

Chaos WITHIN THE HOME

South Africa has joined the international community in acknowledging that children need to be recognised as beings with rights and have their childhood protected.

On 16 June 1995, South Africa ratified the UN Convention on the Rights of the Child, along with the Constitution of South Africa and the African Charter on the Rights and Welfare of the Child (ratified in 2000). This means that we pledge to not allow our children to be violated in any way and that their human rights must be acknowledged in any circumstances that affect their wellbeing.

Along with our Children's Act 38 of 2005, these international instruments promote a healthy family environment that has an 'atmosphere of happiness, love and understanding'. The family environment is the one place children should feel the safest and be allowed to thrive mentally, physically and emotionally.

However, according to the Marriages and Divorces survey conducted by Statistics SA in a report released in February 2016, the number of divorces has risen by 3.4 percent since 2014. Furthermore, most of the couples divorced had been married between five and nine years, with a large number of them having children under the age of 18.



Advocate Veerash Srikison asks if we are failing the emotional development of our children when we allow them to witness and be part of a breakdown of the family unit?

Yes, we have accepted divorce as a societal norm; it happens. Unfortunately, the divorcing couple usually separates in an adversarial manner. They may be advised by their lawyers to tick a few boxes before going to court; for instance, attend a mediation session or two to show that they 'tried' to settle amicably; or issue protection orders against the other; or try to leverage contact with their children with maintenance claims.

The blame-and-shame game continues in a courtroom or at roundtable discussions and the parties try to win favour among their friends and family that each is, in fact, the victim in all of this turmoil.

Often you will hear a comment that, if children are involved and witnessing this chaos, they are resilient and they will survive. Yet we know that changes in the family relationship raise instability in the lives of children.

But what we fail to acknowledge is that the torment they are put through amounts to emotional abuse and we need to find ways to be more present in our effort to protect their emotional development and acknowledge their attachment needs to their parents.

In the book *For Better or Worse: Divorce Reconsidered* by E. Mavis Hetherington and John Kelly (WW Norton & Company, 2002),

the following words sum up the emotional damage to a child: 'The only childhood stress greater than having two married parents who fight all the time is having two divorced parents who fight all the time'.

As a legal practitioner and mediator who has witnessed this process numerous times, I know that the real victims of this dramatic turn of events are always the children. Their level of resilience is dependent on how you handle the conflict arising within your divorce.

Children are not oblivious to what is happening around them but rather silently bare the emotional abuse hurled at them, indirectly or directly, by their parents.

As much as you are struggling to focus on being responsible during difficult times, they are also faced with the challenges of their daily lives being disrupted and yet are expected to go on as if nothing affects them. Ask yourself if that is fair on them.

We need to expand the net and create awareness and focus on the emotional abuse children face when the security of their family atmosphere is compromised. Children trust that their parents will protect them and raise them far from fear and anxiety so, as parents, you need to gain perspective on the toll any conflict within the family environment has on your children and reconsider the way you engage with each other. 