

BEING A CHILD IN SOUTH AFRICA TODAY...



Source: PsySSA 1

Each year from 25 November to 10 December the global community observes the United Nations' campaign "16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE". In South Africa this campaign is called "16 DAYS OF ACTIVISM OF NO VIOLENCE AGAINST WOMEN AND CHILDREN".

The campaign is an important and potentially powerful instrument to raise awareness of the vulnerable status of women and children as well as to take action to oppose the unacceptable violence and abuse that women and children are exposed to in society. However, in this article we will focus on **no violence against children**.

BACKGROUND INFORMATION ON THE WELLBEING OF SOUTH AFRICAN CHILDREN

On World Children's Day, which is always observed on 20 November, the United Nations Children's Fund (UNICEF) published a "Situation Analysis report". This comprehensive report details the wellbeing of South African children and adolescents across the various social sectors.

The following are among the key findings, lifted from the report:

1. Child poverty and social protection: An alarming 62% of children are experiencing multidimensional poverty, with significantly higher rates in rural areas (88%) compared to urban areas (41%). South Africa's Child Support Grant alleviates the poverty of some 13 million children.
2. Health and nutrition: While South Africa has seen progress in child survival rates, malnutrition and food insecurity persist. Only 21% of children under five receive a minimum acceptable diet, with a 5% prevalence of wasting and 29% of stunting among young children, underscoring urgent nutritional challenges. The increase in the numbers of zero dose children has been seen in all provinces, in both urban and rural areas.

3. Education and skills development: The report highlights positive trends in school completion, with lower secondary completion rates reaching 94% in 2021, up from 86% in 2010. Yet disparities remain, as the upper secondary completion rate for Black children stands at 58%, compared to 96% for White children, reflecting ongoing inequalities. Concerningly, in 2016, an estimated 78 percent of Grade 4 learners could not read a text for meaning in any language.
4. Protection from violence: The report highlights a significant gap in nationally representative data on violence against children. Among available data, it shows 58 percent of children aged 5-16 experienced direct victimisation of sexual abuse and 52 percent experienced indirect victimisation. More specifically, 25 percent of children aged 5-16 experienced family violence, 18 percent experienced physical abuse, 13 percent experienced emotional abuse and 12 percent experienced neglect, underscoring the need for stronger violence prevention efforts and child protection mechanisms. In addition, online child violence is highlighted as an emerging risk, based on a 2022 study, 9% of respondent children reported they were offered money or gifts in return for sexual images or videos.
5. Climate and environment: South Africa ranks as one of the most climate-vulnerable countries. Climate-related risks, including water scarcity and extreme weather events, disproportionately impact impoverished children, affecting health, nutrition, and access to education.

If you are interested in reading the full report, just follow the URL link: <https://www.unicef.org/southafrica/reports/situation-analysis-children-and-adolescents-south-africa-2024>

WHAT FORMS OF VIOLENCE DO CHILDREN FACE AT A GLOBAL LEVEL?

UNICEF's International Classification of Violence Against Children lists the following forms of violence:

- Violent deaths.
- Violent discipline at home is very common. This violence takes the forms of either psychological aggression or physical punishment or both. Even toddlers and little children are exposed to this expression of violence because parents and caregivers can regard violent discipline as being essential to raising 'a good child'.
- Bullying is the most common form of peer violence especially in the school environment.
- Child marriage, that is, marriage before the age of 18 is a fundamental violation of the child's human rights. However, the most significant driver of child marriages is poverty. Child marriages is seen as a way of dealing with poverty by lessening the burden of providing for hungry children. Where a dowry is traditionally paid for the girl-child, child marriages are a form of transaction, a source of income for the household. It is important to recognise that child marriages are rooted in patriarchal ideas about female sexuality and that girls were born to be child-bearers. Gender inequality is also a characteristic of a patriarchal world-view: girls are inferior to boys, and their roles are home-making and child-bearing. **While it is relatively uncommon, child marriages do occur in South Africa even though it is illegal. In parts of the Eastern Cape the traditional cultural practice of the abduction of a woman as a preliminary step to**

customary marriage known as UKUTHWALA, has been perverted to justify young girls being forced to marrying older men, or an older family member of the young girl abducting her and taking her as his wife. These abductions are not reported to the traditional authorities. Hence statistics for this violation of girl children are not available. Ukuthwala which sees young women under the age of 18 years forced into marriage, stands in blatant contravention of the hard fought for South African Children's Act 38 of 2005.

THE TRAGEDY OF TEENAGE PREGNANCIES IN SOUTH AFRICA



Source: Esa Alexander, Sunday Times

The shocking extent of teenage pregnancies in South Africa today bears witness to the alarming violation of girls as young as 10 years of age! For this reason, this article will focus only on sexual violence of girl-children in respect of teenage pregnancies.

“365 TEENAGE GIRLS GIVE BIRTH IN SOUTH AFRICA EVERY DAY; 10 OF THESE BIRTHS TO MOMS YOUNGER THAN 15 YEARS.”

This disturbing statistic was taken from the Bhekisisa Newsletter of 13 September 2024.

“GIRLS AS YOUNG AS 10 WERE AMONG THE 553 CHILDREN UNDER THE AGE OF 14 WHO FELL PREGNANT AND GAVE BIRTH IN THE EASTERN CAPE DURING THE PAST FINANCIAL YEAR, THE PROVINCE’S HEALTH MEC HAS REVEALED IN THE PROVINCIAL LEGISLATURE.”

This disquieting statistic is cited in the article by Estelle Ellis “Children giving birth to children” in the Daily Maverick of 20 December 2023.

Furthermore, Ellis states:

- Only 60 cases of statutory rape arising from these pregnancies were opened.
- Early-age pregnancies take a devastating toll on mothers and children.
- Out of the 493 maternal deaths reported in the province over the past three years, four were mothers aged 10-14, while there were 17 neonatal deaths due to premature birth in that maternal age group.
- Between 2020 and 2023, 1,841 girls aged 10 to 14 gave birth at public health facilities in the province.
- Between 2020 and 2022, 17,740 teenagers aged 15 to 19 gave birth at state hospitals in the province.

In an interview with Dr Mfundo Mabenge, the head of Dora Nginza Hospital's Department of Obstetrics and Gynaecology, this veteran of several decades in the public health sector is quoted as saying **"It takes an enormous toll on us to handle these traumatic pregnancies."**

Mabenge then discusses some of the problems of these 'traumatic pregnancies', revealing that often the very young expectant mothers hide their pregnancies and so do not receive any antenatal care. Hence they are not screened for potentially fatal conditions such as pre-eclampsia, or for anaemia or HIV. Anaemia is a particularly big problem "because it causes preterm deliveries, severe bleeding after the baby is born and can result in the death of the child." Furthermore these young children and girls do not follow a diet that is required when pregnant. And most challenging for the medical staff is that "the majority of teenagers only arrive at the hospital when they are already in labour. They are uncooperative. They haven't had any antenatal classes; they do not know how to manage their pain and they often persistently refuse care from health workers." Apart from the physical dangers, Mabenge observes that many teenage mothers suffer from 'postpartum blues' that turn into postpartum depression: "The babies are not what they want. They refuse to bond with the child and we have many who refuse to breastfeed because they are keen to keep their young figures intact. Many don't want the responsibility of breastfeeding. They want to go back to their lives."

SERIOUS UNDERREPORTING OF RAPE IN CASES OF TEENAGE PREGNANCIES

In the same article the Democratic Alliance's Jane Cowley maintains:

"If last year's pregnancy rate is anything to go by, then statutory rape cases are being significantly underreported. We can accurately assume that less than a quarter of all the births by girl children have been reported as statutory rape."

Ellis confirms Cowley's assertion by pointing out that in interviews doctors have often reported **how families refuse to open rape cases as the rapist is the only breadwinner in the house or is in another position of power!**

ARE ALL CASES OF TEENAGE PREGNANCIES THE RESULT OF STATUTORY RAPE?

All government authorities as well as civic organisations and society at large appear to be at a loss on how to deal in a holistic manner with this national tragedy of teenage pregnancies.

In the OP-ED “**Teenage pregnancies, health workers and the mandatory reporting of sexual offences**” Sanja Bornman, a gender law and policy specialist and Lisa Vetten, a research associate of the Southern Centre for Inequality Studies at Wits [Daily Maverick 18 October 2023] make reference to the Change.org petition “**Teenage Pregnancy is Statutory Rape!**” in order to correct the premise that teenage pregnancy is automatically statutory rape. The authors point out that:

“The Children’s Act of 2005 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 ... contain mandatory reporting requirements when a child has been the victim of any sexual offence.

Section 110 of the Children’s Act places a legal duty on a wide range of role-players, including medical practitioners, to report a reasonable belief that a child has been sexually abused to a designated child protection organisation, the provincial Department of Social Development or a police official.

The Sexual Offences Act goes further, with section 54 placing a legal duty on every person in South Africa to report knowledge of a sexual offence against a child. Failing to report such knowledge is itself an offence that may result in a fine and/or a prison sentence of up to five years. In other words, it is already compulsory in law for medical personnel — and anyone else for that matter — to report sexual offences against children to the police.

The authors also call attention to the fact that all teenage pregnancies are not the result of statutory rape. They quote the case of *Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Constitutional Development and Another* [3 October 2013] that resulted in changes to the law on statutory rape.

After the Teddy Bear Clinic for Abused Children case, the law stands as follows:

- “No child below the age of 12 can ever consent to sex, even if they say they do. So, a learner of 10 getting pregnant is rape, not “statutory” rape at all, and should immediately be reported to the police. The adults who learnt about it, but failed to report it, can be charged.
- Children between the ages of 12 and 16 can engage in consensual sexual activity, as long as the other person is no more than two years older than them. This is to guard against unequal power relations and coercion.
 - So, if a child aged 12, 13, 14 or 15 has consensual sex with someone who is only two years older than them (e.g. 13 and 15), no crime has occurred.
 - If a child aged 12, 13, 14 or 15 has consensual sex with a person who is more than two years older than them, it is statutory rape, and should immediately be reported to the police.

- If the sex was not consensual, it is of course rape, not statutory rape, and must likewise be reported. The Sexual Offences Act clearly describes situations in which a person is deemed unable to give consent, including where there is abuse of power.
- A child aged 16 and older can legally consent to sex, and there is no legal basis to involve the police in any resulting pregnancy. If a child aged 16 or 17 is pregnant, but the sex was not consensual, that is of course rape, and must immediately be reported to the police.”

In conclusion the authors point out: “It is clear that teenage pregnancy can result from a range of sexual relations, and while many of these are a crime that must be reported, many others are not.”

However, Bornman and Vetten do emphasise that much greater “...**attention must be paid to the underdeveloped nature of the health sector’s response to gendered forms of violence.**”



The Sexual Offences Act’s section 54 places a legal duty on every person in South Africa to report knowledge of a sexual offence against a child. (Photo: City Press / Media 24 / Gallo)

Sadly, no number of laws and policies can protect the South African child woman from gendered violence if the absolute majority of children and women live under conditions of multidimensional and racialised poverty leading to the breakdown of the social and spiritual fabric of their communities.

However, the onus rests upon each to recognise the enabling conditions of teenage pregnancies, and to strive to be part of a healthy solution wherever possible. Prayer and dedicated support of these child victims should not be underestimated by especially those of us who are Catholic and who do not support termination of such pregnancies or making birth control available as a matter of course.