

THE CARE of Orphans

8



Child is crying because her mother died.

8.1 The right to family care or alternative care if deprived of family care and the right to be protected from abuse

The Constitution says:

- Every child has the right to family care or parental care, or to appropriate alternative care when removed from the family environment.³⁸
- Everyone has the right to be free from all forms of violence.³⁹
- Every child has a right to be protected from maltreatment, neglect, abuse or degradation.⁴⁰

What do these rights mean for children?

- Children without families have the right to special protection and assistance from the government. The government has a duty to ensure some acceptable form of alternative care for the child.
- Parents and care-givers have a duty to care for their children and government has a duty to assist them in their responsibilities to their children. If the child's caregivers are abusing or neglecting the child, the government has a duty to step in and assist the child.
- Children have the right to be safe and free from violence and abuse, especially in their own home. The government has a duty to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation while in the care of parents, legal guardians or any other person.⁴¹

8.2 Children's experiences

The children spoke about their experiences of living with caregivers who are not their parents. The care of orphans

by relatives is commonly cited as the preferred model of care in Africa but the children's experiences of living with extended family varied. When the children were asked to talk about their families, many spoke about the support and care that they get from their relatives. Others however spoke about their experiences of abuse and neglect and about how they are treated badly by relatives after the death of their parents.

The following transcript is of a conversation between children (aged 12 to 15 years) about who should care for children who have been orphaned. The conversation highlights the children's ambiguity towards extended family care – an issue that came through strongly at the forum.

- Sam:** "Relatives must take the children!"
- Themba:** "Relatives or neighbours..."
- Mcedisi:** "But neighbours can discriminate against them, and make them work harder than their children, or not give them enough food"
- Sam:** "Hayi! It doesn't matter, relatives or neighbours can make them work hard. Some relatives can be good, some relatives can be bad"
- Ndileka:** "No, relatives are better than neighbours. I prefer Mamncane. Mamncane will treat them better because they are the children of her sister"
- Sam:** "But some relatives are cruel. You may never know. Some have big beautiful houses, but bad hearts"...

“ My neighbour looks after me like a mother. ”

8.2.1 "This is my family"

One of the first activities that the children were asked to do was to create a picture of their families. They were asked to talk about who they live with and who looks after them. Most of the children had HIV+ parents or had lost at least one parent to HIV/AIDS and many had lost both parents and younger siblings.

“ **Some relatives can be good, some relatives can be bad.** ”

Tiko, 13 years old: “This is my family. My mother is HIV+, this is me and my younger brother who’s also HIV+ and my other brother and sister.”

Vincent, 13 years old: “This is my father, my grandmother, my grandfather and myself. My father is HIV+.”

Refiloe, 12 years old: “This is myself and my younger sister. My mother, here is HIV+, this is my grandmother and my uncle.”

Gazana, 14 years old: “This is me, my grandmother, my brother who is HIV+”

Thabang, 13 years old: “This is me. Here is my granny and my mother. She is HIV+. My neighbour looks after me like a mother, and there’s my father and my little sister.”

Tshepiso, 13 years old: “My grandfather. He looks after me. And I go to church with him on a Sunday.”

8.2.2 “My grandmother gives me power”

The children’s pictures and stories point to the fact that elderly grandparents are playing a key role in the care of children affected by HIV/AIDS. The children spoke about the love and respect that they have for their grandmothers but also about their frustration at the large age gap between themselves and their caregivers.

Tebo, 15 years old: “My grandmother gives me power because she is very supportive and she tries her best to make me look like other children. She is always there for me. I am confident, I always try my best because I believe that anything is possible if I work hard.”

Mfana, 14 years old: I live with my grandmother. I love my grandmother because she always advises me about life. She teaches me to face the challenges of being a teenager. She also teaches me about the different stages of life. She gives me power because she has time for me and she tries her level best to help me grow in a positive way. I believe support from the family is the best tool to survive and to boost your self esteem.”

Tshepiso, 11 years old: “My grandmother pays for school fees and buys water. She buys us mielie meal as well. I have everything I need.”

Gloria, 14 years old: “If you are HIV+, most people don’t treat you okay, especially if you’re living with the grandparents. They don’t understand. You feel bad about yourself at the end. They can’t afford to buy food that you are supposed to eat. Grandparents don’t understand. You always have to explain unnecessary stuff. You won’t say anything because they are old.”

The only income that many of these households receive is the old age pension and the children spoke about how their grandmothers often struggle to cope.

Thalani, 14 years old: “I need someone who will wash my grandmother and our clothes because it is very hard for her because she is old. I also need money to pay for school fees.”

Douglas, 17 years old: “This is the mother, the father and the boy. They left to look for jobs. They didn’t come back until the mother fell pregnant. She got twins. She realized that she is HIV+. She sent the children home to live with the grandmother who is very old. That meant the big boy has to look after his brothers. It is hard for him because he still needs love, support, care and someone to call mother.”

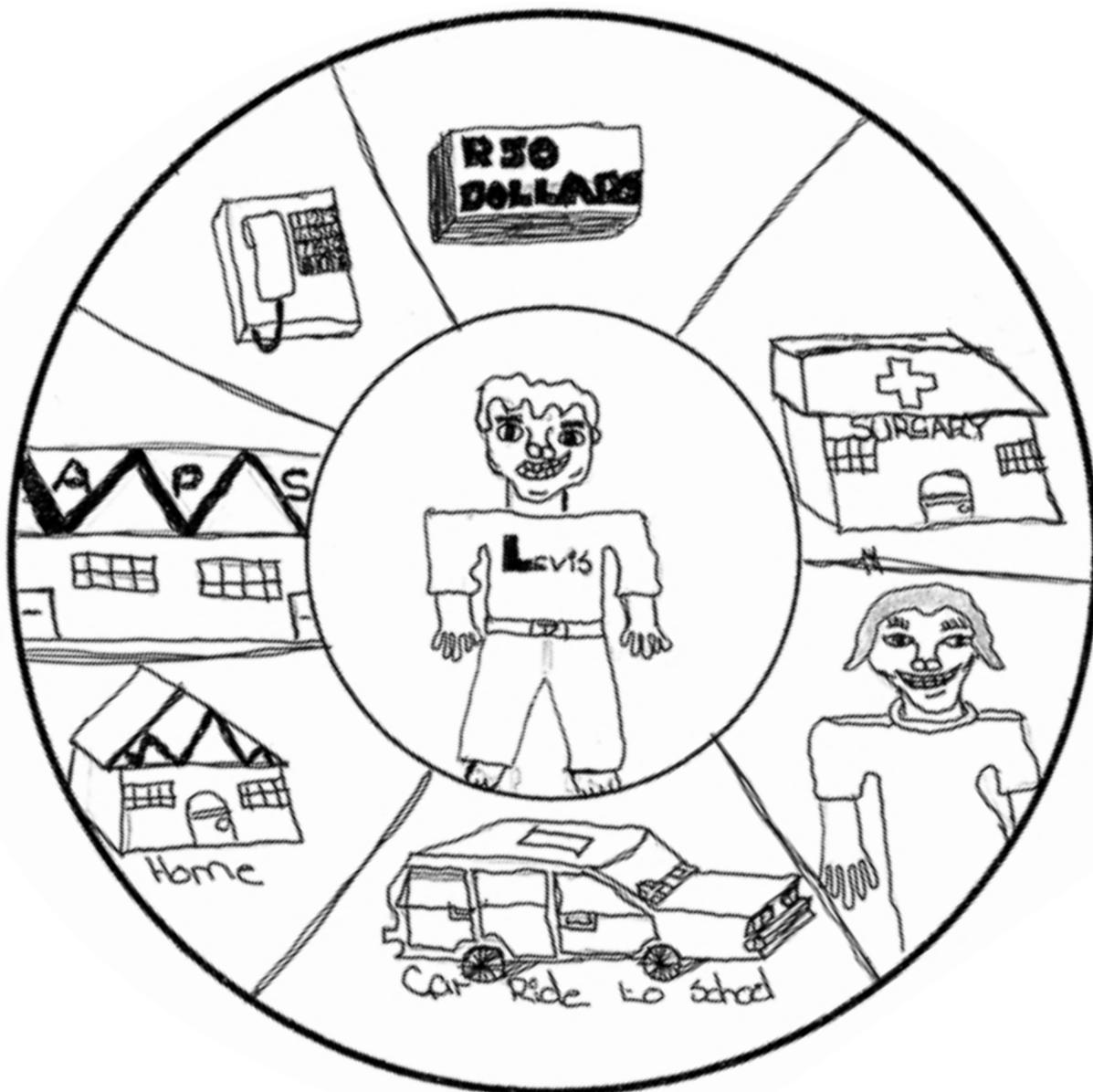
“ **Only grandmother is getting a pension and she cannot cope with all these things.** ”

8.2.3 “[She] will treat them better because they are the children of her sister”

Some of the children spoke about the way in which they were cared for and supported by uncles and aunts.

Itumeleng, 7 years old: “If the mother’s sister is alive, she would take her sister’s children together with hers and make them one family.”





Mduduzi, 12 years old, talking about his picture of the things that help him cope:

“ This is me in the middle. This is the Hospital, if anyone is sick at home or I am sick. This is where my mother died. The nurses know me there.

This is my Granny. She tells me to do everything. Like she shouts at me if I haven't done something. Then we sit down and chat. This is my uncle's car. Some days when I do not have money to go to school, he takes me in his car. He is the one who cares about my education. He wants me to follow on my mother's footsteps. My mother went to school until she reached University. This is my home. When I am bored I watch TV. I am happy to have a home, because other children do not have homes you see. This is my school. I get education here, everything. There is one teacher there, she helps me. And the telephone. So when I have a problem I can phone childline, AIDS helpline, and they help me a lot. And then money for the taxi, money for food, clothing... ”

“ When the child goes out, the ones who belong to the house are given food. They leave you bones and *makhokho* [burnt part of porridge]. ”

8.2.4 “Some relatives ... have big beautiful houses, but bad hearts”

While for many of the children, their relatives played a very important and positive role in their lives, others described the abuse, exploitation, discrimination and neglect they experienced while living with them.

Lefa, 10 years old: “I stay with my uncle. My uncle is a person who is always swearing at me. When he has food he gives me sometimes and sometimes he does not. Even if I am not sure what I’ve done, or I have not done anything he comes and swears when he is drunk and comes home late. When I ask why he is swearing at me, he wants to beat me. I only need food and to sleep when I get home. Or sometimes I just want to play in the yard and he refuses, saying he is going away and wants to lock his yard. He goes around telling people that I have taken R50,00 that I don’t know anything about. Then I get beaten.”

The children spoke about how they are treated differently to the other children (biological children of the caregiver) in the household. Some of them reported having to do all the household chores and being fed leftover food.

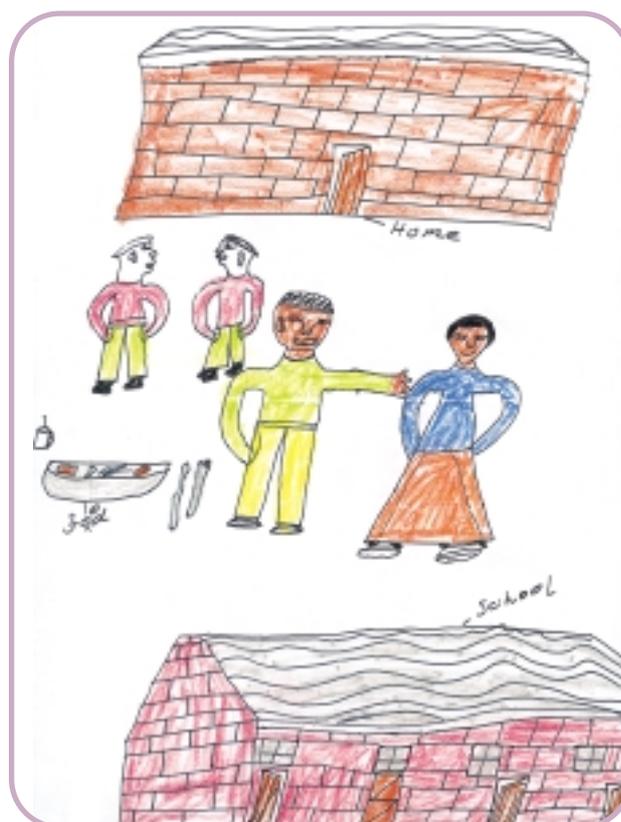
Tebogo, 11 years old: “When the child goes out, the ones who belong to the house are given food. They leave you bones and *makhokho* [burnt part of porridge]”

Tsakane, 10 years old: “In some homes, when they have taken a child in, the child is unable to do homework, he is sent around all the time, to clean and fetch water. Others do not do anything. They do not treat you equally.

Joseph, 9 years old: “Yes, he goes to the river [to collect water] and their children do not.”

Bheki, 17 years old: “I stay near my father’s familyMy father died in 1999 and my mother died in 1996. We are not treated well. The people who guard us [uncle and aunt] monitor everything we do, how many times you wash, eat and this does not make us happy. They remind us that our parents died of AIDS and this worries me. The person that is not your biological parent treats you like a slave ... Babomkhulu treats us badly because he did not give birth to us [*abasizali*]. He makes [my brothers] herd his cattle. He makes us go where there are snakes to fetch his goats. If we were his children he would never do such a thing. Babomkhulu takes the goats to the rocks, because he knows it is not his children who are going to have to fetch them ... If only children did not have to have guardians that would be better. Babomkhulu is an unkind guardian. Living would be easier if we could be independent”.

“ The person that is not your biological parent treats you like a slave. ”



8.3 Conclusion

While care of orphaned children by relatives is an important model of care, policy makers should be aware of the dangers of idealising this notion. Many children are abused and exploited while in the care of extended family or other substitute carers. The children's experiences highlight the need for protective measures, to ensure that the best interests of the child are always the primary consideration in the placement decision.

Households that are caring for orphaned and vulnerable children need to be supported. Many of these households already live in poverty and struggle to cope with additional dependents. Financial and material support to households living in poverty might address some of the stress factors that can lead to the abuse and exploitation of children. In particular, the children called for the extension of the child support grant to all children under the age of 18 years.

Collaboration between all sectors, including health, education and social development, is needed in order to facilitate the identification and support of children who are vulnerable to abuse. As an example, teachers, health care staff and religious leaders should be provided with ongoing training and support to enable them to identify cases of child abuse and to respond appropriately.