

An appropriate Social Security system for children in the context of HIV/AIDS in South Africa: a summary of key considerations

An addendum to the submission by the Children's Institute to the Public Hearings on the Social Assistance Bill, 22-23 September 2003.



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Note that this executive summary document accompanies the full submission made by the Children's Institute for the Public Hearings on the Social Assistance Bill.

It has come to our attention that during deliberations on amendments to the Social Assistance Bill, the Portfolio Committee for Social Development, in its cognisance of the impact of the AIDS pandemic, is particularly concerned about instituting social assistance provisions for the increasing numbers of children who face **orphanhood**.

We understand that options being debated include the continued use of the formal foster care system, as well as variations of proposals with regards to kinship care grants made by the South African Law Reform Commission in their draft of the Children's Bill.

The Children's Institute has conducted **extensive qualitative primary research** into the experiences and needs of orphans and children at risk of being orphaned in South Africa¹. An important component of the research was to explore the extent to which children and their caregivers were able to access and benefit from social assistance, and to evaluate the **appropriateness of the current social security system** as well as the proposals for reform being discussed in the **Children's Bill process**.

In addition, in collaboration with the Centre for Actuarial Research at UCT, we have undertaken a study to **cost various scenarios for the provision of grants to children** in

¹ Giese S, Meintjes H, Croke R, Chamberlain R (2003) *Health and Social Services to address the needs of orphans and other vulnerable children in the context of HIV/AIDS in South Africa: research report and recommendations*. Children's Institute and National Department of Health, Pretoria.

the context of HIV/AIDS².

On the basis of these studies, we wish to raise a few critical issues for consideration in the deliberations on both the Social Assistance Bill and the Children's Bill. Whilst our research reports deal in detail with these issues, this document provides a brief summary. For further detail, please refer to the reports for which full referencing details are provided below.

We argue strongly AGAINST the legislating of any social security provisions which provide special grants for orphans and their caregivers as a category of children distinct from other children.

Instead, our research provides compelling evidence that legislation for a comprehensive package of social security for **all** children, including the **extension of the child support grant to all children up to 18 years old and the removal of the means test** is the most appropriate route to addressing the needs of children in the context of HIV/AIDS – including those children who have been orphaned by the death of their parent(s).

Our reasoning is as follows:

a) Conceptualising children's vulnerability in the context of HIV/AIDS.

Our research demonstrates that

1. Children who have lost their parents are **not necessarily lacking in care**. The majority of children who lose their parents to AIDS or other causes in South Africa are cared for by relatives and others, **without any intervention from the State** to place them there. In other words, children who have been orphaned are not necessarily more vulnerable than other poor children.
2. Due to the **pervasiveness of poverty across South Africa's child population**, directing interventions on the basis of children's orphanhood substantially mistargets resources aimed at reducing vulnerability.
3. Poverty is **exacerbated across neighbourhoods** in which there is high HIV prevalence. It is not simply those who are 'directly' affected by HIV/AIDS who bear the burden of the illness and death that characterises the AIDS pandemic. Whole neighbourhoods face increased demands on 'informal' networks to provide for those who need support.

It is therefore crucial that a social security response to the needs of HIV/AIDS-affected children be integrated into a national poverty alleviation strategy that addresses the needs of **all** poor children and their families.

² Meintjes H, Budlender D, Giese S, Johnson L (forthcoming) *Critiquing the use of the foster care grant as a response to the poverty related needs of orphans*. Children's Institute and Centre for Actuarial Research, University of Cape Town.

b) Issues of Equity:

A social security system which provides grants to children who have been orphaned but not to other impoverished children whose biological parents are alive has the following crucial flaws.

1. The ethics of the State providing support to poor relatives to care for children without providing *adequate* and *equal* support to poor biological parents is questionable. Such a system is nothing short of **inequitable**.
2. A focus on providing special financial support to orphans only fails to address the needs of the **multitudes of other children made vulnerable by HIV/AIDS**, including the vast number of children who are living with terminally-ill parents.

c) Issues of Implementation:

A system for accessing poverty alleviation grants which requires the involvement of social workers and the courts raises the following critical practical problems:

1. Social services and courts are already severely overburdened and unable to process the foster care applications they currently face. The focus on foster placements (or variations on them) for all orphans will **create further bottlenecks** in both the social work and court systems. The majority of children who are eligible are unlikely to benefit from such a provision.
2. Foster care placement is designed to play a **crucial role in child protection**. A focus on processing court-ordered placements for orphans will **reduce the effectiveness of the foster care system** to meet the needs of children who require the state to intervene in their care arrangements, eg. children who have been abused, neglected, abandoned or who require temporary removal from their families while family re-unification services are delivered.
3. The processing of formal foster placements will **consume an inordinate amount of social workers' time**, allowing them to reach far fewer children than they otherwise might and significantly **impacting on their ability to deliver other much-needed services**.
4. If social workers and courts remain the gatekeepers to state support to children over the age of 9 years, then we will continue to **discriminate against children and caregivers in rural and poorly resourced areas** where these facilities are often inaccessible.

d) Issues of Cost and Benefit

Preliminary results of our research suggest that a social security system which aims to provide foster grants to orphans up to 18 years of age (R500) and child support grants for other children up to 14 (progressively implemented by 2006) would - with a full 100% uptake³:

- Reach only 29.1% of children in South Africa in 2003, and only 44.5% of children by 2017, in which year the number of orphans is expected to peak in the country. Other studies analysing 1999 October household survey data suggest however that 75% of children in South Africa live in dire poverty⁴. By contrast, a universal child support grant if fully implemented, would reach all children immediately.
- At the peak of the number of orphans that South Africa is predicted to face, the additional cost for the provision of a universal child support grant over grants currently legislated would be a maximum of one third (of which part would return to the fiscus in tax).

Conclusion: What social security provisions will best support children in the context of the AIDS pandemic?

The points summarised above highlight how the provision of a new grant aimed specifically at children whose parents have died would for a number of reasons constitute an **inappropriate response to children's vulnerability in the context of the AIDS pandemic** in South Africa. While the implementation of such grants would undeniably benefit the household members of the few recipients who are able to access it (as is currently the case with foster care grants), such a system:

1. Contradicts the principles enshrined in the South African Constitution and other government policy by failing to adequately support vulnerable families.
2. Is inequitable.
3. If reliant on the courts and social services, risks further overburdening the system and thus continuing not to reach large numbers of vulnerable children;
4. Does not, as a whole, seem to be a cost-effective way of adequately supporting the largest possible number of poor children who require assistance

The findings of the research summarised here clearly highlight how the AIDS pandemic amplifies the urgency for a reviewed system of social assistance that is **adequate, equitable and accessible for all children**.

³ Note that these are **preliminary** findings. Final cost analyses will be documented in the final version of Meintjes, Budlender, Giese and Johnson (forthcoming).

⁴ Cassiem, S and Streak, J (2001) *Budgeting for Child Socio-economic Rights: Government Obligations and the Child's Right to Social Security and Education*. Cape Town: Idasa.

The most efficient mechanism for achieving this is through the full and immediate extension of the Child Support Grant to all children up to 18. If an ***effective, sufficient package of social security grants and services***, including a universal child grant up to 18 years old, was in place – there would be **no need for the provision of any additional grants that are biased towards alleviating the poverty of only *some* children.**

We therefore recommend that the Social Assistance Bill be amended to provide for a universal (non means-tested) child support grant accessible to all children.

In the alternative, we recommend that the child support grant be extended to children under 18 years, and that the current means test be simplified and adapted (as a first step towards the abolishment of the means test) to ensure that the grant begins to accommodate those impoverished children who need it most, many of whom are currently unable to access it due to their age or because they are disqualified by the means test. In other words, we recommend that more children be brought into the social security ‘safety net’ not on the basis of their orphanhood alone, but rather on the basis of their poverty levels: their ‘need’ as opposed to ‘category’. It is only with the implementation of such social assistance that children in South Africa will be **appropriately and equitably supported through the AIDS pandemic.**

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