



Save the Children

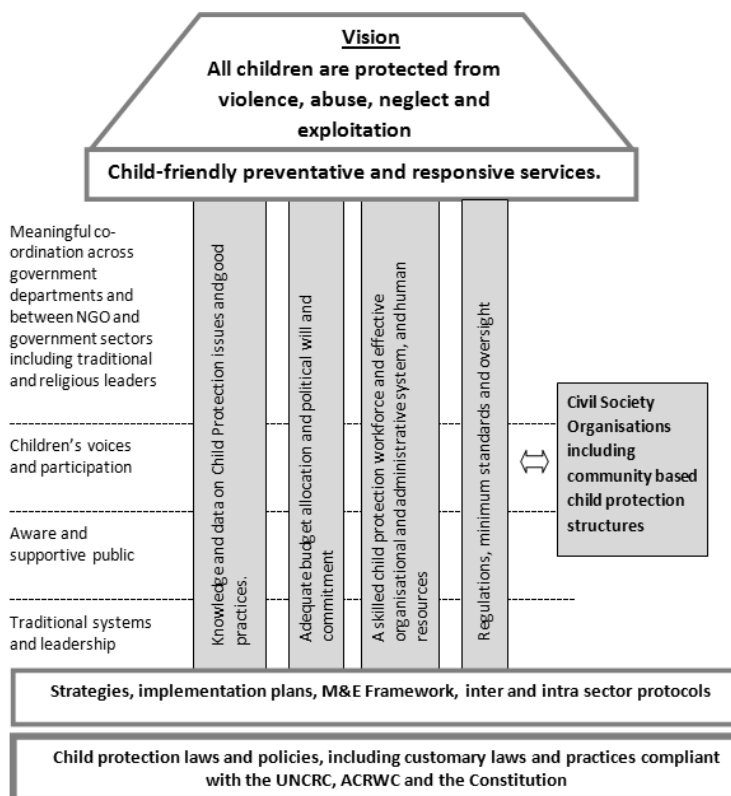
Protecting Children in Swaziland from Violence, Abuse, Neglect and Exploitation

Baseline 2010: National Child Protection System in Swaziland

What is a National Child Protection System and why do we need it?

Until recently, child protection focus has mostly been on individual protection problems, such as child trafficking, child labour and sexual abuse. The focus on different issues has contributed greatly to the protection of children and much has been learnt about what makes good child protection work. However, this approach has not been without its costs. Many children face multiple protection problems rather than just one, resulting in the focus on individual issues sometimes resolving one issue while leaving others untouched. This can be the case, for example, when children have been abused at home *and* are now working and living on the streets *and* are in conflict with the law. Fragmented child protection responses may deal with one of these problems but they rarely provide a comprehensive solution.

Well functioning National Child Protection Systems can provide well coordinated, equal, comprehensive, reliable and sustainable responses to children's protection needs. Essential components of such a system includes: child protection laws and policies; meaningful coordination across government department and between sectors at different levels; knowledge and data on child protection issues and good practices; regulations, minimum standards and oversight; preventive and responsive services; a skilled child protection workforce; adequate funding; children's voices and participation; and an aware and supportive public. When these components are present, they work together to address the multiple protection problems that children experience and strengthen the protective environment around each child.



The Southern African Context

In Southern Africa most governments have approved the relevant international and regional human rights instruments pertaining to children, including the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. There is also an increasing movement to harmonize national laws and policies in line with these instruments. However, despite this encouraging progress, international commitments to protect children from violence are often not translated into action at national and local levels. Instead, child protection remain fragmented, uncoordinated and tend to focus on issue-based programming. It has also been found that efforts to address violence against children are frequently reactive and focus on symptoms and consequences and not causes, with insufficient resources being allocated. Governments in the region are all publicly committed to children's involvement in all aspects of the National Child Protection Systems however, the mechanisms to ensure that this occurs regularly and in a meaningful way have not been formalized.

Status of child protection in Swaziland

In terms of child protection, Swaziland was ranked 51 out of 52 in the index ranking of child protection in the African Report on Child Wellbeing, developed by the African Child Policy Forum. This is a clear indication that serious work needs to be done in order to adequately protect children. As there are no mechanisms for data collection in Swaziland, it is difficult to obtain statistics on the status of child protection. Out of an estimated 1 018 449 (census 2007) people in Swaziland, children account for at least 54% of the population, and of these children, approximately 69% live below the poverty line and is either infected or affected by HIV and AIDS. According to police statistics, statutory rape is one of the biggest crimes committed against children, with a total of 88 cases reported in 2008. In a study done on corporal punishment of children in the home and in school, it was revealed that within a two week period, 18% of the children interviewed reported being hit by the hand and 28% being hit by an object in the home. In schools 20% of the children reported being hit by the hand and 59% reported being beaten with an object within the two week period. Corporal punishment of children seems to be a generally accepted and deep rooted practice to discipline children. There is very limited awareness amongst adults of alternative, non-violent methods of child-rearing.

"My elder brother beat me. He hit me against the wall and clapped me. I really don't know, he likes beating me and for this I am worried. I find no peace in my life. I feel miserable. I feel sad, and each time I think about it I feel sad. I want to commit suicide and never see him again. I felt like killing him with my bare hands."

Girl 13-18 years age group
Ending Corporal Punishment of Children
in Swaziland, Save the Children Sweden,
2005

Status of the essential child protection components in Swaziland

Child protection laws and policies compliant with the UN Convention of the Rights of the Child

Swaziland ratified the UN Convention on the Rights of the Child in 1995 but has not yet ratified the African Charter on the Rights and Welfare of the Child. Even though the UN Convention on the Rights of the Child has been ratified, it has yet to be domesticated by the parliament of Swaziland. The Constitution of Swaziland (adopted in 2005) has an extensive Bill of Rights which includes a section on children's rights. However, the Constitution is not consistent with international human rights obligations including the United Nations Convention on the Rights of the Child as it inter alia provides for "lawful and moderate chastisement [of a child] for the purposes of correction". National laws are

outdated and a number of pieces of legislation are yet to be put in place to adequately provide for the protection, promotion and fulfillment of children's rights. Swaziland is currently in the process of developing a Child Protection and Welfare Working Document (not yet a Bill since it has not been gazetted), which if passed by parliament, will constitute the new Child Protection and Welfare Act. The dual political system (modern and traditional) is another challenge and has caused overlaps and ambiguity when enforcing legislation.

Recommendations:

- Government should prioritize key legislation that underpins the child protection system and work towards the finalization of these pieces of legislation. This includes, domesticating the UN Convention on the Right of the Child, ratifying the African Charter on the Rights and Welfare of the Child, finalizing the Child Protection and Welfare Working Document, Sexual Offences and Domestic Violence Bill and finalizing minimum standards and regulation for alternative care centers and child care workers. (National Children's Co-ordination Unit)
- The Constitution needs to be amended in order to remove references to corporal punishment in all its forms. (National Children's Co-ordination Unit)

Meaningful coordination across government and between sectors at different levels

Coordination across government and between sectors at different levels including community based responses to child protection is perceived as meaningful. There are mechanisms in place to manage and coordinate child protection activities under the stewardship of the National Co-ordination Children's Unit within the Deputy Prime Minister's office. A big challenge to co-ordination of child protection activities is that the National Children Co-ordination Unit, responsible for coordinating child protection activities, is understaffed. A Human Rights Body has also been established but is not yet fully operational.

Recommendations:

- Expand the National Children Co-ordination Unit staff in order for it to more effectively fulfill its mandate and increase coordination at all levels. (National Children Co-ordination Unit)

Knowledge and data on child protection issues

No comprehensive data on child protection issues exist. There is also inadequate capacity within the Central Statistics Office and the National Children Co-ordination Unit to manage data at national level. Most data collection on children's issues are being done on an ad hoc basis by each department and by NGOs. There appears to be no national research agenda on child protection issues and research needs are being identified and dealt with in an ad hoc manner. A number of civil society organizations have however produced research reports on various child protection issues.

Recommendations:

- Set a national research agenda on child protection issues and ensure that children's views are represented in this process. (National Children Co-ordination Unit)
- Mechanisms and capacity for the collection, management and dissemination of data on child protection issues should be developed. (National Children Co-ordination Unit)

Regulations, minimum standards and oversight

Minimum standards governing the provision of alternative care operations in Swaziland are currently being developed and provided for in the Child Protection and Welfare Working Document. There is no Monitoring and Evaluation framework in place for monitoring child protection policy implementation in Swaziland. There are also no mechanisms in place to license and regulate child protection service providers. The delay in Parliament in adopting the Child Protection and Welfare Working Document creates gaps in the regulations, minimum standards and oversight within the system.

Recommendations:

- The Government should finalize and adopt the Minimum Standards for Alternative Care. (National Children Co-ordination Unit)
- Develop a Monitoring and Evaluation framework to monitor implementation of child protection policies. (National Children Co-ordination Unit)
- The Child Protection and Welfare Working Document, which was read in Cabinet in 2009, should be finalized and adopted. (Parliament and the National Children Co-ordination Unit)

Preventative and responsive services

There are a wide range of preventative and responsive programmes and services being provided by both government and NGOs. The government also provides a number of ad hoc social security grants that benefit certain children, including: the OVC educational grant and the child welfare, foster care and public assistance grants. Responsive services such as counseling and feeding schemes are also being provided by both government and NGOs. There are 17 child friendly corners at police stations nationally, a child friendly room in the Mbabane magistrate's court and the establishment of a Children's Court is underway. A gap in this component of the National Child Protection System is the lack of a central database and/or directory of child friendly preventative and responsive services. The lack of both human and financial capacity within government departments to deal with the wide range of issues that affect children is a big challenge of the National Child Protection System. The shortage of alternative care settings is another challenge. The only alternative care institution currently made available by government in Swaziland is a halfway house for abused children, which is overcrowded. All other alternative places of care for children are made available by NGOs at their cost. Finally, volunteers participating in local structures such as Lihlombe Lekukhalela ("shoulders to cry on") do not receive a stipend and as a result the retention rate in this sector is very low.

"I don't like the idea of building separate places for children who do not have homes because they will be isolated.

They should be integrated into communities. Children belong to the community so I would suggest that the community should build houses for these children exactly where their homes used to be."

Schoolboy, 15-18

Dlamini, K. (2007). Towards a New Child Law: Children's Responses to the Issue Paper", Save the Children Swaziland and UNICEF.

Recommendations:

- Develop a central database of child protection service providers which should start with an audit of child preventive and response services. (National Children Co-ordination Unit)
- The gap in suitable alternative care options needs to be addressed and innovative sustainable alternative care options developed. (National Children Co-ordination Unit)

- Noting that NGOs are reliant on volunteers to deliver services, it is important that a volunteer management strategy be in place which should cover the expectations regarding volunteers' roles and responsibilities, times, allowances and so on. (National Children Co-ordination Unit and NGOs)
- Provision of social security to children should be expanded in a more comprehensive manner in order to cover and benefit all children living in poverty. (National Children Co-ordination Unit and NGOs)

A skilled child protection workforce

There has been a number of initiatives to build the capacity of government officials who are involved in child protection however, there is still a big lack in capacity, knowledge and skill. There are some externally qualified social workers in government, though they are few. Within the NGO community, there appears to be adequate capacity to deal with child protection issues as staff working on child protection issues mostly have the necessary knowledge and skills. There are no minimum standards of practice in the field of child protection. The local university itself does not offer a social work course, however it has recently entered into an agreement with the University of Kwa-zulu Natal to introduce a social work qualification into the institution. Swaziland does not however have a professional body to recognize and register social workers as a profession. Furthermore, there are no procedures in place to check criminal records of those working with children within Government. Additional challenges are inadequate staffing and a lack of dedicated funding for training people involved in child protection.

Recommendations:

- The government should explore ways and means to recognize and register social workers as a profession. (National Children Co-ordination Unit, and The University of Swaziland)
- Provide capacity building and technical support to key government officials involved in the child protection system in order to enhance knowledge and skills in the subject matter and to build implementation skills. This should include the building of capacity in monitoring and evaluation. (National Children Co-ordination Unit)

Adequate budget allocation

The National Co-ordination Children's Unit has been allocated E14 million (Emalangeni, which is equivalent to South African Rand) since 2007 when the Unit was established. The Department of Social Welfare has been allocated E289 million in 2009/2010 and it is estimated that more than 50% goes towards child protection. The Child Welfare grant's budget was E4.5 million and the Orphans and Vulnerable Children Educational grant was E130 million. The National Emergency Response Council on HIV/AIDS budget for 2009 was E115 million although it is difficult to indicate what percentage is used for child protection activities. Neither government departments nor NGOs were able to give specific information on what percentage of their budget goes towards child protection activities. There is no estimated budget for child protection activities nationally and there is no transparency with regards to budget allocation towards child protection issues.

"Government cannot help us as children but they can help by supporting our mothers and fathers. Our mothers and fathers buy most of the things that we need; maybe government can help them."

Girl, deaf 12-14 years
Dlamini, K. (2007). Towards a New Child Law: Children's Responses to the Issue Paper", Save the Children Swaziland and UNICEF.

Recommendations:

- Government should develop a central budget for child protection activities within each department and monitor budget allocations and expenditure for these services in order to ensure that the government is fulfilling its constitutional obligations with regards to child protection. (National Children Co-ordination Unit)
- Explore ways and means to secure more funding to NGOs working on child protection. (National Children Co-ordination Unit and relevant ministries)

Children's voices and participation

One of the unique features of Swaziland is that most members of Parliament have signed a pledge to protect the children of Swaziland. There are also some good practices on children's involvement and participation pioneered by Save the Children Swaziland, yet there is no government mechanism for regular and meaningful consultation with children. The existing child justice system does not have adequate mechanisms to protect children in conflict with the law, such as structures and facilities which would ensure legal representation for children in matters affecting them. It is not clear that children's participation and how it can be made meaningful is well understood in Swaziland. Culturally the role of children is to be passive participants in the world of adults.

Recommendations:

Actively engage with children in all aspects of the national child protection system, taking into account article 12 of the UN Convention on the Rights of the Child on child participation. Develop strategies and mechanisms to ensure meaningful and mandatory involvement and participation of children at all levels. (National Children Co-ordination Unit and NGOs)

Document best practice models on children's involvement and participation and share with stakeholders in the field of child protection. (National Children Co-ordination Unit and NGOs)

An aware and supportive public

There are a number of awareness-raising campaigns run by both NGOs and Government alike. There is increased reporting on abuse in the media which contributes towards awareness raising and sensitizing people to child protection issues. However, poor access to media such as the radio in some rural areas results in a lack of awareness. Both traditional and religious leaders play important roles in awareness raising as they are key stakeholders in structures at community level such as Lihlombe Lekukhalela (meaning "shoulders to cry on"). There are a number of challenges relating to child protection in communities in that firstly, child abuse is not seen as a serious offence on a community level and therefore it may be discussed at tinkhundla (traditional structure), resulting in cases not being reported to the police. Secondly, corporal punishment has not been banned and therefore it is difficult to educate teachers and other adults on alternative means of discipline. In addition, there is limited understanding of children's rights among adults which also undermine child protection.

Recommendations:

- Build on the work that is being done by various NGOs on awareness raising and changing of attitudes and perceptions on issues of child abuse. (National Children Co-ordination Unit)
- Government should develop a platform for regular dialogue, debate and education around traditional practices and customs as a first step towards harmonizing customary law with national law. (National Children Co-ordination Unit)
- Religious and traditional leaders at community level should be sensitized on child protection in order to increase the prevention of violence, abuse, neglect and exploitation of children at a community level. (National Children Co-ordination Unit)

Conclusion

Whilst some progress has been made with regard to development of child protection laws and policies, especially in the past two years, many of the laws continue to remain in draft form. The country has a well thought out and operational coordinating structure which is inclusive and its linkage between local, regional and national level is strong. There are no mechanisms for centralized data collection, management and dissemination which lead to gaps in knowledge around child protection issues. Furthermore, regulations for alternative care centers are minimal and there are no minimum standards for dealing with vulnerable children. There appears to be a good balance between preventative and responsive services being rendered by both government and NGOs, although the biggest challenge is inadequate staffing and finance. In addition, there are no dedicated budgets for child protection activities. There appears to be no mechanisms for consultation with children on their views and experiences in child protection, and culturally the role of children are to be passive participants in the world of adults. Lastly, the lack of a human rights culture in Swaziland and the ongoing conflict between customary law and national law both have impacted on the ability of Swaziland's government to build a protective environment around its country's children.

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Save the Children

Our vision is a world in which every child
attains the right to survival, protection,
development and participation.

Our mission is to inspire breakthroughs in the
way the world treats children, and to achieve
immediate and lasting change in their lives.