

the United Nations Conventions on the Rights of the Children.

- ♦ Since the poverty of children is a direct result of their parental poverty, the government needs to devise pragmatic and plausible poverty reduction or mitigation programs.
- ♦ The Department of Social Development should strengthen its control of the children care institutions to make sure that they all adhere to maintaining and upholding the rights of children.
- ♦ Communities should challenge themselves to take care of the vulnerable children among themselves.

CONCLUSION

The importance of advocating, lobbying and implementing the rights of children as advocated for by the international, regional and national instruments need not be overemphasized in South Africa. However, literature, experiences and observations on the ground indicate that the environment associated with poverty continues to stifle the rights of these children. This needs an urgent answer if the children's economic, social, psychosocial, emotional rights are to be fully realized. Although the preponderance of HIV/AIDS and its impact on children has increased the number of orphans and vulnerable children, and therefore raising concern over their care and protection, it is high time that policymakers and other children friendly bodies in South Africa take cognizance of the fact that many children in South African are still vulnerable. Although care institutions are mushrooming every day, attention to the implementation and operationalization of care in all the care domains needs to be strengthened if South Africa will get a significant score in the 2015 Millennium Development goals' stock taking.

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Paper received for publication on January 2015
Paper accepted for publication on October 2015