



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined third to sixth periodic reports submitted by South Africa under article 44 of the Convention, due in 2022^{*}, ^{**}

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



I. Introduction

1. The Republic of South Africa submits its combined third to sixth periodic report to the UNCRC in accordance with Article 44 of the Convention.
2. The report responds to the list of issues provided by the Committee on 16 February 2021 in line with the concluding observations adopted on 27 October 2016.
3. Herein, the State Party updates on measures taken to give effect to the rights of children as outlined in the Convention and the Constitution through the development of legislation and policies to uphold the rights of children.
4. Further, the report highlights measures taken to promote, protect and realise the rights of children through implementation of legislation, policies and various programmes of government, including the implementation of the Convention's Optional Protocol on the Sale of Children as well as progress towards ratification of the OPIC.
5. Herein, the State Party highlights challenges and gaps in ensuring full protection of the rights of children. This reflection is critical as it paves a way for strengthening measures to ensure the full realisation of the children's rights.
6. The report further acknowledges challenges with provision of disaggregated data, the State Party, therefore, commits to continue strengthening its efforts to ensure the full implementation of the Convention, and collection of quality disaggregated data.
7. This report signifies Government's continued commitment to protect the rights of children and to continue ensuring equal and full enjoyment of these rights as guaranteed in the Constitution of the Republic and the Convention.

II. New developments

8. The State continues to strengthen efforts to ensure the implementation of the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography. To pursue this, the Prevention and Combating of Trafficking in Persons (TIP) Act, a comprehensive legislative instrument to prevent and combat trafficking in persons in all its forms, and the prosecution of offenders, continues to be implemented.
9. Critical to this, was the development of a comprehensive National Policy Framework (NPF) in line with Section 41(1) (a) of the TIP Act, launched in April 2019 which ensures a coordinated response among different stakeholders.
10. The NPF encompasses a three-year Strategy and Action Plan and is informed by internationally recognised anti-trafficking guiding principles, e.g., a human rights/victim-centred rights-based approach, multi-disciplinary approach, government ownership, civil society participation, gender-sensitive approach and overall sustainability. It includes ending impunity by introducing a comprehensive set of measures to eliminate corruption by public officials.
11. South Africa is developing new legislation to establish a Border Management Authority, for the integrated management of borders and modernisation of the country's border management capability using advanced technology at all ports of entry. The Border Management Authority will bring together relevant state agencies to protect the territorial integrity of the country, including prevention and detection of cross border crimes as well as detect use of fraudulent travel documents, and smuggling of persons and goods, through deployment of multi-disciplinary teams with capability to detect and identify possible victims of trafficking and related offences.
12. The approval of the National Child Care and Protection Policy in 2019 is milestone in addressing online child sexual exploitation and other forms of abuse. This policy includes a recurring theme of inter-sectorial co-operation at various levels of service, and the norms and standards including quality assurance processes with respect to the provision of services to children including online child sexual exploitation and abuse.

13. In April 2018 the country undertook research on sexual violence against children focusing on prevalence and correlates including online sexual exploitation and abuse in South Africa.
14. The Kids online study was conducted in 2019. The study focused on children's online use, benefits and risks which included being recruited, sexually groomed, exploited and abused online.
15. The 2020 Disrupting Harm Study for South Africa which is large-scale research to better understand online child sexual exploitation and abuse was conducted. This was a nationally representative survey that captured the views of 2 643 children (9 to 17 years) and 1 393 parents regarding child-online behaviour, wellness, and wellbeing.
16. The protection of children is strengthened through the 365 Days Child Protection campaign, an initiative to strengthen Government's commitment towards the prevention and protection of children from violence, child abuse, neglect and exploitation (child trafficking, child labour, commercial sexual exploitation of children and cybercrime of children) including online child sexual exploitation and abuse.
17. The provision of training to practitioners ensures the effective implementation of the Protocol. This includes training practitioners on the Guidelines for the Prevention of and Response to Child Exploitation and the Prevention and Combating of TIP Act including other pieces of legislation relevant to child exploitation. Furthermore, training on the reporting protocol for exploited children (trafficked children) continues to be provided to various representatives in NGOs rendering services to trafficked children.
18. To strengthen capacity of practitioners in responding to exploitation of children, Government is finalising the Generic Training Manual on the TIP Act, through partnership with International Organisation for Migration, to promote institutionalisation of training of the various role-players in the criminal justice system, thereby making provision for a uniform standardised, integrated, and multi-disciplinary training to role-players throughout the criminal justice value chain. In addition, the generic Trafficking in Persons Manual for Criminal Justice Practitioners was developed and launched in December 2020.
19. Government strengthened partnership with key stakeholders such as the Films and Publications Board (FPB), UNICEF and CSOs whereby all cases of Online Child Sexual Exploitation and Abuse (OCSEA) are reported to the FPB and removed from social media.
20. The country engaged representatives of the AU responsible for OCSEA and participated at the OCSEA regional conference held in South Africa on 28–29 February 2020 where it shared its legislation, programmes and progress in respect to OCSEA.
21. Awareness and advocacy programmes to the community at large including media are conducted through various engagements and media platforms to raise awareness as well as address ethical and informed media reporting on child exploitation and OCSEA.
22. Regarding mitigating the impact of COVID-19 pandemic on children and to ensure protection of the rights of children, the National State of Disaster was declared on 15 March 2020. Subsequently, Government issued and published regulations in terms of Section 27(2) of the Disaster Management Act, 2002, and different lockdown levels were announced.
23. Directives in terms of Regulation 10 of the regulations under the Disaster Management Act, 2002, to prevent and combat the spread of COVID-19 in all courts, court precincts and justice service points, were issued. Directives issued under Lockdown Level 5 in relation to children in conflict with the law provided that;
- (a) Cases against children detained in Child and Youth Care Centres (CYCCs) and correctional facilities had to be postponed in absentia because detainees awaiting trial were not brought to court.
 - (b) The directives issued under Lockdown Level 4 further provided that such cases must be brought before court for consideration of the continued detention of these children. This was in compliance with the Constitution which requires children to be detained for the shortest appropriate period.

(c) Directives issued under Lockdown Level 3 provided for reconsideration of continued detention as provided for in Level 4, and for prioritising trial cases where a child is an accused, a witness or a victim.

(d) Directives issued under Lockdown Level 2 provided for reconsideration of continued detention as provided for in Level 4, and for prioritising trial cases where a child is an accused, a witness or a victim. Courts were directed to compile a priority roll for criminal cases.

24. Family Law Services remained open throughout the lockdown period with foster care, adoptions, removal of children in need of care and protection, placement of children in CYCCs, and international child abduction cases heard by Children's Courts. Applications for maintenance and enforcement of maintenance matters were dealt with.

25. The SOPs for preparedness, detection, and response to COVID-19 to ensure proper management of the pandemic, to provide guidance on mitigation strategies to be implemented to prevent, detect and respond to COVID-19 in correctional facilities were developed. Some of the prevention of infection measures included suspension of visits to Correctional Centres by members of the public and legal representatives.

26. Offenders who had or would reach their Minimum Detention Periods within a period of 60 months and those sentenced for non-violent crimes were released. This intervention was approved and announced by the President in May 2020, to manage and combat the spread of COVID-19 in the face of overcrowded correctional centres. The Special Parole Dispensation allowed low risk offenders to be assessed for parole with due consideration of the level of risk of each case individually to prior placement. This intervention assisted in reducing overcrowding and the spread of the virus.

27. Subsidies continued to be paid to ECD Programmes during the National State of Disaster and furthermore, the maintenance component of the conditional grant was repurposed to support ECD services with Personal-Protective-Equipment (PPE).

28. Government partnered with UNICEF, LEGO Foundation, National ECD Alliance and South African Congress for ECD to ensure development and distribution of resource materials to support all parents of young children at home during the National State of Disaster. Information pamphlets were sent to parents for stimulation of children while at home through electronic, social media and printed copies. These were accessed by over 510,000 parents of young children.

29. SOPs for the prevention, containment and management of COVID-19 and post COVID-19 in disability centres were put in place to ensure the protection of children with disabilities. Training on the SOPs was provided to participants comprising of care givers, support staff, parents, and officials from some departments.

30. Furthermore, the support framework for CYCCs and secure care facilities was developed and shared with the provincial offices of Social Development. CYCCs also developed their own SOPs aligned to the Regulations. The National Monitoring tool for Compliance with COVID-19 regulations was developed and used since 2020.

31. To ensure that child protection services remained functional and available, Government led the initiative and partnered with the childcare and protection sector, to develop a COVID-19 integrated response plan. The plan was aimed at ensuring adequate response measures for the care and protection of children with the purpose of responding to the needs of children and families at any lockdown alert level.

32. Furthermore, Government officially launched the RISIHA programme which is a community-based child protection programme aimed at protecting orphans and vulnerable children, some of whom are living in child and youth headed households, have chronic health conditions as well as those living and working on the streets during the midst of the COVID-19 pandemic.

33. Government further ensured that accurate information about COVID-19 was disseminated to the public through various media platforms. A dedicated COVID-19 website continues to be an effective platform for online-resources and a news portal on information relating to COVID-19.

34. Regarding additional information, obstacles, and challenges, it is important to note that, for the first time in 2019, children participated in the development of the country's first Children's Manifesto which was launched in June 2019. It raises critical issues affecting children and serves as a framework for children to monitor progress by government on children's rights and well-being during the next five years. The Manifesto continues to be implemented through various programmes of Government and this report includes some progress on its implementation.

35. The migration of ECD from DSD to the DBE was finalised on the 1st of April 2022 as per the Presidential pronouncement during the State of the Nation Address in 2019.

36. The COVID-19 pandemic negatively impacted the sector thereby affecting the lives of children, families and communities. The pandemic increased vulnerabilities of children manifesting in the increase of cases of child abandonment, orphan hood, poverty because of increased job losses and unemployment, mortality, poor health, family stress, domestic violence, and others. The introduction of lockdown in March 2020 resulted in the immediate temporary closure of all ECD programmes and partial care facilities. School closures led to disruptions in schooling and school-feeding schemes.

37. The fourth National Plan of Action for Children (NPAC 2019–2024) follows a child rights approach into governance. One of its pillars is Institutional Mechanisms for Child rights. Herein, Government established up a National Steering Committee (NSC) made up of National Departments which is responsible for:

- (a) Monitoring progress of the impact of the NPAC.
- (b) Developing a systematic information mechanism/system for collating information on the national conditions of children's livelihoods.
- (c) Developing systematic information mechanisms/system for monitoring children's rights.
- (d) The two later goals are work in progress while goal one is already being met.
- (e) Furthermore, the NSC provides a platform for a Government-wide Outcomes Coordinator who is part of the team responsible for the development of government's MTSF and is responsible for presenting MTSF targets for children on a regular basis. This ensures that child rights are prioritised within the development of a high-level government-wide planning.

38. The NPAC further makes provision for Government to support child participation initiatives. Currently the draft child rights advocacy strategy puts children as an important constituency for consultation on matters pertaining to their rights, programmes, and services.

39. The NPAC further commits to establishing and institutionalising a national child rights governance system to provide leadership, coordination, technical support, monitoring, oversight, and ongoing system's strengthening of the country's collective efforts to ensure the realization of children's rights and monitoring of the country's implementation responsibilities. To fulfil this mandate, the Office on the Rights of the Child (ORC) was re-established in 2019.

III. Rights under the convention and its optional protocols

A. General measures of implementation (Articles 4, 42 and 44 (6))

Legislation

40. Government remains committed to fully incorporate the provisions of the Convention into the domestic legal system including national legislation. To date, the Children's Act is currently being amended to strengthen the care and protection of children in the country. For this amendment, the Children's Amendment Bill (2020) was introduced to Parliament in August 2020.

41. The Social Assistance Amendment Act¹ (Act No. 16 of 2020) was enacted to provide for additional payments linked to cash-transfers including payment of benefits to child headed households. This Act came into operation on the first of June 2022 and will improve the social assistance programme to benefit orphans and vulnerable children.

42. Social Assistance Regulations amendments were published for public comments. The amendments aim to expand the pool of health professionals available to conduct assessments for children with disabilities to access Care Dependency Grants and seek to further implement the CSG Top Up aimed at increasing the value of CSG for orphans in the care of families and children living in child headed households.

43. The Child Justice Amendment Act² (Act No. 28 of 2019) was passed to increase the minimum age of criminal capacity of children from 10 to 12 years and to remove the requirement to prove criminal capacity of children for purposes of diversion and preliminary inquiries. Parliament subsequently approved the amendments to the regulations of the Child Justice Act to include the increase of the minimum age of criminal capacity from 10 to 12 years.

44. In the beginning of 2022, the President signed into Law the following three legislations to strengthen the fight against Gender-Based Violence:³

- (a) The Criminal Law (Sexual Offences and Related Matters) Amendment Act.⁴
- (b) Domestic Violence Amendment Act.⁵
- (c) The Criminal and Related Matters Amendment Act.⁶

45. The Customary Initiation Act (Act no.2 of 2021) came into operation in September 2021 to, amongst others, provide for the effective regulation of customary initiation practices.

46. Even though South Africa has not conducted a full study on legislations that comply with the Convention, its Parliament looked at what laws it passed in support of the aims of the Convention. In this regard, the South African Constitution defines 'children' as persons below the age of 18. Further, Section 28 identifies the needs of, and mechanisms to cater for, the interests of children. The provision guarantees specific children's rights. Section 29(1)(a) makes provision for the right to basic education. The Children's Act 38 of 2005 as primary domestic law aimed at giving effect to children's rights. The Sexual Offences Act No. 32 of 2007 includes protection from a wide range of sexual offences that commonly occur against children. Child Justice Act 75 of 2008 establishes a separate justice system for children in conflict with the law and the Social Assistance Amendment Act 2004 provides access to social assistance to children.

47. With reference to ratifying the Optional Protocol on communications procedure, Government commenced discussions to consider whether the country could consider acceding to the protocol. The first Consultation meeting with various key stakeholders was held on 05 August 2021. Legal opinions have been obtained and were perused. Furthermore, the internal DSD consultations have been concluded. The Department will, after the submission of the UNCRC report commence with the process towards the ratification.

48. With reference to measures taken to fulfil the reporting obligations under the Optional Protocol on the involvement of children in armed conflict, overdue as of 25 October 2011, it is important to note that in line CRC/C/ZAF/CO/2 paragraph 62 a and c, the Department of Defence, does not have privy of children among refugees and asylum seekers since South Africa does not have refugee camps. Furthermore, the South African National Defence Force (SANDF) in external deployment does not manage the welfare of child soldiers and children who are victims of child conflicts, it is the responsibility of the UN to deal with this. The

¹ https://www.gov.za/sites/default/files/gcis_document/202012/44035gon1414.pdf.

² https://www.gov.za/sites/default/files/gcis_document/202006/43402gon641.pdf.

³ <https://www.gov.za/speeches/president-cyril-ramaphosa-assents-laws-strengthen-fight-against-gender-based-violence-28>.

⁴ <https://www.justice.gov.za/legislation/acts/2021-013.pdf>.

⁵ <https://www.justice.gov.za/legislation/acts/2021-014.pdf>.

⁶ <https://www.justice.gov.za/legislation/acts/2021-012.pdf>.

SANDF is only deployed for peace support operations, and it is not on its mandate to provide physical and psychological recovery and social reintegration for child soldiers and children who are victims of armed conflict. Based on the above, South Africa will not be able to provide reporting on the Optional Protocol.

Comprehensive policy and coordination

49. Even though South Africa does not have full measures to ensure that the development and implementation of national policies affecting children encompass all areas covered by the Convention and are supported by sufficient human, technical and financial resources; it, however, has a broader rights approach in the development of policies and legislation to ensure alignment with rights as contemplated in its Bill of Rights (Chapter in the Constitution). Cabinet decided on the need for a consistent assessment of the socio-economic impact (SEIAS) of policy initiatives, legislation and regulations in February 2007. The approval followed a study commissioned by the Presidency and the National Treasury in response to concerns about the failure, in some cases, to understand the upkeep of human rights in all policies as well as the full costs of regulations and especially the impact on the economy. Policies may only be presented to Cabinet for approval if a SEIAS certificate has been issued.

50. Children are indeed a priority in the MTSF 2019–2024 and are infused in all the seven priorities of Government. Annexure C is attached for detailed information.

51. To ensure effective implementation of the NPAC, the core mandate of the ORC has been restructured and aligned to the NPAC implementation framework. Three sub programmes have been established as follows:

- (a) Strengthening Institutional Support and Capacity Development.
- (b) Child Rights Advocacy and Social Mobilisation.
- (c) Monitoring Child Rights Compliance.

52. Through this alignment, the ORC ensures coherent coordination, planning, implementation, and monitoring of the NPAC. It further ensures the development of an annual report on responses and progress in promoting and protecting the rights of children.

Allocation of resources

53. South Africa does not have a comprehensive child-responsive budgeting framework nor guideline. The closest it has gone is the development and implementation of the Gender-responsive planning, budgeting, monitoring, evaluation, and auditing (GRPBMEA). This was a victory also for girl children. It is aimed at ensuring better outcomes for women and girl-children and more tangible gender impacts in the country. Presently, the National Treasury in partnership with its Partners published a Child Responsive Budgeting Report. The purpose of the report is to highlight areas where the State is doing well in funding child-related services. The same report further identifies gaps and makes recommendations for addressing such. There is still a need for a comprehensive framework for children.

54. Regarding the eradication of corruption and ensuring a transparent, accountable and participatory budgeting process, in particular by involving children, Government introduced several initiatives to prevent and root it out:

(a) The National Development Plan (NDP) 2030, in Chapter 14, proposed various measures to fight corruption, which include: holding leaders to account for the use of public funds, putting in place a legislative framework to fight corruption, and establishment of institutions dedicated to fighting corruption.

(b) Government is developing a National Anti-Corruption Strategy (NACS) in line with international standards, focused on societal behaviour change and it will contribute towards achieving the NDP goal of a resilient anti-corruption system for South Africa.

(c) The President, during the State of the Nation Address, emphasised the importance of dealing with corruption and indicated that discussions are underway with the judiciary for the creation of special court rolls against corruption cases, amongst others.

55. In addition to the measures outlined in paragraph 22, additional measures were taken to ensure that children are not affected by regressive measures taken in response to COVID-19:

(a) The Care Dependency Grants for children with disabilities which were about to lapse during the pandemic did not lapse and Government continued to pay these grants throughout the pandemic from March 2020 to March 2021.

(b) The top-up/additional amounts to cash-transfers were provided to caregivers from May to December 2020 as a relief measure during Covid-19 pandemic and national lockdown. To address the lapsing of the social grants due to lack of critical documents required during application during this period regulations 11 (1) of the Social Assistance Act 2004 was relaxed to ensure that applicants of social grants without critical documents are not prevented from accessing a particular grant for which they apply.

Data collection

56. To improve disaggregation of data, all indicators in the NPAC that relate to Government should also find expression in the MTSF. Furthermore, the DSD with the support of UNICEF is in the process of developing a national CRG monitoring, reporting and follow-up framework inclusive of dashboard of indicators for use by the ORC to monitor, analyse, develop CRG system's strengthening recommendations and follow-up processes for integration into Government planning process linked to national development priorities.

57. Measures were strengthened to improve the collection of data relating to children. In this regard:

(a) The Vangasali Campaign was launched to improve collection of data of ECD services. Herein ECD services are registered to enable Government to understand the coverage of children receiving ECD services and to contribute to improved access to ECD programmes.

(b) An audit on unaccompanied and separated migrant children in alternative care was conducted to determine the extent of challenges and problems faced by these children and to recommend measures to make adequate plans for services required, as well as ensure an effective response to their needs.

(c) The National Child Protection Register is implemented to ensure a comprehensive, coordinated and effective system of data collection by all designated child protection organisations and the DSD.

(d) Reporting templates were developed to provide request for data acquisition on the sale of children, child prostitution, child pornography and child trafficking and to ensure disaggregated reporting on identified issues of the optional protocol.

(e) The TIP Data Template and adoption of SADC Regional TIP Data Collection System to support the establishment of an efficient integrated data management system on TIP and the Smuggling of Migrants (SOM) was developed.

(f) The custom developed, admissions and release system for the administrative functions of detained inmates of all age groups including Children aged 14–17 years is used.

(g) The Integrated Inmate Management System (IIMS) which aims bring about biometric identification technology for the purpose of a digital and integrated criminal justice system is administered.

(h) Biometric technologies are used to identify inmates, with precision, reoffending behaviour, and effectiveness of its Correctional programmes for a successful social re-integration of offenders back to their communities upon completion of the sentencing period. The e-Corrections system serves as an Endpoint integration tool for all information exchange requirements between internal and external systems.

(i) The integrated information management system assigned to the Integrated Justice System was developed and managed.

(j) The improved management system called Integrated Inmate Management System is being implemented to allow for the interphase between departments through the IJS hub for sharing of information with other cluster departments on selected areas based on the agreements developed.

(k) The current electronic information management systems like the Crime Administrative System, Integrated Case Docket Management System and the Operational Monitoring System to provide required data were maintained.

(l) The CAS/ICDMS system is linked with the Probation Case Management System which was piloted in the Limpopo Province in 2019 to ensure that computerized notification system for Probation Officers is created to track and process children through the Child Justice System.

Dissemination, awareness-raising and training

58. Government is implementing awareness-raising programmes and campaigns targeting children and the broader community on various areas relating to the Convention through media platforms, in schools and communities to educate, raise awareness and strengthen the protection and promotion of the rights of children such as:

(a) Annual commemoration of the National Child Protection Week (CPW) is aimed at raising awareness on the rights of children.

(b) Implementation of 365 days Child Protection Programme of Action in line with outcome three of the National Development Plan.

(c) Provision of systemic road safety awareness lessons through Life Orientation, as part of the curriculum offering for all learners across the grades.

(d) School campaigns to educate learners about the legal implications of sexual offences and their rights, as well as available victim-support services in the criminal justice system.

(e) School-based crime awareness engagements like bullying, cyber bullying, substance and drug abuse, dangerous weapons, sexual offenses, xenophobia, occult-related crimes and gangsterism and the necessity to report all forms of child abuse.

(f) Implementation of the National School Safety Framework (NSSF) to raise awareness by capacitating their district officials, teachers, learners, parents, school safety committees and the public on violence prevention.

(g) Embarking on nationwide, multi-sector, inter-departmental annual School Safety and Violence Prevention Campaigns to raise awareness on bullying and violence reported in and around schools which includes road shows to engage learners in becoming bullying-prevention-ambassadors.

(h) Advocacy and capacity building sessions to raise awareness on prohibition of work by children which is part of Government's monitoring and enforcement strategy on increased public awareness and social mobilization against child labour.

(i) Awareness sessions on trafficking in Persons in provinces using social media, virtual engagements, and radio interviews.

(j) Awareness programmes to end the practice of *ukuthwala* to discourage communities from engaging in such practices and educate them on the effects of harmful practices.

(k) National communications campaigns relaying pertinent ECD messages aimed at parents to improve their children's nutrition, health and early learning; protect their children, understand and demand quality early learning and development; play in the early learning and development of their children and build understanding of the roles of mothers and fathers in early childhood development.

59. The 2016 concluding observations were disseminated through national forums such as the NCCPF and NCRICC including national departments, provinces and children through the Children's Parliament.

60. Government implements various trainings to strengthen the capacity of professionals working with children on the Convention and the Optional Protocols these include:

(a) Development of the Child Rights Capacity Building Manual through partnership with UNICEF to ensure relevant institutions have the knowledge, technical capacity, and support necessary to engage in child-sensitive planning across their governance value chain, and to build state-wide child-centred, rights-based transformational-agenda.

(b) Annual training on the Children's Act to Social Service Practitioners ensures adequate response to child protection issues and it equips them with relevant knowledge and skills necessary for child protection interventions.

(c) Training on the Information Guide on the Management of Statutory Services to equip practitioners on the application of statutory provisions of the Children's Act and promotes uniform interpretation of these provisions by social workers and designated social workers.

(d) Annual training of correctional services officials on the Child Justice Act (CJA).

(e) Capacitating Social Service Practitioners on the SOPs on unaccompanied and separated migrant children provide guidance on procedures to follow when dealing with unaccompanied and separated migrant children.

(f) On-going trainings to adoption service providers to encourage child participation and to ensure that practitioners understand the importance of ensuring that children are involved in the adoption process.

(g) Capacity building on the National Integrated ECD policy after the approval of the policy in 2015.

(h) Training on the reviewed National Strategy towards Integrated Services for Children with disabilities to practitioners and stakeholders to ensure effective responses and provision of services to children with disabilities.

(i) Training on Guidelines on Respite Care Services for Families and Persons with Disabilities to equip participants on practical methodologies to empower and facilitate inputs into the draft document for better access to services at community level.

(j) Training practitioners on the SOPs for the prevention, containment and management of COVID-19 and post COVID-19 in Disability centres for children with disabilities.

(k) Training practitioners and parents on the Guidelines on the Empowerment of Persons with disabilities and disability mainstreaming at district level, to empower persons with disabilities and to mainstream disability in Social Development Services to strengthen provision of services to children and parents with disabilities.

(l) Capacity building on the draft Guidelines on Psychosocial Support Services to Persons with Intellectual Disabilities.

(m) Policy-briefings on the Provision of Quality Education and Support for Children with Severe-to-Profound Intellectual Disability (SPID); on social services for children with SPID who attend special or ordinary schools, special care centres, ECD centres or are at home.

(n) Briefings on the Policy on Screening, Identification, Assessment and Support and provision of standardised procedures for supporting learners (with disabilities) to access quality education.

(o) Training police officers on Vulnerable Groups Learning Programmes to enhance effective delivery of quality service by SAPS members to diverse communities.

(p) On-going judicial education of judges and magistrates as well as capacity building is receiving attention through direct/virtual platforms presented by the South African Judicial Education Institute (SAJEI), as judicial officers play an important role in the adjudication of TIP cases.

(q) The Universal Treatment Curriculum to enhance knowledge and skills-development of addiction-treatment professionals and to increase treatment, care, and support capacity of substance-use disorders.

(r) Training on Treatment that is Impactful, Motivational and Effective is provided to ensure that quality and standardised substance abuse treatment programmes are implemented.

(s) Training on the establishment and management of treatment centres to empower professionals on legislative requirements when rendering prevention and treatment of substance abuse (i.e., committal of children to the rehabilitation programme).

(t) Orientation to SSPs on implementation guidelines such as Psychosocial Support and HIV Testing Services Guidelines.

Independent monitoring

61. Government recognises that budget allocated to the South African Human Rights Commission (SAHRC) may not be sufficient to enable it to carry out all its constitutional obligations. However, this allocation should be seen within the context of other competing government needs and the shrinking national fiscus.

62. With reference to providing the Child Rights Commissioner with sufficient resources to guarantee its effective promotion and protection of children's rights, it needs to be noted that, the SAHRC independently decides on the amount allocated to the various Commissioners within its establishment to discharge their respective mandates.

Children's rights and the business sector

63. To strengthen the implementation and monitoring of the regulatory framework for industries and enterprises, Government ensures enforcement of provisions relating to the prohibition of work by children through its Inspection and Enforcement Services (IES). Therefore, labour inspectors promote, monitor and enforce compliance with the Basic Conditions of Employment Act, 75 of 1997, which prohibits employment of children under 15 years of age or under the minimum school-leaving age. For the reporting period under review labour inspectors have:

(a) Worked with stakeholders in identifying non-compliance with prohibition of work by children, establishing reporting on child labour activities and sanctioning dimensions to ensure that child labour activities do not adversely affect children's rights and their exploitation.

(b) Formed part of the Provincial Joint Committee and the Trafficking in Person (TIP) Committee structures in the different provinces and are part of joint activities arranged by these structures.

(c) Monitored cases on Child Labour, Forced Labour and Worst Forms of Child Labour when conducting inspection, investigating complaints and when carrying out Blitz inspections.

64. Government in partnership with the ILO, on 15–20 May 2022 hosted the fifth Global Conference on the elimination of child labour, wherein assessment of progress made towards the SDG 8.7. Herein the Durban Call to Action (document that emphasises the need for urgent action to end child labour) was adopted.

65. Furthermore, the Minister of Environmental Affairs has to date declared three (3) National Priority Areas in terms of Section 18(1) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) (AQA) namely, the:

(a) Vaal Triangle-Airshed Priority Area (VTAPA).

(b) Highveld Priority Area (HPA) in 2007, and

(c) Waterberg-Bojanala Priority Area (WBPA) in 2012.

66. The declaration of the VTAPA and the HPA came about because of poor air quality due to industrial activities, domestic fuel burning, waste burning, and mining activities in

these areas. The WBPA declaration was in line with the precautionary principle of the National Environmental Management Act (Act No. 107 of 1998) due to planned developments for the area.

67. Government focuses on strengthening regulatory framework and intergovernmental cooperation between spheres of Government responsible for ensuring clean air in the priority areas. Government is developing priority area regulations which will support the priority area air quality management plans implementation efforts.

68. Even though children are not involved in the waste recycling and management enterprises, they, however, obtain support from the participation of their parents as beneficiaries in the waste recycling enterprises and circular economy.

69. Stakeholder engagements play a critical role when implementing the Air Quality Management Plans of the Priority Areas as they ensure coordinated implementation. This improves cooperation between stakeholders and ensures efficient implementation of the AQMPs.

70. Air Quality Implementation Task Teams (ITTs) are held quarterly at various municipalities to coordinate the implementation of the AQMP and provide platforms for stakeholder engagement.

71. Furthermore, Government ensures youth participation in waste recycling enterprises and children obtain support from their parents' participation in waste recycling enterprises and circular economy. Through the benefits children are receiving, there are positive environmental and health impacts.

B. Definition of the child (Art. 1)

Minimum age of marriage

72. Regarding the legislative measures, the recently approved Marriage Policy deals with, amongst others, the minimum age of marriage. The policy outlines that no person under the age of 18 years will be permitted to marry and will inform amendments to the Marriage Act. On the other hand, the Children's Amendment Bill, Clause 6, proposes that "A child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement".

C. General principles (Arts. 2, 3, 6 and 12)

Non-discrimination

73. In line with the Constitution, no unfair discrimination, directly or indirectly against any person based on their race, gender, sex, pregnancy, marital status, ethnic or social origin, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth is permitted.

74. To strengthen implementation of the country's policy commitments on non-discrimination, the Children's Amendment Bill clarifies that the Children's Act, "applies to all children in the Republic of South Africa". This means that no child should be discriminated against.

75. South Africa has developed and gazetted the Official Identity Management Policy which seeks to ensure that all vital events (birth, death and marriages) of all persons are recorded.

76. To ensure effective response services to unaccompanied and separated migrant children, SSPs are trained on the SOPs for the tracing, reunification or alternative care placements of unaccompanied and separated migrant children in South Africa to provide guidance on procedures to follow when dealing with unaccompanied and separated migrant children.

77. Guidelines for dealing with unaccompanied and separated migrant children and South African children in distress in other countries were reviewed to ensure standardized provision of services.

78. To ensure their protection, migrant, asylum seeking, and unaccompanied migrant children found to be in need of care and protection in terms of the Children's Act 38 of 2005, are placed in CYCCs and benefit from the programmes offered therein.

79. Review of the National Strategy towards Integrated Services for Children with Disabilities and development of the Guidelines on the Empowerment of Persons with Disabilities and Disability Mainstreaming at district level was done to facilitate mainstreaming of disability in all social development services, including child protection services.

80. The National Disaster Management Guidelines were developed in collaboration with the National Disaster Risk Management Centre. Through the guidelines, special-needs schools are being prioritised in the implementation of the Disaster and Risk Resilience Tools, which caters for the most vulnerable members of society.

81. The 2019 High Court ruling in Makhanda, Eastern Cape, that undocumented children, including children of illegal foreigners, are entitled to receive basic education ensures that migrant and foreign children access their right to education.

82. To this effect, the admission Policy for Ordinary Public Schools was reviewed to address challenges relating to the administration of admission of undocumented learners to the school system.

83. Furthermore, the Protocol on Discrimination on the Prevention, Elimination and Management of Unfair Discrimination in Schools is being developed to assist schools with the processes and measures they should undertake in preventing and managing unfair discrimination.

84. The subject: Life Skills, taught in Grades 4 to 6, deals with the concept: social responsibility, which focuses on sensitising learners on various pertinent issues such as children's rights and responsibilities, discrimination, stereotype and bias, child abuse, dealing with violent situations and issues of age and gender.

85. The Social Assistance Act of 2004 provides a national legislative framework for provision of social assistance in the form of social grants by the government to those who are unable to sustain themselves. All social grants including those targeting children namely the Child Support Grant (CSG); the Foster Child Grant (FCG) and the Care Dependency Grant (CDG) are provided to vulnerable persons and eligibility is not based on gender, race or geographical locations. Children with disabilities access Care Dependency Grants regardless of race, gender, sexual orientation.

86. The National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) was also approved by Cabinet on 27 February 2019.

(a) It acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal instrument to eliminate racism, racial discrimination, xenophobia and related intolerances.

(b) It is based on the collective conviction of the people that, given that the ills of unfair discrimination and inequality are human made, we have the means to completely eradicate these ills from our country.

(c) It is informed by general principles of universality, interdependence and indivisibility of human rights, participation and inclusion, progressive realisation, accountability, equality and non-discrimination, and commits sectors of society to promote and protect human rights, and raise awareness of anti-racism, equality and anti-discrimination issues and calls for a partnership in implementing anti-racist and anti-discrimination education.

(d) Further actions include the data collection regarding racism and discrimination.

87. Regarding the Education White Paper 6 on inclusive education, provisions are made for ordinary schools to be designated, converted, and resourced to serve educational needs of children who require moderate support, including learners with disabilities. To this end, the DBE has designated 832 ordinary/mainstream schools into full-service schools.

88. To ensure effective implementation of the White Paper on the Rights of Persons with Disabilities, the National Strategy towards integrated services for children with disabilities were reviewed and Guidelines on the Empowerment of Persons with Disabilities and Disability Mainstreaming, at district level, were developed to facilitate mainstreaming of disability within all sectors and to enhance parents' understanding their rights and those of their children.

89. Furthermore, the National Integrated Early Childhood Development Policy was developed to address critical gaps and ensure provision of comprehensive, universally available, and equitable ECD services. Through this policy, Government ensures implementation of ECD services according to the provisions of the Children's Act. The national and provincial strategies which secure properly resourced, coordinated and managed ECD systems, giving consideration to children with disabilities and/or chronic illnesses were developed.

90. To eliminate in practice, exclusion and discrimination against children, Government remains committed to ensuring that children, regardless of their race, nationality, ethnicity or legal status (citizenship or not) have access to all available basic services in the country.

91. The Inter-sectorial National Intervention Strategy for the LGBTI Sector was launched in 2014. The strategy was revised to cover 2019–2021 and focuses on:

(a) Prevention Programmes addressing violence on the grounds of sexual orientation.

(b) Improved Response by the CJS to support survivors of hate crimes and families of victims of hate crimes.

(c) Effective and well-coordinated National and Provincial Task Teams and Rapid Response Teams responsible for the implementation of the National Intervention Strategy for the LGBTI Sector (NIS) activities.

(d) Capacity Building of public officials at service points.

(e) Impact Assessment through research, Monitoring and Evaluation of the NIS implemented activities.

92. Provincial Task Teams (PTTs) were established to lead in the implementation of activities of the strategy and the National Task Teams provide oversight and guidance.

93. National Rapid Response Team on hate crimes fast tracks reported and pending hate crime cases within the CJS and has been successful to date. The team provided support towards establishments of provincial Rapid Response Teams on hate crimes and to victims of hate crimes and discrimination, capacity building through training of officials in key Public Service Institutions. This was achieved through piloting of the Guide for Service Providers in the six provinces and the later successful roll out training on the Guide.

94. Government recognises ECD as a fundamental and universal human right to which all young children are entitled without discrimination. To eliminate exclusion of children in accessing ECD services the Vangasali Campaign was launched to identify every ECD Programme and make sure that no child is left behind.

95. The protocol on social inclusion of gender diverse, transgender and intersex learners in schools was also established to assist schools when interacting with learners that may not be seen to be identifying themselves from an expected gender identity.

96. To ensure access to services by children in rural areas, Government received funding from the German Development Bank to build and procure furniture and equipment for 17 Community Care Centres (CCCs) in the most rural areas of KZN, Limpopo and North-west provinces. These provide community-based care and support nearest to their homes, i.e.,

within the community, and encourages community participation and involvement. A diverse range of programmes and services are rendered by a multi-disciplinary team.

97. A portion of the fund is being utilised for provision of skills development programmes for children and youth receiving services from the centres. This intervention aims to improve the livelihood of children and youth aged 15–24 by equipping them with technical and social skills that will enable them to deal with adversities in life, access and utilise educational, entrepreneurship and employment opportunities.

98. Guidelines for enabling access to HIV Services were developed to support services to vulnerable children and youth. These guidelines respond to and are aligned to the country's National Strategic Plan on HIV, TB and STIs 2017 – 2022 (NSP), which sets out the roadmap for the country's coordinated, multi-disciplinary and integrated response to HIV, TB and STIs. It provides guidance to SSPs in ensuring early identification of children at highest risk of HIV infection and provide immediate psychosocial care and support (PSS) for children who are affected, timeously linking them to testing, treatment and adherence support, and develop holistic interventions that sustain their over well-being.

99. The Government-to-Government project, funded through USAID and the DSD, is implemented to strengthen government's capacity to scale-up implementation of primary prevention of sexual violence and HIV activities among children, and to reduce incidences of HIV infections and AIDS through Social and Behaviour Change programmes (SBC). This was done through the HIV Prevention programmes: YOLO (You only live once) for teenagers aged 15–19 years, ChommY for children aged 10–14 years. These SBC programmes focus on empowering young people with the knowledge and skills to prevent and reduce risky sexual behaviours; and link them to the 95-95-95 clinical cascade.

100. Home and Community Based Care programmes (HCBC), ensure that vulnerable groups, including children, have access to integrated services addressing their basic needs for food, shelter, education, psychosocial support, family or alternative care, health care, and protection from abuse and maltreatment is also implemented. These programmes emphasize the empowerment of families and communities to adequately care for their vulnerable members, including orphans and vulnerable children.

Best interests of the child

101. Mandatory impact assessments are conducted for proposed policies and legislation as part of the Socio-Economic Impact Assessment System of all pieces of legislation that need approval by Cabinet or Parliament.

102. To ensure effective integration and application of “the best interest of the child principle” in all legislative, administrative, and judicial proceedings and decisions, Section 28(2) of the Constitution and Section 9 of the Children's Act provide that the best interests of the child are of paramount importance in every matter concerning the child.

103. This principle is protected through compliance with relevant legislation, capacitating officials, and stakeholders responsible for the provision of services to children on various legislation, policies, guidelines, and strategies relating to children and by responding to the challenges faced by the children in their communities and anticipating the needs of the children within communities and has adapted systems and processes for the purpose of addressing those challenges and needs.

104. To facilitate the disposal of cases in the best interests of children, the Child Justice Act introduced the preliminary inquiry process as an informal pre-trial and inquisitorial inquiry to ensure that the children are dealt with as children and given an opportunity to participate in the proceedings concerning them.

105. Furthermore, Government ensures that children are not employed or working in chemicals and waste management, except through participation in waste collection for recycling in school competitions from an awareness raising point of view but not as employees or workers.

106. To ensure children's safety and well-being, the Heads of Departments for Social Development are empowered (Section 129 of the Children's Act), to grant permission for children to undergo medical treatment and surgical operations in the absence of birth parents.

107. The principle also applies in health settings to ensure provision of such services adequately respond to children's needs.

108. The National School Nutrition Programme, (NSNP), which derives its mandate from the Constitution, 1996, ensures implementation of the right to basic nutrition and the right to have access to food.

109. During the provision of childcare and protection services, this principle is applied in every matter concerning the child, to ensure the child's views are respected, and their participation is given due consideration.

110. The Care and Support for Teaching and Learning Framework provides an overarching initiation and expansion of care and support activities in and through schools. It places care and support needs of teachers centrally thus ensuring optimum teaching and learning.

111. To ensure effective application of this principle, the following indicators were developed by the Department of Justice and Constitutional Development:

(a) Number of children who benefitted from Family Law Services: measures the number of children assisted within the litigation and non-litigation streams. This promotes access to family advocate services to children and eliminates discrimination against children based on race, colour and other social demographics.

(b) Percentage of non-litigation matters finalised within six months from the date of opening of the matter (mediation, conciliations and negotiations): to protect the best interests of children, promote co-operative parenting and preserve the integrity of families and family cohesion.

(c) Percentage of maintenance matters finalized within 90 days from date of proper service of process: to alleviate poverty and promote the rights of children enshrined in Section 28 (c) of the Constitution.

(d) Percentage of Family Advocate reports filed within six months from the date of opening the matter: to measure the percentage of family advocate reports filed at court after conclusion of family advocate enquiries.

(e) Number of Parenting Plans generated and Registered by the Office of the Family Advocate.

(f) Number of Parental Responsibilities and Rights Agreement generated and Registered by the Office of the Family Advocate.

Respect for the views of the child

112. Children's Act (Section 10) entrenches the right of the child to express his or her views in every matter affecting or concerning him/her. It provides *inter alia*, that "every child that is of such an age, maturity and stage of development as to be able to participate in any matter concerning that child has the right to participate in an appropriate way and views expressed by the child must be given due consideration".

113. To address traditional attitudes and practices of caregivers and professionals working with children, regarding child participation, Government capacitates professionals in various disciplines on matters relating to the rights of children. The list of trainings provided to professionals is provided in paragraph 60.

114. To promote meaningful participation of children in the family and community, Government adopted the Child Participation Framework which ensures strengthening of child participation as mandated by the Constitution.

115. The Annual Nelson Mandela Children's Parliament programme is implemented to enhance child participation and offer a platform for bottom-up facilitation of children's issues.

Through this programme children in all provinces are offered an opportunity to equally participate.

116. An induction workshop for child ambassadors was held in March 2022 to empower children with knowledge and skills to carry out their duties effectively. The workshop focused on various issues such as Child Rights and reporting obligations, Child Participation and coordination mechanisms.

117. The recently held, 5th Global Conference on the Elimination of Child Labour was a breakthrough event, with South Africa being the first country in its history to ensure that children participated meaningfully in the conference. This progressive move shows South Africa's commitment to effectively offer platforms for children to express their views. The Conference had a dedicated Children's Forum (side event) in addition to other sessions where children participated.

118. To enhance child participation in the development of policies and legislation, children were offered opportunities to participate in consultations on the draft Children's Amendment Bill. A special workshop was arranged in January 2022 to consult children on regulations for the Children's Amendment Bill.

119. The CPW and 365 Days Child Protection Campaigns, which strengthen child protection by providing awareness, lobbying and education throughout the year, are other participatory platforms to raise awareness on children's right as outlined in the Constitution and the Children's Act. These campaigns include dialogues with children to understand issues affecting them at community level. Through these dialogues, Government identifies issues affecting children and put response measures in place to provide necessary support services to children in families, schools, and their communities, while some issues are considered for policy and legislative processes.

120. The Parental/Primary Caregiver Capacity Building Training capacitates and supports parents with parenting skills and promoting development of their children to ensure that the views of children are respected in the ECD settings. Furthermore, education, advocacy, and awareness campaigns on the importance of ECD are provided.

121. Through the Office of the Family Advocate, the respect of the child's views is ensured by:

- (a) Conducting child assessments;
- (b) Children interviews/child consultation in accordance with relevant tools;
- (c) Conducting interactional analysis between children and their parents;
- (d) Conducting child observation relationships between the children and their parents;
- (e) Children consultations after conclusion of Parental Responsibilities and Rights Agreements and Parenting Plans;
- (f) Allowing children to participate in the inquiries in accordance with their developmental stage, maturity and developmental needs;
- (g) Only Family Counsellors are authorised to conduct children's consultations through the utilization of child voice toolkits and in child appropriate manner.

122. Child consultations are also conducted to respect the views of the child in litigation and non-litigation matters. Furthermore, child assessments are conducted in all matters where children are involved.

123. To enhance participation of children with disabilities, required basic support such as sign language interpreters, brailed documents are made available. Furthermore, dialogues with children with disabilities and their parents, inclusive of persons with albinism were held in seven of the nine provinces to listen to their needs, aspirations and views.

124. Furthermore, programmes that involve children's participation in environmental awareness campaigns such as school competitions and bring a Girl Child to Work programme are implemented. In this regard:

(a) The South African National Biodiversity Institute's (SANBI) garden-based school and outreach greening programme was implemented in five national botanical gardens. The SANBI projects involved learners, educators and community members in learning about the environment and why they should care about it, including acquiring practical skills to put to good use in greening their own schools and communities. SANBI's environmental education programme was attended by 25 523 learners from 334 schools across the country.

(b) A separate outreach greening programme ran a series of workshops for "green teams" from 143 schools from Gauteng, Free State and Mpumalanga to promote the educational value of biodiversity and gardens in schools and community, horticultural skills for economic empowerment and development of water-wise gardens.

D. Civil rights and freedoms (Arts. 7, 8 and 13–17)

Birth registration, statelessness and nationality

125. Sections 2(2) and 4(3) of the Citizenship Act, ensures security and protection that eliminates statelessness in the country. Birth of a child who has a possibility to be rendered stateless even by the country of parent's nationality, is granted citizenship in South Africa in terms of Section 2 (2) of the South African Citizenship Act, 1995. Parents must provide evidence that the child is born in South Africa and that no country wishes to give nationality to the child.

126. To ensure that all stateless children born in the State party, irrespective of residency status, have access to citizenship, the law of citizenship provides inclusivity to those who qualify to apply for citizenship.

127. With reference to the removal of fees and other punitive measures for late registration, it is essential to note that there are no set punitive measures for late registration of birth. Section 21B (2) of the Refugees Act stipulates that any asylum seeker or refugee whose child is born in the Republic, must within one month of the birth of the child, register such a child in terms of the Birth and Deaths Registration Act, (Act No. 51 of 1992), and submit the certificate at any Refugee Reception Office for a child to be included as a dependant of such asylum seeker or refugee. Children who are included as dependants shall be accorded the same status as accorded to the parent.

128. About ensuring that the lack of birth certificates does not hinder access to child protection services and basic social services, the Department of Home Affairs has set up 'offices' at major hospitals and clinics where birth certificates can be issued directly, to ensure improvement to birth registrations. Further, the DHA amended Regulations for Birth Registration (2018). There are two categories of Late Registration of Birth applications: children who are registered after 30 days, but before 1 year and, children who are registered after 1 year. The requirements for a Late Registration of Birth differ depending on whether a child was born to South African parents, permanent residents, refugees, or other non-nationals. These regulations were developed to ensure improvements to access to services where such documentation is required.

129. Furthermore, the SAHRC published a position paper in 2019 on access to services for undocumented children. The position paper contains progressive recommendations and government departments provide regular feedback on efforts to improve access to services by undocumented children.

Access to appropriate information

130. In South Africa, all citizens have a right to access information that affects their lives. The Promotion of Access to Information Act 2 of 2000 ensures Constitutional right of access to information. The Government Communications and Information Systems drives coherent government messaging including proactively communicating with the public about government policies, plans, programmes and achievements. Furthermore, government departments publish crucial information which may be beneficial to the public on their respective departmental websites. In addition, Government further ensures sharing of information through available structures where both Government and civil society

participates, through workshops, dialogues and awareness raising programmes with children and members of the community.

131. Child-friendly versions of policy documents and legislation and programmes of Government are distributed through various mediums to ensure effective transmission of key messages to children and the community at large. These include the following amongst others;

- (a) Child friendly version of the NPAC.
- (b) Child friendly communities' framework.
- (c) Pamphlets and posters on various programmes of Government such as ECD, substance abuse, child protection including prevention of violence.
- (d) Distribution of pamphlets on children's rights and obligations in terms of the Basic Conditions of Employment Act, prohibition of work by children and acceptable household chores for children.
- (e) Distribution of educational materials, e.g., posters, videos, booklets, flyers, info graphics as part of its National School Nutrition Programme which promotes health, hygiene and food safety, are developed to improve health and hygiene knowledge.
- (f) ECD resource materials aimed at supporting parents of young children at home during the National State of Disaster.
- (g) Materials and brochures which provide security tips to children and parents with albinism including brochures that address the dangerous erroneous myths about people with albinism to promote and protect the rights of people with albinism.
- (h) Brochures on *ukuthwala* which contains information on available legal recourse to intensify educational campaigns on *ukuthwala*.

132. In terms of measures to improve digital inclusion for children and promote equality of access and affordability of online services and connectivity, the State of ICT Report published by the Department of Communications and Digital Technologies identified access to connectivity as a basic need because it determines access to education, health, and work, which are fundamental for our survival. Further, the Department adopted the National Digital & Future Skills Strategy which seeks to improve digital inclusion to populations at risk of exclusion such as children in rural areas and youth who are out of work. Furthermore, various cities, as part of their Smart City Initiatives have set up "hot spots" in schools, community libraries and parks to offer free access to Internet to children and community members.

E. Violence against children (Arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Freedom of the child from all forms of violence, sexual exploitation and gender-based violence

133. Regarding defining domestic violence as a criminal offence in a gender-sensitive way, in the Domestic Violence Act of 1998 it can be stated that, in South Africa both men and women can be guilty of and be victims of domestic violence. If a respondent breaches a protection order by continuing to subject others to any form of abuse, a criminal charge may be laid at a nearest police station and a warrant of arrest may be handed to the police to arrest the respondent. Furthermore, victims of domestic violence can lay criminal charges and/or apply for a protection order against perpetrators. All offences in terms of the Domestic Violence Act 116 of 1998 are outlined in Section 17.

134. Government adopted the National Child Care and Protection Policy in 2019⁷ to expressly prohibit corporal punishment of children in all settings including the home environment and to promote positive parenting practices and programmes. Furthermore, the Constitutional Court decision [2019] ZACC 34 in the matter between Freedom of Religion South Africa v Minister of Justice and Constitutional Development and Others declared

⁷ <https://www.gov.za/documents/national-child-care-and-protection-policy-17-feb-2021-0000>.

“reasonable and moderate chastisement” of children as a form of physical discipline by their parents to be unconstitutional. This Judgement is law in the country.

135. Government remains committed to address endemic causes of violence against children and to ensure that all children in South Africa enjoy care and protection as assured the Constitution and the Children’s Act, as well as in other pieces of legislation relevant to children. To strengthen its efforts:

(a) The Junior National Commissioner Programme was introduced to recruit young people, especially learners, to be part of crime-fighting initiatives, while discouraging the youth from participating in various criminal practices. The project is one of the SAPS’ Youth Crime Prevention flagship projects that seeks to provide the country’s youth opportunities to contribute and play meaningful role in ensuring a safe and conducive learning environment in schools.

(b) Schools are identified for provision of school programmes. Issues addressed in these engagements include (cyber) bullying, substance use and drug abuse, dangerous weapons, sexual offenses, xenophobia, occult-related crimes and gangsterism and the necessity to report all forms of child abuse.

(c) An Indaba on Gender-Based Violence (GBV) and Vulnerable Groups was convened with the sole purpose of reducing barriers to reporting of sexual offences and domestic violence.

(d) The country also has a well-established Gender-Based Violence Command Centre (GBVCC) which maintains the delivery of comprehensive integrated services to victims of gender-based violence.

136. Government launched the Presidential Summit Declaration against GBVF in March 2019. The Summit Declaration sets out specific actions to prevent femicide, among other things. In May 2020 the President further launched the GBVF National Strategic Plan (2020–2030) to guide the country’s implementation of the Presidential Summit Declaration. The purpose of the plan is to provide a multi-sectoral, coherent strategic policy and programming framework to ensure coordinated national responses to the crisis of GBVF by the government and social partners.

137. The National Integrated Prevention Strategy on Femicide was also developed. With these two Presidential documents introduced, it became imperative that a National Integrated Prevention Strategy against Femicide be developed and aligned with them to ensure compliance with the vision of the Presidency on the GBVF agenda in the country.

138. To promote and protect the rights of people with albinism, Government conducts community dialogues, education and awareness raising sessions through various media platforms with children, parents, community members, traditional and religious sectors; addresses child killings, rape and child abuse and educates the community about the dangerous erroneous myths about people with albinism.

139. Multi-sectoral interventions were strengthened by putting structures at national and provincial levels, comprising national and provincial government departments and civil society organisations to foster multi-stakeholder participation. These include:

(a) National Inter-Sectoral Committee on Trafficking in Persons (NICTIP).

(b) Provincial Task Teams on Trafficking in Persons and Provincial Rapid Response Teams.

(c) National Child Care and Protection Forum.

(d) Working relationships with Helplines also assist in effective referrals for services.

140. Measures were put in place to build families, caregivers and communities capacity to protect children from all forms of violence. These includes;

(a) Parental/Primary Caregiver Programme to parents and caregivers which includes a module on positive discipline.

- (b) Sinovuyo Teens Parenting Programme to improve positive parenting skills.
- (c) 365 Days Child Protection campaign to address violence against children, abuse, neglect, exploitation, and trafficking, bullying, including cyberbullying and to educate parents and caregivers on violence related issues.
- (d) Development of the framework of positive values to address challenges of deteriorating values within families.
- (e) Development of a training manual on families in crises to assist service providers to work effectively with families during crises situations.
- (f) Development of the Integrated Parenting Framework to address lack of effective parenting within families which leads to family-disorganisation wherein children lack proper guidance to face external challenges.
- (g) Advocacy campaigns such as the International Day for Families, International Year for Families, National Marriage Week, International Men's Day to promote family life and to support and encourage married couples and those preparing for marriage to engage in discussions that seek to educate and empower them to enhance their marriages.
- (h) Marriage enrichment and preparation programmes, family preservation programmes are offered to ensure that families are preserved and empowered.
- (i) Development of teenage parents programme and active parenting of teenagers for teenage parents to exploring the challenges around parenting and to offer support systems to teenage parents to enable them to be effective parents.
- (j) Development of the fatherhood strategy to revive the role of fathers within families because parenting is a dual role.

141. Regarding establishing strong accountability mechanisms for Gender-Based Violence (GBV), the President of the Republic in September 2019 expressed the country's commitment to addressing the scourge of GBV and announced the Emergency Response Plan to address it which includes strengthening of the legislative framework. To pursue this, the President signed into law pieces of legislation (stated in paragraph 44) to strengthen the fight against GBV.

142. Furthermore, Government implemented a system to identify backlog domestic violence cases. This requires that cases must be finalised within 90-days from the date of application of the interim protection order. Herein court clerks and other officials were trained to ensure that domestic violence cases are prioritised and expedited.

143. Government ensures that people who have been found guilty of GBV and/or sexual related cases are listed in the National Child Protection Register and National Register for Sexual Offenders. For offences relating to educators, provincial Education Departments are encouraged to report such cases to the South African Council for Educators to ensure that such educators are struck-off the roll of South African Educators and as such they could not be employed as educators ever again.

144. In July 2020, the Minister of Social Development signed the acceptance letter to South Africa becoming a member of the We Protect Global Alliance to end online child sexual abuse and exploitation. Furthermore, the department in partnership with UNICEF undertook research exploring children's online behaviour and experiences. The study targeted children of 9–17 years in all provinces and the key research areas included: access and usage, opportunities, risks and support. Other measures are recorded in part 2.

145. To address incidents of sexual abuse of girls in schools, the SOPs for the Employers of Educators protocol were developed. These ensure efficient management of cases, thus fostering and expediting the management of serious misconduct and strengthening compliance with legal requirements encapsulated in Section 26 of the Employment of Educators Act and Section 26 of the South African Council for Educators Act.

146. Furthermore, the Education Labour Relations Council (ELRC) Collective Agreement 3 of 2018 was signed to address challenges experienced by the employer in handling sexual misconduct cases wherein a learner was involved as a victim. In terms of this Collective

Agreement, all cases against educators charged with sexual misconduct in respect of learners are handled by qualified arbitrators in the ELRC. The judgment of an arbitrator in an enquiry in terms of the Collective Agreement is final and binding and has similar status as an arbitration award under the Labour Relations Act. There is no appeal against such award, except referral to the Labour Court for review by any party to the dispute.

147. Furthermore, rules on the Prevention of re-appointment of former Educators Dismissed or Deemed Dismissed for Misconduct were developed. These ensure that educators who were found unfit to work with children are not employed as educators, including educators who resigned while facing charges of misconduct. These rules provide for prohibition period of re-employment of educators based on different types of offences as listed in Sections 17 and 18 of the Employment of Educators Act. For sexual related misconduct, serious assault and illegal possession of intoxicating, illegal or stupefying substance, the prohibition period is indefinite.

148. Management and Reporting of Sexual Abuse and Harassment in Schools Protocol was developed to equip the DBE, especially School Management Teams with necessary guidelines to manage and report all incidences of sexual abuse and harassment. It further provides a guide to the management and reporting of sexual abuse and harassment, ensuring appropriate and timely responses to cases perpetrated against learners and educators. It provides a standardised response to allegations by learners, whether they are perpetrated by fellow learners, educators or by other persons.

149. Section 55 (1) of the Children's Act provides that where a child involved in a matter before the children's court is not represented by a legal representative, and the court deems it be in the best interest of the child to have legal representation, the court must refer the matter to the Legal Aid Board.

150. To ensure availability of child-friendly confidential complaint mechanisms, the SAPS has specialised investigation units, Family violence, Child protection, and Sexual offences (FCS) units in place for all cases where children are abused and exploited.

151. Furthermore, safety standards in schools were enhanced through development of Protocols on the Management of Incidences of Corporal Punishment and the Management and Reporting of Sexual Abuse and Harassment in Schools. These Protocols outline establishing of independent complaints' platforms for children, educators and other adults to ensure creation of a wider net of safe spaces.

152. Schools are empowered through the South African School Act (SASA) to develop their own disciplinary codes. The Codes of Conduct are essential to the successful implementation of alternatives to corporal punishment and reporting any form of sexual harassment, including providing a framework for consequence-management for misbehaviour.

153. Regarding emergency accommodation, the National Policy Framework on TIP, provides for services to be offered to all victims of trafficking, whether they are suspected of being victims or confirmed as victims. Victims are included in services rendered by care facilities such as help centres, Thuthuzela Care Centres, Ikhaya Lethemba, government hospitals, accredited shelters, child and youth care centres, temporary safe care, Khuseleka One Stop Centres, individual placements, and others.

154. To ensure access to age friendly information on access to counselling, services provided to victims include secure care, sheltering, case conferences, psycho-social intervention, repatriation/re-unification, psycho-social support, psychiatrist services, psychological services, medical treatment, court preparation, assistance with documentation, full medical and other health assessments, administration of health checks and chronic medication when needed, linking with translators at the assessment phase when needed, the use of specific psychologists fluent in the language of victims when needed, and continued support by appointed social workers.

155. Furthermore, victim-friendly services are rendered to reduce secondary victimisation and enable victims to provide details that assist in investigations. To enhance quality, service delivery and responsiveness to victims of crime, a Victim Friendly Room, which is a dedicated room at a police station, provides space for victims of intimate violence (e.g.,

sexual offences and domestic violence) to ensure that victim's rights to dignity and privacy are protected and that they can report, be interviewed, and give statements in a private place. Where there are no Victim Friendly Rooms, alternative arrangements are made for private interviews.

156. Financial support is provided to NGOs that provide therapeutic services to children with Autism and Intellectual Disabilities in response to their special needs.

157. Psychosocial support services are provided to ensure access to counselling in schools. To improve access to services:

(a) A training on trauma support targeting Provincial Coordinators was hosted.

(b) Learner Support Agents were employed and placed in schools to perform various care and support functions.

(c) Government partnered with NECT and UNICEF to mobilise support for learners and educators. Through this partnership, Child-line was appointed to provide telephone counselling and referrals to learners.

Harmful practices

158. With regards to prohibition of forced child-marriages (*ukuthwala*), the case of *Jezile Vs. the State* made it clear that modern-day abuses of *ukuthwala* are criminal offences. The accused in this case was charged with human trafficking, rape, assault with intent to cause grievous bodily harm and common assault. He was convicted and sentenced to 22 years of imprisonment, a verdict and sentence that were upheld on appeal.

159. The marriage policy was approved to inform amendment to the marriage Act.

160. Furthermore, Parliament adopted the Customary Initiation Act, which commenced on 1st September 2021. The Act prohibits female circumcision and genital mutilation as part of customary initiation practices.

161. The Act further makes provision for the establishment of a National Initiation Oversight Committee (NIOC) which will monitor customary initiation from a national perspective. The Act also makes provision for Provincial Initiation Coordinating Committees (PICC) to, amongst other responsibilities; develop criteria for registration of initiation schools and for the actual registration as schools. Hosting non-registered initiation school is an offence and upon conviction, a transgressor can be imprisoned for up to 15 years.

162. One of the many responsibilities of the NIOC and PICCs are to conduct initiation awareness campaigns. The Act also deals with kidnapping/abduction of children and such offences will be dealt with in terms of the laws relevant to criminal offences.

163. Regarding male circumcision, the Act states that it may only be performed by a registered medical practitioner or by a registered traditional surgeon. However, such traditional surgeon must be a registered medical practitioner and if he is not, he can only perform male circumcision under the supervision of a registered medical practitioner.

164. Virginity testing is allowed as per the provisions in the Children's Act. This Act has not yet been amended to ban this practice.

165. With regard to the practical steps, Government is implementing advocacy and awareness programmes, workshops including community dialogues to deliberate, educate and discourage the practice of *ukuthwala* while encouraging reporting.

F. Family environment and alternative care (Arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment and adoption

166. The national strategy for provision of an adequate number and coverage of child and youth care centres as required by the Children's Act was developed and approved in

November 2016. This strategy was reviewed in the 2018/19 financial year in consultation with provinces. Its finalisation is dependent on the passing of the Children's Amendment Bill.

167. The policy provisions for kinship care arrangements as provided for in the NCCPP, are included in the Children's Amendment Bill (18 of 2020), which is currently before Parliament. Furthermore, the policy on increasing the value of the Child Support Grant to orphans in the care of their relatives and children in Child-Headed Households which was approved by Cabinet in December 2016 came into effect in 2022. This policy intervention strengthens and supports the safety-net for poor children who are orphaned through a specifically defined accessible cash transfer.

168. To strengthen formal alternative care structures, the Developmental Assessment Tool (DAT) for children in alternative care and Guidelines for Independent Living Programme were developed. On-going capacity building to Social Service Practitioners throughout the country on the two documents is provided.

169. Monitoring systems such as the Children's Act Monitoring and Evaluation Framework are in place. Monitoring of residential institutions is conducted quarterly at provincial level. To strengthen monitoring of CYCC's, a draft monitoring tool for CYCCs was developed and consulted with provinces during the 2021/22 financial year.

170. The country does not have a regulatory framework for customary adoption as the Children's Act, which is the main piece of legislation that regulates the care and protection of children in the Republic does not provide for customary adoption.

G. Children with disabilities (Art. 23)

171. The following are amongst some of the measures taken to develop a comprehensive law and policy on children with disability:

- (a) Policy framework on management of complaints and investigations relating to persons with disabilities which also includes the needs of children with disabilities.
- (b) Policy for provision of quality education and support for children with severe to profound intellectual disability.
- (c) Policy on screening, identification, assessment and support.
- (d) White paper on the rights of persons with disabilities.
- (e) Policy on offenders with disabilities (2006) is being reviewed.
- (f) Draft guidelines on respite care services for families and persons with disabilities and guidelines on the empowerment of persons with disabilities and disability mainstreaming are being developed.

172. The Comprehensive National ECD Policy, upholds that ECD be viewed as a public good provides for early identification of children with disabilities, to facilitate proper planning and provision of adequate resources and services. In 2014, the Policy on Screening, Identification, Assessment and Support (SIAS) was introduced. The intention is to equip ECD practitioners, teachers and officials with the skills and knowledge to identify children experiencing barriers as early as possible and ensure that they receive the necessary support and interventions. To date, 3 529 Grade R Practitioners and 2 380 officials have been trained in implementation of the Policy on SIAS.

173. The State is committed to providing children with disabilities rehabilitation and reasonable accommodation for full inclusion in all areas of public life. Section 42 (8) of the Children's Act, makes an unequivocal recognition of the special needs of children with disabilities, and requires that the 'children's court hearings must, as far as is practicable, be held in a room which is furnished and designed in a manner aimed at putting children at ease, and accessible to disabled persons.

174. To ensure compliance with this provision, the Draft Minimum Standards for Children's Courts were developed to give common specifications to make the children's courtroom accessible to all children, especially children with disabilities.

175. Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, provides that where a person is convicted of a sexual offence against a child or a person with a mental disability, his/her name must be registered in the National Register for Sex Offenders. The intention of this provision is to prohibit registered sex offenders from working in environments that will give them access to children and persons with psycho-social disabilities.

176. The Criminal Procedure Act, 1977 provides further protection to witnesses with mental disability. Section 170A of the Act states that whenever it appears to the court that criminal proceedings would expose any witness under the biological or mental age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, the court may allow such a witness to testify through the assistance of an intermediary.

177. The Education White Paper 6 on inclusive education makes a provision for ordinary schools to be designated, converted, and resourced to serve educational needs of children with disabilities.

178. On measures to promptly investigate reports of abuse of children with disabilities in schools, school hostels and care system, and engage in prosecution, the Department of Basic Education works in partnership with the South African Human Rights Commission to address any reports of abuse or findings that impact negatively on Learners with Special Needs. In 2019, an investigative hearing into safety and security measures in schools for children with disabilities in the North-West province was launched and resulted in significant steps to ensure proper implementation of recommendations emanating from the report.

179. Deliberate policy strides to address needs of Learners with Special Needs, their hostel accommodation safety measures were taken. Government strengthened its partnership with the National Disaster Management Centre (NDMC) and the SANTAM Short-term Policy Insurance Company to address Risk and Management Assessments and mitigation.

180. Furthermore, cases of bullying across the education sector were prioritised. Currently, Violence and Bullying Prevention Campaign are conducted through a multi-sectoral, broader education stakeholder participation involving learners (through Webinar sessions during COVID-19 hard lockdowns), educators and parents.

H. Basic health and welfare (Arts. 6, 18 (3), 24, 26, 27 (1) (3) and 33)

Health and health services

181. To address root causes of high rates of infant and child mortality, Government promotes early identification of common childhood illnesses particularly pneumonia and diarrhoea and sick neonates at:

(i) *Community level to ensure:*

- (a) Improved caregiver knowledge via Mom Connect messages.
- (b) Improved caregiver's use and understanding of the Road to Health Booklet (RTHB) and access to the National Side-by-Side Campaign.
- (c) Improved health-seeking behaviour through education of the household by Community Health Workers (CHWs) on danger signs.
- (d) Strengthened implementation of the mid-upper arm circumference (MUAC) measurement by CHWs and the caregivers and household, for early identification and referral of severe acute malnutrition (SAM) Training.
- (e) Trained caregivers and families on the use of child health tools, upper arm circumference (MUAC) measurement and the RTHB for Prevention, early recognition and referral for severe acute malnutrition (SAM) and danger signs.
- (f) Trained early childhood development practitioners on the use of the RTHB and Nutrition Guidelines for ECD centres.

- (ii) *Clinic Level, to ensure:*
- (a) Intensified early identification and case management by implementation of the integrated management of childhood illnesses strategy and other relevant standardised guidelines and protocols.
 - (b) Strengthened systems by ensuring availability of drugs and consumables, and an emergency response to stock-outs.
- (iii) *Hospital level to ensure:*
- (a) Intensified implementation of emergency triage, assessment, and treatment.
 - (b) Improved implementation of standardized guidelines and protocols for paediatric in-patient care.
- (iv) *Training to ensure:*
- (a) Improved capacity building of CHWs on the use of child health tools – Prevention, early recognition and management of severe acute malnutrition (SAM) by mid-upper arm circumference (MUAC) measurement, danger signs and the RTHB.
 - (b) Trained early childhood development practitioners on the use of the RTHB and Nutrition Guidelines for ECD centres.
 - (c) Strengthen in-service and pre-service training on public health strategies, policy and guidelines on case management and emergency paediatric care.
- (v) *Monitoring and Evaluation to:*
- (a) Strengthen the use of data for action, and the development of Quality Improvement Plants for poor performance.
 - (b) Improve implementation of recommendation from National Survey and Ministerial Committee’s Advisory Committees and Death Audit Reports.
 - (c) Intensify monitoring of drug availability through the Stock Verification System (SVS).
182. Furthermore, high impact nutrition interventions for children under 5-years, are promoted.
183. To eradicate under-five years mortality due to preventable diseases and malnutrition and eliminate stunting due to inadequate nutrition; The current plans focus on strengthening comprehensive packages of services offered at different levels of care such as:
- (a) Intensifying support for mothers to continue to breastfeed.
 - (b) Encouraging mothers and caregivers to take their infants and young children to PHC facilities for child health services (immunisations, Vitamin A supplementation, deworming) and growth monitoring.
 - (c) Ensuring that nutritional status of children under 5-years admitted to hospital is assessed.
 - (d) Ensuring that children identified with acute malnutrition are referred to hospital or managed at PHC facilities.
 - (e) Community health workers are tasked with identifying children with acute malnutrition at household level.
 - (f) Training mothers to screen their children to identify early signs of malnutrition and other danger signs at community and household level (a pilot project is selected by districts).
 - (g) Working with other stakeholders to improve household food security and to ensure that all eligible households access cash-transfers.

184. On measures to develop a comprehensive child-centred nutrition programme to tackle root causes of all forms of malnutrition, including the growing problem of obesity:

(a) The National Food and Nutrition Security Plan (NFNS) 2018–2023 was approved by Cabinet to improve food security and reduce malnutrition in all its forms in South Africa.

(b) The Road to Health booklet (RTHB) has been redesigned and placed at the centre of a campaign which aims to ensure that young children have access to the full range of ECD services at health facility and household levels.

(c) The three forms of malnutrition, namely under-nutrition, over-nutrition and micronutrient deficiencies continue to be a challenge. However, interventions focused on clinical nutrition, public health nutrition and food-service management to address these challenges are implemented. Clinical guidelines on Adult Parenteral and Enteral Nutrition and Paediatric Parenteral Nutrition were developed during the 2016/17 financial year. Guidelines for healthy eating in Early Childhood Development were also developed.

185. Regarding special measures taken to expand school feeding programmes in the context of COVID-19, The National School Nutrition Programme was resumed during lockdown irrespective of whether learners were attending school or not (rotation timetable). With the prevailing regulations, the following three feeding modalities were offered:

(a) Cooked meals served to learners attending school.

(b) Cooked meals collected by learners not attending school or on rotation.

(c) Food parcels collected/distributed to learners/parents.

186. To ensure access to free, high-quality primary health services and personnel, particularly in rural areas Government is:

(a) Implementing Universal Health Coverage through the National Health Insurance (NHI).

(b) A key component of the NHI information systems is the Health Patient Registration System (HPRS) which commenced in July 2013 and currently rolled out throughout the country.

(c) The District Health System (DHS) is also implemented.

(d) Primary Health Care services are strengthened.

(e) The Centralised Chronic Medicines Dispensing and Distribution programme (distributes and dispenses medicine from a central point for patients with chronic conditions who are stable on their medication) was introduced.

(f) The Ideal Clinic programme is implemented to systematically improve the quality of care provided in Primary Health Care facilities.

(g) The Integrated School Health Programme which contributes to the health and well-being of learners through screening for health barriers to learning continues to be implemented.

(h) The Side-by-Side campaign which empowers parents with messages to understand the scope of care required for optimal early childhood development, and the importance of their roles in the early childhood care and learning is implemented.

(i) In 2018/19 financial year, health facilities commenced implementing guidelines on improved management of client complaints, suggestions and compliments, conducting of annual patients' experience of care surveys by health facilities; and monitoring and reporting to be implemented by health facilities on Patient Safety Incidents.

187. To expand child immunization coverage particularly regarding tuberculosis, monitoring of the implementation of the National Strategic Plan on HIV, STIs and TB 2017–2022 is continuing and supports the objectives decided by the World Health Organisation (WHO) and the United Nation's Sustainable Development Goals to end TB. A new National TB Plan (NTP) identified that we are incorporated into the new NSP for HIV and AIDS, STIs

and TB. The plan aligns with the WHO's End TB Strategy in emphasising prevention, detection and treatment of TB.

188. Access to new drugs is being fast-tracked regarding Bedaquiline and Delamanid. The 9-month short MDR-TB treatment regimen was also launched. Preliminary results from some sites are already showing treatment success rates of about 60% for XDR-TB patients. The integration of TB information system (ETR.Net and EDRWeb) and HIV and AIDS programme (TIER.Net) has been done and development of protocols for exporting data to webDHIS is progressing.

189. Regarding the development of a national strategy on breastfeeding and implementing the International Code of Marketing of Breast milk Substitutes, the National Food and Nutrition Security Plan 2018 – 2023 was developed. The plan focuses on scaling up high-impact, evidence-based nutrition interventions, which target vulnerable periods in the life cycle including preconception, pregnancy and lactation, infancy and childhood periods.

190. Breast milk Substitutes are regulated through the Regulations relating to Foodstuff for Infants and Young Children (R991 of 2012). Compliance to these regulations is monitored and coordinated at National level, with members of civil society, civil society, Developmental Partners and various organisations being able to report any non-conformity to the regulations with evidence to the Director-General.

Adolescent health

191. To ensure access to age-appropriate reproductive health services, including free and safe abortion and post-abortion services to girls the National Adolescent and Youth Health Policy (2017), is implemented by provinces. Furthermore, measures were formulated within the Ideal Clinic Monitoring System, to assist in monitoring young people accessing health services in health facilities.

192. There is a much-improved system for young people to access age-appropriate health services through Youth Zones in all Primary Health Care facilities. Facilities have dedicated clinic times during which young people access a well-defined package of health care services which includes:

<i>Sexual And Reproductive Health</i>	<i>HIV Testing Services</i>	<i>Pregnancy Support</i>	<i>Nutrition & Dietary Guidance</i>	<i>Screen & Treat Injuries And Minor Ailment</i>	<i>Violence & Sexual Assault</i>	<i>Immunisation</i>	<i>Screening For:</i>
Contraceptives	Antiretroviral treatment	Pregnancy testing	Healthy eating		Screen	TD AT 12 Years	Obesity (BMI)
Male and female condoms	HIV prevention Package (including Post Exposure Prophylaxis (PEP))	Early booking	Healthy lifestyle		Psychosocial support		Malnutrition
Implant (subdermal)		Ante natal care			Provide post exposure prophylaxis		Substance abuse
Intrauterine device (IUD)		Adoption					Violence & Sexual assault
Choice of injectables		Prevention of mother to child transmission (PMTCT)					Mental health
Oral contraceptive pills	Pre Exposure Prophylaxis						Pyschosocial support
Emergency contraceptive pills	Treatment adherence support						
Voluntary sterilization for men and for women							
Termination of pregnancy (CToP)							

193. Health Care Workers, especially Professional Nurses, are trained on Adolescent and Youth Friendly Services (AYFS).
194. The department of health, in partnership with its stakeholders, provide training on the National Adolescent and Youth Health Policy 2017, to all partners working with young people, since 2017.
195. In trying to reduce teenage pregnancy, a project was commissioned with the support from UNFPA. Through this project, provinces were assisted to develop district specific plans in the reduction of teen pregnancy.
196. Efforts are in place to train Health Care Workers on mandatory reporting of any form of child abuse when consulting in health care facilities.
197. HCW are trained on adolescent sexual and reproductive health and rights (ASRH&R) especially on the provision of sexual and reproductive health services.
198. The age disaggregated data on CTOP has shown that young people are accessing free and safe abortion services and post-abortion services from as young as 12 years. However, it is concerning that young girls are using these services more than once. The numbers of abortions are not limited however; young girls should modify their sexual behaviour and take informed responsibility for their actions by taking up long-acting reversible contraceptives that are made available for them. Intensification of health education for young people remains critical.
199. To ensure appropriate health care for expectant and nursing mothers, Government is rolling out the Mom Connect programme which is a service whereby pregnant women and mothers of young infants receive regular health promotion messages by SMS.
200. The National Strategic Plan on HIV, STIs and TB 2017–2022 is implemented to expand coverage of children receiving antiretroviral treatment, paediatric HIV diagnosis, testing and treatment and to reduce the risk of HIV-infection among girls. The NSP seeks to accelerate progress in reducing the morbidity and mortality associated with HIV, TB and STIs in South Africa. Provinces develop context specific Provincial Implement Plans (PIP) to operationalize the broad strategic directions and approaches planned.
201. The strategy prioritises efforts to build the capacity of both mainstream and community-based service providers, community- and peer-led programming will be implemented and expanded, and enabling environments created so that hard-to-reach groups advocate for their health and human rights and increase their uptake of life-saving services.
202. The development of District Implementation Plans (DIPs) using the UNAIDS 90-90-90 targets was also facilitated to ensure that districts and health facilities identify relevant problems and challenges, analyse root-causes and then formulate solutions and targets for HIV-AIDS and TB indicators, including the WHO evidence-based Test and Treat (TT) Guidelines from were implemented.
203. The integrated plan to reduce maternal and neonatal death was approved by National Health Council (NHC).
204. The Blueprint for Action “keeping children alive and healthy in South Africa”, provides guide the operational, monitoring and management plan for quality implementation of paediatric and adolescent ART and TB programmes at different levels of health service delivery. It further provides a roadmap towards keeping children (0–18 years) alive and healthy, and it includes a focus on paediatric and adolescent ART and TB.
205. Government provides comprehensive education on SRHR, including information on family planning, contraceptives and the risks related to early pregnancies, as well as prevention and treatment of sexually transmitted infections. To advance this, the comprehensive sexual education policy was developed and is being implemented. The age-appropriate Integrated School Health programme is also implemented to provide a comprehensive package of services.
206. To address the incidence of alcohol and substance abuse by adolescents, authorities conduct unannounced search and seize activities at schools including dialogues on prevention

of substance abuse with street children, community members and learners from various schools.

207. Furthermore, the below campaigns are continually rolled out to educate the society and create awareness on substance abuse:

- (a) The International Day Against Drug Abuse and Illicit Trafficking.
- (b) Campaigns are conducted at Institutions of Higher Learning.
- (c) The festive season campaigns.
- (d) Furthermore, the Ke-Moja Drug Awareness Programme.
- (e) Siyalulama Outreach Programme.
- (f) Media campaigns are equally conducted.
- (g) Community dialogues.
- (h) The School Holidays programmes.
- (i) Efforts were also strengthened through the Visit to the Taverns programme.

(j) Furthermore, the trainings such as the client centre approach, vital signs monitoring, group skills and ethics, Suicide Risk On Call, Individual Therapy Training, Health and Safety, Sustainability, Mental Health and Stigma, Customer Care, Ripples, Seasons and Lapalame General Training are offered to professionals working with children involved in substance abuse to ensure provision of professional services.

Impact of climate change on the rights of the child and environmental health

208. The Climate Change Bill (forthcoming) will form the legislative foundation for the climate change adaptation and mitigation response. Concerning mitigation, the Bill calls for allocation of carbon budgets to companies; an emission threshold will be published to identify the companies that will be liable. The threshold will from time to time be revised. A carbon budget sets the maximum volume of emissions from certain activities that a company is allowed to emit over a certain period, thus enabling lesser emissions in communities and benefiting children.

209. By assigning a carbon budget to a company, an indication is provided of the extent of greenhouse gas mitigation that is required within a specific period. The companies that fail to stay within the allocated budget will be liable for a Carbon Tax. Once allocated a carbon budget, a company is expected to submit the mitigation plans which will outline the measures/interventions that the company will undertake to reduce its emissions.

210. Furthermore, the Bill calls for the determination of sectorial emissions targets (SETs) for emitting sectors and subsectors. SETs are also critical to supporting the implementation of carbon budgets.

211. Implementation of these measures is critical to ensure that South Africa keeps its emissions in line with its international commitment. Children are especially susceptible to poor air quality and the improvement of air quality is considered a co-benefit to the reduction of GHG emissions in the energy, transport and industry sectors.

212. The country is party to the United Nations Framework Convention on Climate Change (UNFCCC) having acceded to the Convention in 1997. In keeping with its commitment, the country submitted its first National Determined Contribution (NDC) with the UNFCCC in October 2015, committing to keeping national greenhouse gas emissions within a range from 389 Mt CO₂-eq for 2025.

213. To fulfil the requirements of the UNFCCC, South Africa continues to work on several policy instruments and programmes. This includes, developing the Climate Bill which once approved will drive climate change response and implementation. It will provide measures to assist in keeping emissions in-line with international commitments. Furthermore, South Africa is continuing to roll out renewable energy programmes. South Africa's NDC reflects substantial investment in renewable energy and that the programmes to increase efficiency

will be critical to driving emissions reduction. Thus, the country will need to invest heavily in transforming its energy sector.

214. Government recognises that children have a higher risk of becoming ill or dying due to extreme heat. Climate change will increase extreme events such as heat and lead to higher temperatures throughout the year, drought, floods and storm surges. Hence, Section 24 of the Constitution enshrines environmental rights. These rights are two-fold:

(a) The first part guarantees a healthy environment to every person, including children.

(b) The second part mandates the State to ensure compliance with the first part. The State is prohibited from infringing on the right to environmental protection and is further required to provide protection against any harmful conduct towards the environment.

215. Section 24a which requires the environment be protected for the benefit of the people and not harmful to their health or well-being; and Section 24b ensures that there is a balance, in environmental considerations, and socio-economic considerations to achieve sustainability.

216. To ensure that rights of children and our vulnerable poor are protected from the impacts of climate change, the following initiatives were developed/implemented:

(a) National Climate Change Response (NCCRP): policy which seeks to ensure management of Climate Change impacts through interventions that build and sustain social, economic & environmental resilience and emergency response capacity to reduce vulnerability.

(b) Draft Climate Change Bill acknowledges that climate change poses an “urgent threat to human societies and the environment”, and requires an effective, progressive, and coordinated response. It indicates that all affected parties must address all priority sectors; and identify and map risks and ‘vulnerabilities’ across the areas, ecosystems, communities and households likely to be affected.

217. In addition, various projects and programmes have been implemented at sectoral, provincial and local government level to enhance climate resilience and adaptive capacity of our communities.

218. To minimize children’s exposure to hazardous chemicals in their food and everyday products, Government conducts awareness campaigns and commemoration of events such as *International Ozone Day* and the children’s participation in waste collection for recycling in school competitions from awareness raising on advantages and disadvantages of different products. The *Good Green Deeds Programme* is one of such programmes where children are made aware of the risks associated with certain chemicals in their food and everyday life. Further, all food products are required to be labelled to advise consumers about content in their products.

219. The air quality management function is a shared and concurrent function across the three spheres of Government. The following functions are shared between the national, provincial and municipalities within the air quality management governance cycle:

- (a) Development of air quality management plans;
- (b) Implementing the atmospheric emission licensing system, and;
- (c) Monitoring of ambient air quality and point, non-point and mobile sources.

220. Each municipality has however several exclusive air quality management powers and in this regard, the municipality must:

- (a) Designate a municipal AQO from its administration;
- (b) Develop an AQMP for inclusion in its Integrated Development Plan (IDP) in accordance with Chapter 5 of the Municipal Systems Act;
- (c) Prepare an annual report including progress regarding implementation of the AQMP and compliance with the plan; and

(d) Enforce and ensure compliance with the requirements of the regulations developed in terms of the AQA.

221. In addition to these air quality management governance cycles, the National Department and Provincial Departments have the responsibility of providing oversight and support to municipalities in the execution of their duties and responsibilities.

222. Government continues to intervene and collaborate with municipalities, who are the competent enforcement authorities on addressing specific cases of non-compliance to air quality legislation.

223. A recent example in this regard is the Kendal Power Station which was found to exceed the minimum emission standards set in their atmospheric emissions licence, and significantly so. In this matter, the Minister confirmed the instructions that were issued by the department compelling Eskom to shut down the problematic units and to simultaneously implement urgent maintenance measures to ensure that the company operates within the limits of their licence. The department is currently monitoring the performance of the facility closely.

224. Furthermore, a criminal investigation which subsequently resulted in the Director of Public Prosecutions deciding to institute a prosecution was initiated against Eskom.

225. In a criminal case finalised in 2020 against Acelor Mittal South Africa of Vanderbijlpark, the court ordered the company to pay a fine of R3.63 million to be used to procure air quality monitoring equipment on behalf of the Sedibeng District Municipality.

226. Joint proactive and reactive compliance inspections, in some cases informed by citizen complaints and whistleblowing are undertaken. Government is embarking on a joint operation to check up on the Sasol Secunda operations, which are believed to be the possible source of sulphur stench experienced in parts of Gauteng and Mpumalanga provinces during February 2021.

Standard of living

227. To improve access to water, sanitation and hygiene for children, and to prioritise their access in disaster situations and informal urban settlements:

- Nutrition education is important part of the NSNP which promotes health, hygiene and food safety. To improve health and hygiene knowledge, educational materials such as posters, videos, booklets, flyers, info graphics were developed and distributed to schools to complement the Curriculum.

228. Poverty elimination, including war against child poverty, remains one of the government's core commitments. With the many interventions in place to address poverty, the Child Support Grant represents one of the government's most important instruments in tackling income poverty and deprivation in South Africa. Furthermore, Government continues to promote multi-dimensional approaches to build integrated service delivery mechanisms that strengthen support across life-cycle and integrate cash transfers with access to effective and developmental services. These services include education and health care and extend further, encompassing nutrition, skills training, parent training, psychosocial support, economic opportunities, employment, education support, transportation and others.

229. South Africa has a strong school nutrition programme. During the lockdown innovative ways were put in place to ensure that children continued to receive nutritious food. Through partnership with the private sector, a free-to-call line for households to apply to receive food parcels was established.

230. Some initiatives to address food insecurity and malnutrition include mandatory fortification of staple foods, the provision of food supplements for mothers and children. Other policies focus on increasing availability of food, such as garden projects that are implemented by the provincial departments.

231. Regarding measures taken to increase the child support grant in view of growing unemployment and poverty and ensure that children without birth certificates can access it,

it needs to be noted that Government is currently commissioning a study to review child poverty and the value of the Child Support Grant (CSG).

232. Furthermore, the implementation of Regulations 11 (1) of the Social Assistance Act; 2004 was relaxed to ensure that applicants of social grants without critical documents are not prevented from accessing a particular grant for which they apply. To address the lapsing of the social grants due to lack of critical documents required during application and due to limited access and inaccessibility by applicants, the department worked with SASSA and DHA to address this matter beyond COVID-19.

I. Education, leisure and cultural activities (Arts. 28–31)

Education, rest, leisure, recreation, cultural and artistic activities

233. To improve access to enrolment and quality of early childcare and education, including strengthening support for parents and caregivers, Government continues to subsidise ECD programmes countrywide at R17 for 264 days. Financial assistance is also provided to registered or conditionally registered ECD programmes that will supplement the costs associated with providing quality ECD services.

234. Furthermore, the Vangasali Campaign which is a Xitsonga phrase meaning No One Left Behind was launched to understand the coverage of children receiving ECD services and to contribute to improved access to ECD programmes.

235. Parenting and family support are considered key outcomes of prevention and early intervention programmes, and the provisions recognise early childhood development services as a form of prevention and early intervention. To strengthen support for parents and caregivers, Government is implementing Parental/Primary Caregiver Capacity Building Training which capacitates and supports parents with parenting skills and promoting the role of parents in development of their children.

236. For children in Correctional Facilities, the Mother and Baby Policy guides and informs operations with regard to treatment and management of babies who are with their incarcerated mothers, taking into account their unique and special needs, was developed. The Policy Procedures outline collaborated efforts for effective and efficient management and service delivery to mothers with babies as well as promotion and protection of their needs.

237. Efforts continue to be strengthened to provide access to free and quality basic education for all children, through provision of funding to the no-fee schools which provide much-needed relief for households that removes the need for parents to pay fees at such schools.

238. Government ensures access to education in special schools by providing funding through dedicated ring-fenced allocations. Government is investigating the feasibility of declaring special schools as no-fee paying schools. This requires the analysis of the current fiscal environment to determine which way the country needs to take in this respect.

239. To ensure that children with disabilities have access to quality education, teachers and officials are provided continuous training to strengthen their capacity to teach children with disabilities. The Policy on Screening, Identification, Assessment and Support ensures provision of necessary support and adequate interventions.

240. Furthermore, Government provides subsidies for special schools regarding provision of transport for students with disabilities.

241. To prevent early school leaving and exclusion from schools due to poverty, family commitments, disability and pregnancy, the National School Nutrition Programme is implemented to enhance children's learning capacity and their wellbeing. The sanitary dignity programme Policy Framework which sought to provide minimum norms and standards for provision of sanitary towels to indigent girls was developed to ensure that no girl misses school due to not having sanitary dignity products to manage a natural biological process.

242. To protect educational rights of children with disabilities, on-going training is provided to teachers and officials to strengthen their capacity to teach children with disabilities. The SIAS policy is also implemented to equip ECD practitioners, teachers and officials with the skills and knowledge to identify children experiencing barriers as early as possible and ensure that they receive the necessary support and interventions.

243. Teenage pregnancy in South Africa has undesirable consequences for the adolescent mothers including health, educational, social, economic, psychological and emotional disturbances, as well as disruption to their schooling due to the resultant school dropout. In 2016 the National Policy for Prevention and Management of Learner Pregnancy⁸ was officially launched to address the challenge of learner-pregnancy in schools. The main policy goals are to reduce incidences of learner pregnancy through provision of quality Comprehensive Sexuality Education (CSE) and access to adolescent and youth-friendly Sexual Reproductive Health Services (SRHS), as well as promoting the constitutional rights of girls to education by ensuring that they are not excluded from school because of pregnancy and birth.

244. To further strengthen the existing child protection system to prevent teenage pregnancy, the DSD together with key partners in the child protection sector began with roundtable discussions around the country targeting districts that recorded the highest number of teenage pregnancies in the past two years.

245. Government continues to strengthen implementation of the Accelerated School Infrastructure Delivery Initiative to ensure replacement of inappropriate structures, provide schools with sanitation facilities and ensure provision of safe drinking water.

246. The Funza Lushaka Bursary Programme, a multi-year programme that promotes teaching in public schools is offered to make bursaries available to enable eligible students to complete a full teaching qualification in an area of national priority.

247. About curricula and access to technology, The White Paper on e-Education (2004) calls for development of Guidelines for Schools Information and Communication Technology (ICT) Hardware and Software Specifications. A strong emphasis is placed on e-Education, which is further given expression through the Action Plan 2019, towards the Realisation of Schooling 2030.

248. Furthermore, Government aims to provide access and reasonable accommodation for all learners with disabilities through effective provisioning and use of ICTs and other assistive technologies. All 447 special schools are provided with a standard package of technology that is adapted to the unique needs of learners.

249. To improve educational outcomes, particularly in literacy and numeracy, Government developed and put in place different strategies to improve literacy in the lower grades. These include the National Reading Sector Plan, which was approved by the Council of Education Ministers in September 2019. The Reading Sector Plan has 10 strands which clearly outline what needs to be done to ensure that learners can read for meaning.

250. To reduce corruption and mismanagement of funds allocated, a financial management process has been put in place in ECD programmes to organise and keep track of its expenses, income and reporting on its expenses and income. Through this, ECD programmes disclose financial information through financial reporting which can take place on monthly, quarterly, bi-annual, or annual basis.

251. To address the impact of the COVID-19 pandemic on ECD centres and during school closures, and to ensure effective responses to ensure the right of children in disadvantaged situations:

(a) The Presidential Employment Stimulus (*An emergency relief intervention to support the ECD sector in recovering from the effects of the COVID-19 pandemic*) aimed at supplementing the income generated by ECD services through subsidizing the cost of

⁸ https://www.gov.za/sites/default/files/gcis_document/202112/45580gen704.pdf

employment was introduced. The Policy for ECD Presidential Employment Initiative allocation was developed to manage and allow disbursement of funds.

(b) A survey was also conducted in provinces in October 2020, to shed light, on the state of schooling during the COVID-19 pandemic.

252. The survey noted that *severe* short-term disruptions were felt by many schools with varying degrees of severity, with those in disadvantaged communities enduring more hardships. In order to prevent the performance gap between schools serving learners from disadvantaged communities and schools in more affluent communities from widening, the basic education sector put measures in place to ensure that effective schooling continued.

253. Through this, Government identified that teaching and learning desperately needed to continue with as much vigour as possible and that; teachers, learners and their families as well as non-teaching staff needed to be assured that provision of education continued in an environment where all participants were as safe as possible from contracting the COVID-19 virus.

254. Acknowledging that not all learners can receive effective teaching and learning virtually using on-line programmes while at home, the DBE decided that, for a start, all primary school learners (Grade R to 7) will attend school daily. This minimised curriculum losses caused by rotational timetables and helped to reduce the performance gap between schools serving learners from disadvantaged communities and schools in more affluent communities.

255. The following measures were put in place following the closure of schools:

(i) *Strategic Interventions*

256. To ensure continuation of learning during the hard lockdown period, a dedicated television channel would broadcast lessons from April to November for the 10 subjects with the highest enrolment of learners. Online resources were also developed including self-study guides, self-directed lessons, readers, online/virtual schools and radio lessons.

(ii) *Health Promotion*

257. Guidelines for the Maintenance of Hygiene during the Pandemic and Standard Operating Procedures (SOPs) for the Prevention, Management and Containment of COVID-19 in Schools and Communities to inform the sector response to COVID-19, were developed.

(iii) *National School Nutrition Programme*

258. The NSNP was resumed irrespective of whether learners were attending school or not (rotation timetable).

(iv) *Social Cohesion and Equity in Education*

259. Responding to keeping learners engaged during lockdown, Government, in partnership with relevant stakeholders established the violence prevention and child protection forum to facilitate online discussions on topics. The purpose was to capacitate learners with information that would continue to build resilience within and amongst them and be able to bring about social change and tackle social issues both at community and school level.

J. Special protection measures (Arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

260. Regarding measures to promptly register undocumented, unaccompanied and separated children and align migration, the Official Identity Management Policy that seeks to ensure that all vital events (birth, death and marriages) of all persons in South Africa are recorded has been approved.

261. The Refugee Act provides for entitlement and protection of asylum seekers and refugees. Accordingly, asylum seekers and refugees have full legal protection, which includes rights set-out in Chapter two of the Constitution. Illegal foreign children have rights to basic education as a court concluded that Section 39 and 42 of the Immigration Act 13 of 2002 do not prohibit them into school and do not prohibit provision of basic education to them.

262. Migrant, asylum seeking, and unaccompanied children found to be in need of care and protection in terms of Section 150 of the Children's Act, are placed in CYCCs.

263. To strengthen systematic and disaggregated data collection, an audit on unaccompanied and separated migrant children in alternative care was conducted to assess their needs and to determine the extent of the challenges and problems faced by these children, put measures in place to make adequate plans for services required and to ensure an effective response to their needs.

Indigenous children

264. Regarding legal recognition of the rights of indigenous people, including Khoi-San people, it should be noted that at present there is no accepted South African norm as to the meaning of indigenous peoples. According to the African Unions Human Rights Commission Working Group, the term refers to those indigenous people in Africa whose rights in relation to other African Indigenous people are not adequately addressed. To realize this status those people have to satisfy the follow criteria:

- (a) Marginalised, oppressed or excluded from the general rights that other citizens enjoy;
- (b) The communities must be living in isolated and remote areas and having no access to general amenities (they must be living in the bushes, mountains and riverbeds);
- (c) They must identify themselves as being indigenous (they must however satisfy the criterion in 1 and 2 above).

265. The South African Constitution regards all citizens and permanent residents as equal before the law. The citizens and permanent residents have the right to equal protection and benefit of the law.

266. However, for the Khoi-San people, the Traditional and Khoi-San Leadership Act, (Act No. 3 of 2019) commenced on 1 April 2021 to assist Government with the recognition process of Khoi-San communities and leaders, the Act makes provision for establishment of a Commission on Khoi-San Matters. All processes relating to the establishment of the Commission have been finalised and the official appointment of members of the Commission will soon be announced. This Commission will determine the format in which applications for recognition must be submitted by Khoi-San communities and leaders, investigate the applications to determine whether they meet the criteria for recognition provided for in the Act and make recommendations to the Minister on the recognition as such.

Economic exploitation, including child labour, and children in street situations

267. The country enhanced efforts aimed at improving the monitoring and enforcement of laws and policies on child labour by collaborating and building monitoring alliances with different stakeholders including NGOs in acting against child labour. This involves conducting advocacy sessions to raise awareness on what child labour is, the content of the national legislation and what activities are considered hazardous and constitute worst forms of child labour. These measures aimed at reporting, prosecuting transgressors are followed within the prescripts of the legislative framework around the protection of children.

268. The DSD is a member of the Implementation Committee on the Child Labour Programme of Action (CLPA). To protect children from all forms of economic exploitation and to improve monitoring, the Action Steps of the CLPA were developed.

269. Section 150 (1) (c) of the Children's Act caters for children living and working in the streets to be found in need of care and protection. To ensure provision of adequate support services to these children, Government provides early intervention services to encourage such

children to receive services from Drop-in Centres. Outreach programmes are also conducted to identify these children while they are still living in the streets with the purpose of understanding the reasons and to assess the type of services needed.

270. To ensure reunification of children living in street situations with their families, Government conducts assessments on the needs of these children. Based on the outcome of the assessments and depending on their needs, some children are reunified with their families while others who cannot be reunified will be referred for admission in Child and Youth Care Centres (CYCC) in terms of Sections 151 and 152 of the Children's Act.

271. In terms of investigation, prosecution and sanctioning any abuse of children in street situations, Sections 113, 114 and 120 of the Children's Act is applied to deal with those who abuse children.

Administration of child justice

272. The regulations for the Child Justice Amendment Act, have been developed and approved by Cabinet.

273. To promote greater use of diversion, various programmes such as the life skills, sexual offender, anti-substance abuse, restorative justice, after care, anger management and other programmes such as community service, formal caution, peer association, assignment, VOM, supervision and guidance are offered.

274. In South Africa, children in conflict with the law should be arrested as a last resort and, if arrested, should only be detained for the shortest period possible time.

275. The Department of Correctional Services detains children (remand or sentenced) who have come into conflict with the law separately from the offender population; boys are housed separately from girls. This is to ensure that they are protected and are in conditions that reduce the risk of harm to that child, including the risk of harm caused by other children.

276. To ensure that detention conditions are compliant with international standards, children who are inmates are held in cells which meet the requirements prescribed by regulations.

277. Educational programmes available for children in DCS include education and training (mainstream grade 8 to 12), adult education and training and administration for continuity with studies and writing of examination for those who were involved in mainstream education before detention in DCS.

278. Health services are provided by officials qualified as medical professionals to children in detention, including all inmates and babies who are with their incarcerated mothers. During admission offenders are assessed by Health Care Services at the Correctional Centre.

279. Rehabilitation and reintegration services offered to sentenced children include:

Social Work Services, Correctional Programmes, Spiritual Care Services, Sports, Recreation, Arts and Culture activities and Psychological Services.

Child victims and witnesses of crimes

280. The Criminal Procedure Act, 1977 Section 170A, is one of the key provisions of the Act that was promulgated to give effect to protection of the victim, on the same tone observing the Human Rights of the victims with regards to privacy, security and dignity. In South Africa in particular, Section 170A simply requires that when a witness gives evidence in a court of law, in particular sexual offences cases, such a witness must be able to give evidence in a place that (is):

- (a) Set informally and arranged to set the witness at ease when giving evidence;
- (b) Situated in such a manner that the person whose presence may upset that witness is outside the sight and hearing of that witness;
- (c) Enables the court and any person whose presence is necessary at the relevant proceedings to see and hear, either directly or through the medium of any electronic or other device(s), that intermediary as well as that witness during her/his testimony.

281. Section 170A requires that a child not be able to see or hear anybody who may upset her/him, and that the court must be able to see and hear the child and the intermediary using some form of electronic means. It further makes provision that courts must utilize the services of the intermediaries particularly in cases that involve children as they serve as mediators and support during the sexual offences court trial, between the court and the child witness.

282. To protect the identity of children in court proceedings, the Constitutional Court, on 4 December 2019,⁹ declared Section 154(3) of the Criminal Procedure Act, 1977 (Act 51 of 1977) constitutionally invalid to the extent that the protection children receive in terms thereof does not extend beyond their reaching the age of 18 years. The declaration of the constitutional invalidity is suspended for 24 months to afford Parliament an opportunity to correct the defect giving rise to the constitutional invalidity. This decision is in line with the general comments published by the United Nations in General Comment No. 24 of 2019 on Children's Rights in the Child Justice System in October 2019.

K. Optional Protocol on the sale of children, child prostitution and child pornography

283. During the reporting period, no new legislative measures around the sale of children, child prostitution and child pornography were introduced. However, measures are in place to continue to pursue and enforce national policies and taking time-bound measures which are aimed at eliminating the worst forms of child labour such as bonded labour, commercial sexual exploitation of children, trafficking of children and the use of children by others in illegal activities, including drug trafficking.

284. To ensure the comprehensive data-collection of areas of the Optional Protocol, the National Child Protection Register is implemented.

285. The reporting templates were also developed to provide request for data acquisition on the sale of children, child prostitution, child pornography and child trafficking.

286. Furthermore, the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants (GLO.ACT) assessment conducted in 2016 highlighted the need for GLO.ACT to support the establishment of an efficient integrated data management system on TIP and the Smuggling of Migrants (SOM). In this regard South Africa has developed a new TIP Data Template to collect data and respond to questions from various international fora.

287. In commemoration of the World Day against TIP, the Government in collaboration with UNODC and the SADC Secretariat deployed the SADC Regional TIP Data Collection System in South Africa in a 3-day workshop held from 30 July – 01 August 2019.

288. The deployment of the SADC Data system will enhance exchange experience of the UNODC/SADC TIP Tool and will further contribute to identifying the current gaps in TIP data collection in South Africa and address how possible the harmonisation of the collected data by various government departments can be achieved.

289. All offences related to forced labour are explicitly criminalised as legislated in Section 46 and 48 (3) of the BCEA.

290. About the prevention and combating of sexual exploitation and abuse in the tourism and travel sector and online, the Fair Trade and Tourism SA (a coordinating body of the tourism industry) signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

291. This partnership enhances relevant stakeholders in the travel and tourism industry, to raising awareness on child protection. In May 2018, the DSD presented at the Africa Conference on Child Protection in Travel and Tourism on mandates of specific organisations on child protection, the identification, referral pathway and prevention mechanisms that the industry could put in place to protect children.

⁹ In the case Centre for Child Law and others v Media 24 Limited and others (CCT 261/18).

292. Programmes of children living and working on the streets have targeted approaches in identification of children at risk of violence, child abuse, neglect and exploitation, including child sex tourism.
293. Guidelines on Drop-In centres were approved, and provincial stakeholders trained on implementation of the guidelines for the care, support and protection of children living and working on the streets.
294. The RISIHA programme is implemented through the deployment of Child and Youth Care Workers, a cohort of social service professionals who render direct, day to day prevention, early intervention and care and support services within the life spaces of children.
295. Measures have been strengthened to establish mechanisms and procedures for the early detection and identification of children who are victims of offences prohibited under the Optional Protocol and ensures that they have access to victim support services from the date that a report is made.
296. In this regard, South Africa is finalising the draft overarching Communication and Awareness Strategy to raise public awareness and prevent human trafficking to reduce vulnerability to human trafficking and re-trafficking, improve knowledge on human trafficking, ensure early identification of potential and presumed trafficked persons, and that victims of trafficking have access to comprehensive assistance programmes.
297. Furthermore, Section 110 of the Children's Act mandates identified persons to report when they suspect that a child has been abused 'in a manner causing physical injury, is sexually abused or deliberately neglected'. Essentially, they are required to report all cases.
298. The integrated training and capacity building on the Guidelines for the Prevention of and Response to Child exploitation and respective legislation relevant to child trafficking, sale of children and child pornography, the Children's Act, the Prevention and Combating of Trafficking in Persons Act and other relevant pieces of legislation including offences covered by the Optional Protocol is provided.
299. The training focuses on identification, reporting, referral for specialized services, assessment of the case, statutory processes, providing care and support to the child in alternative care. Rehabilitation and reintegration including, psycho-social, therapeutic services including medical and basic services are rendered to children who are victims.
300. Regarding the national legislation and the NPF, services are offered to all victims of trafficking – whether they are suspected of being victims or confirmed as victims, they are included in services rendered by care facilities.
301. Other services available to victims are outlined in paragraph 154.
302. Measures are strengthened to investigate reports of offences covered by the Optional Protocol, to prosecute the accused, to rehabilitate perpetrators and to provide adequate support and redress for children who are victims. As per respective mandates, the DSD and designated child protection organisations investigate cases of child sex tourism referred to them to determine whether the child needs care and protection and to ensure appropriate interventions.
303. With the many interventions put in place, including the establishment of the Directorate of Priority Crime Investigations in the South African Police Services as well as a specialised unit in the National Prosecuting Authority dealing with sexual and related offences, South Africa is seeing improved convictions of TIP cases.
304. About providing adequate support and redress to children who are victims, Government has put structures in place at national and provincial levels to strengthen coordination and to foster multi-stakeholder participation. A National Inter-Sectoral Committee on Trafficking in Persons comprises of key stakeholders from Government and civil society was established. Provincial Task Teams on Trafficking in Persons were established including Provincial Rapid Response Teams to attend to operational matters relating to suspected complaints and providing support to victims. These structures constitute the National Referral Mechanism, as outlined in UN Instruments on National Referral Mechanisms (NRM).

305. The protocol documents on response, care and support to all children, including child offences covered by the Optional Protocol which include referral pathways to respective service providers, including the police for appropriate services to be rendered, were developed. These include utilizing the safety risk and assessment tool for an accurate identification of case details.

306. The Standard Operating Procedures for identification and referral of cases during the COVID-19 pandemic in line with the National Response Plan were also developed.

307. Standard Operating Procedures were developed for the festive period /school vacation on the identification, referral, and placement of children in alternative care, family tracing and family verification, working with children who are victims of child trafficking, commercial sexual exploitation and cybercrime.

Concluding remarks

308. This periodic Report provides progress on the extent to which South Africa has implemented the provisions of the UNCRC. The country acknowledges that the efforts needs to continue to be strengthened to ensure effective implementation of the Convention. Despite the existing gaps and challenges, Government has made significant progress in protecting, promoting and advancing the rights of children in line with the Convention and the Constitution of the Republic. The collection of quality disaggregated data remains critical for Government and these measures will continue to be strengthened.
