



South Africa's Third Periodic Country Report to the
African Committee of Experts on the Rights and Welfare
of the Child: Implementation of the African Charter on the
Rights and Welfare of the Child

(Reporting period: June 2016 – March 2021)

FOREWORD

It is my honour to present the Third-Party Report to the African Union's Committee of Experts on the Rights and Welfare of the Child (Committee) on behalf of the Government of the Republic of South Africa. This report sets out progress we have made in taking forward our commitment to the promotion, protection and realisation of the children's rights to survive, be protected from harm and to develop to their full potential are afforded the highest respect possible as enshrined in our Constitution.

This report responds to the concluding recommendations issued by the Committee in March 2019 and outline measures taken to ensure full realisation of the rights of children between June 2016 and March 2021. Since the submission of the last report in 2016, significant progress has been made to promote children's rights in line with ACERWC Agenda 2040: Fostering an Africa fit for children.

In this report, an outline of the progress made to ensure children's rights to survival, education, health, to be protected from violence, exploitation abuse and neglect including measures to strengthen child participation to ensure that the views of children are recognised and respected is provided. In the report, progress is also provided on the measures taken to give effect to the provisions of the Charter through the development and implementation of policies and legislation. In this regard, I am pleased that we introduced to Parliament, the Children's Amendment Bill (B18-2020) to further strengthen our child protection measures.

The Bill seeks to provide for children's rights to privacy and protection of information, the designation of Registrar of the National Child Protection Register, the care of abandoned children and medical testing of children in need of care and protection or adoption, amongst others. We have also finalised all legislative and administrative processes required for the transfer of the ECD function from Social Development to Basic Education as directed by President Ramaphosa. This move will consolidate our Government's impressive progress in attaining universal access to education and standardise the ECD function to ensure that there is structured learning programmes across all centres.

Another important milestone for the period under review was the adoption of the 5-year National Plan of Action for Children (NPAC) by Cabinet. The NPAC is a comprehensive overarching plan that brings together government's obligations in the realisation of the rights of children in the country and ensure that all spheres of Government are accountable for planning and reporting on how they are working towards the progressive realisation of children's rights in practice.

The current reporting period has been incredibly challenging for South Africa's children and children across the globe, with the unprecedented challenges occasioned by the COVID-19 pandemic, which poses a significant challenge to the realisation of their rights and increased child protection risks. The declaration of the national state of disaster and the resultant national lockdowns to prevent and contain the further spread of the virus, compounded by the unprecedented loss of human life have severe effects on children's rights to physical and mental health, education, play, family environment and freedom from violence, among others.

Throughout the pandemic, the best interest of the child continues to be a primary consideration in South Africa's national response and measures to ensure the protection of children. These included the activation of food relief measures through community nutrition centres, the top up of existing social grants for children and caregivers, and support to early child development centres, amongst others.

We have and continue to work with partners to ensure a comprehensive child-centred approach to our response, consistent with the Charter, with specific focus on grass roots level through initiatives such as RISIHA. We have also successfully strengthened its coordination mechanisms for the mainstreaming of child rights issues. To date, committees have been established successfully at national and provincial levels, and efforts are underway to strengthen district level coordination as part of the District Development Approach.

We acknowledge the existing challenges in terms of the provision of segregated data, as required by the Committee. We are, therefore, committed to continue improving this area of our work to ensure the collection of quality segregated data.

I want to express my heartfelt gratitude to the many children, community based and civil society organisations and development partners who have contributed to this report. I look forward to continuing to work in partnership with you to build a South Africa envisaged in Agenda 2040, a South Africa and indeed, an Africa continent fit for our children.

A handwritten signature in black ink, appearing to read 'Lindiwe Zulu', with a stylized flourish at the end.

**MS LINDIWE ZULU, MP
MINISTER OF SOCIAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA**

TABLE OF CONTENTS

MINISTER'S FOREWORD	2
TABLE OF CONTENTS.....	4
TABLES, FIGURES AND SUMMARIES	11
ABBREVIATIONS AND ACRONYMS	16
PART 1: INTRODUCTION AND BACKGROUND	18
1.1 Introduction.....	18
1.2 The process of drafting and adopting the report	18
PART 2: GENERAL INFORMATION ABOUT THE STATE PARTY	18
PART 3: GENERAL MEASURES OF IMPLEMENTATION (ART. 1(1))	19
3.1 Measures taken or those anticipated to be taken to implement article 1(1) of the Charter.....	19
3.2 Constitutional, legislative and policy framework for the promotion and protection of the rights and welfare of the child	19
3.2.1 Policies, frameworks and strategies	20
3.2.2 Invoking of the Charter in courts of law	21
3.2.3 The nature and extent of legal remedies available for violations of children rights.....	21
3.3 Institutional framework for the promotion and protection of the rights and welfare of the child.....	22
3.3.1 Government agencies involved in the implementation of the Charter.....	22
3.3.2 Overall responsibility for monitoring and coordinating the implementation of the Charter.....	22
3.3.3 Institutional mechanisms for the promotion and protection of the rights and welfare of the child.....	22
3.3.4 Specific body is responsible for receiving individual complaints from children and their representatives	23
3.3.5 National Human Rights Institution	23
3.3.6 The role played by the SAHRC in promoting and protecting children's rights	23
3.3.7 Contact details of the SAHRC	23
3.3.8 Commissioners responsible for promoting the rights of children	24
3.3.9 Budget allocation for the SAHRC	24
3.4 Cooperation with non-state actors	24
3.5 Implementation of the decisions of the Committee and other relevant regional bodies.....	25
3.5.1 A decision of the Committee made in a communication determined by pursuant to article 44 of the Charter	25

3.5.2	A recommendation of the Committee made following an investigative or fact-finding mission.....	26
3.5.3	A decision of the African Commission on Human and Peoples' Rights and/or the African Court on Human and Peoples' Rights in which children's rights are involved	26
3.6	Implementation of relevant programmes, action plans and policies of the AU	26
3.7	AU programmes and action plans involving children's rights.....	26
3.8	Dissemination of the Charter and previous concluding observations	27
3.9	Allocation of resources and actual expenditures for social services	27
3.10	Training for professionals working with and for children	27
3.11	Community engagement and education	30
PART 4: DEFINITION OF A CHILD.....		31
4.1	Definition of a child	31
PART 5: GENERAL PRINCIPLES		31
5.1	Non-discrimination.....	31
5.2	Access to basic services for asylum seekers, migrant, refugee and stateless children.....	33
5.3	Best interests of the child.....	34
5.4	The right to life, survival and development	36
5.4.1	Homicide and mortality rates	36
5.4.2	Road accidents.....	36
5.5	Respect for the views of the child	37
5.6	Child Participation Framework.....	37
5.7	Initiatives intended to boost child participation in policy and law development	38
PART 6: CIVIL RIGHTS AND FREEDOMS.....		39
6.1	Name and nationality.....	39
6.1.1	Registration of all children immediately after birth and the role of faith-based organisations and traditional structures of governance	39
6.1.2	Measures to remove social, economic and cultural barriers that hinder the registration of children immediately after birth	39
6.1.3	Measures to ensure that children who are not registered immediately after birth are registered soon thereafter and/or without unreasonable delay	39
6.1.4	Laws recognising the principles according to which a child acquires nationality of the state in the territory of which he or she has been born	40
6.2	Penalty fee for late registration of birth and DNA testing for foreign parents	40
6.3	Requirements and documents for birth registration	40

6.4	Stateless children	40
6.5	Regulations facilitating the implementation of the Citizenship Act, 1995	41
6.6	Ratification of the 1954 Convention	41
6.7	Freedom of expression	41
6.8	Freedom of association	41
6.9	Freedom of thought, conscience and religion	41
6.10	Protection of privacy	41
6.11	The right not to be subjected to torture	42
6.11.1	Legislative measures	42
6.11.2	Administrative, social and educational measures	42
6.11.3	Incidences of corporal punishment in schools	42
6.11.4	Corporal punishment	43
6.11.5	Positive discipline	43
6.11.6	Criminalisation and holding accountable educators and caregivers who still inflict corporal punishment	44
6.11.7	Violence Against Children	44
6.11.8	Coordinated, resourced and evidence-based violence prevention strategy	45
6.11.9	Specialised policing and court services	46
6.11.10	Coordination among all role-players to tackle consequences of violence against children	46
6.11.11	Therapeutic services	47
6.11.12	Awareness raising programmes	48
6.11.13	Accountability against perpetrators	49
6.11.14	Training the police in VAC and its responses	50
6.11.15	Establishment special monitoring units to provide necessary support for children and for those who take care of the child	50
	PART 7: ECONOMIC, SOCIAL AND CULTURAL RIGHTS	50
7.1	Education	50
7.1.1.	Measures taken to ensure full realization of the right to education	50
7.1.2	The aims and objectives for which the State Party's educational policy and curriculum have been designed to foster and achieve	50
7.1.3	Early childhood education and pre-primary schooling	51
7.1.4	Free and compulsory basic education	52
7.1.5	Measures taken to make vocational and higher education accessible to all on the basis of capacity and ability	52
7.1.6	Measures taken to encourage regular attendance and retention at schools and the reduction of drop-out rates	52

7.1.7	Measures taken to ensure that a child who is subjected to school or parental discipline is treated with humanity and respect.....	53
7.1.8	Measures taken to ensure girls who become pregnant before completing their education have an opportunity to continue their education.....	53
7.1.9	Leisure, recreational and cultural activities	53
7.1.10	Training adequate teachers.....	54
7.1.11	Learner teacher support materials.....	54
7.1.12	Accelerated Schools Infrastructure Delivery Initiative	55
7.1.13	Quality education.....	55
7.1.14	Impact of protest actions on education.....	55
7.2	Violence in schools.....	57
7.2.1	Anti-bullying policies and peer mediation structures.....	57
7.2.2	National programme of training in positive disciplining	57
7.3	Children with disabilities	58
7.3.1	Waiving the education fee	58
7.3.2	Free basic education	58
7.3.3	Screening, Identification and Assessment and Support (SIAS) Policy	58
7.3.4	Access to transport.....	58
7.3.5	Learner teacher support materials.....	59
7.3.6	Funding and resourcing, implementation, monitoring and evaluation of inclusive education policies and guidelines	59
7.4	Health and welfare.....	60
7.4.1	Children with disabilities	60
7.4.2	Interdepartmental and intersectoral coordination.....	60
7.4.3	Data collection	61
7.5	Health and health services.....	61
7.5.1	Infant and child mortality.....	61
7.5.2	Access to health and health services, in particular primary health care (PHC)	62
7.5.3	Adequate nutrition and safe drinking water.....	63
7.5.4	Health care for expectant and nursing mothers	63
7.5.5	Prevention of Mother-to-Child Transmission.....	64
7.5.6	Participation of non-governmental organisations, local communities and the beneficiary population in the planning and management of basic service programmes for children.....	64
7.5.7	Child Healthcare Problem Identification Programme	64

7.5.8	Quality health services in rural and urban hospitals and clinics.....	65
7.5.9	Community health workers	65
7.5.10	Mother Baby Friendly Initiative (MBFI)	65
7.5.11	Food security.....	65
7.5.12	Universal immunisation	66
7.5.13	Preventive TB therapy	66
7.5.14	Budgetary allocations for children and adolescents in HIV	66
PART 8: FAMILY ENVIRONMENT AND ALTERNATIVE CARE.....		67
8.1	Principal legislative, judicial, administrative and/or other measures in force	67
8.2	Children living with their parents, next of kin or care centres.....	67
8.3	Protection of the family	68
8.3.1	Parents' common responsibilities during marriage	68
8.3.2	Measures taken to ensure necessary protection of the child following dissolution of marriage	68
8.4	Parental care and protection.....	68
8.4.1	Measures to ensure necessary protection of the child in case of separation from one or both parents	68
8.5	Parental responsibilities.....	69
8.6	Institutions responsible for providing the care of children	69
8.7	Measures to ensure that children of working parents are provided with care services and facilities.....	70
8.8	Adoption	70
8.8.1	Legislative, judicial and administrative measures taken to ensure both national and intercountry adoption are in the best interests of the child	70
8.8.2	Measures taken to encourage national or in-country adoption	70
8.8.3	Bilateral, multilateral arrangements or agreements concluded in respect to adoption matters.....	71
8.8.4	Institutional machinery established to monitor the well-being of children in adoption, foster care and other systems of alternative care	71
8.8.5	Achievements and challenges of local and indigenous alternative care systems	71
8.9	Child Support Grant.....	71
8.10	Foster Care Grant.....	72
8.11	Care Dependency Grant.....	72
8.12	Child and Youth Care Centres.....	72
8.13	Reunification services.....	73
PART 9: PROTECTION OF CHILDREN IN MOST VULNERABLE SITUATIONS..		73

9.1	Children with disabilities	73
9.1.1	Measures to ensure children with disabilities have effective access to education	73
9.1.2	The extent to which children with disabilities are mainstreamed in regular schools	73
9.1.3	Measures taken to ensure children with disabilities have effective access to public highways, buildings and other places	73
9.2	Children in situations of economic exploitation	74
9.2.1	Legislative and administrative measures	74
9.2.2	Minimum ages for admission to employment	76
9.2.3	Regulation of hours and conditions of employment	76
9.2.4	Penalties or other sanctions for non-compliance	76
9.2.5	Measures taken against worst forms of child labour	77
9.2.6	Efforts to disseminate information on the hazards of child labour to all sectors of the community	77
9.3	Refugee children, children seeking asylum and internally displaced children	77
9.3.1	Provision of access for children to procedures for determining refugee status, taking into account the special needs and rights of children	77
9.3.3	Protection, humanitarian assistance, family tracing and reunification	77
9.3.4	Cooperation with existing international organisations	78
9.3.3	Waiving of all fees	78
9.4.	Children of imprisoned mothers	79
9.4.1	Special treatment accorded to expectant mothers and to mothers of infants and young children who have been accused or found guilty of a criminal offence	79
9.4.2	Non-custodial sentence, establishment and promotion of alternative institutional confinement for holding and treatment for such mothers under its laws and regulations	79
9.4.3	Imprisonment of mothers with their children	79
9.4.4	Imposing the death sentence on such mothers	80
9.5	Children in situations of sexual exploitation	80
9.6	Children in situations of drug abuse (art. 28)	81
9.7	Children in situations of sale, trafficking and abduction	82
9.8	Measures taken to alleviate the plight of children in street situations	84
PART 10: HARMFUL PRACTICES		85
10.1	Harmful social and cultural practices	85
10.1.1	Measures taken to discourage and eliminate harmful social and cultural practices	85

10.2	Virginity testing	85
10.3	Ukuthwala.....	85
10.3.1	Criminalisation of ukuthwala and other forms of child forced marriages.....	85
10.3.2	Review and amendment of provincial legislation that directly or indirectly encourages harmful practices such as ukuthwala	86
10.3.3	Awareness campaigns to educate the community on the effect of harmful practices such as ukuthwala and virginity testing on the rights of children	86
10.4	Male initiation.....	87
10.5	Measures taken to specifically protect children with albinism from violence	88
10.6	Child marriage and the betrothal of girls and boys	88
10.6.1	Actions taken to specify the minimum age of marriage to be 18 years	88
10.6.2	Compulsory registration of all marriages in an official registry	89
PART 11: CHILD JUSTICE		89
11.1	Measures taken to ensure children accused or found guilty of a criminal offence are accorded special treatment.....	89
11.2	Measures taken to ensure that children deprived of their liberty are not subjected to torture or any other form of physical or psychological violence	90
11.3	Measures taken to divert children from detention facilities	90
11.4	Separation of children from adults in places of detention or imprisonment..	90
11.5	Legal assistance for children accused of a criminal offence	90
11.6	Prohibition of the press and the public from the trial of children	90
11.7	Minimum age below which children are presumed not to have the capacity to infringe the penal law is prescribed.	91
11.8	Age of criminal responsibility	91
11.9	Training of law enforcement, prison wardens and judicial officers in child justice	91
11.10	Measures to ensure that children deprived of their liberty access essential services, including education and health services	92
11.11	Administration of juvenile justice.....	92
11.12	Early release for children placed in CYCCs.....	94
PART 12: RESPONSIBILITIES OF THE CHILD		94
12.1	Measures to ensure that responsibilities of the child are performed within the ability and capability of the child and the child's rights are not violated in the process.....	94
12.2	Measures to ensure that children are educated in and informed of their responsibilities under the Charter	94
12.3	Whether the responsibilities of children are recognised under legal and policy framework.....	95

PART 13: ANNEXURE 1 – STATISTICAL INFORMATION	96
PART 13: ADDITIONAL INFORMATION	146

TABLES, FIGURES AND SUMMARIES

TABLES

Table 1: Provincial children and family budget allocation and expenditure	96
Table 2: Health services, particularly primary health services	97
Table 3: Budgetary resources for the SAHRC.....	97
Table 4: Population projections	98
Table 5: Number of children per province	99
Table 6: Percentage of children	99
Table 7: Diarrhoea, moderate acute malnutrition, Pneumonia, severe acute malnutrition deaths under five years.....	100
Table 8: Child under five years severe acute malnutrition in facility rate, severe acute malnutrition incidence, moderate acute malnutrition case fatality rate	100
Table 9: Children under five fatality rates	100
Table 10: Delivery, early neonatal, neonatal perinatal death in facility rate.....	101
Tables 11: Number of children who have been heard under judicial and administrative proceedings, including information on their age,	101
Table 11.1: Ages of children at Preliminary Inquiries	101
Table 11.2: Outcomes of preliminary inquiries 2019/2020	101
Table 11.3: Ages of children referred to the child justice court.....	102
Table 11.4: Outcome of trials in the child justice courts	102
Table 11.5: Types of sentences imposed on children	102
Table 12: Distribution of front offices in which birth registration service is rendered	103
Table 13: Public/Private health facilities with DHA presence	104
Table 14: Distribution of health facilities by type of facility.....	104
Table 15: Distribution of health facilities by type of geographical area.....	104
Table 16: Total number of public health facilities with maternity wards.....	105
Table 17: The number of schools equipped with information technologies (such as computer laboratories)	105
Tables 18: Number of children reported as victims of torture and other cruel, inhuman or degrading treatment or other forms of punishment	105
Table 18.1: Percentage of children aged 5 to 17 who suffered from bullying, violence, sexual abuse and harassment in schools by age, from 2016 to 2019.....	105
Table 18.2: Percentage of children aged 5 to 17 who suffered from bullying, violence, sexual abuse and harassment in schools by sex, from 2016 to 2019.....	106
Table 18.3: Percentage of children aged 5 to 17 who suffered from bullying, violence, sexual abuse and harassment in schools by population group, from 2016 to 2019.....	106
Table 19: Number of crimes against children reported during reporting period.....	106
Table 20: Summary of VFRs	106
Table 21: Number of dockets ready for trial and conviction rate	106
Tables 22: Literacy rates of children and adults	107
Table 22.1. Literacy rates of children aged 15 to 17 by age, from 2016 to 2019....	107
Table 22.2: Literacy rates of children aged 15 to 17 by sex, from 2016 to 2019	107

Table: 22.3: Literacy rates of children aged 15 to 17 by population group, from 2016 to 2019	107
Tables 23: Literacy rates of adults.....	107
Table 23.1: Adults' literacy rates for adults aged 20 years and more by age, from 2016 to 2019	107
Table 23.2: Adults' literacy rates for adults aged 20 years and more by sex, from 2016 to 2019	107
Table 23.3: Adults' literacy rates for adults aged 20 years and more by population group, from 2016 to 2019	108
Tables 24: Dropout for primary and secondary schools	108
Table 24.1: Primary school dropout among children aged 5 to 13, including children with disabilities, girls and teenage mothers by age, from 2016 to 2019.....	108
Table 24.2: Primary school dropout among children aged 5 to 13, including children with disabilities, girls and teenage mothers by gender, from 2016 to 2019.....	108
Table 24.3: Primary school dropout among children aged 5 to 13, including children with disabilities, girls and teenage mothers by population group, from 2016 to 2019	108
Table 24.4: Secondary school dropout among children aged 14 to 17, including children with disabilities, girls and teenage mothers by age, from 2016 to 2019....	108
Table 24.5: Secondary school dropout among children aged 14 to 17, including children with disabilities, girls and teenage mothers by gender, from 2016 to 2019	109
Table 24.6: Secondary school dropout among children aged 14 to 17, including children with disabilities, girls and teenage mothers by population group, from 2016 to 2019	109
Tables 25: Children attending Early Childhood Education	109
Table 25.1: Children attending Early Childhood Education, including children with disabilities by age, from 2016 to 2019.....	109
Table 25.2: Children attending early childhood education, including children with disabilities by sex, from 2016 to 2019	109
Table 25.3: Children attending early childhood education, including children with disabilities by population group, from 2016 to 2019	109
Table 26: Progress made with life expectancy at birth, childhood and maternal mortalities in South Africa.....	110
Tables 27: The percentage of households without access to hygienic sanitation facilities and access to drinking water	110
Table 27.1: Percentage of households with children aged 0 to 17 without access to water by age, from 2016 to 2019.....	110
Table 27.2: Percentage of households with children aged 0 to 17 without access to water by sex, from 2016 to 2019	110
Table 27.3: Percentage of households with children aged 0 to 17 without access to water by population group, from 2016 to 2019	111
Table 27.4: Percentage of households with children aged 0 to 17 without access to hygienic sanitation facilities by age, from 2016 to 2019	111
Table 27.5: Percentage of households with children aged 0- to 17 without access to hygienic sanitation facilities by sex, from 2016 to 2019.....	111
Table 27.6: Percentage of households with children aged 0 to 17 without access to hygienic sanitation facilities by population group, from 2016 to 2019.....	111

Table 28: Percentage of one-year-olds fully immunised for tuberculosis, diphtheria, pertussis, polio and measles	112
Table 29: Under one coverage	112
Table 30: Proportion of pregnant women who have access to, and benefit from, prenatal and postnatal health care	113
Table 31: Mother postnatal visit within six days rate	113
Table 32: The proportion of pregnant women provided with HIV PMTCT services and the percentage of children born with HIV	113
Table 33: Infant PCR test positive rate	113
Table 34: Services and programmes aimed at rendering appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the number and percentage of children and families that benefit from these services and programmes	114
Table 35: The number of institutions responsible for providing care of children and the number of children accessing these institutions	114
Table 36: Number of children accessing CYCCs	115
Tables 37: Children with disabilities	115
Table 37.1: Children 0 to 17 years old living with disabilities by family structure and provinces in 2019	115
Table 37.2: Gender	115
Table 37.3: Population group	116
Table 37.4: Age	116
Table 37.5: Geographical area	116
Tables 38: Children 0 to 17 years old living with disabilities by family structure and provinces in 2018	117
Table 38.1: Gender	117
Table 38.2: Population group	117
Table 38.3: Age	117
Table 38.4: Geographical area	118
Tables 39: Children 0 to 17 years old living with disabilities by family structure and provinces in 2017	118
Table 39.1: Gender	118
Table 39.2: Population group	118
Table 39.3: Age	119
Tables 40: Children 0 to 17 years old living with disabilities by family structure and provinces in 2016	119
Table 40.1: Gender	119
Table 40.2: Population group	120
Table 40.3: Age	120
Table 40.4: Geographical area	120
Tables 41: Number of children with disabilities attending regular schools vis-à-vis those attending special schools and those not attending school	120
Table 41.1: Children 0 to 17 years old living with disabilities attending school from 2016 to 2019	120
Table 41.2: Population group	121
Table 41.3: Age	121
Table 41.4: Geographical area	121

Table 42: The number of refugee children, children seeking asylum and internally displaced children	122
Table 43: Number of children living in prison with their mothers and their average age	125
Table 44: Cases of child exploitation.....	126
Table 45: Number of children legally represented by Legal Aid SA during preliminary enquires	127
Table 46: Legal presentation when appearing before a child justice court.....	128
Table 47: Children referred to diversion programmes	128
Tables 48: The number of institutions specifically for children accused of infringing the penal law and the number of children in these institutions	128
Table 48.1: Facilities that detained RDs as at 31 March 2017	128
Table 48.2: Facilities that detained sentenced children as at 31 March 2017	129
Table 48.3: Facilities holding RD children as at 31 March 2018.....	129
Table 48.4: Facilities holding sentenced children as at 31 March 2018	130
Table 48.5: Facilities holding RD children as at 31 March 2019.....	131
Table 48.6: Facilities holding sentenced children as at 31 March 2019	132
Table 48.7: Facilities holding RD children as at 31 March 2020.....	132
Table 48.8: Facilities holding sentenced children as at 31 March 2020	133
Table 49: Number of children charged	134
Tables 50: The number of children sentenced to detention and the average length of their detention for the 2016/2017 financial year	134
Table 50.1: Average number of inmates	134
Table 50.2: Long-term trend: Annual average based on calendar years.....	134
Table 50.3: Snapshot analysis of RD children: Period in detention.....	135
Table 50.4: Snapshot analysis of sentenced children (2016/2017)	137
Table 51.1: Age distribution of RD Children	137
Table 51.2: Period spent in custody by RD children: snapshot as at 31 March 2018	138
Table 51.3: Age distribution of sentenced children.....	139
Table 51.4: Period spent in custody by sentenced children: snapshot as at 31 March 2018	139
Table 52.1: Average population of children	139
Table 52.2: Age distribution of RD children	140
Table 52.3: Age distribution of RD children	141
Table 52.4: Period spent in custody by sentenced children: snapshot 31 March 2018.....	141
Table 53.1: Average of children	142
Table 53.2: Snapshot analysis of sentenced children: Ages	143
Table 53.3: Sentences	143
Table 54.1: Crime categories of sentenced children from 31 March 2016 to 31 March 2020	144
Table 55: Source: DCS Data Bank as at 31 March 2020	144
Table 56: Source: DCS Databank as at 31 March 2020.....	145
Table 57: Source: DCS Databank as at 31 March 2020.....	145

FIGURES

Figure 1: Snapshot analysis of remand detained children: Gender distribution (DCS Data Bank)	135
Figure 2: Snapshot analysis of age distribution (DCS Data Bank)	135
Figure 3: Snapshot analysis of sentenced children: Gender distribution (DCS Bank)	136
Figure 4: Snapshot analysis of sentenced children: Age distribution (DCS Data Bank)	136
Figure 5: Snapshot analysis of RD children: Gender distribution (DCS Data Bank)	137
Figure 6: National Distribution of sentenced children in DCS (Daily Unlock).....	138
Figure 7: Snapshot analysis of sentenced children: Gender distribution (DCS Data Bank, 31 March 2017, 30 September 2017; Daily Unlock, 31 March 2018))	138
Figure 8: Snapshot analysis of children: Gender distribution (DCS Data Bank)	140
Figure 9: Sentenced children in DCS since implementation of CJA, 2008 (DCS) ..	140
Figure 10: Snapshot analysis of sentenced children: Gender distribution (DCS Data Bank, 31 March 2017, 31 March 2018, 31 March 2019)	141
Figure 11: Snapshot analysis of children: Gender distribution (DCS Data Bank, March 2018; Daily Unlock, March 2019, 2020)	142
Figure 12: National distribution of sentenced children in DCS trend analysis from 2010 to 2019/20 (Daily Unlock)	142
Figure 13: Snapshot analysis of sentenced children: Gender distribution (DCS Data Bank, 31 March 2018, 31 March 2019; Daily Unlock, 31 March 2020)	143

SUMMARIES

Summary 1: Number and percentage of children who are registered after birth, and when such registration takes place	103
Summary 2: Number and percentage of refugee children and children seeking asylum who are registered after birth	103
Summary 3: Number of children who are stateless	103
Summary 4: Number of birth registration centres, particularly in rural and inaccessible areas	103
Summary 5: Number and percentage of children involved in child labour.....	125
Summary 6: Children in drug abuse who have benefited from rehabilitation programmes	127
Summary 7: Number of children in child marriages.....	127
Summary 8: Reported cases of abuse and maltreatment of children during their arrest and detention/imprisonment	145

ABBREVIATIONS AND ACRONYMS

ACERWC	: African Committee of Experts on the Rights and Welfare of the Child
ACRWC	: African Charter on the Rights and Welfare of the Child
AIDS	: Acquired Immune Deficiency Syndrome
ART	: Antiretroviral treatment
AU	: African Union
CA	: Central Authority
CDG	: Care Dependency Grant
CJA	: Child Justice Act
CPO	: Child Protection Organisation
CPW	: Child Protection Week
CSG	: Child Support Grant
CYCC	: Child and Youth Care Centre
DBE	: Department of Basic Education
DCS	: Department of Correctional Services
DHB	: District Health Barometer
DHS	: District Health System
DoEL	: Department of Employment and Labour
DSD	: Department of Social Development
EC	: Eastern Cape
ECD	: Early Childhood Development
FCG	: Foster Care Grant
FCS	: Family Violence, Child Protection and Sexual Offences
FSNC	: Free State and Northern Cape
GBV	: Gender-Based Violence
GBVCC	: Gender-Based Violence Command Centre
GBVF	: Gender-Based Violence and Femicide
HCT	: HIV Counselling and Testing
HIV	: Human Immunodeficiency Virus
HPRS	: Health Patient Registration System
HPV	: Human Papilloma Virus
IOM	: International Organization for Migration
ISHP	: Integrated School Health Programme
KZN	: KwaZulu-Natal
LMN	: Limpopo, Mpumalanga and North West
MBFI	: Mother Baby Friendly Initiative
NCCPF	: National Child Care and Protection Forum
NCCPP	: National Child Care and Protection Policy
NCRICC	: National Children's Rights Intersectoral Coordination Committee
NDoH	: National Department of Health
NECDA	: National ECD Alliance
NHI	: National Health Insurance
NIOC	: National Initiation Oversight Committee
NMCF	: Nelson Mandela Children's Fund
NMCP	: Nelson Mandela Children's Parliament
NMF	: Nelson Mandela Foundation
NPAC	: National Plan of Action for Children

NPF	: National Policy Framework
NRSO	: National Register for Sex Offenders
NSNP	: National School Nutrition Programme
OFA	: Office of the Family Advocate
ORC	: Office of the Rights on the Child
PEDs	: Provincial Education Departments
PICC	: Provincial Initiation Coordinating Committee
PHC	: Primary Health Care
PMTCT	: Prevention of Mother to Child Transmission
PSA	: Probation Services Act
RD	: Remand Detainee
RMS	: Rapid Mortality Surveillance
SACE	: South African Council for Educators
SAHRC	: South African Human Rights Commission
SGB	: School Governing Bodies
SIAS	: Screening, Identification, Assessment and Support
SAPS	: South African Police Service
SOP	: Standard Operating Procedures
SPID	: Severe to Profound Intellectual Disability
SSP	: Social Service Practitioner
TIP	: Trafficking in Persons
VAC	: Violence Against Children
VFR	: Victim-Friendly Room
WFCL	: Worst Forms of Child Labour
WPRPD	: White Paper of the Rights of People with Disabilities

PART 1: INTRODUCTION AND BACKGROUND

1.1 Introduction

1. The Government of the Republic of South Africa (the Government) acknowledges the concluding recommendations issued by the Committee in March 2019 subsequent to the presentation of South Africa's second periodic report in November 2018.
2. This report is submitted to the African Union (AU) Committee of Experts on the Rights and Welfare of the Child (the Committee) in compliance with the State Party's obligation under article 43 of the African Charter on the Rights and Welfare of the Child (ACRWC).
3. The State Party hereby responds to the concluding recommendations and provides progress made between June 2016 and March 2021 to ensure the fulfilment of South Africa's obligations to children, as articulated in the Children's Charter.
4. In the report, the role and participation of various stakeholders both in government and civil society are further recognised, including the participation of children to ensure continuous collaborative efforts to strengthen the implementation of programmes and projects that are aimed at promoting the rights of children at all levels.
5. In the report the progress made on the implementation of policies and legislation on the promotion, protection and realisation of children's rights in line with the articles of the Charter is also outlined.

1.2 The process of drafting and adopting the report

6. This report was drafted by the Office on the Rights of the Child (ORC) located in the national Department of Social Development (DSD) in consultation with government departments, provincial ORCs and members of the National Children's Rights Intersectoral Coordination Committee (NCRICC) including children through the Nelson Mandela Children's Parliament (NMCP).
7. The DSD has the overall responsibility of coordinating the drafting of the report.
8. During the drafting and finalisation of this report, consultation sessions were conducted with civil society organisations (CSOs) through the NCRICC, National Child Care and Protection Forum (NCCPF). CSOs are recognised as important structures and play an important role in supporting Government in the delivery of services to children in the country.
9. The report was presented to and adopted by internal DSD decision-making forums, FOSAD clusters and approved by the Cabinet on 24 November 2021.

PART 2: GENERAL INFORMATION ABOUT THE STATE PARTY

10. South Africa, officially called the Republic of South Africa, is the southernmost country in Africa. With more than 60 million people, it is the world's 23rd-most populous nation. This Member State is a multi-ethnic, developing country. It has

been classified by the World Bank as an industrialised country, with the second-largest economy in Africa, and the 33rd-largest in the world.

11. About a third of the country's population are children and hence a significant portion of the State's expenditure is on children. The State established an office to, among others, monitor its progress on the realisation and promotion of the rights of children. The ORC is currently located at the DSD. It monitors government departments in terms of the implementation of the Charter and coordinates child rights issues at national, provincial and district levels. Engagements are in process to ensure that the office is relocated to where it was located originally, in other words, in the Presidency to allow this office to exercise its mandate effectively. A task team was also established to pursue the matter.
12. One of the significant changes that occurred during the reporting period is the pronouncement by the President of the Republic on the migration of Early Childhood Development (ECD) centres from DSD to the Department of Basic Education (DBE) during the State of the Nation Address in 2019. The migration process is underway, and it is envisaged that the function will be shifted to the DBE in April 2022.

PART 3: GENERAL MEASURES OF IMPLEMENTATION (ART. 1(1))

3.1 Measures taken or those anticipated to be taken to implement article 1(1) of the Charter

13. The effective implementation of article 1(1) of the Charter was advanced through the development of legislative and policy frameworks that have an impact on the enjoyment of rights under the Charter as outlined below.

3.2 Constitutional, legislative and policy framework for the promotion and protection of the rights and welfare of the child

14. The Children's Act 38 of 2005, is currently being amended to enhance the protection of all children in the Republic. For this amendment, the Children's Amendment Bill, 2020, was introduced in Parliament in August 2020.
15. The Social Assistance Amendment Act, 2020 (Act No. 16 of 2020), was enacted to provide for additional payments linked to social grants, including payment of benefits to child-headed households.
16. Amendments to the Regulations to the Social Assistance Act, 2004, (Act No. 14 of 2004), were published for public comments. The amendments aim to expand on the pool of health professionals available to conduct assessments for children with disabilities to access Care Dependency Grants (CDGs) and seek to further implement the Child Support Grant (CSG) Top-Up aimed at increasing the value of CSG for orphans in the care of families and children living in child-headed households.
17. The Customary Initiation Bill was signed into an Act on 1 June 2021 to, amongst others, provide for the effective regulation of customary initiation practices.

3.2.1 Policies, frameworks and strategies

18. The country's fourth **National Plan of Action for Children (NPAC), 2019-2024** was approved by Cabinet in October 2020. This is an integrated plan for ensuring that the ultimate outcome of the progressive realisation of children's rights is the enjoyment of all their human rights.
19. The country's first **Children's Manifesto** was launched on 1 June 2019. The manifesto raises critical issues affecting children such as in the 25 years of democracy and serves as a framework for children to monitor progress of the new administration on children's rights and well-being during the next five years.
20. Cabinet approved the **National Child Care and Protection Policy (NCCPP)** in October 2019. The purpose of this policy is to strengthen the developmental child care and protection system by providing the conceptual, legal and systemic foundations and mandate for collective action by responsible role-players to ensure the well-being of all children in South Africa, especially the most vulnerable, by ensuring that they all survive, develop and thrive to their full potential and are protected from violence, abuse, neglect and exploitation.
21. The **National Policy Framework (NPF) on Trafficking in Persons (TIP)** was launched in April 2019 to ensure coordinated planning, resource allocation and the execution of services in the TIP sector. It entrenches a victim-centred approach and promotes better service delivery to respond to the needs of the victims.
22. The **Draft National Policy on the Prevention and Management of Learner Pregnancy in Schools** was developed in 2016 to address the challenge of learner pregnancy in schools which undermines the mandate of the DBE to ensure that all learners complete their basic education.
23. The **Child Offender Policy**, which was approved in August 2007, is also in the process of being reviewed.
24. The **Policy on Offenders with Disabilities** (2006), which focuses on the removal of barriers for equal participation and the elimination of discrimination based on disability is currently reviewed and is due for sign off. Through this policy, Government commits to the well-being and empowerment of offenders with disabilities, which includes children who are entrusted into its care.
25. The **ECD Registration Framework** was developed to make provision for conditional registration. Furthermore, the ECD programme guidelines, strategy to upscale and finance ECD services and the guidelines for administering ECD subsidy were also developed.
26. The **Youth Crime Prevention Strategy** was approved in December 2020 to enable, direct, guide and empower young people to play an active role in building a safe and secure South Africa. It seeks to ensure that the SAPS responds to the policing needs of the youth, while reducing their involvement and exposure to crime and strengthening partnerships into the mainstream economy.

27. Guidelines for the ***Provision of Policing Services*** to people with disabilities were approved in 2019.
28. The ***Standard Operating Procedure*** (SOP) on the Protection of the Rights of Lesbians, Gay, Bisexual, Transgender and Intersex Persons was approved in April 2019.
29. The SOP on Policing of Vulnerable Children in South Africa was finalised and approved on 11 April 2019.
30. The SOP for ***TIP, Victim Identification, Victim Assistance and Referral Systems*** was approved on 1 August 2018.

3.2.2 Invoking of the Charter in courts of law

31. Section 233 of the Constitution, 1996, provides that “when interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law over any alternative interpretation that is inconsistent with international law”. International human rights instruments are used to protect, promote and fulfil children’s rights in South Africa, particularly against harmful cultural practices such as ukuthwala, for example, in the case of *Jezile v S and Others (WCC) (case no. 127/2014, 23-3-2015)* where the Court held that ukuthwala was no defence for crimes of rape, human trafficking and assault. In this judgement, the provision of the ACRWC was relied upon in terms of which (a) child marriage or betrothal is prohibited (art 21(2)), and (b) sexual exploitation and the inducement, coercion or encouragement of a child to engage in any sexual activity is similarly prohibited (art 27). Member states must take all appropriate measures to prevent the abduction, sale or trafficking of children for any purpose, in any form, and by any person, including by the parents or legal guardians of a child (art 29).

3.2.3 The nature and extent of legal remedies available for violations of children rights

32. The adoption of the Children’s Act 38 of 2005, and the Child Justice Act, 2008 (Act No. 27 of 2008) (CJA), the establishment of the South African Human Rights Commission (SAHRC), the ratification of the United Nations Optional Protocol on the Sales of Children, Child Prostitution and Child Pornography, the United Nations Optional Protocol on the Involvement of Children in Armed Conflict, and the ILO Convention on the Worst Forms of Child Labour (WFCL) are some of the legal remedies available for violations of children’s rights in the Republic.

3.3 Institutional framework for the promotion and protection of the rights and welfare of the child

3.3.1 Government agencies involved in the implementation of the Charter

33. All government departments are involved in the implementation of the Charter. A detailed list of government departments and their mandate in relation to children's rights obligations is attached as Annexure B.

3.3.2 Overall responsibility for monitoring and coordinating the implementation of the Charter

34. The DSD, through its ORC, is responsible for the overall monitoring and coordinating the implementation of the Charter. This office ensures the coordination, promotion and protection of the rights in the country that includes monitoring government departments on the implementation of child rights obligations, including progress made in the implementation of the Charter. Furthermore, the office coordinates the country's participation in the various global platforms that promote and protect children's rights as well as preparing and submitting periodic reports and other communication to the multilateral organisations.

3.3.3 Institutional mechanisms for the promotion and protection of the rights and welfare of the child

i. National level

35. Government leads the coordination and monitoring of compliance of policies and legislation aimed at the realisation of children's rights across all sectors through the *NCRICC*. The Committee holds meetings quarterly, and different departments share, achievements and challenges on implementation of policies and legislation on the realisation of children's rights, and further ensures that periodic treaty obligation reports are compiled with.
36. The *National Steering Committee on Child Rights (NSCCR)* is coordinated to focus on coordinating child rights issues across government departments at a national level. This Committee is primarily responsible for the coordination and implementation of the NPAC, coordination of inputs and facilitating responses to the UN and AU enquiries and facilitation of departmental inputs to the State Party reports.

ii. Provincial level

37. Coordination is facilitated in all provinces through **provincial ORCs**. In six provinces, these offices are located in the offices of the Premiers, while in three provinces, these offices are based in DSD, under Welfare Services. The **provincial Steering Committee on the Rights of the Child (PSCRC)** to **facilitate** the coordination of child rights issues in provinces was also established.

iii. District level

38. Efforts are being strengthened to ensure the mainstreaming of children's rights at *district level* to ensure coordination at grass roots level. In South Africa, local municipalities are described as the primary location where the nation's response to the realisation of children's rights can be best demonstrated. Municipalities also have a key role to play in ensuring that the standards for children's rights, as outlined in the Constitution, 1996, the ACRWC as well as the United Nations Convention on the Rights of the Child, are fully designed to ensure that the best interest of the child is fulfilled. To advance these efforts, Government, in partnership with key relevant stakeholders, held the first round-table discussion on the mainstreaming of child rights governance in the District Development Model.

3.3.4 *Specific body is responsible for receiving individual complaints from children and their representatives*

39. The SAHRC has a Commissioner dedicated for oversight on children's rights.

3.3.5 *National Human Rights Institution*

40. The SAHRC is the primary National Human Rights Institution established in terms of Chapter 9 institutions, to support constitutional democracy and to promote and protect human rights, including the rights of children.

3.3.6 *The role played by the SAHRC in promoting and protecting children's rights*

41. The Commission is committed to promote, respect, observe and protect human rights without fear or favour. Complaints on human rights violations are lodged with the SAHRC. The SAHRC was created to support constitutional democracy through promoting, protecting and monitoring the attainment of everyone's human rights in South Africa, without fear, favour or prejudice. The mandate of the SAHRC is contained in section 184 of the Constitution, 1996. At an international level, the SAHRC is recognised by the United Nations Office of the High Commissioner for Human Rights as an 'A' status NHRI, and thus the SAHRC has adhered to the Paris Principles, which emphasise the independent nature of NHRIs and the manner in which the SAHRC must conduct its work. In addition to its national office, the SAHRC has nine provincial offices that implement the mandate of the Commission at a provincial level. The South African Human Rights Commission Act, 2013 (Act No. 40 of 2013), was enacted to provide for the composition, powers, functions and functioning of the SAHRC and repeals the Human Rights Commission Act, 1994.
42. Each year, the Commission must require relevant organs of State to provide it with information on the measures they have taken towards the realisation of the rights in the Bill of Rights concerning housing, healthcare, food, water, social security, education and the environment.

3.3.7 *Contact details of the SAHRC*

43. The SAHRC Head Office is located at 27 Stiemens Street, Braamfontein, and their telephone number is 011 877 3600 (Switchboard). The Chief Executive

Officer (CEO) for the Commission is Adv. Tseliso Thipanyane. The CEO can be contacted at +27 11 877 3622 or via email at ceo@sahrc.org.za.

3.3.8 Commissioners responsible for promoting the rights of children

44. There are two commissioners at the SAHRC, whose mandate directly promote the rights of children, in other words, the Commissioner of Responsible for Children's Rights and the Commissioner Responsible for Basic Education.
45. In **Recommendation 7**, the Committee reiterates its previous recommendation to give due consideration to various options, including the possibility and added value of establishing a Children's Ombudsperson.

3.3.9 Budget allocation for the SAHRC

46. Government recognises that the budget allocated to the SAHRC may not be sufficient to enable the institution to carry out all its constitutional obligations. However, the allocation attached in Table 3 should be seen in the context of other competing government needs and the shrinking national fiscus. The increase set out in SAHRC allocation over the 2019/2020, 2020/2021 and 2021/2022 Medium-Term Expenditure Framework (MTEF) period, albeit insignificant, shows Government's confidence in the role that the SAHRC has played over the past 25 years of its existence in assisting Government to entrench the culture of human rights, constitutionalism, the rule of law and advancement of our international obligations. Despite its limited resources, the Commission continues producing outstanding research outputs and reports on South Africa's human rights landscape.
47. In **Recommendation 7**, the Committee recommends the allocation of adequate and specific budget targeting children's rights to the SAHRC to enable it to play an effective role in the protection and promotion of children's rights in the country.

3.4 Cooperation with non-state actors

48. To strengthen cooperation and partnership with organisations involved in the implementation of the Charter, Government partnered with –
 - i. CSO through the **Civil Society Coalition** and key partners to child rights and advocacy programmes in the country.
 - ii. **UNICEF** on the implementation of various programmes relating to children.
 - iii. the European Union and UNICEF in the launching of **the project on global promotion of best practices for children in migration** on 15 December 2020. This project will ensure the strengthening the country's child protection system and the provision of a comprehensive response to the services provided to unaccompanied and separated migrant children.
 - iv. the **Nelson Mandela Children's Fund (NMCF)** and other stakeholders to host the annual NMCP, which encourages child participation at all levels by which every year, children elect their leaders, the Provincial Child Ambassadors, to represent them on various platforms.
 - v. the NMCF and other partners to facilitate the inception of the country's first **Children's Manifesto**, which is a call to all political parties, Government at all

levels, private sector, Chapter 9 institutions, labour movements, State-owned enterprises and broader CSOs to engage, adopt, commit and implement the priorities outlined by children.

- vi. the Nelson Mandela Foundation (NMF) on the ***Vangasali campaign***, which sought to locate and get the details of all ECD facilities in South Africa irrespective of their registration status. This campaign played a significant role in the identification of ECD programmes and facilitating a registration drive through voluntary participation in the campaign.
49. To strengthen coordination and to foster multi-stakeholder participation, Government has already put structures in place at national and provincial levels, comprising national and provincial government departments as well as CSOs. These include the –
- i. ***National Intersectoral Committee on Trafficking in Persons***, which is comprised of national departmental representatives from key government departments as well as CSOs. The Committee leads the implementation and administration of the Act at a national government level.
 - ii. ***Provincial Task Teams on TIP*** are also established including Provincial Rapid Response Teams to attend to operational matters relating to suspected complaints and pending cases of TIP and providing support to victims. These structures constitute South Africa's national referral mechanism, as outlined in UN Instruments on National Referral Mechanisms (NRMs). The objectives of the structures are to identify, support, protect and promote the rights of victims of trafficking in South Africa.
 - iii. ***NCCPF*** continues to provide a national platform to address matters pertaining to child care and protection in the country. The forum is attended by various stakeholders from Government and Civil Society.
 - iv. ***South African Intersectoral Forum for Early Childhood Development*** provides a united platform upon which the Government and the non-government sector involved in ECD service delivery will work together to enhance the integrated delivery of ECD services in South Africa.

3.5 Implementation of the decisions of the Committee and other relevant regional bodies

3.5.1 A decision of the Committee made in a communication determined by pursuant to article 44 of the Charter

- 50. The country has commenced with discussions to consider whether South Africa could consider acceding to the Third Optional Protocol of the Convention on the Rights of the Child on a Communications Procedure. The first consultation meeting was held with various key stakeholders on 5 August 2020.
- 51. In **Recommendation 6**, the Committee encourages Government to consider ratifying the Third Protocol to the Convention on the Right of the Child on a Communication Procedure.

3.5.2 A recommendation of the Committee made following an investigative or fact-finding mission

52. The Committee visited the country in May 2021 as part of the continental study on children without parental care. To date, the Committee has not given country-specific recommendations in this matter.

3.5.3 A decision of the African Commission on Human and Peoples' Rights and/or the African Court on Human and Peoples' Rights in which children's rights are involved

53. No decision has been taken by the African Commission (not African Court) pertaining to the protection or promotion of the rights of the child during the reporting period.

3.6 Implementation of relevant programmes, action plans and policies of the AU

54. Government ensures the implementation of the programmes, action plans and policies of the AU through the development and monitoring the implementation of national legislations and policies aimed at protecting and promoting the rights of children.

3.7 AU programmes and action plans involving children's rights

55. With regard to the implementation of ***Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa***, Government enhanced its efforts to reduce maternal mortality through various interventions, as such strengthening family planning services, conducting essential steps in managing obstetric emergency training for doctors and midwives, intensifying midwifery education and training, and strengthening infant-feeding practices. In the 2018/19 financial year, new guidelines to emphasise a rights-based approach to sexual and reproductive health services were developed, such as safe conception and fertility, post-exposure prophylaxis, choice on termination of pregnancy, breast cancer prevention and control, cervical cancer prevention and control and the update of the contraceptives. The guideline on the prevention of mother-to-child transmission (PMTCT) was also updated to cover HIV, TB, listeriosis, hepatitis and other communicable diseases. Furthermore, several activities on the cancer campaign, as were conducted in KwaZulu-Natal (KZN) and Northern Cape, reaching over 8 000 women on cervical cancer screening and clinical breast examination.
56. In terms of the ***Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children***, Government continues to improve access to health through the National Health Insurance (NHI), which is critical for ensuring that children will also have access to quality health services. The expansion of the HIV prevention programme and antiretroviral therapy programme contributed significantly to the reduction in maternal, child and infant mortalities. Government also continues to strengthen its efforts to improve access to education through no-fee schools. Furthermore, the implementation of National School Nutrition Programme (NSNP) that feeds around nine million learners, is also a foundation of social assistance and

poverty mitigation and contributed greatly to ensuring that learners in our country have access to quality education. The provision of social grants is also aimed at improving the standard of living and eliminating poverty amongst the most vulnerable members of the population.

57. With regard to ***the Abuja Call for Accelerated Action Towards Universal Access to HIV and AIDS, Tuberculosis and Malaria Services in Africa***, Government is responsible for developing national policies and guidelines, for setting norms and standards for tuberculosis services and monitors the implementation of these in line with the vision of achieving zero infections, mortality, stigma and discrimination from tuberculosis and HIV and AIDS, as outlined in the 2017-2022 National Strategic Plan on HIV, sexually transmitted infections and tuberculosis. In the 2019/2020 financial year, Government completed the first national household TB prevalence survey. The aim of the survey was to enhance TB control in the country by providing information on the current epidemiological situation of the TB disease and offering insight into ways in which TB control could be improved.¹

3.8 Dissemination of the Charter and previous concluding observations

58. These were disseminated through the national forums such as the NCCPF and NCRICC. The concluding observations were further disseminated to national departments during July 2019 and to provinces during September and December 2019 by conducting provincial workshops consisting of government and CSOs. Furthermore, they were disseminated to children through the Children's Parliament.

3.9 Allocation of resources and actual expenditures for social services

59. Funds are allocated to national and provincial departments to ensure effective provision of social services.
60. The detailed allocations and expenditures for programmes, such as Care and Services to Families, Child Care and Protection, Child and Youth Care Centres (CYCCs) and Community-Based Care Services for Children, are attached in Table 2. The budget allocations and expenditures for Health Care Services are attached in Table 3. The provincial allocations for ECD and partial care are included in Table 1.

3.10 Training for professionals working with and for children

61. To ensure that relevant institutions across the development continuum have the knowledge, technical capacity and support necessary to engage in child-sensitive planning across their governance value chain, and to build South Africa's State-wide child-centred, rights-based transformational agenda, Government, in partnership with UNICEF, developed the ***Child Rights Capacity Building Manual***. The manual provides a comprehensive overview of child rights governance in relation to regional and international treaties such as the UNCRC, ACRWC, United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the International Covenant on Economic,

¹ NDoH annual report 2019/2020

Social and Cultural Rights (ICESRC) among others. The training will target a number of stakeholders from Government, the private sector and CSOs.

62. The training in the ***Children's Act 38 of 2005, and the Information Guide on the Management of Statutory Services*** is provided annually to social service practitioners (SSPs) in government and CSOs. This training ensures adequate response to child protections issues and equips practitioners with the relevant knowledge and skills necessary for child protection interventions. During the reporting period, a total of 3 065 SSPs were trained.
63. The Western Cape DSD, in partnership with the Scalabrini Centre, also trains social workers in their specialist fields to empower social service professionals to ***manage interventions into unaccompanied minors and undocumented foreign minors***.
64. Ongoing training to ***adoption service providers*** is provided to promote child participation and to ensure that practitioners understand the importance of ensuring children's involvement in adoption decisions.
65. Ongoing capacity building on the ***SOPs for the tracing, reunification or alternative care placements of unaccompanied and separated migrant children in South Africa*** is also provided to SSPs to provide guidance on procedures to follow when dealing with unaccompanied and separated migrant children.
66. Subsequent to the approval of the ***National Integrated ECD policy in 2015***, 1 051 officials and ECD stakeholders were capacitated on the policy during the 2016/2017 financial year.
67. During the 2018/2019 financial year, Government, in partnership with UNICEF and the National ECD Alliance (NECDA), committed to training 17 000 parents and caregivers on the ***Parental/Primary Caregiver Programme*** by December 2018 as part of prevention and early intervention programme. A total of 24 801 people were trained, which includes 850 master trainers and 7 965 parents/caregivers by DSD officials, 15 986 by NECDA. For the 2019/2020 financial year, the training was conducted by DSD, and 167 master trainers were trained.
68. Training was also provided to +-342 social workers, the NGO sector, parent structures and departments key in the implementation of services to children with disabilities on the reviewed ***National Strategy towards Integrated Services for Children with Disabilities***. The purpose was to enhance the capacity of service providers in the provision of services to children with disabilities.
69. The training on the draft ***Guidelines on Respite Care Services for Families and Persons with Disabilities*** was also provided to persons with disabilities, their families, social workers and NGOs to train participants in practical methodologies to empower and facilitate inputs into the draft document for better access to services at community level. A total of +-513 participants were reached.

70. A total of +-1 223 caregivers, support staff in partial care facilities/day care centres, social workers, parents, and key departmental officials were trained in the ***SOP for the prevention, containment and management of Covid-19 and post-Covid-19 in disability centres for children with disabilities.***
71. Furthermore, Government trained +-466 participants, which includes parents, persons with disabilities, district officials and social workers, on the ***Guidelines on the Empowerment of Persons with disabilities & Disability Mainstreaming*** at district level. The training focused on approaches and methodologies to empower persons with disabilities and to mainstream disability in social development services to children and parents with disabilities.
72. Capacity building on the draft ***Guidelines on Psychosocial Support Services to Persons with Intellectual Disabilities*** was also provided to 358 participants and provincial disability coordinators (social workers).
73. With regard to the ***Policy for the Provision of Quality Education and Support for Children with Severe to Profound Intellectual Disability (SPID)***, Government conducted briefings on the social services for children with SPID who attend special or ordinary schools, special care centres (partial care or residential, formal and informal), ECD centres or at home. A total of 22 provincial disability coordinators (social workers) were reached.
74. For the Policy on ***Screening, Identification, Assessment and Support (SIAS)***, briefings on the provision of standardised procedures for supporting learners (with disabilities) to access quality education were conducted with 22 provincial disability coordinators (social workers).
75. Ongoing capacity building of SSPs is provided on the ***Guidelines on Independent Living Programme*** to ensure that practitioners are equipped to prepare children for the transition to independent living as productive citizens through obtaining life skills and education.
76. The training in the ***Developmental Assessment Tool*** for children in alternative care, which is aimed at empowering SSPs to conduct a thorough assessment of all children placed in alternative care ensuring that the developmental needs and strengths of the children are met is also provided.
77. A total of 435 to practitioners were trained in the ***Guidelines for the Prevention of and Response to Child Exploitation and the Prevention and Combating of TIP Act (Act No. 7 of 2013)*** and other pieces of legislation relevant to child exploitation. The training was aimed at ensuring the understanding of legislation relevant to matters of child exploitation (child trafficking, commercial sexual exploitation of children, child labour and cybercrime against children and ensuring that uniform services are rendered to children who are at risk of and victims of exploitation.
78. Furthermore, the training in the ***reporting protocol for exploited children*** (trafficked children) was provided to 80 representatives in non-governmental organisations rendering services to trafficked children.

79. The **Universal Treatment Curriculum** is offered to enhance knowledge and skill development of addiction treatment professionals and to increase human capacity and skills in the treatment, care and support of substance-use disorders. A total of 25 master trainers and 16 qualified addiction counsellors were trained as master trainers. Furthermore, 233 officials were trained in provinces.
80. Training in **Treatment that is Impactful, Motivational and Effective is also provided** to ensure that quality and standardised substance abuse treatment programmes are implemented based on a scientific approach.
81. Training in the **establishment and management of treatment centres** is provided to empower professionals on the legislative requirements when rendering prevention and treatment of substance abuse (i.e committal of children to the rehabilitation programme).
82. Training in **Drug Testing Training and Opioids Substitution Therapy (OST) (Suboxone/Subutex)** is provided to nurses to enhance understanding of the protocol and science behind drug testing and to enable them to administer the OST programme.

3.11 Community engagement and education

83. Various media, including social media platforms, are used to educate and engage the public on matters relating to the promotion and the protection of children's rights. To strengthen this, Government –
84. Is in the process of developing the **Child Rights Advocacy Strategy**, which will be utilised by different actors in the country, including Government, civil society, traditional authorities, faith-based and religious organisations, the private sector, politicians and children themselves, in advancing the rights and best interests of the children.
 - i. In partnership with key national departments, provinces and CSOs rendering child protection services, annually commemorates the **National Child Protection Week (CPW)** to raise awareness of the rights of children as outlined in the Constitution, 1996, and the Children's Act 38 of 2005. The preparations for the commemoration of this event involved the facilitation of dialogues with children, parents and other key participants to understand the issues affecting children at community level. The purpose is to mobilise awareness and educate the community on the care and protection of children from abuse, neglect, exploitation and all forms of abuse.
 - ii. Implements the **365 Days Child Protection Campaign**, which strengthens the CPW by providing awareness, lobbying and education throughout the year. With the advent of the Covid-19 pandemic in South Africa, the campaign is aimed at scaling up interventions geared towards promotion and protection of the rights of children during this difficult period of the Covid-19 pandemic and beyond.
 - iii. In partnership with key relevant stakeholders annually commemorates **International Children's Day** to increase awareness of children's rights.

- iv. Through partnership with the NMCF and other key partners, annually coordinates the **Children's Parliament** to offer a platform for bottom-up facilitation of children's issues.
- 85. In **Recommendation 5**, the Committee encourages Government to consider taking other measures, such as community engagement and education, to promote and protect children's rights.

PART 4: DEFINITION OF A CHILD

4.1 Definition of a child

- 86. The Bill of Rights and the Children's Act 38 of 2005, define a child as a person under the age of 18 years. To ensure the effective implementation of article 21(2) of the Charter Government granted approval in November 2017 to the South African Law Reform Commission **research programme of Project 144** into the possible adoption of a single marriage statute including measures against sham marriages.
- 87. By 8 April 2019, the general information on the SALRC Project 144, **Issue Paper 35** dealing with the question of the possible adoption of a single marriage statute was made available and published for comment.
- 88. Based on the comments received on the Issue Paper 35, a **Discussion Paper 152** was developed and published for general information and comment on 11 January 2021. The Discussion Paper served to elicit responses and serve as a basis for the SALRC's further deliberations and contains the SALRC's preliminary proposals.
- 89. On the other hand, the **Children's Amendment Bill**, in 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".
- 90. The **Marriage Policy** that is currently being drafted, will inform the amendments of the Marriage Act. The issue of minimum age of marriage is also one of the issues being considered in the marriage policy.
- 91. In **Recommendation 8**, the Committee reiterates its previous recommendation where it strongly recommended that Government harmonise the definition of the child under civil, customary, and common laws in line with article 2 of the Charter and to ensure the effective implementation of article 21(2) of the Charter, which prohibits child marriage and sets the minimum age for all types of marriages at 18.

PART 5: GENERAL PRINCIPLES

5.1 Non-discrimination

- 92. Government remains committed to protect the rights of children, prevent discrimination and ensure equal and full enjoyment of the rights and freedoms as recognised and guaranteed in the Charter. In its Preamble, the Constitution, 1996, is clear on affording every citizen their human right in a just

and fair manner. In that light, Chapter 2, which covers the Bill of Rights, the realisation and application of these rights are underpinned under the equality and non-discrimination clause.

93. South Africa's Constitution, 1996, is underpinned by values of human rights where every person is afforded these rights without fear or favour. As such, no unfair discrimination, directly or indirectly, is allowed 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.
94. To advance this commitment, the **Children's Amendment Bill**, in clause 5, clarifies that the Children's Act 38 of 2005, which regulates child care and protection in the country, "applies to all children in the Republic of South Africa". This means that no child should be discriminated against, and all children should be able to access social services.
95. 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 was also gazetted.
96. Migrant, asylum seeking and unaccompanied 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 equally from the programmes offered in CYCCs.
97. To assess the needs of migrant children, Government, in partnership with UNICEF, conducted an **audit on unaccompanied and separated migrant children in alternative care** to determine the extent of the challenges and problems faced by these children and to put measures in place to make adequate plans for services required and to ensure an effective response to their needs.
98. The review of the **National Strategy towards Integrated Services for Children with Disabilities and the Development of the Guidelines on the Empowerment of Persons with Disabilities and Disability Mainstreaming** at district level was developed to facilitate the mainstreaming of disability in all social development services, including child protection services and to enhance the empowerment of parents in understanding their rights and that of their children.
99. Government recognises **ECD** as a fundamental and universal human right to which all young children are equally entitled without discrimination, as this is central to the realisation of the national development goals of reducing poverty and inequality. Therefore, all young children are entitled to ECD services, regardless of their race, ethnicity, socio-economic status, health, disabilities or any other factor.
100. 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 addressing and managing unfair discrimination. Furthermore, in 2019, the High Court in Makhanda, Eastern Cape (EC), ruled that all

undocumented children, including children of illegal foreigners, are entitled to receive basic education. This provides for a progressive move in ensuring that migrant and foreign children access their right to education in the country.

101. 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. The disaster and risk management assessment was rolled out for special-needs schools in four provinces covering 81 special needs schools out of 450 such schools. In the 2021/2022 financial year, the remaining cohort of schools are targeted for disaster and risk management assessment and training of the officials on the Resilience Tools.
102. The subject Life Skills, which is 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. Through this subject, at an early age, learners are taught about discrimination and about the importance of ensuring that they should not discriminate against other fellow human beings on the basis of gender, race and age. These concepts are further strengthened in the subject Life Orientation, which is taught in Grades 7- to 9. It includes health, social and environmental responsibility; and constitutional rights and responsibilities.
103. Furthermore, refugees' affairs in South Africa are managed in terms of the Immigration Act, 2002 (Act No. 13 of 2002) and the Refugee Act, 1998 (Act No. 130 of 1998), which were promulgated to give effect to the relevant international legal instruments and conventions for protection of asylum seekers and refugees. Asylum seekers and refugees have full legal protection, which includes rights set out in Chapter 2 of the Constitution, 1996. The Department of Home Affairs is compliant with protections and inclusion of legislative provisions that ensures children are not rendered stateless.
104. In **Recommendation 9**, the Committee reiterates its previous recommendation and calls upon the Government to eliminate all forms of discrimination against asylum seekers, migrant, refugee and stateless children by avoiding de facto and de jure barriers hindering them from accessing basic services, such as education, health care, birth registration, child protection services, and so on.

5.2 Access to basic services for asylum seekers, migrant, refugee and stateless children

105. Basic services are available to children in the Republic, regardless of their race, nationality, ethnicity or legal status (citizenship or not).
106. In **Recommendation 9**, the Committee urged Government to take legislative and other necessary measures to ensure that asylum seekers, migrant, refugee and stateless children have access to basic services without the requirement of presenting documents.

5.3 Best interests of the child

107. Section 28(2) of the Constitution, 1996, and section 9 of the Children's Act 38 of 2005, provides that the best interests of the child are of paramount importance in every matter concerning the child.
108. Government protects the best interests of children by compliance with relevant legislation (for example, the Children's Act 38 of 2005, Regulations and Norms and Standards), by responding to the challenges faced by the children in their communities and anticipating the needs of the children in communities and has adapted systems and processes for the purpose of addressing those challenges and needs.
109. To ensure the effective application of this principle, **capacity building and training** continues to be provided to empower practitioners responsible for the provision of services to children to ensure the effective implementation of policies and legislation.
110. The **Care and Support for Teaching and Learning Framework** was also developed to ensure that the best interests of the child is always upheld in schools. This framework provides the overarching initiation and expansion of care and support activities in and through schools and also places the care and support needs of teachers centrally in ensuring optimum teaching and learning.
111. The **National School Nutrition Programme**, (NSNP), which derives its mandate from of the Constitution, 1996, ensures the implementation of the right to basic nutrition and the right to have access to food.
112. During the provision of **child care and protection services**, this principle is applied to ensure that, in every matter concerning the child, the child's views are respected and their participation are given due consideration. This principle is applied in various settings, such as adoption, placement in alternative care, etc.
113. To ensure adequate response and protection of children, Government provides **24-hour Child Protection Services** in the Western Cape and this includes an after-hour emergency protection service. The "**Eye on the Child**" Programme, which collaborates with government services for rapid referrals on the protection and safety of children, was also established.
114. To ensure the children's safety and well-being the Heads of Departments for Social Development are empowered in terms of section 129 of the Children's Act, 38 of 2005, to grant permission for children to undergo **medical treatment and surgical operations** in the absence of birth parents.
115. In **adoptive situations**, Government protects the privacy of the children during the tracing and recruitment of the prospective adoptive parents and children by not publishing photos of the children. The adoption records are kept confidential.
116. When providing assistance to **children in street situations**, such children are given the opportunity to participate in decisions affecting their lives to ensure

that all interventions provided, such as reunification with their families, placement in CYCCs, are in their best interests.

117. In the **health setting**, Government ensures that the provision of such services adequately responds to the needs of children.
118. The National Integrated ECD Policy emphasises that the best interests of the child must be a primary consideration in all actions concerning them. All decisions made and actions taken that impact the life, survival, development and well-being of young children are based on their best interests. This includes decisions and actions taken by professionals, practitioners and others responsible for the care and development of young children.
119. To further ensure the effective application of this principle, ***the Department of Justice and Constitutional Development, through its Office of the Family Advocate (OFA) and maintenance services, has developed the following indicators:***
 - i. This indicator measures the number of children assisted in the litigation, non-litigation and non-litigation streams. The purpose is to promote access to family advocate services to children and to eliminate discrimination against children based on race, colour and other social demographics. Through this indicator, the target was set at 25 000 and the total target reached was 28 300.
 - ii. Percentage of non-litigation matters finalised within six months from the date of opening of the matter (mediation, conciliations and negotiations). The purpose of this indicator is to protect the best interests of children, promote cooperative parenting and to preserve the integrity of families and family cohesion. The target was set at 50%, and 80% was reached.
 - iii. Percentage of maintenance matters finalised within 90 days from the date of proper service of process. The purpose of this indicator is to alleviate poverty and promote the rights of children enshrined in section 28(c) of the Constitution, 1996. The target was 70%, relating to 48 000 cases opened in 2019/2020 and 39 600 cases finalised. There were 28 400 cases finalised within 90 days from the date of proper service of process. The total target reached was 80%.
 - iv. Percentage of family advocate reports filed within six months from the date of opening the matter. This indicator measures the percentage of family advocate reports filed at court after the conclusion of family advocate enquiries. The purpose of this indicator is to protect the best interests of children by monitoring litigation matters affecting children and to ensure its speedy finalisation. The targets of 50% and 64% were reached.
 - v. Number of parenting plans generated and registered by the OFA. The target was 2 000, and 4 200 was reached.
 - vi. Number of parental responsibilities and rights agreement generated and registered by the OFA, and the target of 1 214 was reached.
120. Number of children who benefited from Family Law Services.
 - i. This indicator measures the number of children assisted in the litigation, non-litigation and non-litigation streams. The purpose is to promote access to family advocate services to children and to eliminate discrimination against children based on race, colour and other social demographics. Through this indicator, the target was set at 25 000 and the total target reached was 28 300.
 - ii. Percentage of non-litigation matters finalised within six months from the date of opening of the matter (mediation, conciliations and negotiations). The purpose of this indicator is to protect the best interests of children, promote cooperative parenting and to preserve the integrity of families and family cohesion. The target was set at 50%, and 80% was reached.
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 - v. Number of parenting plans generated and registered by the OFA. The target was 2 000, and 4 200 was reached.
 - vi. Number of parental responsibilities and rights agreement generated and registered by the OFA, and the target of 1 214 was reached.
121. In **Recommendation 10**, the Committee recommends that Government survey other areas to ensure that the best interests of the child are always considered and the efforts made documented, as well as their results.

5.4 The right to life, survival and development

122. The Constitution, 1996, guarantees everyone the right to life.

5.4.1 Homicide and mortality rates

123. Reports shows that South Africa continues to experience increases in life expectancy at birth and downward mortality trends, which have been largely attributable to significant reduction in the maternal, child and infant mortalities, and the expansion of the HIV prevention programme and antiretroviral therapy programme. The infant mortality rate has decreased from a 2014 baseline of 28 deaths per 1 000 live births to 25 deaths per 1 000 live births in 2018. The child mortality rate has decreased from a 2014 baseline of 39 deaths per 1 000 live births to 34 deaths per 1 000 live births in 2018. To further address the root causes of high rates of infant and child mortality government promote the early identification of common childhood illnesses particularly pneumonia and diarrhoea and sick neonates at community, clinic and hospital level as well as through training and monitoring and evaluation.
124. To ensure the rights of children on survival and development, Government continues to strengthen its efforts to reduce incidence of crimes against young children. In this regard, the DBE has signed the collaborative partnership with South African Police Service (SAPS) aimed at building resilience against crime among the young, improving school environments as peaceful atmospheres to nurture positive development and the reduction of contact crime.
125. The SAPS also launched the first of its kind, the community policing strategy and community in blue policing concept, which is inclusive of street committees, neighbourhood watches and community patrollers to encourage more citizens to participate in a structured way in crime prevention.
126. With regard to ensuring that the death sentence is not pronounced for crimes committed by children, the State Party informs the Committee that the death penalty in the Republic has been abolished.

5.4.2 Road accidents

127. The Ministers of DBE and the Department of Transport signed a protocol to collaborate on road safety programmes targeting learners using scholar transport as well as pedestrians. The systemic road safety awareness lessons across the grades is provided through Life Orientation as part of the curriculum offering for all learners. The education curriculum is also geared towards capacitating learners with knowledge and understanding of the road environment. This includes improving their decision-making and behavioural skills necessary to survive in the road environment, their knowledge and understanding of the rules that influence and control the actions of road users, the causes and consequences of accidents, as well as instil in them responsible attitudes for their own safety and the safety of others.
128. In **Recommendation 11**, the Committee recommends that Government intensify efforts towards lowering the homicide and mortality rates and to reduce

road accidents taking the lives of a considerable number of children by setting in place rigorous safety standards on drivers.

5.5 Respect for the views of the child

129. Section 10 of the Children's Act 38 of 2005, entrenches the right of the child to express his or her views in every matter affecting or concerning him or her. It provides, among others, 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".
130. The OFA ensures the respect of the children's views by conducting child assessments, interviews with children, including child consultation in accordance with children's tools, conducting interactional analysis between children and their parents, conducting child observation relationship between the children and their parents and children consultations after conclusion of parental responsibilities and rights agreements and parenting plans. This ensures the provision of information to children and promotion of their participation in that only family counsellors are authorised to conduct consultations with children through the utilisation of child voice toolkits and in a child-appropriate manner. Furthermore, children's views and the results of the interactional analysis, relationship observation and child assessment are stated in the family counsellor's report.
131. In litigation and non-litigation matters, 8 300 children were consulted, and child assessments were also conducted. A total of 3 821 interactional analyses were conducted, and 4 300 children were observed. Furthermore, 170 progress reports, including 880 forensic reports, were issued. A further 733 pre- and post-consultations were conducted. The family counsellor reports issued in mediated matters (matters which were settled out of court) is 4 200, and there were 88 public awareness sessions, which were conducted on radio, television and face to face.
132. In the **ECD** setting, the parental/primary caregiver capacity building training, which capacitate and support parents with parenting skills and promoting the role of parents in the development of their children, is implemented by Government. Government further provides education, advocacy and awareness campaigns on the importance of ECD.
133. Dialogues with children with disabilities and their parents, inclusive of persons with albinism were conducted in seven of the nine provinces to listen to their needs, aspirations and views. Their views were incorporated in the development of programmes to be funded and broader programmes for children with disabilities and persons with albinism.

5.6 Child Participation Framework

134. This framework was adopted by the children's sector, approved by the Deputy Director-General forum and supported by Welfare Services forum. The framework provides a common guide to all spheres of government, civil society and different sectors to promote the meaningful participation of children. Its

overall purpose is to ensure better levels of participation of children across all settings so that their right to participate in matters affecting their lives is fulfilled.

135. The framework is implemented through the NMCP programme to give children meaningful opportunities to participate, direct and influence decisions made on their behalf and in their best interest.
136. In **Recommendation 12**, the Committee recommends that Government expedite adoption of the Draft Child Participation Framework and ensure its effective implementation.

5.7 Initiatives intended to boost child participation in policy and law development

137. The NMCP programme is implemented annually to offer a platform for bottom-up facilitation of children's issues. For the past years, the Children's Parliament rotated across all provinces to create an opportunity for the children of South Africa to participate equally in the Parliament. This programme has now been institutionalised in the Parliament of South Africa's annual calendar alongside the other sectoral parliaments held by Parliament in its duty to ensure public participation. The 10th Nelson Mandela Children's Parliament (NMCP) was held on the 08TH October 2021 under the theme: Accountability to enhance the voices and rights of children during COVID-19 and beyond. The Parliament hosted children and youth from all 9 provinces of South Africa to engage Government and partners on the issues affecting them.
138. Dialogues were facilitated with children during preparations for the commemoration of the national CPW to understand the issues affecting them at community level. During the dialogues, a safe space was created for the children to share their experiences and reflect on issues that affect them at home, school and community level as well as possible solutions to the identified issues. Through the dialogues, Government would identify key issues affecting children and put response measures in place to provide the necessary support services to children in families, schools and their communities.
139. In preparation for the launch of the CPW in 2016, children's dialogues were facilitated in four districts in the North West. Five schools, including a school for children with disabilities, participated in the dialogues between 10 and 13 May 2016 and 288 children actively participated in the dialogues.
140. The 2017 dialogues were conducted between 9 and 12 May in five schools during the opening of the national CPW in Langa, Western Cape. A total of 275 children, of which 65 were learners from the Athlone School for the Blind, participated in the dialogues. For the closing event, the dialogues were facilitated in five district municipalities in the EC and 11 schools were reached, with 312 learners, which included 25 learners from the Efata School for the Blind and Deaf participating in the dialogues.
141. The participation of children with disabilities is also taken into consideration in most interactions and engagements with children. To enhance their

participation required basic support such as sign language interpreters, brailled documents are made available.

142. In **Recommendation 12**, the Committee recommends that Government record the impact of initiatives intended to boost child participation in policy and law development.

PART 6: CIVIL RIGHTS AND FREEDOMS

6.1 Name and nationality

6.1.1 *Registration of all children immediately after birth and the role of faith-based organisations and traditional structures of governance*

143. The Early Birth Registration Campaign was launched to encourage parent's/caregivers to register the birth of their children within 30 days of the birth. The strategies put in place included improving early birth registration, by increasing the footprint through the integration of birth registration and health services where the department rolled out an online birth registration system in health facilities. The Department of Home Affairs forged a partnership with the Department of Health as well as the private health sector for the establishment of health facility service points in health facilities with the ultimate goal of registering birth where it occurs. To date, the department has established a presence in 391 health facilities, of which 322 are public health facilities and 69 are private health facilities.
144. Furthermore, the stakeholder forums that consists of, amongst others, leaders of communities, who are from faith-based organisations, traditional leadership and government leaders (municipal political leaders) in the respective areas, were established to, amongst others, encourage communities to register their children's birth within 30 days of birth occurrence but also to assist on other issues like resolving late birth registration challenges.

6.1.2 *Measures to remove social, economic and cultural barriers that hinder the registration of children immediately after birth*

145. Birth registration processes are universal with no hindrances relating to social, economic and cultural barriers. The law prescribes that a child must be registered by the parent within 30 days from the date of birth irrespective of personally relative matters.

6.1.3 *Measures to ensure that children who are not registered immediately after birth are registered soon thereafter and/or without unreasonable delay*

146. Through the Early Birth Registration Campaign, parents and caregivers are encouraged to register the birth of their children within 30 days of the birth. The established stakeholder forums, amongst others, play a role in encouraging communities to register their children's birth within 30 days of birth but also assist with other issues like resolving late birth registration challenges.

6.1.4 *Laws recognising the principles according to which a child acquires nationality of the state in the territory of which he or she has been born*

147. South African citizenship legislation grants status to acquisition of citizenship based on parental citizenship status at the time of birth. A parent must be a South African citizen for a child to acquire birth status in line with that of a parent. Territorial birth does not grant citizenship status.

6.2 **Penalty fee for late registration of birth and DNA testing for foreign parents**

148. There are no fees introduced in the late registration of birth.
149. The Births and Deaths Registration Act, 1992, (Act No. 51 of 1992) only requires submission of proof of relations with regard to DNA, in case of doubt as a result of inconclusive evidence provided during the process of birth registration. This does not only pertain to late registration of birth, it also includes current birth registration. The DNA is not a precondition when one of the parents is a foreigner. It arises when the proof of birth relations bring doubt to the official dealing with the responsibility to register a birth. It is a last resort when assessment of evidence has been presented.
150. In **Concluding Recommendation 13**, the Committee recommends to Government to review the Regulations to the Births and Deaths Registration Act, 1992, and remove the penalty fee for late registration of birth and to consider the withdrawal of the requirement of DNA tests to be done at late registration of children born to one foreign parent birth and rely on other evidence to prove paternity, as this precondition discriminates against a child of which one of his/her parents is a foreigner and seriously hampers birth registration of these children.

6.3 **Requirements and documents for birth registration**

151. The law of birth registration recognises the registration of birth by any informant as well as by the father of the child. The birth registration is done through linking the biological parent with the child in the national population register. No one is left outside of the process.
152. In **Concluding Recommendation 14**, the Committee calls upon the Government of South Africa to amend regulation 3, 4 and 5 of the Births and Deaths Registration Act, 1992, to remove such stringent requirements and ensure that this group of children are not left at risk of being unregistered.

6.4 **Stateless children**

153. Section 2 of the South African Citizenship Act, 1995 (Act No. 88 of 1995), states that any person born in the Republic who is not a South African citizen by virtue of the provisions of subsection 1 shall be a South African citizen by birth, if (a) he or she does not have the citizenship or nationality of any other country, or has no right to such citizenship or nationality, and (b) his or her birth is registered in the Republic in accordance with the Births and Deaths Registration Act, 1992). This provision deals with children born in South Africa who could find themselves becoming stateless.

154. All children born in Republic of South Africa are registered in terms of the provisions of the Births and Deaths Registration Act, 1992. There are no children rendered stateless by the process.

155. In **Concluding Recommendation 15(a)**, the Committee recommends to the State Party to ensure that all barriers hindering stateless children from getting their birth registered are removed.

6.5 Regulations facilitating the implementation of the Citizenship Act, 1995

156. The section of the South African Citizenship Act, 1995, wherein the Supreme Court of Appeal directed the Department of Home Affairs to implement section 4(3) of the Act, is in the process of regulations finalisation.

157. In **Concluding Recommendation 15(b)**, the Committee recommends the regulation facilitating implementation of the relevant sections of the Citizenship Act, 1995, which provides an application platform enabling every stateless child to go to a relevant office to apply for citizenship.

6.6 Ratification of the 1954 Convention relating to the Status of Stateless Persons

158. South Africa does not have to ratify the convention because the national legislative measures already address this, including section 4.2 of the Citizenship Act, 1995, and Constitutional Court judgement.

159. In **Concluding Recommendation 15(c)**, the Committee recommends that the country consider ratifying the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in order to end childhood statelessness.

6.7 Freedom of expression

160. Section 16 of the Constitution, 1996, provides that everyone has the right to freedom of expression. This section is also applied in practice by providing children the opportunity to express their views on matters that concern them.

6.8 Freedom of association

161. In section 18, the Constitution, 1996, indicates that everyone has the right to freedom of association.

6.9 Freedom of thought, conscience and religion

162. The Constitution, 1996, further outlines in section 15 that everyone has the right to freedom of conscience, religion, thought, belief and opinion.

6.10 Protection of privacy

163. The Constitution, 1996, in section 14, states that everyone has the right to privacy. The Films and Publications Act, 1996 (Act No. 65 of 1996), and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), are other laws protecting the privacy and protection of personal information of the child.

6.11 The right not to be subjected to torture

6.11.1 Legislative measures

164. On 18 September 2019, the Constitutional Court of the Republic issued a judgement declaring the **common law defence of reasonable and moderate parental chastisement** to be inconsistent with the provisions of sections 10 and 12(1)(c) of the Constitution, 1996.
165. The **Domestic Violence Amendment Bill**, which seeks to amend the Domestic Violence Act, 1998 (Act No. 116 of 1998) to ensure effective response to the challenges relating to GBV and to provide better protection to victims of violent domestic relationships was published for public comments in 2020.²
166. The **Criminal Procedure Amendment Bill, 2020**, which is intended to introduce stricter measures on bail and sentencing in cases relating to gender-based violence and femicide (GBVF) was also published for public comments in 2020.³
167. Furthermore, the **Victim Support Services Bill, 2019**, which seeks to address the gaps identified in all the existing victim empowerment legislation, including the challenges in the provision of sheltering services, was developed.

6.11.2 Administrative, social and educational measures

168. To protect children from all forms of torture, inhuman or degrading treatment, Government continually capacitates professionals working with and for children on various aspects relating to abuse and the protection of children to ensure effective responses by practitioners on matters affecting children.
169. Awareness campaigns through various media platforms and in the communities are also conducted to educate on the protection and promotion of children's rights.
170. Furthermore, partnership with various stakeholders in private and civil society is strengthened to ensure joint coordinated efforts in terms of putting effective mechanisms in place to respond and address all forms of torture, inhuman or degrading treatment.

6.11.3 Incidences of corporal punishment in schools

171. The safety standards in schools have been enhanced through the Protocol on the Management of Incidences of Corporal Punishment that was approved in March 2019. This protocol aims to reduce and ultimately eliminate incidences of corporal punishment in schools and violent behaviour at large and is intended to create a national framework to standardise the education sector's response to corporal punishment. Furthermore, it intends to facilitate the implementation of the prohibition of corporal punishment throughout the education system and to encourage the use of programmes that would promote positive behaviour and respond constructively towards poor discipline of learners. The Protocol

² DoJ&CD Annual report 2019/2020

³ DoJ&CD Annual report 2019/2020

also outlines the establishment of independent complaints platforms for children, educators and other adults to ensure that a wider net of safe spaces is created.

172. Furthermore, school communities are empowered through the South African Schools Act, 1996 (Act 84 of 1996), 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 as well as providing a framework for consequence management for misbehaviour.
173. In **Recommendation 16**, The Committee calls upon Government to expedite adoption of the draft Protocol developed to reduce incidences of corporal punishment in schools and ensure its implementation in order to fully eliminate this practice in schools.

6.11.4 Corporal punishment

174. South Africa adopted the NCCPP in 2019. The policy expressively prohibits corporal punishment of children in all settings including the home environment. In addition, the Constitutional Court of the Republic declared that the common law defence of reasonable and moderate parental chastisement is inconsistent with the provisions of sections 10 and 12(1)(c) of the Constitution, 1996. The judgement is law in the country.
175. In **Recommendation 17**, the Committee reiterates its previous recommendation that Government expedite the process of amending the Children's Act 38 of 2005, to explicitly ban corporal punishment in all settings, including in the home.

6.11.5 Positive discipline

176. Government recognises the importance to support parents and caregivers in adopting positive parenting practices and encourages the provision of parenting programmes and support that empower parents and caregivers to know their responsibilities and rights and guide them in the use of positive parenting practices.⁴
177. To promote positive discipline, Government is rolling out the *Parental/Primary Caregiver Programme* to parents and caregivers, which includes a module on positive discipline.
178. The Sinovuyo Teens Parenting Programme which also aims to improve positive parenting skills, is being implemented throughout the country.
179. Since 2018, Government has been implementing the 365 Days Child Protection campaign on various platforms, including webinars with specific topics that address violence against children (VAC), abuse, neglect, exploitation, trafficking and bullying, including cyberbullying. The programme is intersectoral and includes training of religious leaders on the identification and reporting of

⁴ NCCPP 2019:77

incidences of violence, child abuse, neglect and exploitation. Furthermore, radio talkshows and workshops with stakeholders are held to sensitise and educate parents and caregivers on the High Court judgement that prohibits the use of corporal punishment; teaching parenting skills and alternative ways of disciplining children.

180. The Intersectoral Protocol on the Prevention and Management of Child Abuse, Neglect and Exploitation was also developed to instil a sense of urgency in response to cases of abuse, promoting uniform implementation in the provisioning of adequate services to children as well as accountability amongst stakeholders. A monitoring tool for the Intersectoral Protocol has been developed and will be piloted during 2021/2022 financial year.
181. In **Recommendation 17**, the Committee calls upon the State Party to promote positive disciplining through awareness creation and training those who are working for and with children, such as teachers and caregivers.

6.11.6 Criminalisation and holding accountable educators and caregivers who still inflict corporal punishment

182. The implication of the Constitutional Court judgement, which declared the common law defence of reasonable and moderate parental chastisement to be inconsistent with the provisions of sections 10 and 12(1)(c) of the Constitution, 1996, is that a criminal case can be opened when the report is received by SAPS of an incident. The matter will be dealt with by the criminal justice system.
183. Even though this measure exists, the country's national policy position on child care and protection is that the criminal prosecution of parents and caregivers for the use of corporal punishment should be a measure of last resort. Therefore, caregivers who use inappropriate punishment (including corporal punishment) should be referred to prevention and early intervention services.⁵
184. In **Recommendation 17**, the Committee recommends that Government puts in place mechanisms to criminalise and hold accountable educators and caregivers who still inflict corporal punishment.

6.11.7 Violence Against Children

185. Any form of VAC violates the children's constitutional rights. Government continues to ensure that all children enjoy the care and protection that they are assured of in section 28(1) and 28(2) of the Constitution, 1996, and the Children's Act 38 of 2005, as well as other pieces of legislation relevant to children. As a result, South Africa's approach to the care and protection of children is rights-based, child-centred, universal, gender-sensitive, inclusive and transparent. Programmes are evidence-based and results-focused.
186. To ensure support to victims of violence, Government provides Forensic Social Work (FSW) services, which is a specialised field of social work practice that is

⁵ NCCPP 2019: 77

characterised by presenting it in court. The FSW acts as an expert witness to assist the court in making a just and fair decision.

187. During 2018/2019, forensic social workers received a total of 6 077 cases related to children. A total of 9 685 assessment sessions were conducted with 6 486 children (victims), and 4 307 reports were compiled. Almost 1 556 awareness campaigns, including nine by the FCS Unit at Head Office, were conducted countrywide to educate learners at schools, churches and the general community regarding FCS-related crimes. Furthermore, FCS units conducted a total of 7 180 suspect-tracing operations, which resulted in a total of 11 111 arrests. A total number of 35 interventions/inspections were also conducted by the FCS Investigation Service during 2018/2019.
188. During 2019/2020, 6 587 cases related to children were reported, 9 767 assessment sessions were conducted, and 5 061 reports were compiled. A total number of 1 861 statements were obtained. A total of 6 556 life sentences were secured for between one and nine years, against a total of 1 339 accused. A total of 13 012 life sentences for between 10 and 19 years were secured against a total of 870 accused. In 2020/2021, a total number of 6 090 cases related to children were dealt with. A total of 11 155 assessment sessions were conducted and 5 100 reports were compiled.
189. The country has a well-established Gender-Based Violence Command Centre (GBVCC), which maintains the delivery of comprehensive integrated services to victims of gender-based violence (GBV).
190. To tackle violence against children with disabilities, various interventions are provided through the financial support to NGOs and parents' structures to enhance their participation. Support is also provided through capacity building of parents' structures and organisations on measures to tackle violence against children with disabilities.

6.11.8 Coordinated, resourced and evidence-based violence prevention strategy

191. The Presidential Summit Declaration against GBVF was launched by the President of the Republic of South Africa in March 2019. The declaration set out specific actions that the country must undertake to prevent femicide, among other things.
192. In May 2020, the President further launched the GBVF National Strategic Plan (2020-2030) which is intended to guide the country in the 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 a coordinated national response to the crisis of GBVF by the Government of South Africa and the country as a whole. The National Integrated Prevention Strategy against Femicide was also developed to ensure compliance with the vision of the Presidency on the GBVF agenda in the country.
193. In **Recommendation 18**, the Committee recommends that Government adopts and implements a coordinated, resourced and evidence-based violence prevention strategy.

6.11.9 Specialised policing and court services

194. The sexual offence court project commenced in August 2013 with the upgrading of 58 regional courts into sexual offences courts over a period of three years. **In phase 1**, courts were selected from court buildings that were resourced close to the requirement of the revised Sexual Offences Courts Models. The Ministerial Advisory Task Team on the Adjudication for Sexual Offences Matters (MATTSO) developed the report. Phase 1 was the establishment of 57 sexual offences courts, which the Department achieved within the set time. **In phase 2** of the project required the upgrading of 106 regional courts into sexual offences courts over a period of 10 years. As recommended by the MATTSO Report, by 2023/2024, there should be a spread of 163 sexual offences courts in the country.
195. The sexual offences courts are established to give victims of sexual offence an experience defined by solace, care, compassion and justice so as to encourage reporting, justice and healing. These courts are intended to reduce the turnaround time in the finalisation of these cases, eliminate secondary victimisation, and improve prosecution and adjudication of these cases.
196. The sexual offences courts offer a sequential and coordinated flow of victim-centric support services, which include information services, private waiting room service, court preparation service, pre-trial emotional containment service, private testifying services, intermediary service, post-trial containment service, witness fee service (which include travelling, accommodation (where necessary) and a food allowance.
197. In **Recommendation 18**, the Committee recommends that Government ensures that specialised policing and court services for child victims are adequately resourced and implemented as a matter of urgency.

6.11.10 Coordination among all role-players to tackle consequences of violence against children

198. From 1 November 2019, different government stakeholders and CSOs were tasked to implement robust intervention to reduce the levels of violence against women and children significantly. In line with article 13 of the 2019 Presidential Summit Declaration against GBVF, The DoJ&CD continues to build a victimcentric justice system, particularly for survivors of sex crimes. In February 2020, the Minister of Justice and Correctional Services approved Regulations relating to Sexual Offence Courts, which sets out the catalogue of support services mentioned above for survivors of sex crimes.
199. The working relationships with helplines also assist in effective referrals for services. In this regard, the GBV command centre provides an avenue for reporting online violations of children, cyberbullying and child trafficking, by children themselves and their parents. Childline also supports reporting of all forms of violations through their helpline and is also providing online counselling. The SA Resource Line assists with cases of child trafficking and the Films and Publications Board with online violations.

200. In **Recommendation 18**, the Committee recommends that Government ensure proper coordination among all role-players to tackle consequences of VAC.

6.11.11 Therapeutic services

201. In terms of the national legislation and the NPF on TIP, 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 (such as help centres, Thuthuzela Care Centres, Ikhaya Lethemba, government hospitals, accredited shelters, CYCCss, temporary safe care, Khuseleka One Stop Centres, individual placements, and so forth.)
202. Other services available 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, the administration of health checks and chronic medication when needed, the 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.
203. Financial support is provided to NGOs to provide therapeutic services to children with autism and intellectual disabilities in response to special needs of children with disabilities.
204. Specialised investigation units, family violence, child protection, and sexual offences (FCS) units are in place for all cases where children are abused and exploited.
205. Victim-friendly services are rendered to reduce secondary victimisation and enable victims to provide details that assist in investigations. Efforts continue to improve services rendered to victims of sexual offences and domestic violence, by ensuring that victim-friendly services are rendered at all police stations. To enhance quality, service delivery and responsiveness to victims of crime, a Victim-Friendly Room (VFR), which is a dedicated room at a police station that provides a space for victims of intimate violence (for example, sexual offences and domestic violence), is used to ensure that the victim's right to dignity and privacy is protected and that they can report, be interviewed and give statements in a private place. Where there is no VFR, alternative arrangements are made for private interviews or statement taking. A total number of 1 155 police stations rendered a victim-friendly service to victims of rape, sexual offences, domestic violence and abuse as at the end of February 2021.
206. Psychosocial support is also provided to ensure access to counselling in schools. Training in trauma support targeting provincial coordinators in all provinces was conducted. The skills gained are used to identify and provide support to learners experiencing trauma, including child abuse. The provincial departments have also employed learner support agents and placed them in schools to perform various care and support functions.

207. The DBE further partnered with the NECT and UNICEF to mobilise support for learners and educators. Through this partnership, Childline has been appointed to provide telephone counselling and referrals to learners.
208. In **Recommendation 18**, the Committee recommends that Government make available appropriate and effective therapeutic services for children who are victims of violence.

6.11.12 Awareness raising programmes

209. Building the appropriate skills capacity at the service points for sexual offences remains a fundamental part of Governments' commitment in terms of the 2019 Presidential Summit Declaration against GBVF, mainly to reduce the incidents of secondary victimisation in the criminal justice system.
210. 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, were conducted throughout the country between April 2019 and March 2020. A total of 294 schools were reached through this campaign, with a total of 64 676 learners benefiting from this programme.
211. The 365 Day Child Protection Programme of Action is implemented to strengthen the advocacy, awareness and programmes to ensure care and protection of children, including online protection.
212. 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, such as drug abuse and gangsterism.
213. The Protocol on the Prevention of Crime and Violence in Schools was developed. In conducting visits to schools, police liaison officers are able to address issues that make children vulnerable to commit crimes. Searches are conducted on the request of the school safety committees or school governing bodies (SGBs).
214. Schools were identified during the reporting period for the provision of school programmes. The issues addressed in the schools-based crime awareness engagements include bullying, cyberbullying, substance use and drug abuse, dangerous weapons, sexual offences, xenophobia, occult-related crimes and gangsterism and the necessity to report all forms of child abuse.
215. The first national Youth Crime Prevention Summit in response to the involvement of young people in criminal activities, both as perpetrators and victims was hosted and attended by young people from across the country converged.
216. Furthermore, the braille communication material on breaking the silence about domestic violence, sexual offence, children's rights, child justice, were officially launched at Lincoln Special School in Umlazi, Durban, and 900 braille communication materials were provided to the school.

217. Brochures on children's rights and child justice were produced in braille, and 500 copies of each were distributed at special schools.
218. An indaba on GBV and Vulnerable Groups was convened with the sole purpose of reducing barriers to the reporting of sexual offences and domestic violence.

6.11.13 Accountability against perpetrators

219. The Bill to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), was developed, which creates a new offence of sexual intimidation, extends the ambit of the offence of incest and extends the reporting duty of persons who suspect a sexual offence has been committed against a child. It expands the scope of the National Register for Sex Offenders (NRSO) to include the particulars of all sex offenders. With all the interventions that have been put in place, including the establishment of the Directorate of Priority Crime Investigations in the SAPS 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.
220. In 2018 alone, the National Prosecuting Authority finalised eight cases with convictions of perpetrators for TIP offences. These cases involved 14 accused persons, and the courts imposed harsher sentences, including, amongst others, eight life sentences and a sentence of 18 years imprisonment.
221. The importance of partnership and the role played by civil society is pivotal in the successful implementation of the NPF. There is good collaboration in South Africa between Government and NGOs on tackling trafficking and smuggling cases.
222. South Africa is promoting new legislation to establish a Border Management Authority, for the integrated management of our borders and the modernisation of our border management capability through the use of advanced technology at all our ports of entry. The Border Management Authority will bring together relevant State agencies to protect the territorial integrity of the country, including the prevention and detection of cross-border crimes. This approach will also assist in detecting the use of fraudulent travel documents and smuggling of persons and goods through the deployment of multi-disciplinary teams that can detect and identify possible victims of trafficking and related offences.
223. Measures are also in place to ensure that educators who have been found guilty of GBV and/or sex-related cases are listed in the National Child Protection and NRSO. The Provincial Education Departments (PEDs) are encouraged to report such cases to the South African Council for Educators (SACE) to ensure that such educators are removed from the roll of the South African educators and as such they could not be employed as educators.
224. For the 2019/2020 financial year, 122 cases of sexual misconduct were reported to SACE by the PEDs. Disciplinary actions have been taken against educators involved with dismissal being the appropriate sanction by the employers and SACE being responsible for removing such discharged educators from the roll of educators.

6.11.14 Training the police in VAC and its responses

225. Police officers are trained in vulnerable groups learning programmes, such as vulnerable children, domestic violence, national victim empowerment, children and youth at risk, first responder to sexual offences, sexual offences for investigating officers, family violence sexual offences and children protection, human rights in policing, CJA, resolving of crime, domestic violence and vulnerable group amongst others.
226. The capacity building sessions are aimed at enhancing effective delivery of quality service by SAPS members to diverse communities were conducted.
227. In **Recommendation 19**, the Committee recommends that Government enhances its awareness raising programmes, establish accountability against perpetrators, training the police in VAC and its responses and allocating adequate budget to address the challenge.

6.11.15 Establishment special monitoring units to provide necessary support for children and for those who take care of the child

228. The SAPS conducts station visits to monitor compliance with the prescripts of legislation in respect of the domestic violence, sexual offences, victim empowerment, child justice and vulnerable group programme on a continuous basis, where non-compliances have been identified. In-service training was conducted during the visit to bring the status to an acceptable level of compliance. During the reporting, 223 stations were visited.

PART 7: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

7.1 Education

7.1.1 Measures taken to ensure full realization of the right to education

229. On 12 January 2015, South Africa ratified the ICESCR. This meant the Government of the Republic of South Africa will give progressive effect to the right to education, as provided for in articles 13(2)(a) and 14, within the framework of its National Education Policy and available resources. South Africa is committed to show improvements in the realisation over periods of time, other than deliberate retrogressive measures.
230. In **Concluding Recommendation 6**, the Committee encourages the State Party to consider withdrawing this reservation (reservation to the ICESCR) so that basic education is made immediately realisable, as is also required by article 11(3)(a) of the African Children's Charter.

7.1.2 The aims and objectives for which the State Party's educational policy and curriculum have been designed to foster and achieve

231. The **National Integrated ECD Policy** is aimed at transforming ECD service delivery in South Africa, in particular to address critical gaps and to ensure the provision of a comprehensive, universally available and equitable ECD

services. Its purpose is to ensure the universal availability of, and equitable access to, ECD services through a national integrated system, which clarifies roles and responsibilities of relevant role-players. The objectives of the policy are to ensure universal access of the comprehensive age and stage appropriate quality services, equitable access, empower and enable parents, ensure the alignment and harmonisation of intersectoral policies, legislation and programmes across the different sectors and ensure adequate and effective leadership, coordinated planning, funding, implementation, monitoring of progress and on-going quality improvements.

232. The National Curriculum Statement Grades R-12 gives expression to the knowledge, skills and values worth learning in South African schools. This curriculum aims to ensure that children acquire and apply knowledge and skills in ways that are meaningful to their own lives. In this regard, the curriculum promotes knowledge in local contexts, while being sensitive to global imperatives.
233. It serves the purposes of equipping learners, irrespective of their socio-economic background, race, gender, physical or intellectual ability, with the knowledge, skills and values necessary for self-fulfilment, and meaningful participation in society as citizens of a free country, providing access to higher education, facilitating the transition of learners from education institutions to the workplace and providing employers with a sufficient profile of a learner's competencies.
234. It is also sensitive to issues of diversity, such as poverty, inequality, race, gender, language, age, disability and other factors. Valuing indigenous knowledge systems and acknowledging the rich history and heritage of this country as important contributors to nurturing the values contained in the Constitution, 1996, and credibility, quality and efficiency: providing an education that is comparable in quality, breadth and depth to those of other countries.

7.1.3 Early childhood education and pre-primary schooling

235. To ensure the provision of ECD education, Government provides **subsidies/funding** of R17 for 264 days to registered or conditionally registered ECD programmes countrywide to supplement the costs associated with providing quality ECD services such as nutrition, stimulation, practitioner salaries and administration.
236. Currently, the subsidy is provided to 140 153 children through a conditional grant, 256 946 benefiting from the top-up component of the grant and 13 456 children from non-centre based programmes are also benefiting from the grant. In total, 410 555 children are benefiting from the grant.
237. To ensure improved access to ECD programmes, 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. The campaign endeavours to find every ECD service to enable Government in the long term to realise quality ECD service provisions to children. This notion of not leaving anyone behind is

further emphasised by the tagline of Every Child Counts. To date, about 52 000 ECD services were registered on the Vangasali data base.

7.1.4 Free and compulsory basic education

238. Government remains committed to improve the access to and provision of free quality education through the provision of no-fee schools. Statistics show that the percentage of learners that attended no-fee schools increased from 21,4% in 2007 to 66,2% by 2019.⁶ Furthermore, in 2019, 87% of the schools were no-fee schools and these accommodated 79% of learners.⁷

7.1.5 Measures taken to make vocational and higher education accessible to all on the basis of capacity and ability

239. The State Party has committed to reforms in its funding arrangements as a key strategy to improve access to vocational and higher education. The key reform will be with regard to the levy system requires reform to simplify the system, shifting responsibility for discretionary funding to the National Skills Fund and simplifying the allocation of the mandatory grant. It also argues for reform of the TVET funding formula. In this regard, the State Party is in the early stages of developing White Paper proposals to reflect some additional factors, including recognition of the extra costs of provision in rural areas, and the extra costs of serving disadvantaged populations.

7.1.6 Measures taken to encourage regular attendance and retention at schools and the reduction of drop-out rates

240. Government has a mandate to manage and implement the NSNP in cooperation with all nine PEDs. This programme is aimed at enhancing children's learning capacity and their well-being and targets learners from the poorest households to receive at least one nutritious meal per day, for improved educational outcomes. The NSNP has shown to increase levels of attendance and concentration. Currently, over 9,7 million learners in approximately 21 000 schools benefit from the Programme.
241. The sanitary dignity programme is implemented to ensure the provision of sanitary towels and also through curriculum, under Comprehensive Sexuality Education, where information around puberty and menstrual hygiene is shared to both girls and boys in schools.
242. The training in prevention of dropouts and substance abuse to children at preschools and primary schools to building resilience is provided to ensure school attendance and decrease the dropout rate. The Before I Fall PEPFAR School Programme is also provided to Ke Moja coaches to disseminate information to Ke Moja coaches with best practices and innovations on HIV and TB programme implementation.

⁶ General Household Survey, 2019

⁷ DBE (2019/2020) annual report

7.1.7 Measures taken to ensure that a child who is subjected to school or parental discipline is treated with humanity and respect

- 243. The Protocol to Deal with Incidences of Corporal Punishment in Schools/ Positive Discipline in Schools was developed to reduce and ultimately eliminate incidences of corporal punishment in schools and violent behaviour in general. The Protocol and the positive discipline chapter incorporate a common whole-school approach to school safety, and includes practical school safety tools to be used by learners, educators, principals and SGBs.
- 244. The main objective of the Protocol is to identify and promote innovative whole-school approaches to reduce the current levels of violent behaviour and preventing criminal acts from taking place in South African schools. Emphasis should be on the creation of a human rights culture, building relationships between all members of the school community and nurturing partnerships to support learners and rebuild school safety. Parental involvement in the whole-school approach to positive discipline culture is fundamental as it forms the basis of the department's intervention and promotion of a human rights culture in the broader school communities.

7.1.8 Measures taken to ensure girls who become pregnant before completing their education have an opportunity to continue their education

- 245. Teenage pregnancy in South Africa has undesirable consequences for the adolescent mothers including health, educational, social, economic, psychological and emotional disturbances, including disruption in their schooling due to the resultant school dropout. In 2016, the draft DBE National Policy for the Prevention and Management of Learner Pregnancy was developed to address the challenge of learner pregnancy in schools, which undermines the Department's mandate to ensure all learners complete their basic education.
- 246. The main policy goals are to reduce the incidence of learner pregnancy through the 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 as a result of pregnancy and birth.
- 247. Policy consultations started in 2016 with a national consultation meeting including teacher unions, SGB associations. The draft policy was approved by the Council of Education Ministers in 2017 and gazetted for public comments and provincial consultations in 2018. In 2019, the revised draft was submitted to the Department of Planning Monitoring and Evaluation (DPME) for the Socio-Economic Impact Assessment (SEAIS) process, and it was certified in 2020. In 2021, the policy was presented at the cluster committee and approved for presentation to Cabinet.

7.1.9 Leisure, recreational and cultural activities

- 248. Government endorses the view that it is through cultural life and the arts that children and their communities express their specific identity and the meaning they give to their existence and build their world view representing their

encounter with external forces affecting their lives. Cultural and artistic expression is articulated and enjoyed in the home, school, streets and public spaces, as well as through dance, festivals, crafts, ceremonies, rituals, theatre, literature, music, cinema, exhibitions, film, digital platforms and video. Culture derives from the community as a whole; no child should be denied access either to its creation or to its benefits. Cultural life emerges from within the culture and community, rather than imposed from above, with the role of the DBE being to serve as facilitators, not suppliers.

7.1.10 Training adequate teachers

249. The Funza Lushaka Bursary Programme, which is 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. For 2019/2020 the programme was allocated R1 224 271 000, which translated into a target of 13 000 bursaries that could be awarded to students in the financial year, and a total of 12 954 Funza Lushaka bursaries were awarded for Initial Teacher Education by 31 March 2020. Up to 81% of graduates (3 594 of 4 418) eligible for placement were placed in schools within six months of completion of their studies during the 2019 academic year. Furthermore, a total of 17 766 young and qualified educators were appointed in posts in the PEDs during 2019/2020, of which 3 449 were permanent, 10 360 were temporary, and 3 957 were substitute/relief appointments⁸.
250. In **Recommendation 24(a)**, the Committee recommends that Government train adequate teachers and ensure equal distribution of qualified teachers by giving special attention to schools in rural areas.

7.1.11 Learner teacher support materials

251. The DBE has, in the 2019 academic year, provided a total of 60 108 295 workbooks for Grades R–9 to 23 298 public schools. The State-owned digital content resources consisting of 334 workbooks, 594 graded readers and 25 Mind the-Gap Study Guides was also developed⁹.
252. Furthermore, the delivery of Grades R–9 workbooks was also completed for the 2020 academic year. A total of 60 108 295 (100%) workbooks were delivered to 23 298 (100%) schools. A total of 387 500 (100%) remedial workbooks were delivered to 915 (100%) public schools that had reported shortages of workbooks¹⁰.
253. In **Recommendation 24(b)**, the Committee recommends that Government regularise the ordering, procurement and delivery process of learner teacher support materials to ensure that each learner receive every textbook required prior to starting the part of the curriculum to which that textbook relates.

⁸ DBE annual report 2019/2020

⁹ DBE Annual report 2019/2020

¹⁰ DBE (2019/2020) Annual report

7.1.12 Accelerated Schools Infrastructure Delivery Initiative

254. Government continues to strengthen the implementation of the Accelerated School Infrastructure Delivery Initiative. In terms of the replacement of inappropriate structures, the programme completed 26 schools in the 2019/2020 financial year. Since its inception, a total of 241 schools have reached practical completion. With regard to sanitation, the programme provided 103 schools with sanitation facilities. A total of 877 schools have been provided with sanitation since the inception of the ASIDI programme. To ensure the provision of water, 89 schools were provided with safe drinking water (1 010 projects completed since inception). The Sanitation Appropriate for Education Initiative was also launched, and 392 schools have been provided with appropriate sanitation¹¹.
255. In **Recommendation 24(d)**, the Committee recommends that Government strengthen the implementation of the Accelerated Schools Infrastructure Delivery Initiative and urgently equip schools with relevant infrastructure.

7.1.13 Quality education

256. Different strategies were put in place to improve literacy in the lower grades. This included the approval of the National Reading Sector Plan 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 are able to read for meaning. The Sector Plan is supported by programmes that have been in place in the sector, prior to its approval and implementation. The programmes include the following:
- i. Early Grade Reading Assessment, which is targeting Grades 1-3 learners in Home Languages and First Additional Language;
 - ii. Primary School Reading Improvement Programme, which targets Grades 1-6;
 - iii. Structured Learning Programmes, which target Home Languages, which are also Languages of Learning and Teaching in the Foundation Phase.
257. The implementation of these programmes include teacher training as well as resources for teachers, learners and the classroom.
258. In **Recommendation 24(e)**, the Committee recommends to Government to ensure that the various government departments and agencies coordinate their activities in a way that proper planning and implementation can take place to ensure schools provide quality education.

7.1.14 Impact of protest actions on education

7.1.14.1 Regulation of protests happening in and around school premises

259. Government continues to strengthening relationships with the relevant stakeholder, such as the SGB, local communities, parents and traditional leaders, to take ownership of schools in making sure that these communities protect schools and make sure that there is minimal school

¹¹ DBE Annual report 2019/2020

closure/disturbances during public protests. The Adopt a School Campaign by all stakeholders aims to strengthen the ownership and protection of schools.

260. In **Recommendation 25(a)**, the Committee calls upon Government to put in place a plan to regulate protests happening in and around school premises to ensure that education is not interrupted and school infrastructures are not damaged.

7.1.14.2 Coping mechanism

261. The DBE has an approved Strike Management Plan as one of its contingency plans in ensuring that services are rendered when there are protests or strikes. According to the Plan, the PEDs, as the employer, are given the responsibility to ensure efficient and effective management of strikes to ensure that teaching and learning is not disrupted. The Plan provides the steps to follow during strikes. Furthermore, the Plan emphasises the application of the “No work, No Pay” principle to officials taking part in strikes.
262. In **Recommendation 25(b)**, the Committee calls upon Government to put in place a coping mechanism to ensure that there is necessary catch-up where learners have been deprived of basic education due to protest.

7.1.14.3 Normalising the learning environment and ensuring provision of learning

263. To minimise the impact of protest actions on learning, Government ensures that recovery programmes, such as morning, afternoon and weekend classes, are implemented.¹²
264. In **Recommendation 25(c)**, the Committee calls upon Government to ensure that different government departments have clear responsibilities where school infrastructure and buildings have been damaged or destroyed due to protest and effectively respond to ensure that the learning environment is normalised as soon as possible and provision of education continues.

7.1.14.4 Sensitising the community and relevant government bodies on the impact of unregulated public protests on the right to basic education

265. Government has the responsibility of mobilising communities and various stakeholders to form a collaborative partnership with the DBE and the PEDs in a “National Social Compact for Education”, in order to support the strategic objectives of the department. Community members are sensitised through awareness campaigns, izimbiso, conduct workshops, on quality education as a value and human right, which is very important for human development, as well as the negative impact of involving schools in public protests, and the roles of different stakeholders in protecting schools.
266. In **Recommendation 25(d)**, the Committee calls upon Government to sensitise the community and relevant government bodies on the impact of unregulated

¹² DBE annual report 2019/2020

public protests on the right to basic education and the role of the police and other government bodies in such cases.

7.2 Violence in schools

267. Government is embarking on a nationwide multi-sector, interdepartmental annual School Safety and Violence Prevention drive to raise awareness of the distressing impact of bullying and violence reported in and around our schools. Through a multi-sector and interdepartmental approach, roadshows are rolled out through high impact with a deliberate focus on engaging learners to become bullying prevention ambassadors. This initiative strives to raise awareness of learners from the dangers of substance abuse. Key objectives include moulding of learners to be noble and respectful citizens with high self-esteem and environmental awareness, provision of psychosocial support in order to prevent and/ or address the hopelessness, frustration, depression, anxiety resulting from bullying, emphasis on parental involvement, stronger partnerships with community-based organisations, non-governmental organisations and the other critical education stakeholders.
268. Through National School Safety Framework, awareness is raised by capacitating their district officials, teachers, learners, parents, school safety committees and the general public on violence prevention to ensure preventive and responsive remedial action necessary.

7.2.1 Anti-bullying policies and peer mediation structures

269. Bullying, including general school violence and alcohol and drug-use initiatives have been implemented through the use of mass-based learners, parents and the general community face-to-face engagements as well as media platforms to deal with violent incidences in learning environments. Through the Girls and Boys Education Movement, learners in schools are encouraged to work together as equals and to foster respect for the human dignity and rights of both sexes. The main objective is intended to empower girls and boys with reliable information and knowledge, to guide them in discussing and addressing issues that are of concern to them in their schools and communities and to act together to bring about positive changes in their lives and those of their peers. This programme is run as peer education as learners are encouraged and capacitated to share information and ideas that can assist them to become responsible citizens.
270. In **Recommendation 26(a)**, the Committee recommends to Government to ensure that anti-bullying policies and peer mediation structures are developed and implemented in schools

7.2.2 National programme of training in positive disciplining

271. The training programmes for School Safety Committees through its education districts was rolled out to ensure that Positive Discipline Initiatives address the scourge of school-based violence in all its forms including elimination of corporal punishment. The training of safety committees have brought about effective school safety programme delivery and further enhanced efforts to identify school safety needs, select appropriate interventions based on the

needs identified, garner support from stakeholders for the school safety plan, and also monitor and evaluate the effectiveness of the school safety initiatives.

272. In **Recommendation 26(b)**, the Committee recommends that Government allocate resources and implement a national programme of training in positive disciplining.

7.3 Children with disabilities

7.3.1 Waiving the education fee

273. Access to education in special schools is funded through a dedicated allocation. However, in addition to this, the DBE is investigating the feasibility of declaring special schools as no-fee schools. This requires the analysis of the current fiscal environment to determine which way the country should take in this respect.
274. In **Recommendation 27(a)**, the Committee recommends to Government to immediately waive education fee attached to accessing special needs schools.

7.3.2 Free basic education

275. The Education White Paper 6 on inclusive education makes a provision for ordinary schools to be designated, converted and resourced to serve the 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. The designation of these schools is intended to enable the admission of some learners with disabilities to these schools.
276. In **Recommendation 27(b)**, the Committee recommends to Government to ensure that children with disabilities access free basic education in free, no-fee, mainstream schools.

7.3.3 Screening, Identification and Assessment and Support (SIAS) Policy

277. Government continues to ensure that children with disabilities have access to education. Teachers and officials are provided with training in order to strengthen their capacity to teach children with disabilities. In 2014, the DBE introduced the SIAS Policy. 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 the implementation of the SIAS Policy.
278. In **Recommendation 27(c)**, the Committee recommends that Government amend the SIAS Policy to allow for a more streamlined school placement procedure of children currently not in the education system.

7.3.4 Access to transport

279. The DBE provides subsidies for special schools. In each province, the provision of learner transport is different, and for some provinces the implementing

department is the Provincial Department of Transport, while for others it is the provincial Education Department.¹³

280. In **Recommendation 27(d)**, the Committee recommends to Government to adopt comprehensive norms and standards that guide the provision of transport to students with disabilities.

7.3.5 Learner teacher support materials

281. The White Paper on e-Education (2004) calls for the development of Guidelines for Schools Information and Communication Technology (ICT) Hardware and Software Specifications. The DBE places a strong emphasis on e-Education, which is further given expression through the Action Plan to 2019: Towards the Realisation of Schooling 2030, the Department's long-term strategy to achieve quality education. In 2008, the Guidelines for Schools ICT Hardware and Software in 2008 were published in adherence to the DBE's commitment to the implementation of inclusive education, these guidelines contain a section on the selection, procurement, maintenance and management of assistive technology for learners with disabilities and other specialised support needs. The section in the guidelines discusses the ICT needs of learners with disabilities in a range of domains and levels of functioning.
282. The DBE further aims to provide access and reasonable accommodation for all learners with disabilities through the effective provisioning and use of ICTs and other assistive technologies or facilities particular to their specific needs. This process was achieved in collaboration with various disability stakeholders, suppliers and provincial officials. The development of the guidelines is imperative as it informs the rollout of hardware required by special schools, which is provided in partnership with Independent Communication Association of South Africa, the Department of Telecommunication and Postal Services, under the aegis of the Universal Services and Access Obligations project. All 447 special schools are being provided with a standard package of technology that will be adapted to the unique needs of the learners in the school.
283. In **Recommendation 27(e)**, the Committee recommends that Government develop a comprehensive programme for provision of learner-teacher support materials to learners with disabilities, in particular blind learners, that respond to those learners' needs in special schools, full-service schools and public ordinary schools.

7.3.6 Funding and resourcing, implementation, monitoring and evaluation of inclusive education policies and guidelines

284. The draft guidelines for resourcing an Inclusive Education system, which were developed in 2005, provides for the escalation of the implementation of the inclusive education system. In the 2019/2020 financial year, the two-phase sessions of analysing and integrating public submissions into the Guidelines were held on 22 and 23 July and 4 to 6 September 2019, respectively. The department is further monitoring the implementation of Inclusive Education and

¹³ DBE annual report 2019/2020

conducted oversight visits in the EC, Gauteng, KZN, North West and Northern Cape to provide support on the implementation of the Education White Paper 6.¹⁴

285. In **Recommendation 27(f)**, the Committee recommends that Government fund and resource, implement, monitor and evaluate inclusive education policies and guidelines to address learner diversity and provide appropriate support to teachers and learners to achieve quality learning outcomes.

7.4 Health and welfare

7.4.1 Children with disabilities

286. Government ensures the inclusion of the Disability Mainstreaming throughout the development of Annual Performance Plans during the planning, budgeting and monitoring process to substantiate and strengthen the need to develop inclusive programmes.
287. In **Recommendation 28(a)**, the Committee recommend that Government put in place mechanisms to ensure accountability for actions (including budget allocations and expenditure) undertaken to protect the rights of children with disabilities.

7.4.2 Interdepartmental and intersectoral coordination

288. Government established the following structures to enhance the provision of integrated services to children with disabilities and their families:
- i. Interdepartmental committee for the provision of services to children with disabilities.
 - ii. Provincial disability forum for the development of policies/guidelines, research, strategies, etc., training/development of capacity, implementation and evaluation of services to persons with disabilities, including children with disabilities.
 - iii. Intersectoral forum on services to persons with disabilities by Government, NGOs, the disability sector and other departments.
 - iv. The department serves on the Presidential Committee on Disability that monitors the implementation of the White Paper on the Rights of Persons with Disabilities (developed for the domestication of the UNCPRD and the UNCRC), and presents periodic progress reports on the programmes implemented by the department, including services to children with disabilities.
 - v. The department is a member of the Ministerial Committee on Mental Health that monitors the implementation of the Mental Health Care Act, 2002 (Act No. 17 of 2002), across the nine provinces.
289. In **Recommendation 28(b)**, the Committee recommends that Government ensures interdepartmental and intersectoral coordination and collaboration to ensure that existing barriers preventing children with disabilities from accessing needed services are removed.

¹⁴ DBE (2019/2020:75) Annual report

7.4.3 Data collection

290. The White Paper on the Rights of Persons with Disabilities (WPRPD) provides that research and academic institutions must ensure that they advance the rights of persons with disabilities in general and implement the WPRPD by mainstreaming disability throughout their research work and academic courses. In addition, South Africa recently reached consensus on the definition and measure of disability. This milestone will ensure standardisation of research and indicators used to measure and profile disability. The latest pilot survey in preparation for the national census contained a compendium of disability related questions. This is a step in the right direction to improve data collection on persons with disabilities, including children with disabilities.
291. Furthermore, South Africa does not conduct disability prevalence on children under five because the measure is unreliable in an early developmental stage.
292. In **Concluding Recommendations 28(c) and (d)**, the Committee recommends to the Government to bolster data collection efforts on the prevalence of disability among children to account for all children with disabilities and to give a more accurate profile of the support they require. The Committee recommend to the Government to ensure that children below the age of five are included in the disability prevalence data and other disability-related data collections.

7.5 Health and health services

7.5.1 Infant and child mortality

293. Reports indicates that South Africa continues to experience gains in life expectancy at birth and downward mortality trends, which have been largely attributable to significant reduction in the maternal, child and infant mortalities, and the expansion of HIV prevention programme and antiretroviral therapy programme.¹⁵ Efforts were also strengthened at community, clinic and hospital level including through education and training to address the root causes of high rates of infant and child mortality through the promotion of early identification of common childhood illnesses particularly pneumonia and diarrhoea and sick neonates.
294. To strengthen its efforts to reduce infant and child mortality, Government developed the **Strategic Plan for Maternal, Newborn, Child and Women's Health** and Nutrition 2018/19-2022/23, which aims to ensure a well-functioning health system that allows women, young girls, mothers and children to survive, thrive and transform.
295. The **Road to Health Booklet** (RTHB) was revised to make it more user friendly and to leverage its potential as a communication and behaviour-change tool. The content in the revised RTHB include five knowledge pillars, such as Nutrition for Healthy Growth, Love, Play and Talk for Healthy Development,

¹⁵ NDoH Annual report 2019/2020:12

Protection from Childhood Illnesses and Injuries, Health Care when Sick and Extra Care when Needed.¹⁶

7.5.2 Access to health and health services, in particular primary health care (PHC)

296. To ensure access to health and health services, Government is implementing the Universal Health Coverage through the **NHI**, which is a health financing system that will pool funds to provide access to quality health services for all South Africans, based on their health needs, irrespective of their socio-economic status.¹⁷
297. A key component of the NHI information systems is the **Health Patient Registration System** (HPRS), which is being rolled out throughout the country. A cumulative total of 3 059 PHC facilities and 34 hospitals were using the HPRS, with a total of 45 286 288 people registered on the NHI Patient Beneficiary Registry at the end of March 2019.¹⁸
298. The **District Health System** (DHS), which is a vehicle for the delivery of PHC services, is also implemented to collaborate with other government departments, development partners, private sector and CSOs to ensure that weaknesses in the DHS are addressed.
299. The **Centralised Chronic Medicines Dispensing and Distribution** programme, which distributes and dispenses medicine from a central point for patients with chronic conditions who are stable on their medication was introduced. The programme continued to deliver chronic medicines to a total of 3 318 State and 1 133 non-state pick-up points. In the 2018/2019 financial year, a total of 2 554 662 patients were registered to collect medicines at these pick-up points.¹⁹
300. The **Ideal Clinic Programme** is another initiative that was started in July 2013 as a way of systematically improving the quality of care provided in PHC facilities. By the end of 2018/2019 PHC facilities qualifying as ideal clinics increased to 1 920 from 1 507 facilities at the end of the 2017/2018 financial year.²⁰
301. Government continues to implement the **Integrated School Health Programme** (ISHP), which contributes to the health and well-being of learners through screening for health barriers to learning.
302. The **Side-by-Side Campaign**, which aims to empower parents/primary caregivers with messages to understand the scope of care required for optimal ECD and the importance of their roles in the early childhood care and learning is implemented. This campaign includes a weekly radio drama covering topics

¹⁶ NDoH Annual report 2018/2019

¹⁷ NDoH Annual report 2019/2020: 16

¹⁸ NDoH Annual report 2019/2020: 15

¹⁹ NDoH Annual report 2018/2019: 6

²⁰ NDoH Annual report 2018/2019:6

related to the RTHB's five pillars. Broadcast is done on 11 regional radio stations in 10 of the country's 11 official languages.²¹

303. In the 2018/2019 financial year, health facilities commenced with implementation of the ***Guidelines on Improved Management of Clients' Complaints, Suggestions and Compliments***, conducting annual patients' experience-of-care surveys by health facilities, and monitoring and reporting to be implemented by health facilities on Patient Safety Incidents. By the end of March 2019, a total of 1 586 PHC facilities in eight provinces had conducted annual Patient Experience surveys in accordance with the standardised PEC survey guidelines. A total of 121 947 users participated in those PEC surveys and an average PEC Satisfaction Rate of 78% was obtained.²²

7.5.3 Adequate nutrition and safe drinking water

304. The ***National Food and Nutrition Security Plan 2018–2023***, which among other objectives, focuses on scaling up high-impact, evidence-based nutrition interventions that target vulnerable periods in the life-cycle, including preconception, pregnancy and lactation, infancy and childhood, was developed. These interventions include increased availability of micronutrient supplements, deworming tablets, fortified porridge and improved advocacy around exclusive breastfeeding, improved capacity building on ECD, schools and communicable and non-communicable diseases to address nutrition issues.
305. Furthermore, through the NSNP, Government provides daily nutritious meals, which comprise a protein, starch and fruit or vegetable to address malnutrition and overweight/obesity in schools. Nutrition education is a key pillar of the NSNP, which aims to promote health, hygiene and food safety. Educational materials developed, such as posters, videos, booklets, flyers, infographics, were developed and distributed to schools to improve health and hygiene knowledge and to complement the curriculum. Educational campaigns are also held annually during the National Nutrition and Obesity Week between 9 and 15 October. In practice, schools provide safe running water for regular washing of hands, which is a daily ritual for all learners before and after eating meals prior to the Covid-19 virus. The volunteer food handlers (cooks) are also trained in personal hygiene and food safety standards.

7.5.4 Health care for expectant and nursing mothers

306. Government is rolling out the ***Mom Connect Programme***, which is a service by which pregnant women and mothers of young infants receive regular health promotion messages by SMS. This programme support maternal health through the use of cell-phone-based technologies and provides pregnant women and mothers of young infants with regular health promotion messages by SMS until the child is one year old. The services are free to the user and messages are available in all 11 official languages. By 31 March 2020, a

²¹ NDoH Annual report 2019/2020

²² NDoH Annual report 2018/2019: 28

cumulative total of 3 066 675 pregnant women were registered on Mom Connect.²³

7.5.5 Prevention of Mother-to-Child Transmission

307. Government continues to provide **HIV Counselling and Testing (HCT)** services to recipients including pregnant mothers to ensure the prevention of the transmission of HIV from mother to child. A total of about 14.9 million HIV tests were performed in 2018/2019 financial year against the target of 14 million tests.
308. To strengthen the implementation of the **PMTCT** programme, the national policy introduced lifelong triple antiretroviral therapy (ART) for all HIV-positive pregnant and lactating women (PMTCT Option B+), and three monthly HIV testing of HIV-negative pregnant and lactating women in 2015. Consequently, the risk of early (six weeks postpartum) mother-to-child transmission of HIV, dropped from approximately 25%-30% prior to 2001 to an estimated 1,4% in 2016. The rate was 0,74% at the end of the 2018/2019 financial year. In the 2018/2019 financial year, 95,8% of pregnant women infected with HIV were started on ART in public health facilities.²⁴
309. The **Cheka Impilo** campaign, which is a national wellness campaign that focuses on testing and treating people with HIV, TB, STIs and non-communicable diseases, such as hypertension and diabetes, was also launched on 1 December 2018.

7.5.6 Participation of non-governmental organisations, local communities and the beneficiary population in the planning and management of basic service programmes for children

310. Through the DHS, Government continues to collaborate with other government departments, development partners, the private sector and CSOs to ensure that weaknesses in the DHS are addressed in order to, amongst others, improve the governance of PHC facilities and the integration of services at all levels of the health system, and to facilitate the establishment of a service delivery platform for the provision of PHC services in the DHS.²⁵

7.5.7 Child Healthcare Problem Identification Programme

311. The Child Healthcare Problem Identification Programme is implemented throughout the country.
312. In **Recommendation 29(a)**, the Committee recommends to Government to ensure countrywide implementation of the Child Healthcare Problem Identification Programme by expanding the programme to all hospitals and clinics of all provinces.

²³ NDoH Annual report 2019/2020

²⁴ DoH annual report 2018/2019

²⁵ NDoH Annual report 2018/2019: 38

7.5.8 Quality health services in rural and urban hospitals and clinics

- 313. Government continues to strengthen PHC re-engineering in South Africa through four identified streams, such as the District Clinical Specialist Teams Ward-based PHC Outreach Teams, School-based Health Programme, and contracting of general practitioners and other providers to work in PHC facilities.
- 314. The provision of DHS promotes, coordinates, and institutionalises the DHS and integrates programme implementation using the PHC approach.
- 315. The National Department of Health (NDoH) has also continued to facilitate the development of District Implementation Plans using the UNAIDS 90-90-90 targets to ensure that districts and health facilities identify relevant problems and challenges, analyse root causes and then formulate solutions and targets for HIV and AIDS and TB indicators.
- 316. The National Digital Health Strategy 2019-2024 was developed to ensure the provision of better health for all South Africans enabled by person-centred digital health, Government through engagement and consultation with a variety of key stakeholders developed.²⁶
- 317. In **Recommendation 29(b)**, the Committee recommends that Government strengthen efforts to narrow the difference in quality of health service received in the rural and urban hospitals and clinics by giving special attention to rural areas.

7.5.9 Community health workers

- 318. In South Africa, community health workers cannot prescribe and dispense medication.
- 319. In **Concluding Recommendation 29(c)**, the Committee recommends that Government extend the role of community health workers to include not only prevention, but also treatment for diarrhoea and pneumonia by amending legislation/regulations around the prescribing, dispensing and storage of drugs.

7.5.10 Mother Baby Friendly Initiative (MBFI)

- 320. To ensure full national coverage of the MBFI, dedicated MBFI is available in hospitals through the use of Kangaroo wards.
- 321. In **Recommendation 30**, the Committee encourages the State Party to ensure full national coverage of the MBFI.

7.5.11 Food security

- 322. The National Food and Nutrition Security Plan 2017–2022 was developed with the vision of “Optimal food security and enhanced nutritional status for all South Africans”.
- 323. In **Concluding Recommendation 31**, the Committee recommends that Government take additional measures to ensure food security through

²⁶ NDoH Annual report 2019/2020:18nutrition

improved employment, social assistance and land and agrarian reform in combination with regulation of prices of healthy foods.

7.5.12 Universal immunisation

324. The first National Immunisation Coverage Survey was completed during the 2019/2020 financial year. The survey aimed to provide estimates of vaccination coverage among children 24 to 35 months of age at district level, measure the drop-out rates between vaccination dose series, timeliness of vaccinations, identify reasons for missed vaccinations and investigate the health system and personal predictors and barriers to vaccination uptake in South Africa. The survey provides district level information on immunisation coverage, dropout rates and reasons for non-immunisation. These data will be used to identify gaps and improve immunisation coverage, especially in poorly performing districts.²⁷
325. The Human Papilloma Virus (HPV) vaccine targeting girls in Grade 4 was also introduced to protect them against cervical cancer, which is a major cause of death, especially among black women. In February/March 2020, 76,7% of Grade 5 schoolgirls aged 9 years and above were vaccinated for HPV and 84,7% of schools with Grade 4 girls were reached by the HPV vaccination team.²⁸
326. In **Recommendation 32**, the Committee recommends that Government take all necessary measures to ensure universal immunisation of children against common vaccine preventable diseases.

7.5.13 Preventive TB therapy

327. In the 2019/2020 financial year, the first national household TB prevalence survey was also completed. The aim of the survey was to enhance TB control in the country by providing information on the current epidemiological situation of TB disease and offering insight on ways in which TB control can be improved.²⁹
328. In **Recommendation 33**, the Committee encourages the State Party to ensure the provision of preventive TB therapy to all children exposed to an infectious source, increased training, awareness and linkages between MCH and TB services to improve diagnosis of childhood TB, child-friendly TB formulations and access to MDR-TB prevention and treatment when appropriate.

7.5.14 Budgetary allocations for children and adolescents in HIV

329. The programme expenditures for HIV and AIDS, tuberculosis, and maternal and child health for the financial year 2017/2018 was R18 295 310 (final appropriation), the actual expenditure was R18 279 941 and (Over)/under-expenditure was R15 369. In the financial year 2018/2019, this was increased

²⁷ DoH Annual report 2019-2020 -14

²⁸ NDoH Annual report 2019-2020 - 61

²⁹ NDoH Annual report 2019-2020, P. 14

to R20 699 057 (final appropriation) and the actual expenditure was R20 626 825 with R72 232 recorded as (Over)/under-expenditure.³⁰

330. In **Recommendation 33**, the Committee encourages Government to prioritise children and adolescents in HIV budgetary allocations.

PART 8: FAMILY ENVIRONMENT AND ALTERNATIVE CARE

8.1 Principal legislative, judicial, administrative and/or other measures in force

331. The ***Children's Act 38 of 2005***, is the main legislative measure in force for the provision of care and protection services to children. To strengthen its implementation and to ensure effective provision of services to families, Government implements various programmes aimed at promoting healthy family life, strengthening of families and family preservation. **Government developed the –**
332. ***Framework of Positive Values***, which is aimed at addressing the challenge of deteriorating values in families. The main purpose was to revive positive values in families that are transmitted from generations to generations to ensure that children are exposed to a stable, well-balanced socialisation process and encourages intergenerational interaction between young and old for learning purposes.
333. ***Manual on Families in Crisis*** to assist service providers to be able to work effectively with families during the time they undergo crisis situations. The manual promotes working in the cultural context of families as this is critical when families deal with challenges, such as death or illness.
334. ***Integrated Parenting Framework*** to address the issue of lack of effective parenting in families, which could lead to family disorganisation in which children lack proper guidance to face external challenges.
335. Advocacy campaigns, such as the ***International Day for Families, International Year for Families, National Marriage Week, International Men's Day***, are also implemented 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 with knowledge and skills to enhance their marriages.

8.2 Children living with their parents, next of kin or care centres

336. According to the General Household Survey 2019, about one-fifth (21,3%) of all children did not live with their parents.
337. In **Recommendation 20**, the Committee notes with concern the lack of and need for the collection of data that reflects the number of children living with their parents, next of kin or care centres.

³⁰ NDoH annual report 2019/2020

8.3 Protection of the family

8.3.1 Parents' common responsibilities during marriage

338. Section 18 of the Children's Act 38 of 2005, outlines the parental responsibilities and rights of persons in respect of a child. Furthermore, in section 19 and 20, the Act outlines the parental responsibilities and rights of mothers and married fathers.

8.3.2 Measures taken to ensure necessary protection of the child following dissolution of marriage

339. The OFA is tasked to protect the best interests of children affected by divorce, parental separation, parental conflict and other forms of family disputes.
340. In terms of the Mediation in Certain Divorce Matters Act, 1987 (Act No. 35 of 1987), the Family Advocate is empowered to institute enquiries into the welfare of children affected by divorce, parental separation, parental conflict and any other domestic or family disputes and to subsequently compile a family advocate's report containing a recommendation of what is and would be in the best interests of the child in the particular situation.
341. The Family Advocate is also empowered to appear in court in order to inform the court about the welfare and best interests of the child in such situations and to also adduce evidence as well as cross-examine any witnesses in relation to the child.
342. The recovery of maintenance for children in South Africa is regulated by the Maintenance Act, 1998 (Act 99 of 1998). In light of this, a performance standard in terms of which maintenance matters/cases are to be finalised within 90 days from the date of proper service of process on the respondent was developed.

8.4 Parental care and protection

8.4.1 To ensure necessary protection of the child in case of separation from one or both parents Government provides –

343. Services in **Litigation and Non-litigation streams**. The non-litigation stream relates to assisting parents by facilitating mediation sessions relating to the acquisition and exercising of parental responsibilities and rights over children. While the litigation stream relates to the institution of the enquiry into the welfare of children, children assessments and observation and consultation with children with the result that the Family Advocate furnishes the court with a family advocate report within a period of six months from the date of opening of the matter.
344. **Section 21 Mediation(s)** are mediation sessions conducted between parents of a child where there is a dispute regarding whether the father of the child is satisfied with the requirement outlined in section 21 of the Children's Act 38 of 2005, regarding the father's acquisition of parental responsibilities and rights over a child. In the 2018/2019 financial year, 9 220 cases were mediated and certificates of outcomes were issued during the year. A total of 10 230 children benefited from this mediation service.

345. **Section 22 Mediation(s)** are mediation sessions conducted between holders of parental responsibilities and rights and non-holders of parental responsibilities and rights, with the result that a non-holder of parental responsibilities and rights over a child may acquire those rights at the end of the mediation. A total of 1 408 cases were mediated in terms of section 22 of the Children's Act 38 of 2005, and 1 214 Parental Responsibilities and Rights Agreements were issued.
346. **Section 33 Mediation(s)** are mediation sessions conducted between holders of parental responsibilities and rights who are experiencing difficulties in exercising such rights and responsibilities. The result of this session is that a Parenting Plan outlining how parents will be parenting their child after their separation or divorce is issued and registered by the OFA. A total of 5 738 cases were mediated in terms of section 33 of the Children's Act 38 of 2005, with 4 200 Parenting Plans being issued.

8.5 Parental responsibilities

347. To assist parents and other persons responsible for the child in the performance of child-rearing and in the case of need, Government provides the following material assistance:
348. **Marriage Enrichment and Preparation Programmes** to ensure that families are preserved and to empower families to perform their roles and responsibilities towards their family members effectively and by keeping the family together as far as possible.
349. **Family Preservation Programmes** to keep families together as far as possible to ensure that services delivered to families are integrated and rendered from a strengths-based perspective.
350. **Fatherhood Strategy** to revive and promote the role of fathers in families because parenting is the role of both parents.
351. **Sinovuyo Teens Parenting Programme** to improve caregiver-teen relationship through active social learning, improving caregiver mental health through social support and improving caregiver-teen communication about risky situations for teens in the community.
352. **Teenage Parents Programme**, which is a parenting programme for teenage parents with the aim of exploring the challenges around this area, support systems and the kind of support social workers can render to teenage parents to enable them to be effective parents.
353. **Active Parenting of Teenagers** to assist parents and teenagers to have a better understanding of the dynamics of the adolescent stage with the aim of improving communication between parents and teenagers, which has a potential of breaking up relationships in families.

8.6 Institutions responsible for providing the care of children

354. CYCCs are some of the institutions that provides alternative care for children found in need of care and protection. The country currently has 442 registered

CYCCs with the maximum capacity to accommodate 19 720 children nationally. Of the 442, 72 provides for the reception and temporary safe care of children pending their placement and have a maximum capacity of 3 190. A total of 361 provides for the reception, care and development of children other than in their family environment with a maximum capacity of 15 618. While nine provide for the reception, development and secure care of children with behavioural, psychological and emotional difficulties with a maximum capacity of 912.

8.7 Measures to ensure that children of working parents are provided with care services and facilities

355. ECD services are available to ensure that children of working parents are provided with necessary services. To strengthen access these services, the National Integrated ECD Policy was developed to address critical gaps and to ensure the provision of a comprehensive, universally available and equitable ECD services. In the financial year 2020/2021, a total of 570 422 children had access to registered ECD services.

8.8 Adoption

8.8.1 *Legislative, judicial and administrative measures taken to ensure both national and intercountry adoption are in the best interests of the child*

356. The Children's Act 38 of 2005, provides for division of responsibilities among stakeholders in facilitating adoption. Adoption social workers facilitate adoption by screening prospective adoptive parents and investigating children's circumstances to determine adoptability. Provincial Heads of Social Development issue recommendation letter for adoptions. The children's court adjudicates adoption applications; the Registrar of Adoptions registers adoption cases, the Department of Home Affairs notes adoptions on the birth register and the South African Central Authority on Intercountry Adoptions oversees the intercountry adoption and issues article 17 and article 23 letters in terms of the Hague Convention of 29 May 1993 on the Protection of Children and Cooperation in respect of Intercountry Adoption.

8.8.2 *Measures taken to encourage national or in-country adoption*

357. National adoption remains a priority for securing permanency for children in need of care and protection. To encourage national adoption, Government continuously conducts community awareness campaigns to promote national adoption services and capacitate social workers on adoption services at national, provincial and district level. Adoption service providers also embark on recruitment drive to increase the number of prospective adoptive parents nationally.
358. During the reporting period, Government registered 1 200 national adoptions in 2016/2017, 1 033 in 2017/2018, 1 039 in 2018/2019, 977 in 2019/2020, and 806 in 2020/2021.
359. To strengthen efforts to make adoption services more accessible, in 2016, the Children's Second Amendment Act. 2016 (Act No. 18 of 2016), was promulgated to provide for DSD social workers to render adoption services for

free. By March 2021, DSD registered 310 social workers in its employment with the South African Council for Social Service Professions Council to allow them to render adoption services.

8.8.3 *Bilateral, multilateral arrangements or agreements concluded in respect to adoption matters*

- 360. The Hague Convention of 29 May 1993 on the Protection of Children and Co-operation in respect of Inter-country Adoption is being implemented as South Africa acceded to the Hague Convention on 1 December 2003 in order to regulate intercountry adoption according to internationally accepted standards.
- 361. Chapter 16 of the Children's Act 38 of 2005, is the domestic legislation governing intercountry adoptions in South Africa.
- 362. The Director-General of the DSD is the CA on intercountry adoptions, and a competent team of personnel including professional social workers with working experience in childcare and adoption has been appointed.
- 363. The role of SACA is to regulate and monitor intercountry adoption, accredit child protection organisations to provide intercountry adoption services, approve adoption working agreements with foreign countries and prevent improper financial gain by service providers. South Africa has working agreements with Netherlands, Norway, Sweden, France, Canada, Luxembourg, Austria, Belgium, Australia, India, Germany, Denmark, Finland, the United States of America, the United Kingdom and the Isle of Man.

8.8.4 *Institutional machinery established to monitor the well-being of children in adoption, foster care and other systems of alternative care*

- 364. The CA and the accredited CPOs are the institutional mechanisms to monitor the well-being of children in adoption.

8.8.5 *Achievements and challenges of local and indigenous alternative care systems*

- 365. The Children's Act 38 of 2005, provides for the recognition of adoption orders concluded in other countries to ensure the best interests of the child; however, in most instances, the CA is experiencing challenges in receiving the information on the child study report or adoption confirmation from countries mostly some non-convention countries that issued indigenous orders.

8.9 Child Support Grant

- 366. Government supports the view of increasing the value of the CSG to the level of the food poverty line in the interim, and even further in the long term. However, due to the current fiscal climate prevailing not only in the country, but in the world in general, the DSD does not have the financial means to realise this position in the short term.
- 367. In **Recommendation 21**, the Committee recommends that Government revises the amount given in the CSG and that the new amount be above the food poverty line.

8.10 Foster Care Grant

368. Government is in the process of implementing the policy on increasing the value of the CSG to orphans in the care of their relatives and children in child-headed households, which was approved by Cabinet in December 2016. This is part of a comprehensive legal solution in addressing challenges pertaining to the foster care system. This policy intervention strengthens and supports the safety net of poor children who are orphaned through a specifically defined accessible cash transfer. The grant will enable family members looking after the children to provide for their basic needs and the support that is required in their extended family environment. This specific policy intervention also provides income support for child-headed households, which will enable them to remain with their siblings in the family home and community of origin. These children will no longer qualify for the FCG but the extended CSG and therefore, reduces pressures on the foster care system. The department is also in the process of conducting a comprehensive review of the Foster Child Grant to understand trends, access and challenges faced by these category of children to maximise the impact of the provision.
369. In **Recommendation 21**, the Committee recommends that Government investigates the reasons for the decline in the number of FCG beneficiaries with a view to ensuring that those who are eligible for the grant are not denied access as a result of various barriers.

8.11 Care Dependency Grant

370. The Regulations of 2008 are aligned with the Social Assistance Act, 2004. The Regulations section 8 clearly state that “In addition to the requirements contemplated in section 7 of the Act, a parent, primary care-giver or foster parent is eligible for a CDG in respect of a care-dependant child if an assessment confirms that the child, due to his or her physical or mental disability, requires and receives permanent care or support services.
371. In **Recommendation 22**, the Committee recommends that Government ensures that all children with disabilities in need of support access the CDG regardless of the nature or severity of their disability by aligning the Regulations with the the Social Assistance Act, 2004.

8.12 Child and Youth Care Centres

372. To determine the number of CYCCs in the country, Government maintains and annually updates the data base of all registered CYCCs.
373. In terms of quality audit, Government conducts quarterly monitoring at a provincial level to ensure compliance with minimum standards. To strengthen monitoring of CYCCs, a draft monitoring tool was developed and will be consulted with provinces during the 2021/2022 financial year.
374. In **Recommendation 23**, the Committee recommends that Government directs its efforts towards determining the number of such facilities that exist, their registration status, as well as do a quality audit to ensure that they comply with minimum standards to ensure the rights of children living there are protected.

8.13 Reunification services

375. To ensure effective reunification services, a permanency plan, which has planned interventions for children CYCCs is implemented and monitored to ensure that children who are re-unifiable are reunited with their families.
376. In **Recommendation 23**, the Committee recommends that Government make available effective reunification services to ensure that children having biological parents reunify with their parents instead of staying in CYCCs.

PART 9: PROTECTION OF CHILDREN IN MOST VULNERABLE SITUATIONS

9.1 Children with disabilities

9.1.1 Measures to ensure children with disabilities have effective access to education

377. Various legislations were enacted legislation to protect the rights of children with disabilities. This includes section 27 of the Constitution, 1996, Education White Paper 6 and the South African Schools Act, 1996 (Act No. 84 of 1996).
378. The WPRPD provides policy direction for Government in ensuring inclusion of persons with disabilities in critical services. Children with disabilities have been identified as a compounded vulnerable group. Government continues to fulfil its role in the implementation of the matrix of the WPRPD.
379. To ensure that children with disabilities have access to education, teachers and officials are provided with training in order to strengthen their capacity to teach children with disabilities. In 2014, the DBE introduced the SIAS policy. 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 the implementation of the SAIS Policy.

9.1.2 The extent to which children with disabilities are mainstreamed in regular schools

380. Education White Paper 6 on inclusive education makes a provision for ordinary schools to be designated, converted and resourced to serve the 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. The designation of these schools is intended to enable the admission of some learners with disabilities to these schools.

9.1.3 Measures taken to ensure children with disabilities have effective access to public highways, buildings and other places

381. Section 42 (8) of the Children's Act, 38 of 2005, 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 and persons with special needs.*'

382. To ensure compliance with this provision, the department has developed the Draft Minimum Standards for Children's Courts. These are intended to give common specifications that must be followed to make the children's courtroom accessible to all children, especially children with disabilities. The Draft Minimum Standards are now being taken through the interdepartmental stakeholder adoption process.
383. 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 NRSO. 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. In this way, our law seeks to prevent sexual offending and re-offending against such victims.
384. The Criminal Procedure Act, 1977 (Act No. 51 of 1977) provides further protection to witnesses with mental disabilities. 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 witness to testify through the assistance of an intermediary.
385. A policy framework on the management of complaints and investigations relating with persons with disabilities which includes the needs of children with disabilities was developed.
386. SSPs, parents, persons with disabilities and stakeholders are continually trained in policies, guidelines and strategies to enhance the capacity of service providers in the provision of services to children with disabilities and to empower them and ensure effective disability mainstream and to ensure better access to services at community level.

9.2 Children in situations of economic exploitation

9.2.1 *Legislative and administrative measures*

387. 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 following action steps of the CLPA were developed as follows.
388. **Commercial Sexual Exploitation of Children (CSEC)**
 - i. Government will monitor the coordination of all CSEC related services and activities, including cooperating with other departments and departments.
 - ii. Existing shelters rendering services to children involved in or at risk of CSEC will be transformed into and registered as CYCCs. Sufficient beds will also be made available to children, even if they do not have proper identification.
389. **Health and safety**

- iii. Children will be removed from hazardous work. Children who have been removed from such work and are not living with caring adults must be reintegrated with their families, if possible. When removed from such work it will be ensured that children are better off, in other words, that lost income is replaced by access to social grants in the family.

390. Identification of children in need of assistance

- iv. Appropriate systems will be set in place to monitor the services to vulnerable children, to ensure appropriate transfer of children between involved departments and departments, and to encourage collaboration between the departments and departments and the provision of integrated services.
- v. Ongoing intersectoral training will be provided for officials of provincial DSD, DOL, PDE and DHA in ways of detecting potentially serious cases of child labour and what action to take when it is found.

391. Provision of childcare facilities

- vi. Appropriate strategies will be found for provision of childcare facilities, especially in sectors and areas where children often have to look after their younger siblings. Furthermore, the implementation of the social sector EPWP will be sped up and extended in areas found to have a severe shortage of ECD facilities.
- vii. The implementation of the social sector EPWP will be speeded up and extended in areas found to have a severe shortage of ECD facilities.
- viii. Children and their households affected by HIV and AIDS will be assisted through provision of home- and community-based care programmes that can assist with the care of the ill or dying parent/caregiver and provide psycho-social support for children and other family members.

392. Illegal immigrant and refugee children

- ix. All children, including refugee children, will be provided with needed social and other services. Refugee children, like other children, will not be arrested unless in conflict with the law. Children in conflict with the law will be assisted by a probation officer and placed in a secure care facility or diversion programme.
- x. The International Social Service will assist illegal immigrant children in locating their family or relatives in South Africa or their country of origin. If illegal immigrant children are to be repatriated, their rights will be respected, including through the provision of caring services while they wait for repatriation. If they are not repatriated, the provincial DSD is responsible for their appropriate placement. Officials of the Departments of Home Affairs, Social Development, Education, Health and the SAPS will be trained regarding children's rights and needs and apply these even if the children are illegal immigrants.

393. Street children

- xi. Implementation of the policy for children living and working in the streets will be monitored.
- xii. Designated social workers employed by the State or registered non-profit organisations will assist with the reintegration of street children through CYCCs. Sufficient State support will be provided to CYCCs to provide the necessary services.

394. Trafficking of children

- xii. DSD will review its strategy on repatriation of victims of trafficking, including provision of appropriate reception and care centres.

9.2.2 Minimum ages for admission to employment

395. This is provided for in section 28 of the Constitution, 1996, which provides that children under 18 have a right to be protected from work that is exploitative, hazardous or otherwise inappropriate for their age, detrimental to their schooling, or detrimental to their social, physical, mental, spiritual or moral development.
396. Furthermore, the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), prohibits work by children if the child is under 15 years old, under the minimum school-leaving age (where this is 15 years or older), over 15 years but under 18 years old, if the work is inappropriate for the age of the child or if the work places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development or has been prohibited by the Minister of Labour through regulations.

9.2.3 Regulation of hours and conditions of employment

397. Regulations were developed to protect the health and safety of child workers at work under both the Basic Conditions of Employment Act, 1997, and the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
398. The purpose of the regulations is to protect the health and safety of child workers who are at least 15 years of age and no longer subject to compulsory schooling in terms of the law and prohibits categories of work that child workers may perform. The regulations set conditions for the work that child workers may perform, identify which categories of work constitute the WFCL and provide guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers and make appropriate provisions for enforcement.
399. Furthermore, the Farm Worker Sectoral Determination provides that farm workers who are 15 years of age or older but less than 18 years may not work more than 35 hours per week.

9.2.4 Penalties or other sanctions for non-compliance

400. The Basic Conditions of Employment Act, 1997, provides for a fine or imprisonment that will be imposed for contravening the prohibition of child labour and forced labour. Any person convicted of the prohibition of child labour

and forced labour may be sentenced a maximum term of imprisonment of up to six years.

9.2.5 Measures taken against worst forms of child labour

401. South Africa ratified the WFCL Convention in June 2000 and prides itself in the CLPA, which is the country's roadmap towards the prevention, reduction and eventual elimination of child labour. Government, therefore continued to take measures to ensure the implementation of government and other stakeholders' programmes and policies on poverty, employment, labour and social matters more effectively in areas where the work children do have serious negative effects on them; promoted legislative measures against WFCL.

9.2.6 Efforts to disseminate information on the hazards of child labour to all sectors of the community

402. The National Day Against Child Labour is commemorated in different provinces in order to highlight the scourge of child labour in South Africa, to advocate efforts to curb the problem, to demonstrate the Department's commitment towards the eradication of the WFCL in South Africa and to demonstrate the Department's commitment to the ILO roadmap towards the elimination of the WFCL.
403. Furthermore, Government, as part of its monitoring and enforcement strategy increased public awareness and social mobilisation against the WFCL, conducted several advocacy sessions and capacity building sessions in order to raise awareness on the prohibition of work by children. Furthermore, pamphlets were distributed about their rights and obligations in terms of the prohibition of work by children and acceptable household chores for children in the Basic Conditions of Employment Act, 1997.

9.3 Refugee children, children seeking asylum and internally displaced children

9.3.1 Provide access for children to procedures for determining refugee status, taking into account the special needs and rights of children

404. Children ordered by the court to be protected under the Refugee Act, 1998, are sent to the respective refugee centres in compliance with such order.

9.3.2 Protection, humanitarian assistance, family tracing and reunification

405. Child protection services are provided to unaccompanied and separated migrant children. The Government, in accordance with its laws, must work with other countries through their missions or other structures and countries which have their children residing in the Republic as migrants to protect all children in the country.
406. The SOPs for the tracing, reunification or alternative care placements of unaccompanied and separated migrant children in South Africa are also provided to SSPs to provide guidance on procedures to follow when dealing with unaccompanied and separated migrant children.

407. The guidelines for dealing with unaccompanied and separated migrant children and South African children in distress in other countries were also reviewed. This is an effort to have a standard way of assisting migrant children in distress and to ensure that they receive the necessary services.
408. In the 2019/2020 financial year, support was provided to 167 unaccompanied and separated migrant children located in the Western Cape, and they were placed appropriately while efforts to trace the parents were continued through community networks.
409. The **Face-to-Face Project** was launched in partnership with the Scalabrini Centre in the Western Cape in February 2020. Through this project, a basket of services, such as asylum claims, accessing the rights of children, documentation, social grants, family tracing and placing, assistance with school placements, are provided to refugees, asylum seekers and migrants, including unaccompanied minors.

9.3.2 Cooperation with existing international organisations

410. Government coordinates the National Steering Committee on Unaccompanied and Separated Migrant Children to build a more inclusive, safer and sustainable child protection system for unaccompanied and separated migrant children. The Committee comprises stakeholders from Government and international NGOs, such as UNICEF, the United Nations High Commissioner for Refugees, Lawyers for Human Rights and Save the Children.
411. Government further collaborates with the International Red Cross, UNHCR and IOM offices in the Republic to ensure adherence to the best interest of the child principles.
412. In **Concluding Recommendation 38**, the Committee recommends that Government creates more refugee centres, in all nine provinces, remove all legal and non-legal barriers that refugee children face in accessing social services, such as education, and that processes of documenting refugee children are tailored to be more efficient, expedient and child-friendly.

9.3.3 Waiving of all fees

413. The decision to waive all fees applicable to applications for immigration permits for unaccompanied children lies with the Minister of Home Affairs. Each case is dealt with according to its own merits. Should such a case exist, the applicant or guardian must make representations to the Minister for his decision.
414. Section 32(1) does not give discretion for the presence of social workers, rather it is instructive.
415. 32(1) *'Any' child who appears to qualify for refugee status in terms of section 3, and who is found under circumstances which clearly indicate that he or she is a child in need of care as contemplated in the Child Care Act, 1983 (Act No. 74 of 1983), must forthwith be brought before the Children's Court for the district in which he or she was found.'* The discretion is only provided to the Children's Court under section 32(2). Given that courts in the Republic are independent,

any language that appears to be instructive may border on interference. Therefore, it is the view of Government that, section 32 provides for the intended purpose.

416. In **Concluding Recommendation 39**, the Committee recommends that Government identify unaccompanied migrant children as a category of persons requiring special consideration in terms of section 31(2)(b) of the Immigration Act, 2002, to waive all fees applicable to applications for immigration permits for unaccompanied children, fast-track applications of unaccompanied children and, in the meantime, allow children to go to school while they await the outcome of their application and to make refugee reception offices accessible in all provinces so that unaccompanied children can apply for grants/renewal of asylum and refugee permits in the province where they live.

9.4. Children of imprisoned mothers

9.4.1 *Special treatment accorded to expectant mothers and to mothers of infants and young children who have been accused or found guilty of a criminal offence*

417. The Department Correctional Services (DCS) currently has 17 Mother and Baby Units in some of the female correctional centres where babies who are with their incarcerated mothers are housed separate from the general female offender population. The mothers are housed in a single cell with a bed for the mother and a cot for the baby or in a communal cell with a bed for the mother and cot next to the mothers' bed.

9.4.2 *Non-custodial sentence, establishment and promotion of alternative institutional confinement for holding and treatment for such mothers under its laws and regulations*

418. The Correctional Services Amendment Act, 2008 (Act No. 25 of 2008), allows mothers who are remand detainees (RDs) or have been sentenced to keep their babies until they are two years old.

9.4.3 *Imprisonment of mothers with their children*

419. The presence of children, which includes babies in DCS facilities is a reality as some enter the facility with their mothers who happen to be in their company when the mother was sentenced to incarceration. In some cases, the mother is incarcerated while pregnant and the babies are born while the mother is serving an imprisonment sentence.
420. As of the 2016/2017 financial year, there were 62 babies who were with their incarcerated mother. However, it slightly increased for the 2017/2018 financial year and stabilised for the 2018/2019 financial year. The number, however, again in the 2019/2020 financial year, and it will probably decline further in the 2020/2021 financial year, as the total number was 47 in the third quarter of 2020/2021.
421. For the holistic development of the child. The Department has established ECD centres to ensure provision of programmes that focuses on the development

and stimulation of babies. Some of the ECD centres have been registered with DSD as mandated while others have been granted conditional registration.

9.4.4 *Imposing the death sentence on such mothers*

422. The death penalty has been abolished in South Africa.

9.5 Children in situations of sexual exploitation

423. To ensure the protection of children from all forms of sexual exploitation and sexual abuse, Government introduced the **TIP Act, 2013**, which came into operation in August 2015.

424. South Africa's efforts are directed at not only sex trafficking but all forms of TIP, thereby creating a comprehensive legal tool to combat TIP in all its forms.

425. To enhance its efforts to protect children against all forms of sexual exploitation and sexual abuse further, Government also developed the Guidelines for the Prevention of and Response to Child Exploitation (child trafficking, child labour, CSEC and cybercrime against children).

426. Various awareness campaigns were also held as part of the 365 Days Child Protection Programme during which webinars on child trafficking linked with online violations of children were held with speakers who were specialists in their fields. The webinars covered topics such as violation of children and child trafficking, care and protection of trafficked and exploited children, child exploitation (child trafficking, child labour, commercial sexual exploitation and cybercrime against children) and training to capacitate the workforce to enhance service delivery to the most vulnerable children.

427. Training and capacity building of social workers and relevant stakeholders to ensure the identification, reporting, referral, investigation and appropriate services are provided according to legislative mandates, including online violations. All children who are at risk or victims of all forms of sexual exploitation and sexual abuse are identified as a child in need of care and protection according to the Children's Act 38 of 2005, and the appropriate services are rendered to ensure the best interests of the child are adhered to.

428. In July 2020, the Minister of Social Development signed the acceptance letter to South Africa becoming a member of the WeProtect Global Alliance to end online child sexual abuse and exploitation. This strengthens measures to ensure that children who are at risk or victims of online sexual exploitation and abuse are provided with the appropriate services.

429. Furthermore, Government, in partnership with UNICEF, undertook a research study to explore the online behaviour and experiences of children. The study targeted children of 9 to 17 years of age in all nine provinces in South Africa. The key research areas included access and usage, opportunities, risks and support. The research findings will officially be made available together with that of 13 other countries in August 2021.

9.6 Children in situations of drug abuse (art. 28)

430. To address the incidences of alcohol and substance abuse by children, Government conducts search and seize activities at schools, including dialogues on the prevention of substance abuse with street children, community members and learners from various schools.
431. The following campaigns have been rolled out to educate society and create awareness on substance abuse –
- i. The **international Day Against Drug Abuse and Illicit Trafficking** is commemorated annually on 26 June. This day was established by the United Nations General Assembly in its resolution 42/112 of 7 December 1987 and serves as a reminder of the goals agreed to by member states of creating an international society free of drug abuse. On this day, children are empowered and informed on the harmful effects of substance abuse and available resources in their communities.
 - ii. **Campaigns are conducted at institutions of higher learning** to create awareness on the harmful effects of substance abuse including alcohol abuse with the aim to promote substance abuse free campuses.
 - iii. **The festive season campaigns** are also conducted annually to remind communities about the dangers of substance abuse during the festive season, which could lead to, amongst others, road accidents, GBV, crime, irresponsible sexual behaviour, child abuse and neglect.
 - iv. **Furthermore, the Ke Moja Drug Awareness Programme**, which is a national drug awareness programme aimed at raising awareness among South African communities on the dangers of drug abuse and providing alternative healthy lifestyles through education and counselling.
 - v. Government also conducts the **Siyalulama Outreach Programme** in municipalities with the aim of taking services to people, including children who are affected by substance use disorders. Hotspot areas include those who cannot access prevention and treatment services.
 - vi. **Media campaigns are also conducted** to target communities including children with the aim to raise education and awareness of the harmful effects of substance abuse through various media platforms inclusive of print, electronic and social media.
 - vii. **Community dialogues** with children are further conducted to raise awareness on the dangers caused by substance abuse, including alcohol, and to empower communities about available resources with regard to the prevention and treatment of substance use disorders.
 - viii. The **School Holidays Programme** was introduced to keep adolescents and children busy during school holidays to avoid possible exposure to substances and empower parents and caregivers with the information and skills needed to identify signs and symptoms of substance abuse and on how to deal with an adolescent child who is experiencing substance abuse problems.
 - ix. Efforts were also strengthened through the **Visit to the Taverns Programme**, which is aimed at sensitising taverns on how to comply with and implement legislative requirements that prevent the selling of alcohol

to children and preventing their access to liquor facilities. The patrons are also empowered not to drink alcohol during pregnancy, which might have devastating effects on babies including children (foetal alcohol syndrome).

432. On the other hand, the Director of Public Prosecutions, South Gauteng (applicant), and the Minister of Justice and Correctional Services (respondent) and the Centre for Child Law (Amicus Curiae) in re: the State and LM and three others, the court has declared section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), inconsistent with the Constitution, 1996, and invalid to the extent that it criminalises the use and/or possession of cannabis by a child. Pending completion of the law reform process, no child may be arrested and/or prosecuted and/or diverted for the impugned provision. This moratorium does, however, not prevent and/or prohibit any person from making use of any civil process and/or procedure to ensure that a child receives appropriate assistance and/or intervention for cannabis use dependency. Children accused of a schedule 1 offence are further, under no circumstances, permitted to undergo diversion programmes involving a period of temporary residence. The matter will now be referred to the Constitutional Court for confirmation.

9.7 Children in situations of sale, trafficking and abduction

433. Since the dawn of democracy and the adoption of the Constitution, 1996, Government has given expression to the establishment of a society based on democratic values, social justice and fundamental human rights.
434. The Bill of Rights in the Constitution, 1996, enshrines the right to human dignity, equality, the right to freedom and security of the person, which includes the right not to be deprived of freedom arbitrarily or without just cause, and not to be treated in a cruel, inhuman and degrading way, the right not to be subject to slavery, servitude or forced labour, and the right of children to be protected from maltreatment, neglect, abuse or degradation.
435. Pursuant to the Palermo Protocol, which South Africa ratified on 20 February 2004, Government enacted the TIP Act, 2013, which is a comprehensive legislative instrument to prevent and combat TIP in all its forms and the prosecution of offenders.
436. To prevent the trafficking of children, the **TIP Act, 2013**, which came into operation in August 2015, is applied. The Act deals comprehensively with human trafficking in all its forms and in particular provides for the protection of and assistance to victims of trafficking.
437. The **NPF on Prevention and Combating of TIP** was launched in April 2019. The NPF arises out of national legislative obligation and fosters a shared understanding of the TIP phenomenon including the roles and responsibilities of each government department as well as a facilitating a coordinated response. The NPF encompasses a three-year strategy and action plan. which addresses the four important pillars of anti-trafficking interventions, namely prevention (awareness raising and education, reduction of vulnerability and research), protection and victim assistance (early identification of potential and

presumed trafficked persons, assistance, protection and social inclusion, access to civil procedures, witness protection, compensation and return and repatriation), prosecution (investigations and prosecutions) and partnerships (international cooperation in criminal matters and national collaboration including partnerships with civil society).

438. Government, in partnership with the United States Agency for International Development (USAID), has commenced a **Research Study on the Nature and Scope of TIP** in South Africa. The purpose of this research programme is to make a step change in scale and impact by focusing on robust, empirical-driven and policy- and socially relevant studies that are aimed at revealing the nature and magnitude of TIP in South Africa.
439. Government continues to **train frontline staff who provide services on the prevention and combating of TIP**. The current approach to combating and prosecuting traffickers includes preparing police and immigration officers to spot potential trafficking victims better through improved training.
440. **Training materials** aimed at those who are in sectors not typically associated with trafficking as a crime, such as forced labour. For example, labour inspectors, were developed.
441. Strengthening the **capacity of prosecutors** to prosecute TIP cases successfully is also a key element in the fight to combat this scourge.
442. Furthermore, **equipping social welfare authorities** with the means to address the vulnerabilities of victims of trafficking and provide protective services is part and parcel of the obligations incurred through ratification of the Palermo Protocol.
443. In order to strengthen training initiatives and harness a common understanding of the intent and spirit of the TIP Act, 2013, the DoJCD in partnership with UNODC has developed a Generic Integrated Training Manual on the TIP Act, 2013, with funding from the EU.
444. Government, in partnership with the IOM and funding by JTIP, which is the Office to Monitor and Combat Trafficking in Persons of the US Department of State, developed the **Integrated Victim Assistance SOP** that focus on the protection of the rights of victims of trafficking, to provide them with appropriate protection, care and attention, preventing them from secondary victimisation and providing them with appropriate steps for prevention of re-trafficking. The IOM further supported Government with sector-specific training in all provinces.
445. The intersectoral training, which covered the TIP Act, 2013, and other pieces of legislation relevant to exploited children, has also been undertaken with key stakeholders. Some of the aspects covered include identification, the reporting of cases, referral, assessment, investigation, family tracing, placement of the child in alternative care, care and protection, language interpretation services, repatriation process, preparing child for the exit process, reunification and reintegration, support services, roles and responsibilities of role-players, coordination of services by stakeholders.

446. The awareness raising on TIP was also conducted in the provinces by key government departments and non-governmental organisations using social media, virtual engagements and radio interviews. TIP refresher training in partnership with IOM was also conducted in the provinces to increase awareness and understanding of TIP as well roles and responsibilities of all key stakeholders.
447. The overarching **Communication and Awareness Strategy** is in the process of being finalised to raise public awareness and prevent human trafficking. The main purpose of the draft strategy is to reduce vulnerability to human trafficking and re-trafficking, improve knowledge on human trafficking, ensure the early identification of potential and presumed trafficked persons and ensure that victims of trafficking have access to comprehensive assistance programmes
448. 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, which aims to collect data and focuses on important questions such as the total number of trafficking victims (suspected and/or confirmed) identified by Government during a specific reporting period, as well as an indication of the form of trafficking and the personal details of the victim and perpetrator, for example, sex, age, or nationality.
449. In commemoration of the **World Day Against TIP** on 30 July 2019, Government, in collaboration with UNODC and the SADC Secretariat, deployed the SADC Regional TIP Data Collection System in South Africa in a three-day workshop held from 30 July to 1 August 2019 in Pretoria. The main aim of the workshop was to support Government in collecting national TIP data at country-level in a coordinated manner in order to understand the nature and extent of the crime. 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.

9.8 Measures taken to alleviate the plight of children in street situations

450. Children living and working in the streets are defined as children in need of care and protection in terms of section 150(1)(c) of the Children's Act 38 of 2005. Government offers support services through 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 why these children live in the streets and also to assess the type of services needed.
451. Based on the assessments and through the application of the "best interests of the child and participation principles", some children are reunified with their families while others who cannot be reunified will be referred for admission to

CYCCs in terms of sections 151 and 152 of the Children's Act 38 of 2005. Reunification services are also provided to ensure their rehabilitation and reintegration into society while at the same time promoting healthy relationships in families. During the reunification process, families are involved to be ready to receive a child who was either living in the streets or in a CYCC. Monitoring services are also offered to monitor the adjustment of the child in the family and community.

PART 10: HARMFUL PRACTICES

10.1 Harmful social and cultural practices

452. Section 12 of the Children's Act 38 of 2005, outlines the social, cultural and religious practices that are harmful to the child's well-being, such as child marriages, genital mutilation, virginity testing and circumcision.

10.1.1 Measures taken to discourage and eliminate harmful social and cultural practices

453. The training and capacity building with SSPs and relevant stakeholders outline roles and responsibilities on the rights of children and the discouraging and elimination of harmful social and cultural practices. Awareness and advocacy programmes such as the 365 Days Child Protection campaign ensures that children, parents and communities are informed of the harmful and cultural practices through awareness and advocacy programmes.
454. In 2016, Government partnered with the University of Cape Town to conduct research into the prevalence and impact of ukuthwala in parts of the EC, KZN and Limpopo. It is based on this research that the EC Provincial House of Traditional Leaders, together with the DSD and NGOs, conducted an awareness outreach campaign in the villages where ukuthwala is prevalent. During the outreach programme, women and girls were encouraged to report any cases of ukuthwala to the police so that justice could prevail.
455. Furthermore, Government passed the Customary Initiation Act, 2021 (Act No. 2 of 2021) (CIA), to further prohibit female circumcision and genital mutilation as part of customary initiation practices.

10.2 Virginity testing

456. Virginity testing is allowed according to the provisions in the Children's Act 38 of 2005. This Act has not yet been amended to ban this practice.
457. In **Recommendation 36**, the Committee reiterates its previous recommendation and calls upon the State Party to undertake measures with a view to ban virginity testing with respect to children of all ages.

10.3 Ukuthwala

10.3.1 Criminalisation of ukuthwala and other forms of child forced marriages

458. The case of *Jezile v 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.

459. In **Recommendation 36(c)**, the Committee recommends that Government take forward the initiative of the SALRC and enact legislation that defines and criminalises ukuthwala and other forms of child forced marriages in all contexts as soon as possible.

10.3.2 Review and amendment of provincial legislation that directly or indirectly encourages harmful practices such as ukuthwala

460. In April 2019, the SALRC published Issue Paper 35 for general information and comment on the adoption of a single marriage statute. The paper also dealt with the question of marriages of minors. On 11 January 2021, the SALRC published its Discussion Paper 152 on a single marriage statute for general information and comment. The discussion paper proposes that the minimum age for parties to enter into a relationship should be 18 years, without any provision being made for exceptions. Comment received on the discussion paper will be considered in the development of the SALRC's report on this investigation.
461. The Children's Amendment Bill and the Green Paper on Marriages in South Africa were also developed to protect children from child marriages.
462. In **Recommendation 36(d)**, the Committee recommends that Government review and, where necessary, amend provincial legislation that directly or indirectly encourages harmful practices such as ukuthwala and virginity testing of children.

10.3.3 Awareness campaigns to educate the community on the effect of harmful practices such as ukuthwala and virginity testing on the rights of children

463. Awareness raising programmes are implemented to end the practice of ukuthwala and to discourage communities from engaging in such practices.
464. In 2017, awareness campaigns were focused in the EC where an imbizo was held with approximately 300 members (inclusive of women, men and traditional leaders) of the community of Flagstaff with the purpose of intensifying efforts to raise awareness on ukuthwala.
465. Educational campaigns on ukuthwala were intensified through the designing of brochures on ukuthwala that contain information on which legal recourse is available if practice is reported to have occurred.
466. Community dialogues were also conducted in collaboration with the Traditional Authority and leadership in the EC in May 2017 to raise awareness in the communities on the protection of children.
467. Workshops were held in response to the abuse of the cultural practice of ukuthwala, where particularly young girls from EC, Transkei/Pondoland, were victims of the abuse of this cultural practice. Awareness raising campaigns and workshops were arranged, and a platform was created for stakeholders to deliberate on the practice of ukuthwala, ascertain the historical background of

the practice, clarify roles and responsibilities of all stakeholders and determine interventions that will protect children from this abuse.

468. In **Recommendation 36(e)**, the Committee recommends that Government intensify awareness campaigns to educate the community on the effect of harmful practices such as ukuthwala and virginity testing on the rights of children.

10.4 Male initiation

469. Government has the responsibility to develop a legislative framework on the customary initiation practice, covering both males and females. The main objectives of the cultural initiation legislative framework are, among others –
- i. To protect, promote and regulate initiation.
 - ii. To provide acceptable norms and standards.
 - iii. To provide for the protection of life, the prevention of injuries and the prevention of all forms of abuse experienced by initiates before, during and after initiation (physical and mental abuse).
 - iv. To ensure that initiation is not exploited as a commercial enterprise used purely for personal enrichment.
 - v. To ensure that the teachings and rituals that are part of initiation are aimed at character building, the promotion of societal values and the sharing of constructive and information about sexuality, gender, and reproduction and ultimately to prepare the young people for adulthood, etc.
470. Parliament of the Republic of South Africa adopted the Customary Initiation Act, 2021, which was assented to by the President and published in the Government Gazette on 4 June 2021 as Act No. 2 of 2021. The commencement date of the Act is 1 September 2021.
471. The Act makes provision for the establishment of a National Initiation Oversight Committee (NIOC). The NIOC will monitor customary initiation from a national perspective. The Act also makes provision for Provincial Initiation Coordinating Committees (PICCs). The PICCs will, amongst others, be responsible for developing criteria for the registration of initiation schools and for the actual registration as schools. The holding of a non-registered initiation school is an offence and, upon conviction, a transgressor can be imprisoned for up to 15 years.
472. One of the many responsibilities of the NIOC and PICCs is to conduct initiation awareness campaigns. The Act also deals with the kidnapping/abduction of children, and such offences will be dealt with in terms of the laws relevant to criminal offences. As far as male circumcision is concerned, the Act states that it may only be performed by a registered medical practitioner or by a registered traditional surgeon. However, such a traditional surgeon must also be a registered medical practitioner, and if he is not, he can only perform male circumcision under the supervision of a registered medical practitioner.
473. In **Recommendation 37**, the Committee recommends that Government take measures to adopt legislation outlawing unofficial initiation schools and

criminalising the practice of male circumcision in unofficial initiation schools, to intensify investigation and prosecution of cases of kidnapping and taking boys to unofficial initiation schools as well as incidents of death of children in such schools, including organising awareness campaigns to educate the community on the effect of botched circumcisions on the rights and well-being of children.

10.5 Measures taken to specifically protect children with albinism from violence

- 474. Community dialogues, education and awareness-raising sessions through various media platforms were held with children, parents, community members, traditional and the religious sector. These addressed child killings, rape and child abuse to promote and protect the rights of people with albinism.
- 475. The albinism communication material, including 4 000 brochures, were procured, developed and distributed to provide security tips to children and parents with albinism. A further 4 000 brochures addressing the dangerous and erroneous myths about people with albinism.
- 476. In 2017, the SAPS partnered with the Albinism Society of South Africa in conducting albinism awareness campaigns in Emangusi, in the northern part of KZN. The awareness events took place in all the towns of Emangusi, two border gates (Bay Border Gate and trading border gates to Mozambique.) The campaign commenced due to the killing of a child living with albinism by a local pastor.

10.6 Child marriage and the betrothal of girls and boys

- 477. Government is in the process of amending legislations, through the Children's Amendment Bill and the draft Green Paper on Marriages, to prohibit child marriages.

10.6.1 Actions taken to specify the minimum age of marriage to be 18 years

- 478. In its Discussion Paper 152, the SALRC proposes two alternative Bills. The Bills seek to provide for the recognition, in terms of option one, of protected relationships, or, in terms of option two, of marriages and life partnerships, entered into by parties regardless of the religious, cultural or any other beliefs of the parties, or the manner in which the relationship was entered into.
- 479. The proposed minimum age to enter into a protected relationship or marriage or life partnership is 18 years, without exception. Third-party consent for a minor to enter into a relationship would therefore not be a possibility. The procedure for determining the age of any of the parties is also outlined. It is further proposed that it should constitute an offence for an adult to enter a relationship with a person who is below the age of 18. The closing date for comment on the discussion paper was extended to 17 May 2021.
- 480. Furthermore, the 2018 Summit on Gender-Based Violence and Feticide adopted a declaration, and one of the key resolutions aims to harmonise all legislation impacting the age of marriage in South Africa. This will assist in

addressing the challenge of forced child marriages, which affect girls living in some rural areas.

481. Clause 6 of the Children's Amendment Bill also proposes that "A child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement."
482. Government is also in the process of drafting the Marriage Policy, which will then inform the amendments of the Marriage Act, 1961.
483. In **Recommendation 36(a)**, the Committee recommends that Government amend both the Marriage Act, 1961, and the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), and ensure that the minimum age of marriage for all forms of marriage is 18 years and remove any section from all legislation relating to marriage that provides parental consent exception for a child to be married and outlaw child marriage unconditionally.

10.6.2 Compulsory registration of all marriages in an official registry

484. One of the policy proposals in the published Green Paper on Marriages in South Africa is the recommendation that all marriages be registered, including customary marriages.

PART 11: CHILD JUSTICE

11.1 Measures taken to ensure children accused or found guilty of a criminal offence are accorded special treatment

485. **Amendment of sections 77 to 79 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)**
486. In the matter *De Vos N.O v Minister of Justice and Correctional Services and Others* [2015] ZACC 2, the Constitutional Court, on 26 June 2015, declared section 77(6)(a)(i) and (ii) of the Criminal Procedure Act, 1977, to be inconsistent with the Constitution, 1996, and invalid to the extent that it provides for the compulsory imprisonment of an adult person and the compulsory hospitalisation or imprisonment of children. The Criminal Procedure Amendment Act, 2017 (Act No. 4 of 2017), published in Government Gazette No. 40946 on 29 June 2017, amended the Criminal Procedure Act, 1977, to provide courts with a wider range of options in respect of orders to be issued in cases of finding that accused persons are not capable of understanding the criminal proceedings so as to make a proper defence by reason of mental illness or intellectual disability. In terms of the amendments, children may now also be referred to a children's court and they may also be placed in the care of a parent, guardian or other appropriate adult or be placed in temporary safe care in a CYCC.

11.2 Measures taken to ensure that children deprived of their liberty are not subjected to torture or any other form of physical or psychological violence

487. Children placed in Secure Care Centres are provided with care and protection services by trained child and youth care workers, nurses and managers to ensure the effective monitoring, treatment and movement of such children. Furthermore, incarcerated children are kept separately from the adult inmate population, because they are a vulnerable group.

11.3 Measures taken to divert children from detention facilities

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

11.4 Separation of children from adults in places of detention or imprisonment

489. Children in DCS facilities are detained separately from adults. Boys are also 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.

11.5 Legal assistance for children accused of a criminal offence

490. Section 82(1) of the CJA, 2008, provides that, where a child appears before a child justice court and is not represented by a legal representative of his or her own choice, at his or her own expense the presiding officer must refer the child to Legal Aid South Africa for the matter to be evaluated by the Board.
491. Section 83 of the CJA, 2008, provides that a child may not waive legal representation when he or she appears in a child justice court. If the child does not wish to have a legal representative or declines to give instructions to an appointed legal representative, the court must enter this into the record of the proceedings and a legal representative must be appointed by Legal Aid South Africa to assist the court.
492. In **Recommendation 34**, the Committee encourages Government to offer representation to more children who need this service.

11.6 Prohibition of the press and the public from the trial of children

493. Section 63(5) of the CJA, 2008, provides that no person may be present at any sitting of a child justice court, unless his or her presence is necessary in connection with the proceedings of the child justice court or the proceedings officer granted him or her permission to be present.
494. Section 154(3) of the Criminal Procedure Act, 1977, prohibits the publication of any information that could lead to the identification of witnesses and offenders younger than 18 years of age. This protection ceases when the child offender reaches the age of 18 years.

495. On 4 December 2019, the Constitutional Court, in the case *Centre for Child Law and others v Media 24 Limited and others* (CCT 261/18), declared section 154(3) of the Criminal Procedure Act, 1977, constitutionally invalid to the extent that the protection the 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 that gave rise to the constitutional invalidity. This Constitutional Court 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. The Committee recommends that there should be lifelong protection from publication regarding crimes committed by children.

11.7 Minimum age below which children are presumed not to have the capacity to infringe the penal law is prescribed.

496. This minimum age is prescribed in Section 7 of the CJA, 2008. This Act, came into operation on 1 April 2010 and raised the minimum age of criminal capacity to 10 years and the rebuttable presumption was amended to operate for children 10 years or older but under the age of 14 years. Section 11(1) of the Act provides that the state must prove beyond reasonable doubt that a child who is 10 years or older but under the age of 14 years had the capacity to appreciate the difference between right and wrong at the time of the commissioning of the alleged offence and that the child had the capacity to act in accordance with that appreciation.

11.8 Age of criminal responsibility

497. The Child Justice Amendment Act, 2019 (Act No. 28 of 2019), increases the minimum age of criminal capacity of children from 10 years to 12 years and also removes the requirement to prove criminal capacity of children for purposes of diversion and preliminary inquiries.³¹
498. In **Recommendation 35**, the Committee recommends that Government raise the age of criminal responsibility to at least 12 years of age.

11.9 Training of law enforcement, prison wardens and judicial officers in child justice

499. Since 2015/2016, the module on the CJA, 2008, was developed and included in the annual programme for the training of correctional officials. To date, 1 274 officials have been trained in the CJA, 2008.
500. Ongoing judicial education of judges and magistrates as well as capacity building is receiving attention through direct as well as virtual courses and webinars presented by the South African Judicial Education Institute (SAJEI), as judicial officers play an important role in the adjudication of TIP cases. The training in TIP is also part of the training curriculum for newly appointed magistrates, in partnership with the OCJ.

³¹ DoJ&CD Annual report 2019/2020

501. With the support of UNODC a Generic TIP Manual for Criminal Justice Practitioners was developed and launched in December 2020 under the SAMM project framework.
502. Through partnership with the International Organization for Migration (IOM). Government is in the process of finalising the Generic Training Manual on the Trafficking In Persons Act to promote institutionalisation of training of the various role-players in the criminal justice system, thereby making provision for uniform standardised, integrated and multi-disciplinary training to role-players throughout the criminal justice value chain. A sector-specific training manual for certain government departments is also being finalised to capacitate government officials on TIP issues. The TIP draft curriculum validation workshop was held from 11 to 12 June 2019 to allow relevant stakeholders to validate the information contained in the draft document. Training of Trainers on Sector-Specific Curricula with key departments has been scheduled for August to September 2019 and going forward. This may include training SOP for Victims of Trafficking assistance.

11.10 Measures to ensure that children deprived of their liberty access essential services, including education and health services

503. Educational programmes available for children in DCS facilities include further 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. The latter applied mainly to RD children and sentenced children serving shorter sentences. The number of children participating in formal education during 2019/2020 financial year was 17.
504. Health services are provided to children in detention. During admission, offenders are assessed by health care services at the correctional centre. Health care services at correctional centres are rendered by officials qualified as medical professionals and are available to all inmates and babies who are with their incarcerated mothers.

11.11 Administration of juvenile justice

505. In terms of the placement of child sexual offenders on the NRSO, the Government of South Africa want to put it on record that there was never an instance where that decision was taken, either by the Department or the Constitutional Court (*J v National Director of Public Prosecutions and Another* [2014]). The Constitutional Court declared section 50(2)(a) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, inconsistent with the Constitution, 1996, and invalid to the extent that it unjustifiably limits the right of child sex offenders to have their best interests considered of paramount importance.
506. The declaration of invalidity was suspended for a period of 15 months from the date of the order to afford Parliament the opportunity to correct the defect in the light of this judgement. The Department of Justice and Constitutional

Development was further directed to, by 30 July 2014, furnish a report to the Registrar of this court, setting out:

- i. the number of persons whose particulars were included on the NRSO by virtue of section 50(2)(a) who were younger than 18 years when they committed the offence that required their inclusion;
- ii. the courts that directed that their particulars be listed; and
- iii. the dates on which the orders in question were made.

507. The court never ordered Government to remove those children from the register, but the purpose of this request was to make the information available to persons or an organisation seeking to assist child offenders in removing their names from the register, as removal is not an automatic process. This required the creation of a provision for child offenders included on the register to have the opportunity to motivate that their particulars be expunged upon application.

508. Thus, the new amendment to section 50(2)(a) provides as follows:

509. Section 50(2)(c) If a court has, in terms of this Act or any other law, convicted a person (“A”) of a sexual offence referred to in paragraph (a)(i) and (“A”) was a child at the time of the commission of such offence, or if a court has made a finding and given a direction referred to in paragraph (a)(ii) in respect of (“A”) who was a child at the time of the alleged commission of the offence, the court may not make an order as contemplated in paragraph (a) unless—

- i. the prosecutor has made an application to the court for such an order;
- ii. the court has considered a report by the probation officer referred to in section 71 of the CJA, 2008, which deals with the probability of (“A”) committing another sexual offence against a child or a person who is mentally disabled, as the case may be, in future;
- iii. (“A”) has been given the opportunity to address the court as to why his or her particulars should not be included in the Register; and
- iv. the court is satisfied that substantial and compelling circumstances exist based upon such report and any other evidence, which justify the making of such an order.

510. In the event that a court finds that substantial and compelling circumstances exist that justify the making of an order as contemplated in paragraph (a), the court must enter such circumstances on the record of the proceedings.

511. Therefore, the Committee should take note that the above amendment does not suggest that convicted child sex offenders should not be included. Rather, before an inclusion could be considered, the above must be applied. (This is in light of the fact that there are children who sexually assault other children.)

512. In **Recommendation 34**, the Committee congratulates Government for implementing the decision no longer to place child sexual offenders on the NRSO and recommended that Government also remove the names of those children who had already been placed on the Register.

11.12 Early release for children placed in CYCCs

513. A policy on the management of children detained and sentenced to a secure care programme in CYCC was developed to inform the review of the Probation Services Act (PSA) in order to address issues, such as early release and transfer of children. Consultations on the review of the PSA have been concluded and the focus is now on engaging in other processes.
514. In **Recommendation 34**, the Committee encourages Government to introduce an option of 'early release' for children who are placed in CYCCs, just as those who are placed in correctional centres may have the option of parole.

PART 12: RESPONSIBILITIES OF THE CHILD

12.1 Measures to ensure that responsibilities of the child are performed within the ability and capability of the child and the child's rights are not violated in the process

515. Through the Life Skills subject, which deals with the concept of social responsibility, learners are sensitised to 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.
516. Life Orientation is also offered as a compulsory subject to all learners, to ensure the realisation of the aims and principles in a targeted fashion. It addresses skills, knowledge and values about the self, the environment, responsible citizenship, a healthy and productive life, social engagement, recreation and physical activity, careers and career choices. These include opportunities to engage in the development and practice of a variety of life skills to solve problems, to make informed decisions and choices and to take appropriate actions to live meaningfully and successfully in a rapidly changing society. It also emphasises the importance of the application of skills and values in real-life situations, participation in physical activity, community organisations and initiatives.

12.2 Measures to ensure that children are educated in and informed of their responsibilities under the Charter

517. In the subjects Life Skills and Life Orientation, learners are taught at an early age about health, social and environmental responsibility, and constitutional rights and responsibilities. The topics, human rights as stipulated in the Constitution, 1996, human rights violations, cultural diversity in South Africa and issues relating to citizens' rights and responsibilities, are enshrined in the Curriculum Assessment Policy Statement, the curriculum that is taught in schools.
518. The continuous engagements with children through dialogues, awareness raising programmes international children's day, National NMCP and celebrations of the Day of the African Child offers a platform for educating and raising awareness on children's rights and responsibilities.

12.3 Whether the responsibilities of children are recognised under legal and policy framework

519. As holders of human rights and fundamental freedoms, all children have a duty to respect the rights of others and to continuously strive for the promotion and observance of children's rights and broader human rights. In South Africa, the Bill of Rights provides guidance on the responsibilities of children aligned with children's rights enshrined in the Constitution, 1996. Section 16 of the Children's Act 38 of 2005, also outlines that every child has responsibilities appropriate to the child's age and ability towards his or her family, community and the State.

PART 13: ANNEXURE 1 – STATISTICAL INFORMATION

GENERAL MEASURES FOR IMPLEMENTATION

Table 1: Provincial children and family budget allocation and expenditure

SUMMARY															
Summary	2016/2017		%	2017/2018		%	2018/2019		%	2019/2020		%	2020/2021		%
	Final Budget Allocation	Actual Expenditure		Final Budget Allocation	Actual Expenditure		Final Budget Allocation	Actual Expenditure		Final Budget Allocation	Actual Expenditure		Final Budget Allocation	Actual Expenditure	
	R'000			R'000			R'000			R'000			R'000		
Children and families	6 677 015	6 677 015	100,00 %	7 239 060	7 239 060	100,00 %	7 833 614	7 833 614	100,00 %	8 384 870	7 521 550	89,70 %	8 791 255	519 408	5,91%
Management and support	287 706	287 706	100,00 %	307 990	307 990	100,00 %	300 932	300 932	100,00 %	283 019	271 890	96,07 %	348 953	32 481	9,31%
Care and services to families	451 017	451 017	100,00 %	434 872	434 872	100,00 %	533 728	533 728	100,00 %	593 384	579 359	97,64 %	780 097	60 586	7,77%
Child care and protection	1 694 465	1 694 465	100,00 %	1 708 164	1 708 164	100,00 %	2 016 023	2 016 023	100,00 %	2 077 605	2 018 806	97,17 %	2 281 271	199 134	8,73%
ECD and partial care	2 412 553	2 412 553	100,00 %	2 735 781	2 735 781	100,00 %	2 989 723	2 989 723	100,00 %	3 149 012	2 840 411	90,20 %	3 207 447	120 817	3,77%
CYCCs	1 118 424	1 118 424	100,00 %	1 350 931	1 350 931	100,00 %	1 291 839	1 291 839	100,00 %	1 612 250	1 380 890	85,65 %	1 535 378	86 858	5,66%
Community-based care services for children	712 850	712 850	100,00 %	701 322	701 322	100,00 %	701 369	701 369	100,00 %	669 600	430 194	64,25 %	638 109	19 532	3,06%
TOTAL	6 677 015	6 677 015	100,00 %	7 239 060	7 239 060	100,00 %	7 833 614	7 833 614	100,00 %	8 384 870	7 521 550	89,70 %	8 791 255	519 408	5,91%

[Source: National DSD]

Table 2: Health services, particularly primary health services

	2018/19			2017/18		
	Final appropriation	Actual expenditure	(Over)/ under expenditure	Final appropriation	Actual expenditure	(Over)/ under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	524 146	471 683	52 463	500 541	478 160	22 381
NHI, Health Planning and Systems Enablement	1 892 199	1 333 991	558 208	924 954	841 540	83 414
HIV and AIDS, Tuberculosis, and Maternal and Child Health	20 699 057	20 626 825	72 232	18 295 310	18 279 941	15 369
PHC Services	279 736	248 090	31 646	263 343	253 771	9 572
Hospitals, Tertiary Health Services and Human Resources Development	22 308 192	22 130 938	177 254	20 914 800	20 828 771	86 029
Health Regulation and Compliance Management	1 805 044	1 783 058	21 986	1 746 609	1 742 508	4 101
TOTAL	47 508 374	46 594 585	913 789	42 645 557	42 424 691	220 866

[Source: NDoH 2019/2020 Annual Report]

Table 3: Budgetary resources for the SAHRC

Budget Cost Centre	2019/20	2020/21	2021/22
	Final MTEF Allocation	MTEF Forecast	MTEF Forecast
Personnel Costs	130 868 906	139 898 861	149 551 882
Commissioner's Unit	876 078	896 880	916 639
CEO Office	2 903 798	2 972 748	3 038 240
COO Office	347 476	355 727	363 564
Strategic Support & Governance	670 000	685 909	701 020
Legal Services Unit	2 240 000	2 293 188	2 343 709
Research Unit	980 000	1 003 270	1 025 373
Advocacy & Communications	1 793 000	1 835 574	1 876 013
Provincial Offices	3 105 000	3 178 727	3 248 757
Human Resources	2 659 933	2 723 092	2 783 084
Information Communication	6 351 020	6 501 823	6 645 063
Finance	2 930 715	3 000 304	3 066 403
Admin & Supply Chain	33 673 074	34 472 631	35 232 087
Internal Audit	306 000	313 266	320 166
Total Revenue Allocation	189 705 000	200 132 000	211 112 000

DEFINITION OF A CHILD

Table 4: Population projections

	EC		Free State		Gauteng		KZN		Limpopo		Mpumalanga		Northern Cape		North West		Western Cape		Total		Total
Age	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Total
0	69 286	67 958	28 458	28 044	134 245	131 486	126 720	123 306	68 849	66 295	51 301	50 063	13 200	13 017	41 252	40 698	61 840	59 615	595 151	580 482	1 175 632
1	68 501	66 894	27 437	26 905	134 472	131 500	124 267	120 697	67 586	65 357	48 290	47 180	13 092	12 738	39 587	38 989	59 789	57 770	583 021	568 029	1 151 049
2	68 428	66 613	26 811	26 192	134 180	131 053	122 593	118 928	66 891	64 883	46 180	45 187	13 025	12 552	38 514	37 880	58 377	56 500	574 999	559 788	1 134 787
3	68 939	66 978	26 522	25 845	133 428	130 201	121 573	117 866	66 667	64 791	44 851	43 963	12 990	12 445	37 945	37 283	57 945	55 727	570 428	555 101	1 125 528
4	69 904	67 852	26 515	25 804	132 271	129 004	121 081	117 381	66 818	64 993	44 182	43 391	12 977	12 403	37 795	37 113	57 105	55 369	568 650	553 310	1 121 959
5	71 193	69 096	26 733	26 009	130 768	127 517	120 992	117 341	67 247	65 404	44 055	43 350	12 978	12 409	37 978	37 283	57 065	55 348	569 008	553 756	1 122 764
6	72 677	70 573	27 117	26 401	128 976	125 798	121 180	117 615	67 856	65 938	44 349	43 721	12 982	12 450	38 405	37 704	57 301	55 583	570 844	555 783	1 126 627
7	74 227	72 145	27 613	26 919	126 951	123 904	121 520	118 071	68 550	66 511	44 944	44 386	12 982	12 511	38 991	38 290	57 723	55 994	573 501	558 731	1 132 232
8	75 713	73 675	28 162	27 503	124 750	121 893	121 886	118 579	69 232	67 036	45 721	45 224	12 969	12 577	39 649	38 955	58 240	56 502	576 322	561 943	1 138 265
9	77 006	75 024	28 709	28 093	122 431	119 822	122 152	119 007	69 805	67 428	46 558	46 117	12 932	12 632	40 293	39 611	58 762	57 026	578 648	564 761	1 143 409
10	78 215	76 327	29 308	28 748	120 269	117 909	122 504	119 544	70 340	67 768	47 589	47 196	12 889	12 697	41 030	40 356	59 450	57 700	581 593	568 246	1 149 839
11	79 450	77 715	30 014	29 527	118 538	116 375	123 126	120 380	70 908	68 135	48 945	48 592	12 859	12 790	41 967	41 288	60 465	58 656	586 271	573 459	1 159 731
12	79 387	77 699	30 211	29 777	116 207	114 467	122 341	119 781	70 573	67 615	49 247	48 934	12 698	12 727	42 047	41 396	60 459	58 751	583 170	571 146	1 154 316
13	77 420	75 599	29 616	29 200	112 897	111 919	119 402	116 974	68 902	65 789	47 873	47 602	12 345	12 423	40 798	40 222	58 839	57 481	568 092	557 208	1 125 300
14	74 134	72 089	28 510	28 093	109 318	109 273	115 116	112 789	66 303	63 071	45 457	45 227	11 871	11 967	38 713	38 233	56 268	55 404	545 690	536 147	1 081 837
15	70 921	68 674	27 474	27 060	106 275	107 149	111 077	108 862	63 780	60 428	43 265	43 047	11 421	11 535	36 793	36 377	53 958	53 547	524 964	516 679	1 041 643
16	67 739	65 235	26 417	25 993	103 264	105 195	107 018	104 903	61 331	57 834	41 053	40 796	10 984	11 100	34 873	34 486	51 610	51 662	504 289	497 203	1 001 492
17	64 022	61 541	25 455	25 069	103 144	105 513	103 522	101 569	58 389	54 911	39 323	39 087	10 568	10 713	33 253	32 865	50 171	50 507	487 847	481 775	969 622
TOTAL	1 307 162	1 271 687	501 081	491 180	2 192 384	2 159 978	2 148 070	2 093 593	1 210 027	1 164 187	823 184	813 062	225 762	221 686	699 884	689 029	1 034 932	1 009 143	10 142 486	9 913 545	20 056 031

[Source: StatsSA]

Table 5: Number of children per province

Age	EC		Free State		Gauteng		KZN		Limpopo		Mpumalanga		Northern Cape		North West		Western Cape		Total		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Total
0-17	1 307 162	1 271 687	501 081	491 180	2 192 384	2 159 978	2 148 070	2 093 593	1 210 027	1 164 187	823 184	813 062	225 762	221 686	699 884	689 029	1 034 932	1 009 143	10 142 486	9 913 545	20 056 031
>17	1 844 651	2 253 090	915 949	1 024 231	5 720 390	5 737 636	3 362 365	3 909 547	1 601 623	1 950 886	1 509 710	1 597 628	418 702	436 897	395 793	1 338 148	476 378	2 593 323	19 245 561	20 841 386	40 086 947
TOTAL	3 151 813	3 524 777	1 417 030	1 515 411	7 912 773	7 897 614	5 510 435	6 003 140	2 811 651	3 115 073	2 332 894	2 410 691	644 464	658 582	2 095 676	2 027 178	3 511 311	3 602 465	29 388 047	30 754 931	60 142 978

[Source: StatsSA]

Table 6: Percentage of children

Age	EC		Free State		Gauteng		KZN		Limpopo		Mpumalanga		Northern Cape		North West		Western Cape		Total		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Total
0-17	41,5	36,1	35,4	32,4	27,7	27,3	39,0	34,9	43,0	37,4	35,3	33,7	35,0	33,7	33,4	34,0	29,5	28,0	34,5	32,2	33,3
>17	58,5	63,9	64,6	67,6	72,3	72,7	61,0	65,1	57,0	62,6	64,7	66,3	65,0	66,3	66,6	66,0	70,5	72,0	65,5	67,8	66,7
TOTAL	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0

[Source: StatsSA]

GENERAL PRINCIPLES

Table 7: Diarrhoea, moderate acute malnutrition, Pneumonia, severe acute malnutrition deaths under five years

Period name	Diarrhoea death under five years	Moderate acute malnutrition death under five years	Pneumonia death under five years	Severe acute malnutrition death under 5 years
2016	912		1 052	1 223
2017	637	210	859	907
2018	619	323	965	787
2019	732	178	829	826
2020	576	197	608	628
2021	296	100	290	361

[Source: Department of Health]

Table 8: Child under five years severe acute malnutrition in facility rate, severe acute malnutrition incidence, moderate acute malnutrition case fatality rate

Period	Child under five years severe acute malnutrition in facility rate	Child under five years severe acute malnutrition incidence	Child under five years moderate acute malnutrition case fatality rate
2016	100	3,6	
2017	9,2	2,1	4,9
2018	5,2	2,2	5,1
2019	4,5	1,9	2,8
2020	5	1,5	4,1
2021	6,4	0,78	5,1

[Source: Department of Health]

Table 9: Children under five fatality rates

Data name	Apr 2016 to Mar 2017	Apr 2017 to Mar 2018	Apr 2018 to Mar 2019	Apr 2019 to Mar 2020	Apr 2020 to Mar 2021
Child under five years diarrhoea case fatality rate	2	2	1,9	1,8	2,5
Child under five years moderate acute malnutrition case fatality rate		4,6	5,1	2,7	4,7
Child under five years moderate acute malnutrition incidence					2,7
Child under five years pneumonia case fatality rate	2	2,4	1,9	1,6	2,1
Child under five years severe acute malnutrition case fatality rate	8	7,4	7,1	7,8	7
Child under five years severe acute malnutrition incidence	3,4	2,2	1,9	1,9	1,5
Death in facility 12-59 months rate	0,28	0,23	0,21	0,17	0,14
Death in facility 29 days to 11 months rate	0,37	0,3	0,33	0,32	0,24
Death in facility under one year rate	6,3	7	7,5	7,8	
Death in facility under five years rate	4,4	4,7	4,8	5	25,4

[Source: Department of Health]

Table 10: Delivery, early neonatal, neonatal perinatal death in facility rate

Data name	Apr 2016 to Mar 2017	Apr 2017 to Mar 2018	Apr 2018 to Mar 2019	Apr 2019 to Mar 2020	Apr 2020 to Mar 2021
Delivery in 10 to 19 years in facility rate		13,4	13,1	13,2	13,6
Early neonatal death in facility rate	9,9	10,2	9,8	9,6	9,7
Neonatal death in facility rate	12,4	12,3	12,1	11,9	12,6
Perinatal death in facility rate	29,9	31	30	29,1	29,3

[Source: Department of Health]

Tables 11: Number of children who have been heard under judicial and administrative proceedings, including information on their age,

Table 11.1: Ages of children at Preliminary Inquiries

Financial year	Ages of children							
	10	11	12	13	14	15	16	17
2015/2016	29	71	133	412	1 169	2 467	4 225	6 506
2016/2017	33	72	158	376	966	2 000	3 510	5 001
2017/2018	32	103	192	440	1059	2 075	3 713	5 767
2018/2019	38	76	186	529	1 178	2 224	3 722	5 666
2019/2020	37	83	277	498	1 393	2 452	4 012	5 711
% Contribution per age for 2019/2020	0,3%	0,6%	1,9%	3,4%	9,6%	17,0%	27,7%	39,5%

[Source: DoJ&CD]

Table 11.2: Outcomes of preliminary inquiries 2019/2020

Outcome of PI	Age of the child								Grand total
	10	11	12	13	14	15	16	17	
Child Justice Court	5	19	64	162	628	1 194	2 092	2 984	7 148
Children's Court	1	2	14	9	19	36	38	49	168
Criminal court (mainstream)	-	-	-	-	4	6	29	70	109
Diversion	9	11	67	118	447	739	1 149	1 576	4 116
PI withdrawal	9	17	33	52	109	144	212	349	925
Postponement	12	22	58	87	123	182	246	290	1 020
Released to DSD (Deportation)	-	-	3	4	-	3	4	7	21
Struck off roll	-	11	36	59	48	109	177	280	720
Warrant of arrest	1	1	2	7	14	38	64	104	231
Withdrawn	-	-	-	-	1	-	1	2	4
GRAND TOTAL	37	83	277	498	1393	2451	4012	5711	14 462

[Source: DoJ&CD]

Table 11.3: Ages of children referred to the child justice court

Financial year	Ages of children								Total
	10	11	12	13	14	15	16	17	
2017/2018	1	24	36	114	388	798	1 457	2 343	5 161
2018/2019	3	11	46	165	504	1 087	1 767	2 755	6 338
2019/2020	5	19	64	162	628	1 194	2 092	2 984	7 148

[Source: DoJ&CD]

Table 11.4: Outcome of trials in the child justice courts

Period	New cases registered	Postponed during trial	Guilty	Not guilty	Withdrawn	Struck off the roll	Referred to Children's Court	Diversions successful	Warrant of arrest
2015/2016	-	9 995	181	154	635	239	-	-	-
2016/2017	-	9 616	280	143	2 628	1 031	-	-	-
2017/2018	5 161	8 847	407	108	1 384	534	-	-	145
2018/2019	6 338	3 673	305	41	1 990	576	50	217	209
2019/2020	7148	4 061	221	85	1716	629	71	165	209

[Source: DoJ&CD]

Table 11.5: Types of sentences imposed on children

Type of sentence	2017/2018	2018/2019	2019/2020
Community-based sentence	9	7	4
Restorative justice	4	2	-
Alternative to fine	6	4	4
Court fine		12	2
Correctional supervision	46	53	25
Compulsory residence at a CYCC	39	54	43
Postponement or suspension of the passing of a sentence	222	303	116
Imprisonment	62	110	27
TOTAL	407	545	221

[Source: DoJ&CD]

CIVIL RIGHTS AND FREEDOMS

Summary 1: Number and percentage of children who are registered after birth, and when such registration takes place

520. The Births and Deaths Registration Amendment Act, 2010 (Act No. 18 of 2010), provides for birth registration within 30 days of occurrence. According to data on birth registration released by Stats SA, there was an increase from 2016 to 2019. In 2020, however, there was a 9,2% decline in early registrations compared to 2019. To contain the spread and mitigate the negative impact of the coronavirus, national lockdown regulations, such as travel restrictions and closure of DHA offices, disrupted continuity of services such as birth registration. This resulted in an increase in late registrations of birth after 30 days but before the end of the year, rising from 12,6% in 2019 to 24,7% in 2020. This was due to the easing of lockdown regulations. Late birth registrations for those aged between 1 and 14 years constituted 3,1% of all registrations, whereas registrations of birth for persons aged 15 years and older constituted 1,3%, both the lowest levels since 2016.

Summary 2: Number and percentage of refugee children and children seeking asylum who are registered after birth

521. There are 13 395 asylum seeker minors on the records of the department, and 6 858 refugee children. All children born in the country hospitals are immediately registered, including those born outside hospitals and get reported during visits to health facilities. For disaggregation, refer to paragraph 37 below.

Summary 3: Number of children who are stateless

522. There are no children identified as stateless in South Africa.

Summary 4: Number of birth registration centres, particularly in rural and inaccessible areas

524. The DHA has 100 mobile offices, which it uses to reach areas where there are no DHA offices.

Table 12: Distribution of front offices in which birth registration service is rendered

Province	Rural	Urban	Grand total
EC	38	16	54
FS	11	9	20
GP	3	42	45
KZN	37	23	60
LP	30	13	43
MP	23	14	37
NC	11	5	16
NW	10	8	18
WC	15	13	28
GRAND TOTAL	178	143	321

[Source: DHA]

Table 13: Public/Private health facilities with DHA presence

Province	Private	Public	Grand total
EC	8	47	55
FS	5	27	32
GP	31	39	70
KZN	6	46	52
LP	2	45	47
MP	3	28	31
NC		28	28
NW	3	32	35
WC	11	30	41
GRAND TOTAL	69	322	391

[Source: DHA]

Table 14: Distribution of health facilities by type of facility

Province	Hospitals	Clinic	Community health centre	Grand total
EC	54		1	55
FS	26	3	3	32
GP	51	6	13	70
KZN	47	3	2	52
LP	38	5	4	47
MP	27	1	3	31
NC	18		10	28
NW	19	3	13	35
WC	27	7	7	41
GRAND TOTAL	307	28	56	391

[Source: DHA]

Table 15: Distribution of health facilities by type of geographical area

Province	Rural	Urban	Grand total
EC	37	18	55
FS	13	19	32
GP	1	69	70
KZN	28	24	52
LP	28	19	47
MP	19	12	31
NC	23	5	28
NW	26	9	35
WC	13	28	41
GRAND TOTAL	188	203	391

[Source: DHA]

Table 16: Total number of public health facilities with maternity wards

Province	Chc	Clinic	Hospital	Grand total
EC	32	27	72	131
FS	3	6	39	48
GP	33	3	27	63
KZN	22	299	79	400
LP	25	379	36	440
MP	50	58	29	137
NC	30	3	14	47
NW	46	53	19	118
WC	14		47	61
GRAND TOTAL	255	828	362	1 445

[Source: DHA]

Table 17: The number of schools equipped with information technologies (such as computer laboratories)

PROVINCES	ICT	
	No. of ICT School s	Amount budgeted
		R'000
EC	130	R8 390 250
FS	77	R15 459 648
GP	207	R33 276 500
KZN	139	R27 284 400
LP	106	R29 093 400
MP	165	R7 269 600
NC	39	R4 057 600
NW	100	R26 890 600
WC	97	R1 262 500
TOTAL	1 142	R152 984 498

[Source: DBE]

Tables 18: Number of children reported as victims of torture and other cruel, inhuman or degrading treatment or other forms of punishment

Table 18.1: Percentage of children aged 5 to 17 who suffered from bullying, violence, sexual abuse and harassment in schools by age, from 2016 to 2019

Bullying, violence, sexual abuse and harassment in schools by sex	Age 5-9	Age 10-14	Age 15-17
2016	10,3	12,1	11,1
2017	7,1	8,4	8,0
2018	6,1	7,4	6,6
2019	7,2	9,0	8,4

[Source: StatsSA]

Table 18.2: Percentage of children aged 5 to 17 who suffered from bullying, violence, sexual abuse and harassment in schools by sex, from 2016 to 2019

Bullying, violence, sexual abuse and harassment in schools by sex	2016	2017	2018	2019
Male	11,2	7,5	6,8	7,9
Female	11,2	8,2	6,7	8,4

[Source: StatsSA]

Table 18.3: Percentage of children aged 5 to 17 who suffered from bullying, violence, sexual abuse and harassment in schools by population group, from 2016 to 2019

Bullying, violence, sexual abuse and harassment in schools by sex	Black African	Coloured	Indian/Asian	White
2016	12,2	6,9	3,5	3,4
2017	8,4	5,8	4,0	1,9
2018	7,2	5,3	2,3	0,9
2019	8,9	3,8	1,5	3,0

[Source: StatsSA]

Table 19: Number of crimes against children reported during reporting period

Period	2016/2017	2017/2018	2018/2019	2019/2020
Murder	923	1061	1 014	943
Attempted murder	1028	1087	1 184	1 137
Assault (GBH)	8576	8342	7 815	7 506
Common assault	11053	11096	10 829	10 692
Sexual offences	21 543	21 900	24 387	22 070
TOTAL	43 120	43 456	45 229	42 348

[Source: SAPS]

Table 20: Summary of VFRs

Police stations	1 011
Satellite police stations	37
Contact points	1
International Airport	2
FCS units	46
TOTAL	1 097

[Source: SAPS]

Table 21: Number of dockets ready for trial and conviction rate

Periods	2016/2017	2017/2018	2018/2019	2019/2020
Dockets ready for trial for murder, all sexual offences, common assault and assault GBH	78,510% 29 681 from a total of 37 806	80,17% 27 580 from a total of 34 688	86,12% 31 597 from a total of 36 6881	91,36% 31 192 from a total of 34 142
Conviction rate	83,03%	81,07%	81,90%	80,32%

[Source: SAPS]

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Tables 22: Literacy rates of children and adults

Table 22.1: Literacy rates of children aged 15 to 17 by age, from 2016 to 2019

Highest level greater than Grade 7	Age 15	Age 16	Age 17
2016	85,9	91,6	95,5
2017	88,0	93,3	95,8
2018	89,5	92,9	95,6
2019	88,2	92,1	96,7

[Source: StatsSA]

Table 22.2: Literacy rates of children aged 15 to 17 by sex, from 2016 to 2019

Highest level greater than Grade 7	2016	2017	2018	2019
Male	88,0	89,9	90,9	88,8
Female	94,2	95,4	94,5	95,6

[Source: StatsSA]

Highest level greater than Grade 7	Black African	Coloured	Indian/Asian	White
2016	90,3	91,1	100,0	98,9
2017	92,1	92,2	100,0	98,0
2018	92,0	94,7	100,0	98,8
2019	91,8	89,6	100,0	99,0

Table 22.3: Literacy rates of children aged 15 to 17 by population group, from 2016 to 2019

[Source: StatsSA]

Tables 23: Literacy rates of adults

Table 23.1: Adults' literacy rates for adults aged 20 years and more by age, from 2016 to 2019

Highest level greater than Grade 7	20-24	25-29	30-34	35-39	40-44	45-49	50+
2016	96,3	95,5	93,6	91,9	87,5	82,1	60,1
2017	96,5	95,9	94,5	93,7	89,7	85,0	65,7
2018	96,6	96,0	95,3	94,2	90,1	85,7	67,4
2019	96,5	96,5	95,4	93,4	92,0	87,7	68,9

[Source: StatsSA]

Table 23.2: Adults' literacy rates for adults aged 20 years and more by sex, from 2016 to 2019

Highest level greater than Grade 7	2016	2017	2018	2019
Male	84,5	87,3	88,0	88,2
Female	81,3	85,4	86,1	87,3

[Source: StatsSA]

Table 23.3: Adults' literacy rates for adults aged 20 years and more by population group, from 2016 to 2019

Highest level greater than Grade 7	Black African	Coloured	Indian/Asian	White
2016	80,4	86,3	93,8	99,1
2017	84,3	88,2	93,8	98,8
2018	85,0	88,6	95,1	99,0
2019	85,8	89,6	96,7	99,7

[Source: StatsSA]

Tables 24: Dropout for primary and secondary schools

Table 24.1: Primary school dropout among children aged 5 to 13, including children with disabilities, girls and teenage mothers by age, from 2016 to 2019

Not attending	Age 5	Age 6	Age 7	Age 8	Age 9	Age 10	Age 11	Age 12	Age 13
2016	2,9	0,7	0,4	0,3	0,3	0,1	0,0	0,2	0,9
2017	1,6	0,7	0,3	0,5	0,2	0,1	0,4	0,1	0,5
2018	4,2	0,5	0,5	0,4	0,3	0,2	0,4	0,5	0,7
2019	3,3	0,7	0,2	1,1	0,2	0,2	0,3	0,7	1,6

[Source: StatsSA]

Table 24.2: Primary school dropout among children aged 5 to 13, including children with disabilities, girls and teenage mothers by gender, from 2016 to 2019

Not attending	2016	2017	2018	2019
Male	0,3	0,4	0,5	0,8
Female	0,5	0,3	0,5	0,5

[Source: StatsSA]

Table 24.3: Primary school dropout among children aged 5 to 13, including children with disabilities, girls and teenage mothers by population group, from 2016 to 2019

Not attending	Black African	Coloured	Indian/Asian	White
2016	0,4	0,4	0,0	0,0
2017	0,3	0,7	1,8	0,0
2018	0,4	1,2	0,0	0,0
2019	0,5	1,7	2,9	1,3

[Source: StatsSA]

Table 24.4: Secondary school dropout among children aged 14 to 17, including children with disabilities, girls and teenage mothers by age, from 2016 to 2019

Not attending	Age 14	Age 15	Age 16	Age 17
2016	1,0	2,6	4,8	8,4
2017	0,7	1,6	2,1	7,4
2018	0,9	1,3	2,9	5,8
2019	0,9	1,6	3,3	6,3

[Source: StatsSA]

Table 24.5: Secondary school dropout among children aged 14 to 17, including children with disabilities, girls and teenage mothers by gender, from 2016 to 2019

Not attending	2016	2017	2018	2019
Male	3,7	2,4	2,2	2,8
Female	4,2	3,5	2,9	2,7

[Source: StatsSA]

Table 24.6: Secondary school dropout among children aged 14 to 17, including children with disabilities, girls and teenage mothers by population group, from 2016 to 2019

Not attending	Black African	Coloured	Indian/Asian	White
2016	3,6	8,4	2,3	2,6
2017	2,6	8,7	0,0	1,1
2018	2,1	5,4	0,0	7,4
2019	2,3	9,2	0,0	1,8

[Source: StatsSA]

Tables 25: Children attending Early Childhood Education

Table 25.1: Children attending Early Childhood Education, including children with disabilities by age, from 2016 to 2019

ECD Attendance	Age 0	Age 1	Age 2	Age 3	Age 4	Age 5	Age 6
2016	15,4	24,7	37,9	51,4	70,9	87,0	86,5
2017	15,2	28,9	39,0	52,8	71,6	86,3	86,4
2018	18,0	29,4	41,6	57,0	70,2	84,7	91,2
2019	10,5	23,3	36,7	57,5	74,4	91,9	91,3

[Source: StatsSA]

Table 25.2: Children attending Early Childhood Education, including children with disabilities by sex, from 2016 to 2019

Not attending	2016	2017	2018	2019
Male	51,1	50,7	51,0	51,2
Female	48,9	49,3	49,0	48,8

[Source: StatsSA]

Table 25.3: Children attending Early Childhood Education, including children with disabilities by population group, from 2016 to 2019

ECD Attendance	Black African	Coloured	Indian/Asian	White
2016	53,1	43,6	50,5	64,3
2017	50,9	47,9	44,2	71,4
2018	52,0	48,0	58,6	71,7
2019	51,5	46,0	48,2	69,0

[Source: StatsSA]

Table 26: Progress made with life expectancy at birth, childhood and maternal mortalities in South Africa

2019 target	Baseline 2014	Recent figures	Data source
Life expectancy of at least 65 years by 2019	62,9 years	64,8 years (2018)	Rapid Mortality Surveillance (RMS) Report 2018
Life expectancy of at least 61,5 years amongst males by March 2019	60,0 years	61,9 years (2018)	RMS Report 2018
Life expectancy of at least 67 years amongst females by March 2019	65,8 years	67,9 years (2017)	RMS Report 2018
33 under five deaths per 1 000 live births	39 under five deaths per 1 000 live births	34 deaths per 1 000 live births (2018)	RMS Report 2018
8 neonatal deaths per 1 000 live births	14 neonatal deaths per 1 000 live births	11 deaths per 1 000 live births (2018)	RMS Report 2018
23 infant deaths per 1 000 live births (15% decrease)	28 infant deaths per 1 000 live births (25% decrease)	25 deaths per 1 000 live births (2018)	RMS Report 2018
<100 maternal deaths per 100 000 live births by March 2019	269 maternal deaths per 100 000 live births (2010 data)	134 deaths per 100 000 live births (2017)	RMS Report 2018

[Source: Department of Health]

Tables 27: The percentage of households without access to hygienic sanitation facilities and access to drinking water

Table 27.1: Percentage of households with children aged 0 to 17 without access to water by age, from 2016 to 2019

Households without access to water	Age 0-4	Age 5-9	Age 10-14	Age 15-17
2016	7,6	7,2	7,8	7,7
2017	9,6	9,8	9,9	10,7
2018	9,4	10,0	10,2	9,8
2019	10,2	11,4	10,3	10,6

[Source: StatsSA]

Table 27.2: Percentage of households with children aged 0 to 17 without access to water by sex, from 2016 to 2019

Households without access to water	2016	2017	2018	2019
Male	7,8	10,0	10,1	10,7
Female	7,3	9,8	9,6	10,5

[Source: StatsSA]

Table 27.3: Percentage of households with children aged 0 to 17 without access to water by population group, from 2016 to 2019

Households without access to water	Black African	Coloured	Indian/Asian	White
2016	8,7	0,5	0,5	1,3
2017	11,5	0,2	0,0	2,1
2018	11,2	1,3	0,8	2,8
2019	12,1	1,9	1,0	2,4

[Source: StatsSA]

Table 27.4: Percentage of households with children aged 0 to 17 without access to hygienic sanitation facilities by age, from 2016 to 2019

Households without access to hygienic sanitation facilities	Age 0-4	Age 5-9	Age 10-14	Age 15-17
2016	4,2	4,1	3,7	3,6
2017	3,4	3,0	2,8	2,3
2018	2,9	2,8	2,8	2,6
2019	2,3	1,7	2,0	2,2

[Source: StatsSA]

Table 27.5: Percentage of households with children aged 0- to 17 without access to hygienic sanitation facilities by sex, from 2016 to 2019

Households without access to hygienic sanitation facilities	2016	2017	2018	2019
Male	4,0	2,8	2,7	2,1
Female	3,9	3,1	3,0	2,0

[Source: StatsSA]

Table 27.6: Percentage of households with children aged 0 to 17 without access to hygienic sanitation facilities by population group, from 2016 to 2019

Households without access to hygienic sanitation facilities	Black African	Coloured	Indian/Asian	White
2016	4,5	1,8	0,0	0,2
2017	3,3	1,2	0,0	0,2
2018	3,0	3,2	0,0	0,0
2019	2,2	2,1	0,0	0,0

[Source: StatsSA]

Table 28: Percentage of one-year-olds fully immunised for tuberculosis, diphtheria, pertussis, polio and measles

period	Immunisation under one year coverage	Measles second dose coverage	Measles first dose under one year coverage	OPV 0 under one year coverage	OPV first dose under one year coverage	DTaP-IPV-Hib-HBV first dose coverage	DTaP-IPV-Hib-HBV second dose coverage	DTaP-IPV-Hib-HBV 3rd dose coverage	DTaP-IPV-Hib-HBV 4th dose coverage	BCG dose coverage	Td dose at 12 years coverage	Td dose at 6 years coverage
2016	71,3	82,7	88,2	0	82,5	76	0	72,3	57,3	78,7	12	36,3
2017	74,6	77,6	81,4	0	20,4	85,1	0	84,1	63,8	74,9	20,7	37
2018	81,8	76	81,8	0	0	86,1	0	83,8	65,6	71,4	16,9	31,4
2019	83,2	79	83,4	0	0	86,7	0	85,1	65,8	84,2	15,2	31
2020	80,1	76,4	83,9	29,8	55	87,8	51,8	83,7	63,1	86,5	16,7	34,5
2021	34,4	34,2	35,4	19,3	32,5	37,7	33,4	33,2	27,1	35,2	6,9	14,5

[Source: Department of Health]

Table 29: Under one coverage

Data name	Apr 2016 to Mar 2017	Apr 2017 to Mar 2018	Apr 2018 to Mar 2019	Apr 2019 to Mar 2020	Apr 2020 to Mar 2021
Immunisation under one year coverage	70,9	76,9	81,9	83,5	79,5
Measles first dose under one year coverage	85,5	81,3	81,8	83,5	84,3

[Source: Department of Health]

Table 30: Proportion of pregnant women who have access to, and benefit from, prenatal and postnatal health care

Period	Antenatal first visit total	Antenatal first visit coverage	Antenatal first visit before 20 weeks rate	Antenatal client already on ART at first visit rate
2016	966521	74	64,7	45,8
2017	1004155	76,6	66	55,7
2018	1053493	79,7	67,8	61,6
2019	1098976	82,5	69,7	66,9
2020	1132749	84,8	68,4	71,5
2021	472726	35,5	67,1	72,5

[Source: Department of Health]

Table 31: Mother postnatal visit within six days rate

Data name	Apr 2016 to Mar 2017	Apr 2017 to Mar 2018	Apr 2018 to Mar 2019	Apr 2019 to Mar 2020	Apr 2020 to Mar 2021
Mother postnatal visit within 6 days rate	70,5	75,1	76,5	80,2	76,6

[Source: Department of Health]

Table 32: The proportion of pregnant women provided with HIV PMTCT services and the percentage of children born with HIV

Data name	Apr 2016 to Mar 2017	Apr 2017 to Mar 2018	Apr 2018 to Mar 2019	Apr 2019 to Mar 2020	Apr 2020 to Mar 2021
Antenatal first visit before 20 weeks rate	65,2	66,6	68,1	69,8	67,9
Antenatal first visit coverage	74,8	77,2	80,8	83,1	83,9
Antenatal client HIV first test positive rate	13,7	12,1	10,5	8,8	7,8
Antenatal client HIV re-test positive rate	0,93	0,65	0,59	0,42	0,35
Antenatal client start on ART rate	95,1	94	95,8	96,5	94,9

[Source: Department of Health]

Table 33: Infant PCR test positive rate

Data name	Apr 2016 to Mar 2017	Apr 2017 to Mar 2018	Apr 2018 to Mar 2019	Apr 2019 to Mar 2020	Apr 2020 to Mar 2021
Infant first PCR test positive at birth rate	0,96	0,66	0,59	0,55	0,54
Infant PCR test positive around 10 weeks rate	1,3	0,9	0,74	0,68	0,58

[Source: Department of Health]

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Table 34: Services and programmes aimed at rendering appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the number and percentage of children and families that benefit from these services and programmes

INTERVENTION	OUTCOME
Section 21 Mediation(s)	9 220 cases were mediated and certificates of outcomes were issued during 2018/2019 financial year. 10 230 children benefited from this mediation service.
Section 22 Mediation(s)	1 408 cases were mediated and 1 214 Parental Responsibilities and Rights Agreements were issued.
Section 33 Mediations	5 738 cases were mediated with 4 200 Parenting Plans being issued.

[Source: DOJ&CD]

Table 35: The number of institutions responsible for providing care of children and the number of children accessing these institutions

PROVINCE	Reception and temporary safe care of children pending their placement		Reception, care and development of children other than in their family environment		Reception, development and secure care of children with behavioural, psychological and emotional difficulties	Total number of facilities
	Government	Private	Government	Private		
EC	4	0	0	20	1	25
Free State	2	09	2	36	2	51
Gauteng	7	0	1	161	2	171
KZN	6	6	1	52	1	66
Limpopo	1	4	5	11	0	21
Mpumalanga	0	9	1	11	1	22
Northern Cape	1	4	0	6	0	11
North West	0	5	1	3	1	10
Western Cape	6	8	0	50	1	65
TOTAL	27	45	11	350	9	442
OVERALL TOTAL	72 TSC		361 CH		9 SOI	

[Source: DSD]

Table 36: Number of children accessing CYCCs

PROVINCE	Reception and Temporary safe care of children pending their placement	Reception, care and development of children other than in their family environment	Reception, development and secure care of children with behavioural, psychological and emotional difficulties
EC	118	1109	10
Free State	207	903	237
Gauteng	533	3 633	75
KZN	376	2 705	46
Limpopo	135	722	0
Mpumalanga	136	753	50
Northern Cape	110	304	0
North West	137	533	69
Western Cape	625	1 637	64
TOTAL	2 377	11 766	551

[Source: DSD]

PROTECTION OF CHILDREN IN THE MOST VULNERABLE SITUATIONS

Tables 37: Children with disabilities

Table 37.1: Children 0 to 17 years old living with disabilities by family structure and provinces in 2019

Living arrangements	WC	EC	NC	FS	KZN	NW	GP	MP	LP	RSA
Lives with mother only	31,6	41,2	40,6	43,5	50,4	41,2	32,3	49,8	44,8	41,3
Lives with father only	4,4	4,3	4,5	1,4	4,8	3,7	2,9	1,9	1,7	3,3
Lives with both parents	49,9	12,9	32,4	36,5	16,0	28,0	52,5	18,3	25,3	30,0
Lives with neither parent	14,2	41,6	22,5	18,7	28,8	27,0	12,3	30,0	28,2	25,4
South Africa	64	165	40	46	176	100	237	63	171	1 062
	6,0	15,6	3,8	4,3	16,6	9,4	22,3	5,9	16,1	100,0

[Source: GHS_2019]

Table 37.2: Gender

Living arrangements	Male	Female
Lives with mother only	52,1	47,9
Lives with father only	56,4	43,6
Lives with both parents	52,6	47,4
Lives with neither parent	54,1	46,0
South Africa	52,9	47,1
	562	500

[Source: GHS_2019]

Table 37.3: Population group

Living arrangements	Black African	Coloured	Indian/Asian	White	Total
Lives with mother only	42,9	31,4	14,9	23,7	41,3
Lives with father only	3,4	2,3	0,0	4,3	3,3
Lives with both parents	27,2	45,7	72,7	71,9	30,0
Lives with neither parent	26,5	20,6	12,4	0,0	25,4
	100,0	100,0	100,0	100,0	100,0
South Africa	951	76	13	21	1 062
	89,6	7,2	1,3	2,0	100,0

[Source: GHS_2019]

Table 37.4: Age

Living arrangements	Age													Total
	5	6	7	8	9	10	11	12	13	14	15	16	17	
Lives with mother only	44,8	40,6	43,3	40,5	40,0	41,1	28,5	52,4	29,5	43,5	23,8	47,8	33,2	41,3
Lives with father only	3,7	3,4	2,7	4,6	0,0	0,0	10,2	3,4	5,5	1,2	1,8	0,7	4,0	3,3
Lives with both parents	27,1	32,8	28,4	30,6	29,2	35,2	38,0	17,8	45,3	16,1	33,0	31,0	29,4	30,0
Lives with neither parent	24,4	23,2	25,6	24,3	30,8	23,7	23,3	26,5	19,8	39,2	41,5	18,5	33,4	25,4
South Africa	277	222	141	97	71	54	43	27	31	33	17	23	25	1 062
	26,13	20,92	13,27	9,14	6,68	5,13	4,08	2,53	2,87	3,11	1,62	2,17	2,34	100

[Source: GHS_2019]

Table 37.5: Geographical area

Living arrangements	Geographical area		Total
	Urban	Rural	
Lives with mother only	37,6	45,5	41,3
Lives with father only	4,7	1,8	3,3
Lives with both parents	41,4	17,3	30,0
Lives with neither parent	16,3	35,5	25,4
South Africa	559	503	1 062
	52,6	47,4	100,0

[Source:
GHS_2019]

Tables 38: Children 0 to 17 years old living with disabilities by family structure and provinces in 2018

Living arrangements	Province									Total
	WC	EC	NC	FS	KZN	NW	GP	MP	LP	
Lives with mother only	25,1	32,7	49,0	40,2	51,5	53,5	37,6	32,3	55,5	43,7
Lives with father only	4,0	2,4	0,0	1,4	6,5	1,7	2,1	1,0	2,9	3,0
Lives with both parents	61,4	27,9	25,8	35,6	20,4	25,9	52,3	51,8	20,7	33,4
Lives with neither parent	9,5	37,0	25,2	22,8	21,6	19,0	8,1	14,9	21,0	19,8
South Africa	50	103	20	35	137	80	132	50	139	746
	6,7	13,8	2,6	4,6	18,3	10,7	17,7	6,8	18,7	100,0

[Source: GHS_2018]

Table 38.1: Gender

Living arrangements	Gender		Total
	Male	Female	
Lives with mother only	51,3	48,7	43,7
Lives with father only	67,4	32,6	3,0
Lives with both parents	52,1	47,9	33,4
Lives with neither parent	58,8	41,2	19,8
South Africa	399	346	746
	53,5	46,5	100,0

[Source: GHS_2018]

Table 38.2: Population group

Living arrangements	Population group				Total
	Black African	Coloured	Indian/Asian	White	
Lives with mother only	46,8	26,0	25,3	17,4	43,7
Lives with father only	2,9	6,2	0,0	2,0	3,0
Lives with both parents	29,3	49,9	71,8	74,5	33,4
Lives with neither parent	21,0	18,0	2,9	6,1	19,8
South Africa	651	47	10	38	746
	87,4	6,3	1,3	5,1	100,0

[Source: GHS_2018]

Table 38.3: Age

Living arrangements	Age													Total
	5	6	7	8	9	10	11	12	13	14	15	16	17	
Lives with mother only	46,7	48,2	38,4	35,0	39,2	51,1	41,1	49,8	47,0	47,2	40,8	32,4	30,4	43,7
Lives with father only	2,7	1,2	3,7	3,6	1,5	2,7	7,5	0,0	7,7	0,0	8,0	3,1	12,0	3,0
Lives with both parents	29,7	38,2	35,7	45,1	25,8	31,1	33,3	30,5	18,2	41,7	27,2	22,8	32,2	33,4
Lives with neither parent	20,9	12,3	22,3	16,2	33,6	15,2	18,1	19,7	27,2	11,1	23,9	41,7	25,4	19,8
South Africa	232	145	84	75	45	43	21	18	13	14	19	17	18	746
	31,1	19,5	11,3	10,1	6,1	5,8	2,9	2,4	1,7	1,9	2,6	2,2	2,4	100,0

[Source: GHS_2018]

Table 38.4: Geographical area

Living arrangements	Geographical area		Total
	Urban	Rural	
Lives with mother only	37,7	50,0	43,7
Lives with father only	3,4	2,6	3,0
Lives with both parents	45,6	20,9	33,4
Lives with neither parent	13,3	26,6	19,8
South Africa	380	366	746
	50,9	49,1	100,0

[Source: GHS_2018]

Tables 39: Children 0 to 17 years old living with disabilities by family structure and provinces in 2017

Living arrangements	Province									RSA
	WC	EC	NC	FS	KZN	NW	GP	MP	LP	
Lives with mother only	36,6	37,3	57,0	29,9	54,3	39,3	33,6	49,3	44,7	42,1
Lives with father only	1,6	1,9	0,0	2,8	3,0	5,0	2,9	4,0	2,7	2,8
Lives with both parents	45,9	24,8	26,1	51,8	20,3	24,1	50,5	33,9	26,4	33,2
Lives with neither parent	16,0	35,9	16,9	15,5	22,4	31,7	13,0	12,8	26,2	21,9
Total	56	104	24	30	148	69	170	50	98	750
	7,5	13,9	3,2	4,0	19,8	9,2	22,6	6,7	13,0	100,0

[Source: GHS_2017]

Table 39.1: Gender

Living arrangements	Gender	
	Male	Female
Lives with mother only	49,4	50,6
Lives with father only	56,9	43,1
Lives with both parents	52,9	47,1
Lives with neither parent	52,8	47,2
Total	387	363
	51,5	48,5

[Source: GHS_2017]

Table 39.2: Population group

Living arrangements	Population group			
	Black African	Coloured	Indian/Asian	White
Lives with mother only	44,4	36,6	10,1	10,8
Lives with father only	2,8	1,4	0,0	6,9
Lives with both parents	29,5	42,1	89,9	79,4
Lives with neither parent	23,3	19,9	0,0	2,8
Total	663	46	12	29
	88,4	6,2	1,5	3,9

[Source: GHS_2017]

Table 39.3: Age

Living arrangements	Age													Total
	5	6	7	8	9	10	11	12	13	14	15	16	17	
Lives with mother only	42,9	46,5	38,8	45,9	42,9	35,0	52,4	42,7	21,3	33,1	25,9	27,2	32,6	42,1
Lives with father only	2,8	1,6	2,4	5,1	0,0	4,0	0,0	7,3	12,4	5,4	0,0	3,8	5,5	2,8
Lives with both parents	37,0	30,3	35,9	25,6	32,7	36,5	24,7	27,5	33,3	20,2	49,6	36,2	30,6	33,2
Lives with neither parent	17,3	21,6	22,9	23,4	24,4	24,4	23,0	22,5	33,0	41,4	24,5	32,9	31,5	21,9
South Africa	241	154	104	69	49	39	22	14	11	13	4	18	13	750
	32,1	20,5	13,8	9,2	6,5	5,1	3,0	1,9	1,5	1,8	0,6	2,4	1,7	100,0

[Source: GHS_2017]

Tables 40: Children 0 to 17 years old living with disabilities by family structure and provinces in 2016

Living arrangements	Province									Total
	WC	EC	NC	FS	KZN	NW	GP	MP	LP	
Lives with mother only	29,7	40,9	42,7	31,0	51,0	44,5	35,1	46,1	50,7	42,1
Lives with father only	5,0	2,1	2,3	0,0	7,0	1,6	3,4	3,6	1,8	3,3
Lives with both parents	57,7	21,1	39,1	47,0	18,1	31,7	51,1	33,8	22,1	33,8
Lives with neither parent	7,6	35,9	16,0	22,0	24,0	22,2	10,5	16,5	25,5	20,8
South Africa	58	130	25	41	142	68	205	45	135	848
	6,8	15,3	3,0	4,8	16,8	8,0	24,2	5,3	15,9	100,0

[Source: GHS_2016]

Table 40.1: Gender

Living arrangements	Gender		Total
	Male	Female	
Lives with mother only	50,4	49,6	42,1
Lives with father only	64,4	35,6	3,3
Lives with both parents	49,1	50,9	33,8
Lives with neither parent	52,5	47,5	20,8
South Africa	431	417	848
	50,9	49,1	100,0

[Source: GHS_2016]

Table 40.2: Population group

Living arrangements	Population group				Total
	Black African	Coloured	Indian/Asian	White	
Lives with mother only	44,5	34,6	22,4	13,7	42,1
Lives with father only	3,3	3,0	0,0	5,1	3,3
Lives with both parents	29,8	45,0	74,7	79,8	33,8
Lives with neither parent	22,4	17,4	2,9	1,4	20,8
South Africa	742	54	15	38	848
	87,5	6,4	1,7	4,4	100,0

[Source: GHS_2016]

Table 40.3: Age

Living arrangements	Age													Total
	5	6	7	8	9	10	11	12	13	14	15	16	17	
Lives with mother only	44,2	38,9	42,8	48,6	37,8	43,8	33,0	32,1	55,2	51,7	21,8	35,0	39,4	42,1
Lives with father only	2,6	4,2	4,1	1,0	3,6	4,2	4,8	6,5	0,0	0,0	4,6	8,9	4,1	3,3
Lives with both parents	35,0	35,3	33,9	32,9	25,6	33,5	45,1	22,8	26,3	27,8	48,1	21,0	26,9	33,8
Lives with neither parent	18,1	21,6	19,3	17,6	33,1	18,5	17,1	38,6	18,5	20,5	25,5	35,1	29,6	20,8
South Africa	282	194	109	78	46	29	23	9	16	12	12	18	19	848
	33,3	22,9	12,9	9,2	5,4	3,5	2,7	1,0	1,9	1,4	1,5	2,1	2,3	100,0

[Source: GHS_2016]

Table 40.4: Geographical area

Living arrangements	Geographical area		Total
	Urban	Rural	
Lives with mother only	38,8	46,5	42,1
Lives with father only	3,8	2,7	3,3
Lives with both parents	44,1	20,4	33,8
Lives with neither parent	13,4	30,4	20,8
South Africa	479	370	848
	56,4	43,6	100,0

[Source: GHS_2016]

Tables 41: Number of children with disabilities attending regular schools vis-à-vis those attending special schools and those not attending school

Table 41.1: Children 0 to 17 years old living with disabilities attending school from 2016 to 2019

Children with disabilities attending school				
Gender	2019	2018	2017	2016
Male	53,3	52,4	51,7	51,4
Female	46,7	47,6	48,3	48,7
South Africa	947 708	664 375	662 905	751 984

[Source: General Household Survey]

Table 41.2: Population group

Education institutions	Statistics	Population				Total
		Black African	Coloured	Indian/Asian	White	
2019	Number	855 788	61 082	9 476	21 360	947 708
	Percent	90,3	6,5	1,0	2,3	100,0
2018	Number	583 034	35 258	8 579	37 504	664 375
	Percent	87,8	5,3	1,3	5,7	100,0
2017	Number	589 154	38 039	10 438	25 274	662 905
	Percent	88,9	5,7	1,6	3,8	100,0
2016	Number	662 534	43 454	12 734	33 262	751 984
	Percent	88,1	5,8	1,7	4,4	100,0

[Source: General Household Survey]

Table 41.3: Age

Education institutions	Statistics	Age													Total
		5	6	7	8	9	10	11	12	13	14	15	16	17	
2019	Number	230 800	203 481	133 970	93 264	66 993	51 551	42 337	24 755	28 292	27 738	12 381	16 353	15 793	947 708
	Percent	24,4	21,5	14,1	9,8	7,1	5,4	4,5	2,6	3,0	2,9	1,3	1,7	1,7	100,0
2018	Number	181 616	141 216	86 083	72 776	46 094	31 964	19 993	16 486	10 936	14 769	15 323	12 678	14 443	664 375
	Percent	27,3	21,3	13,0	11,0	6,9	4,8	3,0	2,5	1,7	2,2	2,3	1,9	2,2	100,0
2017	Number	191 945	143 970	102 622	67 052	45 127	37 637	18 545	13 287	11 307	9 525	1 407	11 905	8 577	662 905
	Percent	29,0	21,7	15,5	10,1	6,8	5,7	2,8	2,0	1,7	1,4	0,2	1,8	1,3	100,0
2016	Number	231 617	182 079	108 032	73 447	44 933	28 667	20 525	8 301	14 204	9 566	6 819	9 673	14 120	751 984
	Percent	30,8	24,2	14,4	9,8	6,0	3,8	2,7	1,1	1,9	1,3	0,9	1,3	1,9	100,0

[Source: General Household Survey]

Table 41.4: Geographical area

	Statistics	Geographical Area		RSA
		Urban	Rural	
2019	Number	492 791	454 917	947 708
	Percent	52,0	48,0	100,0
2018	Number	332 397	331 978	664 375
	Percent	50,0	50,0	100,0
2017	Number	368 331	294 574	662 905
	Percent	55,6	44,4	100,0
2016	Number	426 433	325 551	751 984
	Percent	56,7	43,3	100,0

[Source: General Household Survey]

Table 42: The number of refugee children, children seeking asylum and internally displaced children

Section 24 permits

Country	Cape Town	Desmond Tutu	Durban	Musina	Port Elizabeth	Grand total
FEMALE						
Angola	2					2
Benin			1			1
Burundi	128	25	191			344
Cameroon	24					24
Congo	99	209	72		3	383
DRC	1 353	769	1 196		1	3 319
Egypt		1				1
Eritrea	3	100	31		1	135
Estonia		1				1
Ethiopia	44	352	141		51	588
Iraq		1				1
Ivory Coast	2	2				4
Kenya	8					8
Liberia		2	1			3
Palestine		7				7
Rwanda	87	12	21			120
Sierra Leone					2	2
Somalia	554	509	101	14	192	1 370
Sri Lanka			1			1
Sudan	1	6				7
Syria		2	4			6
Tanzania	3		3			6
Togo	1					1
Turkey	1					1
Uganda	10	1	3			14
Zambia	3	2	1			6
Zimbabwe	225	5	15	1	2	248
MALE						
Angola	2					2
Bangladesh	1				1	2
Benin			1			1
Burundi	121	24	199		2	346
Cameroon	23	1				24
Central African Republic		1				1

Congo	101	206	77		7	391
DRC	1 337	791	1 159	3	5	3 295
Egypt		1				1
Eritrea		97	28			125
Ethiopia	56	393	154		54	657
India		1				1
Iraq		1				1
Ivory Coast	2	1				3
Kenya	10	1				11
Liberia		1	2			3
Pakistan		2				2
Palestine		5				5
Rwanda	94	9	32			135
Sierra Leone	1	1			1	3
Somalia	625	568	105	13	198	1 509
Sri Lanka		3				3
Sudan		3				3
Syria		2	3			5
Tanzania			3			3
Togo	5					5
Uganda	5	1	2			8
Ukraine	1					1
Zambia	3		1			4
Zimbabwe	223	13	4		2	242
Grand total	5 158	4 132	3552	31	522	13 395

[Source: DHA]

Section 22 permits

Gender/Country	Cape Town	Desmond Tutu	Durban	Musina	Port Elizabeth	Grand total
FEMALE	938	1 080	1 356	96	30	3 500
Afghanistan		4				4
Angola		2				2
Bangladesh		8			1	9
Burundi	65	27	227	16	1	336
Cameroon	12	9	2	1		24
Congo	42	147	55		1	245
DRC	670	556	832	67	2	2 127
Eritrea		7	8	2		17
Ethiopia	1	94	69	7	2	173
Ghana			1			1

India	2	8	11		1	22
Iraq		3				3
Kenya	5	15			1	21
Liberia			3			3
Malawi	6	8	6			20
Mozambique		3	2			5
Niger	1	2				3
Nigeria	17	27	16	3		63
Pakistan	2	6	8			16
Rwanda	25	16	19			60
Somalia	2	14	3		1	20
Tanzania	1	3	6			10
Uganda	2	14	2		4	22
Zambia	5	3	5			13
Zimbabwe	76	104	81		14	275
Mali	1					1
Syria	3					3
Turkey					2	2
MALE	898	1 029	1 316	82	31	3 356
Afghanistan		2				2
Algeria		1				1
Angola	1	1				2
Bangladesh	7	13	2		5	27
Burkina Faso		1				1
Burundi	60	23	220	12	1	316
Cameroon	7	6	1	1		15
Congo	42	150	46			238
DRC	603	539	808	56	2	2 008
Eritrea	1	8	9	2		20
Ethiopia	2	93	62	6	8	171
Ghana	1	2	1			4
India	3	17	15		1	36
Ivory Coast		2				2
Kenya	6	13	4			23
Liberia		3				3
Libya		1				1
Malawi	7	9	12			28
Mozambique			6			6

Nigeria	17	22	4	2		45
Pakistan		13	7			20
Rwanda	41	15	27			83
Somalia	1	19	6		3	29
Tanzania	2		9			11
Uganda	1	6	1	2		10
Yemen		2				2
Zambia			2			2
Zimbabwe	95	68	73	1	10	247
Mali	1					1
Jordan					1	1
Egypt			1			1
Grand total	1 836	2 109	2 672	178	61	6 856

[Source: DHA]

Table 43: Number of children living in prison with their mothers and their average age

Financial year	Number (as at 31 March)
2016/2017	62
2017/2018	84
2018/2019	81
2019/2020	67
2020/2021	47 (third quarter)

[Source: DCS Incarceration and Corrections]

Summary 5: Number and percentage of children involved in child labour

525. In terms of the SAYP results released on 16 March 2017, of the 1,12 million South African children between the ages of seven and 17 years, 577 000 were involved in child labour in 2015. The survey showed that about 81 000 of the children involved in child labour appeared to be doing work prohibited by the Basic Conditions of Employment Act, 1997. The survey further showed that in 2015, more boys were engaged in economic activity (22,3%) compared with girls (20,9%). Both sexes experienced decreases, with the largest among girls at 3,6 percentage points.

526. Furthermore, in terms of cases reported and investigated by the Department, a total of 27 children were found to be employed in the agricultural sector in the Free State. Out of the 27 children found, two were females of the age of 14 years (7%) and 12 were males (45,44%). The boys were between the ages of 14 and 15 years. In KZN, one 11-year-old boy was found to be working in the tourism and hospitality sector. The case is still pending as the company is temporary closed down due to Covid-19 impact.

Table 44: Cases of child exploitation
2019

No	Case details
1	10-year-old trafficked from Mozambique for sexual exploitation
2	12-year-old trafficked for sexual exploitation
3	11-year-old trafficked for sexual exploitation
4	12-year-old trafficked from Zimbabwe for sexual exploitation
5	16-year-old trafficked from Mozambique for schooling, used in domestic servitude and sexual exploitation
6	15-year-old trafficked from Lesotho, worked in a tavern then used in sexual exploitation
7	10-year-old trafficked from Mozambique to marry older man as repayment for her sister running away from the older man, subsequent sexual exploitation
8	15-year-old trafficked from Lesotho for better education, used for sexual exploitation by several men
9	15-year-old trafficked from Lesotho for domestic servitude
10	12-year-old trafficked from Lesotho for domestic servitude

2020

No	Case details
1	Three children trafficked for sexual exploitation
2	16-year-old trafficked for sexual exploitation
3	17-year-old trafficked for sexual exploitation
4	14-year-old trafficked for substance distribution
5	Five children trafficked for sexual exploitation
6	14-year-old trafficked for sexual exploitation
7	11-year-old trafficked for sexual exploitation
8	Twin children sold to support mother's drug habit
9	17-year-old trafficked by convicted paedophile for drug peddling and sexual exploitation
10	14-year-old trafficked for drug distribution and sexual exploitation
11	Five children sold for sexual exploitation to support parents
12	14-year-old used by 41-year-old in sexual exploitation
13	Three children, aged 7, 9 and 11, trafficked for sexual exploitation
14	13-year-old trafficked for sexual exploitation
15	12-year-old trafficked by 59-year-old man for sexual exploitation
16	14-year-old trafficked from Mozambique for marriage, used in sexual exploitation
17	12- to 16-year-old children trafficked to South Africa by one family for domestic servitude and sexual exploitation
18	16-year-old trafficked for sexual exploitation
19	12-year-old trafficked into forced marriage

20	15-year-old trafficked for purposes of drug distribution and sexual exploitation
21	15-year-old male trafficked from Zambia for sexual exploitation, specifically for foreign tourists
22	15-year-old trafficked for drug distribution, sexual exploitation and house breaking
23	17-year-old trafficked for sexual exploitation
24	14-year-old trafficked for domestic servitude
25	12-year-old Zimbabwean trafficked for marriage and sexual exploitation

2021

No	Case Details
1	Mother sold her two children to foreign nationals to support her drug habit, children used in sexual exploitation
2	Five girls (10 to 14 years old) trafficked and used as sex slaves
3	15-year-old trafficked for sexual exploitation and cult practices
4	Mother using two daughters for sexual exploitation and online sexual exploitation
5	17 minors trafficked from Zimbabwe to beg on streets
6	14-year-old trafficked from Mozambique for domestic servitude
7	16-year-old trafficked in the Republic for sexual exploitation

[Source: DSD, cases referred by the SAPS or the SA Resource Line]

Summary 6: Children in drug abuse who have benefited from rehabilitation programmes
527. A total of 4 844 children who attended rehabilitation programmes

HARMFUL PRACTICES

Summary 7: Number of children in child marriages

528. The DHA does not have a record of child marriages. If such marriages occur or have occurred, they take place or have taken place illegally; hence, there are no statistics of child marriages. It is known that there is a legislated process that require Ministerial approval, and the DHA does not get such requests for registration.

CHILD JUSTICE

Table 45: Number of children legally represented by Legal Aid SA during preliminary enquires

Year	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021
Number of children legally represented	2 672	3 336	3 441	4 049	4 146	3 984	2 730	1 208

[Source: DoJ&CD]

Table 46: Legal presentation when appearing before a child justice court.

Year	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Number of children legally represented	22 376	15 295	11 689	11 652	11 978	11 378	10 141	9 486	7 781	4 988

Table 47: Children referred to diversion programmes

PROGRAMMES	GENDER	
	MALES	FEMALES
Life Skills	3 956	1 163
Sexual Offender	811	40
Anti-Substance Abuse	3 543	142
Restorative Justice	647	358
After Care	902	140
Anger Management	602	194
Other: Community Service	518	63
Other: Formal Caution	914	31
Other: Peer Association	205	42
Other: Assignment	77	176
Other: VOM	676	49
Other: Supervision and Guidance	1 024	165
Other	2 971	483
Total	16 846	3 046
GRAND TOTAL	19 892	

[Source: DSD]

Tables 48: The number of institutions specifically for children accused of infringing the penal law and the number of children in these institutions

Table 48.1: Facilities that detained RDs as at 31 March 2017

Eastern Cape Facilities	RD Children
Cradock	5
Port Elizabeth	35
Grand Total	40
Gauteng Facilities	Remand
Johannesburg Med. A	1
Krugersdorp	2
Pretoria Local	2
Grand Total	5
Free State and Northern Cape (FSNC) Facilities	Remand
Grootvlei Max	4
Kimberley	4
Kroonstad Youth	7
Kroonstad Med. B	1
Odendaalsrus	6
Sasolburg	3
Grand Total	25

Limpopo, Mpumalanga and North West (LMN) Facilities	RD Children
Mogwase	1
Thohoyandou Female	2
Grand Total	3

Western Cape Facilities	Remand
Pollsmoor Med. A	7
Pollsmoor Female	5
Mosselbaai	2
Grand Total	14

Kwa Zulu Natal (KZN) Facilities	Remand
Durban Juvenile	28
Durban Female	2
Ladysmith	4
Newcastle	1
Grand Total	35

Table 48.2: Facilities that detained sentenced children as at 31 March 2017

Eastern Cape (10)	Sentenced
Cradock	14
Kirkwood	1
Mdantsane	2
Middledrift	4
Mqanduli	1
Patensie	1
Sada	1
St. Albans Med. B	3
Tabankulu	4
Umtata Max.	2
Total	33

FSNC (8)	Sentenced
Grootvlei Max.	4
Heilbron	1
Kimberley	1
Kroonstad Med. B	4
Kroonstad Med. C	1
Kroonstad Youth	25
Sasolburg	1
Virginia	1
Total	38

KZN (6)	Sentenced
Durban Juvenile	23
Ekuseni Youth Centre	25
Port Shepstone	1
Qalakabusha	1
Vryheid	1
Waterval Med. B	2
Total	53

LMN (6)	Sentenced
Barberton Town	2
Nelspruit	1
Piet Retief	1
Potchefstroom	1
Rustenburg	10
Thohoyandou Female	3
Total	18

Western Cape (5)	Sentenced
Brandvlei Juvenile	1
Mosselbaai	4
Pollsmoor Med. A	5
Pollsmoor Med. B	2
Pollsmoor Med. C	1
Total	13

Gauteng (4)	Sentenced
Boksburg Juvenile	2
Emthonjeni Juvenile	6
Johannesburg Med. B	1
Leeuwkop Juvenile	5
Total	14

[Source: Data Bank]

Table 48.3: Facilities holding RD children as at 31 March 2018

Facilities in the EC	Number of RD children
Cradock	6
Port Elizabeth	3
Mthatha Medium	10
Total	19
Facilities in the FS/NC	Number of RD children
Grootvlei	14
Kroonstad Med B	11
Sasolburg	1
Kimberly	2
Total	28
Facilities in KZN	Number of RD children
Durban Juvenile	25
Ladysmith	1
Newcastle	2
Total	28

Facilities in LMN	Number of RD children
Bethal	1
Nelspruit	1
Thohoyandou	2
Total	4
Facilities in the WC	Number of RD children
Mosselbaai	5
Pollsmoor Med A	13
Total	18
Facilities in Gauteng	Number of RD children
	0 children

[Source: DCS Data Bank]

Table 48.4: Facilities holding sentenced children as at 31 March 2018

Facilities in the EC	Sentenced children
Cradock	9
Port Elizabeth	1
Mdantsane	1
Mqandule	1
Total	12
Facilities in the FS/NC	Sentenced children
Grootvlei	2
Kroonstad Youth	18
Kroonstad Med B	1
Vereeniging	1
Kimberly	1
Total	23
Facilities in KZN	Sentenced children
Durban Juvenile	21
Durban Female	1
Durban Med B	2
Ekuseni Youth	20
Pietermaritzburg	1
Qalakabusha	1
Total	46
Facilities in LMN	Sentenced children
Barberton Town	3
Nelspruit	1
Potchefstroom	1

Rustenburg	3
Total	8
Facilities in the WC	Sentenced children
Brandvlei Juvenile	2
Drakenstein Med B	6
Mosselbaai	2
Van Rhynsdorp	1
Total	11
Facilities in Gauteng	Sentenced children
Boksburg	1
Boksburg Juvenile	1
Emthonjeni Youth	5
Total	7

[Source: DCS Data Bank]

Table 48.5: Facilities holding RD children as at 31 March 2019

Facilities in the EC	Number of RD children
Cradock	4
Port Elizabeth	14
Total	18
Facilities in the FS/NC	Number of RD children
Grootvlei A	5
Bizzah Makhate B	9
Sasolburg	1
Total	15
Facilities in KZN	Number of RD children
Durban Youth	18
Ladysmith	1
Total	19
Facilities in LMN	Number of RD children
Nelspruit	1
Total	1
Facilities in the WC	Number of RD children
Mosselbaai	5
Pollsmoor Med A	4
Total	9
Facilities in Gauteng	Number of RD children
Boksburg Youth	2
Total	2

[Source: DCS Data Bank]

Table 48.6: Facilities holding sentenced children as at 31 March 2019

Facilities in the EC	Sentenced children
Cradock	9
Port Elizabeth	1
Mdantsane	1
Mqandule	1
Total	12
Facilities in the FS/NC	Sentenced children
Grootvlei	2
Kroonstad Youth	18
Kroonstad Med B	1
Vereeniging	1
Kimberly	1
Total	23
Facilities in KZN	Sentenced children
Durban Youth	15
Durban Med B	2
Ekuseni Youth	24
Total	42
Facilities in LMN	Sentenced children
Barberton Town	3
Rustenburg	7
Total	10
Facilities in the WC	Sentenced children
Brandvlei Juvenile	2
Drakenstein Med B	3
Mosselbaai	5
Total	10
Facilities in Gauteng	Sentenced children
Johannesburg Female	1
Boksburg Youth	1
Emthonjeni Youth	7
Total	9

[Source: DCS Data Bank]

Table 48.7: Facilities holding RD children as at 31 March 2020

Facilities in the EC	Number of RD children
Cradock	2
Port Elizabeth	17

Total	19
Facilities in the FS/NC	Number of RD children
Grootvlei A	3
Bizzah Makhate B	9
Bizzah Makhate C	1
Sasolburg	2
Vereeniging	2
Uppington	1
Total	18
Facilities in KZN	Number of RD children
Durban Youth	18
Ladysmith	1
Newcastle	1
Total	20
Facilities in LMN	Number of RD children
Nelspruit	1
Total	1
Facilities in the WC	Number of RD children
Mosselbaai	1
Pollsmoor Med A	1
Total	2
Facilities in Gauteng	Number of RD children
Boksburg Youth	1
Total	1

[Source: DCS Data Bank]

Table 48.8: Facilities holding sentenced children as at 31 March 2020

Facilities in the EC	Sentenced children
Cradock	6
Total	6
Facilities in the FS/NC	Sentenced children
Bizzah Makhate D	9
Kimberly	1
Total	10
Facilities in KZN	Sentenced children
Durban Youth	10
Durban Med B	2
Ekuseni Development Centre	16
Total	28

Facilities in LMN	Sentenced children
Barberton Town	3
Klerksdorp	1
Rustenburg	7
Total	11
Facilities in the WC	Sentenced children
Drakenstein Med B	2
Mosselbaai	1
Total	3
Facilities in Gauteng	Sentenced children
Boksburg Youth	1
Emthonjeni Youth	7
Total	8

[Source: DCS Source: Daily Unlock]

Table 49: Number of children charged

Period	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Number of children charged	39 974	40 962	31 475	34 498	24 436

[Source: SAPS]

Tables 50: The number of children sentenced to detention and the average length of their detention for the 2016/2017 financial year

Table 50.1: Average number of inmates

Inmates	Children		
	14 to 18 years		
	Male	Female	Total
RDs	69	4	73
Other unsentenced	1	0	1
Sentenced	147	1	148
Total	217	5	222
%	0,14	0,003	0,14

[Source: Daily unlock]

Table 50.2: Long-term trend: Annual average based on calendar years

Calendar Years	RD	Sentenced	Total
Average for 2001	2042	1711	3753
Average for 2004	1912	1698	3610
Average for 2007	1196	892	2087
Child Justice Act (14 to below 18 years)			
Average for 2010	346	658	1004
Average for 2013	241	296	537
Average for 2016	79	160	239
Table 2: Long term trend: 2001-2016: Annual average based on calendar years: Source MIS 2001-2014 and Daily unlock calculation: 2015-2016			

[Source: MIS Daily Unlock]

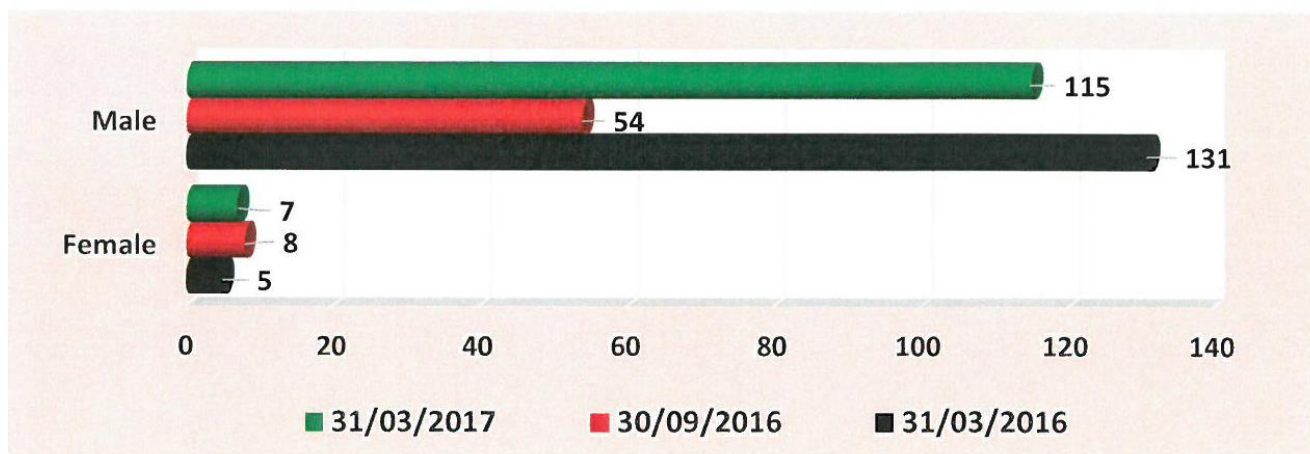


Figure 1: Snapshot analysis of remand detained children: Gender distribution (DCS Data Bank)

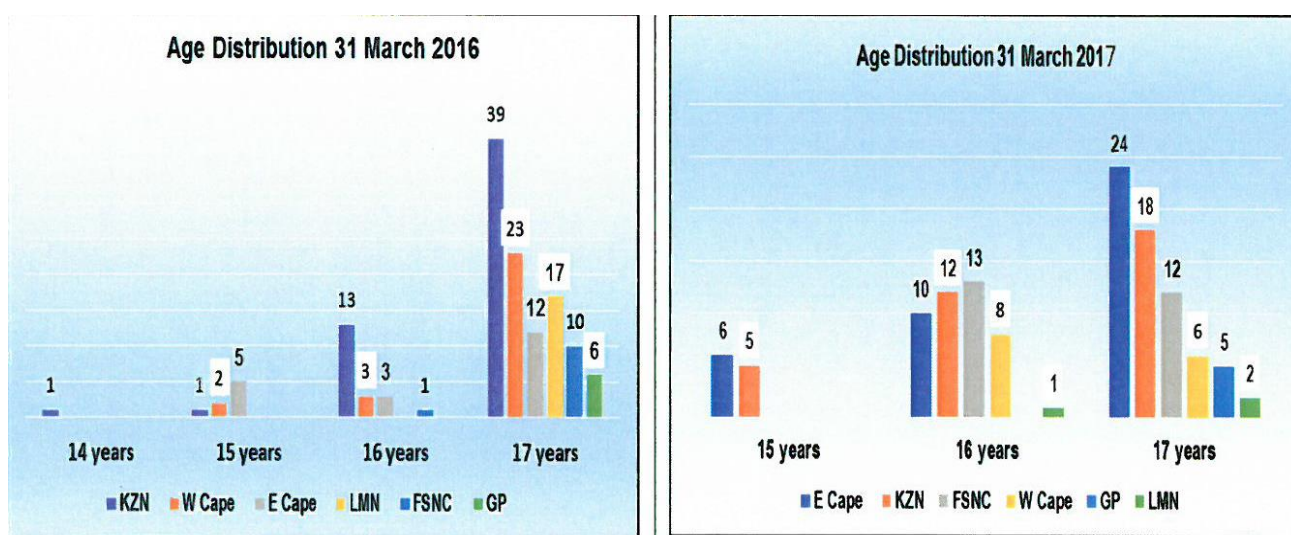


Figure 2: Snapshot analysis of age distribution (DCS Data Bank)

Table 50.3: Snapshot analysis of RD children: Period in detention

Regions	1day to 3 months	> 3-6 months	> 6-9 months	> 9-12 months	> 12-15 months	> 18-21 months	Total
Eastern Cape	10	25	5				40
FSNC	22	2	0	1	0	0	25
Gauteng	5						5
Kwazulu/Natal	34		1				35
Western Cape	12				1	1	14
LMN	2	1	0	0	0	0	3
Grand Total	85	28	6	1	1	1	122
%	69.67	22.95	4.92	0.82	0.82	0.82	100.00

Table 5: Snapshot Analysis of RD Children: Period in detention: Data from DCS Databank: 31 March 2017

[Data from DCS Data Bank as at 31 March 2017]

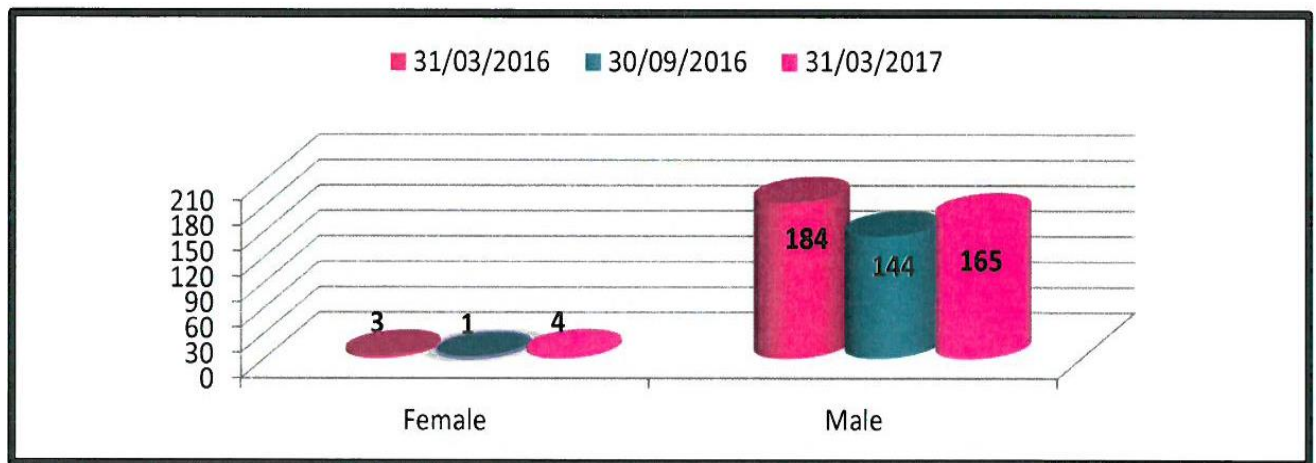


Figure 3: Snapshot analysis of sentenced children: Gender distribution (DCS Bank)

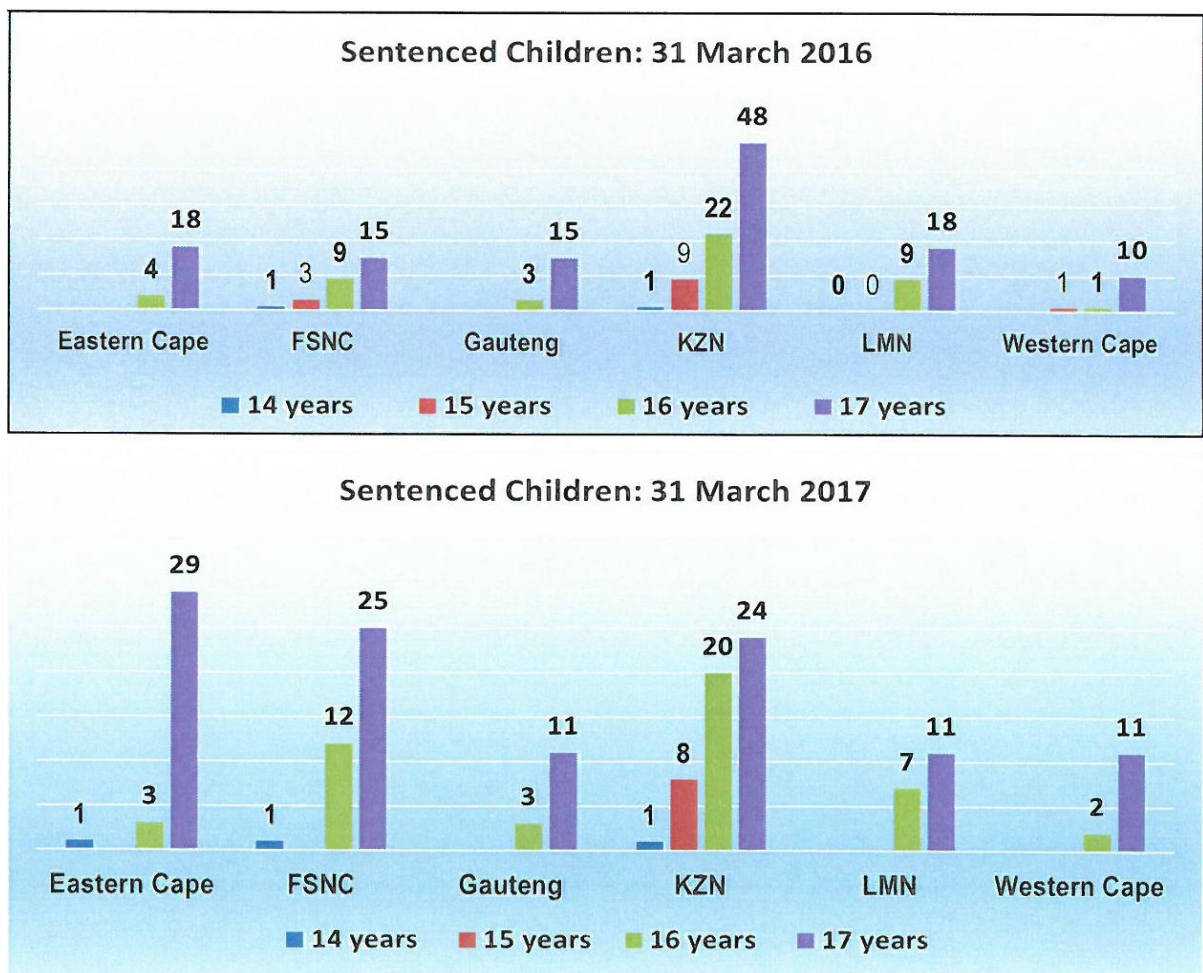


Figure 4: Snapshot analysis of sentenced children: Age distribution (DCS Data Bank)

Table 50.4: Snapshot analysis of sentenced children (2016/2017)

SENTENCE GROUP	EC	GP	KZN	LMN	NC/FS	WC	Total	%
> 15 - 20 Years		1					1	0.59
> 10 - 15 Years	1	1			4		6	3.55
> 7 - 10 Years	3	3	11	2	4	1	24	14.20
> 5 - 7 Years	2	1	9		2		14	8.28
> 3 - 5 Years	8	4	22	4	5	1	44	26.04
> 2 - 3 Years	1		4		2	2	9	5.33
2 Years	1		2	1	2	2	8	4.73
> 12 - < 24 Months	1	1		2	3	3	10	5.92
> 6 - 12 Months	6	1	3	1	6	1	18	10.65
0 - 6 Months	10	2	2	8	10	3	35	20.71
Grand Total	33	14	53	18	38	13	169	100.00

[Source: DCS Data Bank]

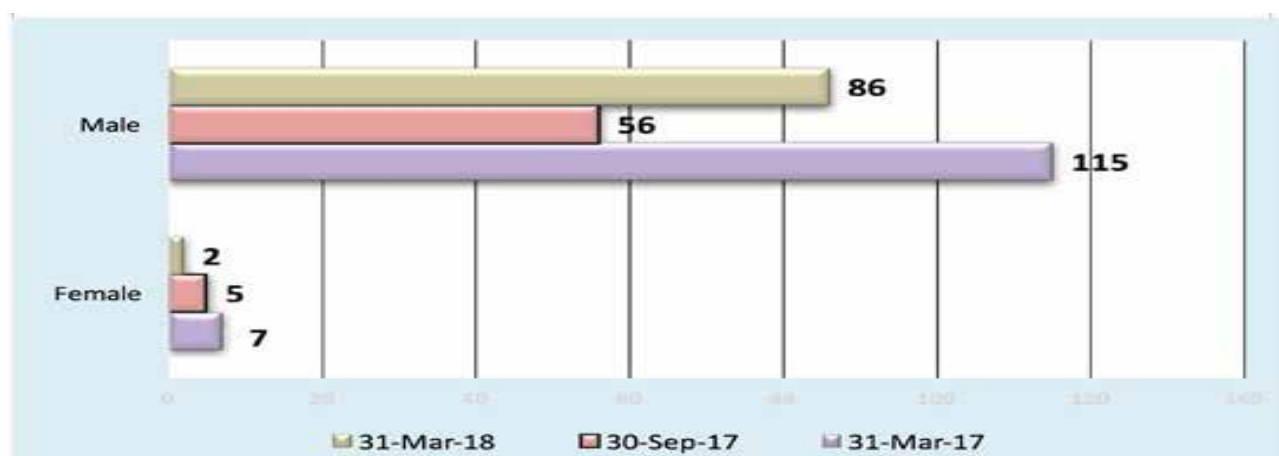
Detention of children in DCS facilities (2017/2018)**Figure 5: Snapshot analysis of RD children: Gender distribution (DCS Data Bank)**

Table 51.1: Age distribution of RD Children

Regions	31 March 2017				31 March 2018			
	14 years	15 years	16 years	17 years	14 years	15 years	16 years	17 years
EC	0	6	10	24	1	1	1	7
FS/NC	0	0	13	12	0	2	7	19
GP	0	0	0	5	0	0	0	0
KZN	0	5	12	18	0	2	8	18
LMN	0	0	1	2	0	0	1	3
WC	0	0	8	6	0	2	1	15
Total	0	11	44	67	1	7	18	62

[Source: DCS Data Bank]

Table 51.2: Period spent in custody by RD children: snapshot as at 31 March 2018

Period in custody	EC	FS	KZN	LMN	WC	Total	Percentage
1 day to 3 months	8	25	22	1	16	72	81,82%
>3 to 6 months	2	2	3	1	2	10	11,36%
>6 to 9 months	0		1	1		2	2,27%
>9 to 12 months	0		1			1	1,14%
>12 to 15 months	0	1	1			2	2,27%
>18 to 21 months	0			1		1	1,14%
Grand total	10	28	28	4	18	88	100,00%
%	11,36%	31,82%	31,82%	4,5%	20,45%	100,00%	

[Source: DCS Databank]

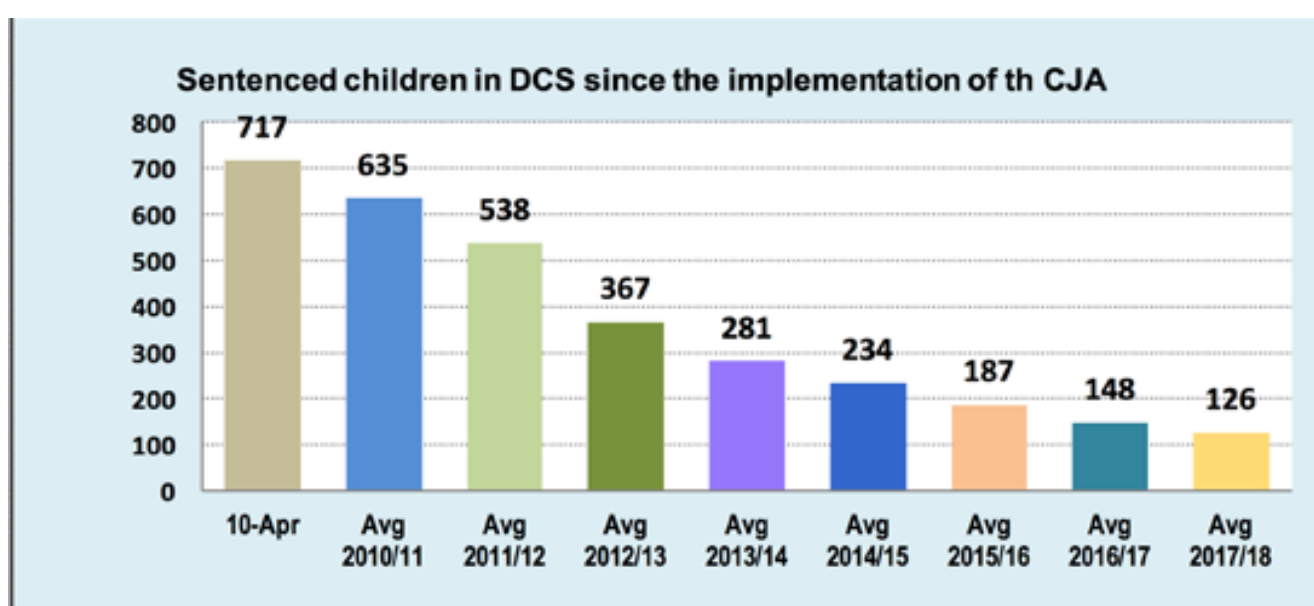


Figure 6: National Distribution of sentenced children in DCS (Daily Unlock)

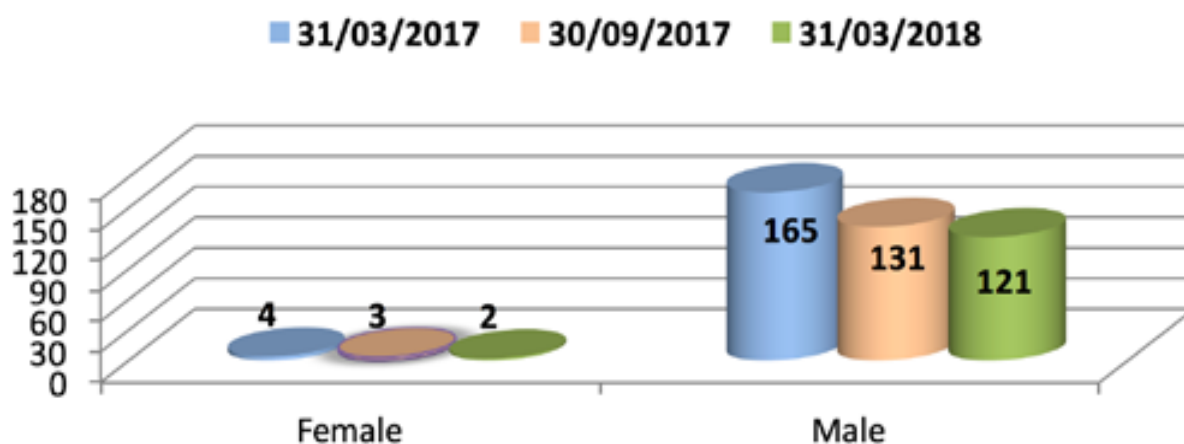


Figure 7: Snapshot analysis of sentenced children: Gender distribution (DCS Data Bank, 31 March 2017, 30 September 2017; Daily Unlock, 31 March 2018))

Table 51.3: Age distribution of sentenced children

Regions	31 March 2017				31 March 2018			
	14 years	15 years	16 years	17 years	14 years	15 years	16 years	17 years
EC	1	0	3	29	0	1	5	6
FS/NC	1	0	12	25	1	1	7	14
GP	0	0	3	11	0	1	1	5
KZN	1	8	20	24	0	3	12	31
LMN	0	0	7	11	1	1	2	4
WC	0	0	2	11	0	1	2	8
Total	3	8	47	111	2	8	29	68

[Source: DCS Data Bank]

Table 51.4: Period spent in custody by sentenced children: snapshot as at 31 March 2018

Period in custody	EC	FS	GP	KZN	LMN	WC	Total
0 to 6 months		3	1	1	1		6
>6 to 12 months			1	2			3
>12 to 24 months				3			3
>2 to 3 years		2	2	2	1		7
>3 to 5 years	3	7	1	17	4	5	37
>5 to 7 years	4	3	1	9	1		18
7 to 10 years	2	3	1	6		4	16
10 to 15 years	2	5		2	1	1	11
15 to 20 years	1			5			6
Grand total	12	23	7	47	8	10	107

[Source: DCS]

Detention of children in DCS facilities (2018/2019)

Table 52.1: Average population of children

Inmates	Children		
	Females	Males	Total
RDs	2	85	87
Other sentenced	0	0	0
Sentenced	2	123	94
Total	4	206	183
%	0,002%	0,127%	0,112%

[Source: DCS Data Bank]

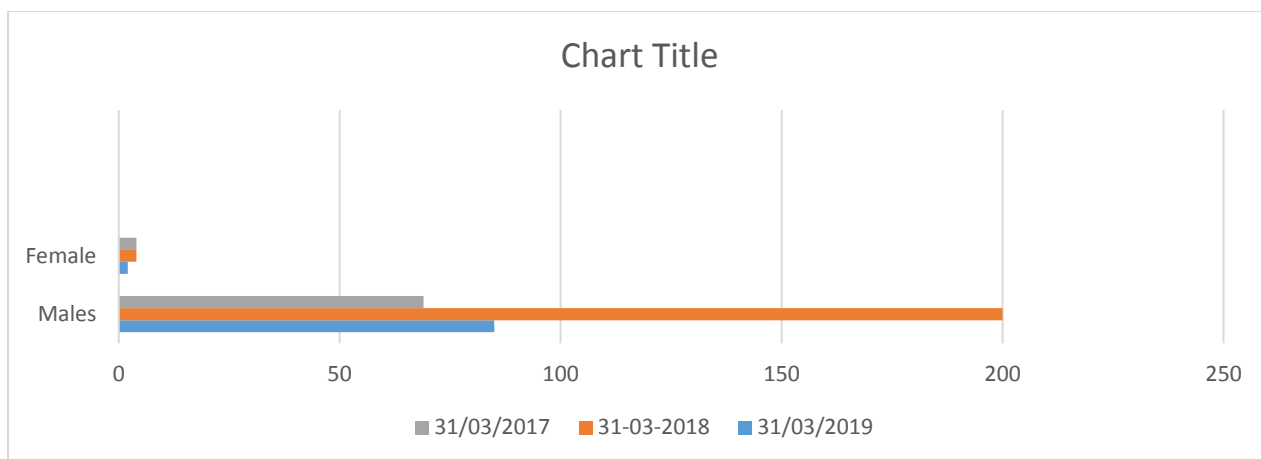


Figure 8: Snapshot analysis of children: Gender distribution (DCS Data Bank)

Table 52.2: Age distribution of RD children

Regions	31 March 2017				31 March 2018				31 March 2019			
	14 years	15 years	16 years	17 years	14 years	15 years	16 years	17 years	14 years	14 years	16 years	17 years
EC	0	6	10	24	1	1	1	7		2	3	22
FS/NC	0	0	13	12	0	2	7	19		3	4	15
GP	0	0	0	5	0	0	0	0		1	2	9
KZN	0	5	12	18	0	2	8	18	1	1	8	13
LMN	0	0	1	2	0	0	1	3				3
WC	0	0	8	6	0	2	1	15	1		1	9
Total	0	11	44	67	1	7	18	62	2	7	18	71

[Source: DCS Data Bank]

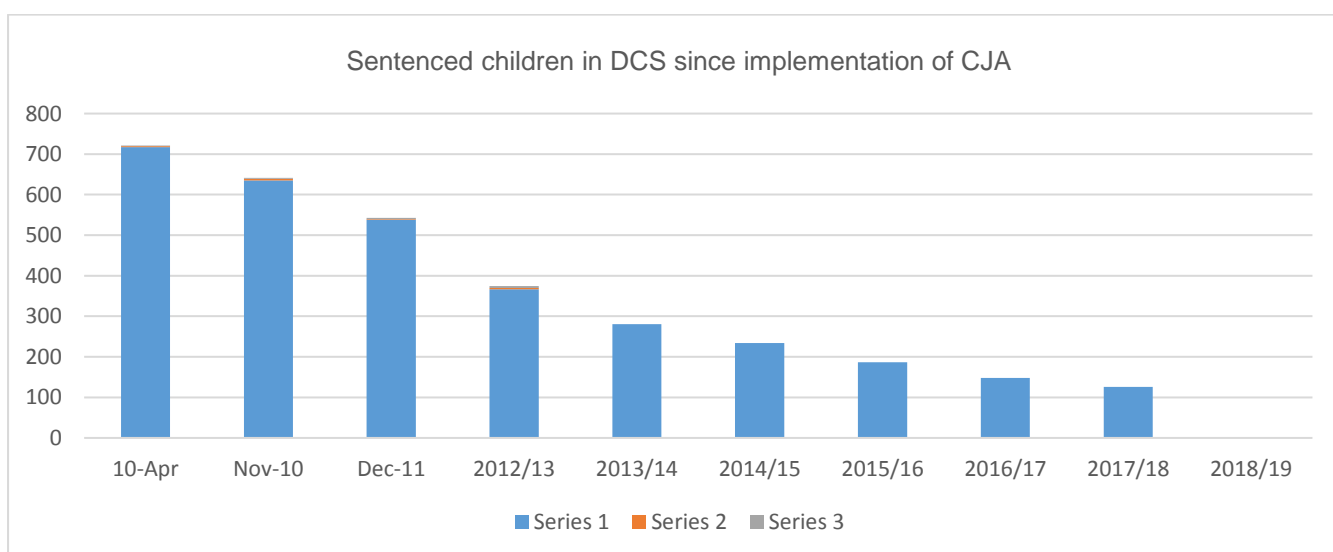


Figure 9: Sentenced children in DCS since implementation of CJA, 2008 (DCS)

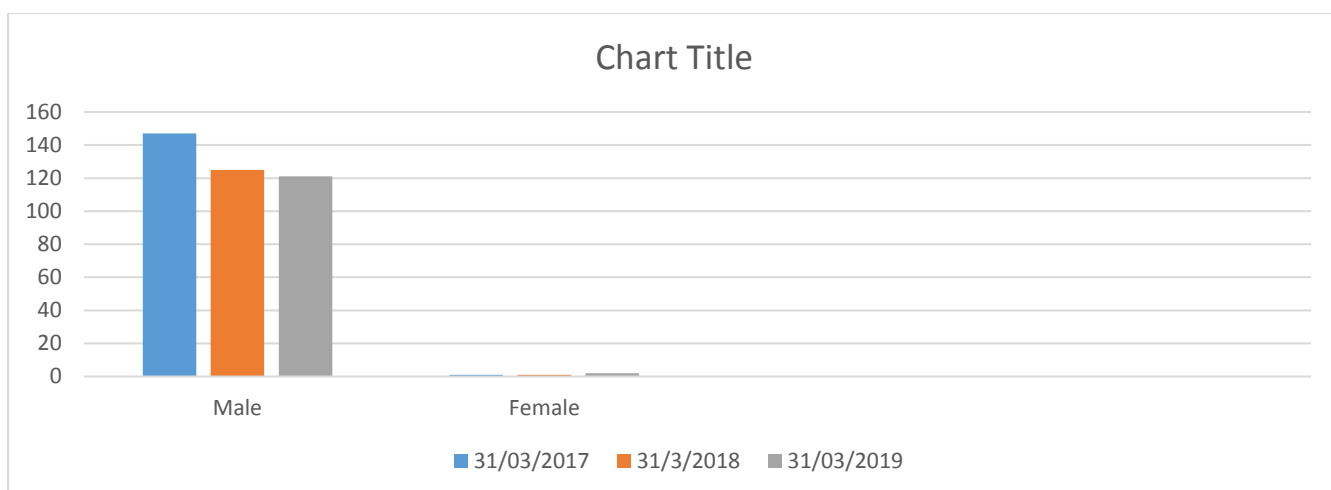


Figure 10: Snapshot analysis of sentenced children: Gender distribution (DCS Data Bank, 31 March 2017, 31 March 2018, 31 March 2019)

Table 52.3: Age distribution of RD children

Region	31 March 2017				31 March 2018				31 March 2019			
	14 years	15 years	16 years	17 years	14 years	15 years	16 years	17 years	14 years	15 years	16 years	17 years
EC	1	0	3	29	0	1	5	6	1		4	7
FS/NC	1	0	12	25	1	1	7	14			4	12
GP	0	0	3	11	0	1	1	5			1	7
KZN	1	8	20	24	0	3	12	31	3	1	12	25
LMN	0	0	7	11	1	1	2	4	1	1	2	10
WC	0	0	2au	11	0	1	2	8			3	7
Total	3	8	47	111	2	8	29	68	5	2	26	67

[Source: DCS Data Bank]

Table 52.4: Period spent in custody by sentenced children: snapshot 31 March 2018

Period in custody	EC	FS	GP	KZN	LMN	WC	Total
0 to 6 months				1	2	1	4
>6 to 12 months		2		2			4
>12 to 24 months		2					2
2 years				2	1	1	4
>2 to 3 years	1	1	1	4	2	1	10
>3 to 5 years	6	4	5	14	4	1	34
>5 to 7 years		4		6		1	11
7 to 10 years	4	3	1	7	5	3	23
10 to 15 years			1	4		2	7
15 to 20 years				1			1
Grand total	11	16	8	41	14	10	100

[Source: DCS]

Detention of children in DCS facilities (2019/2020)

Table 53.1: Average of children

Inmates	Children		
	Females	Males	Total
RDs	2	69	71
Sentenced	1	86	87
Total	3	155	158
%	0,00%	0,10%	0,10%

[Source: DCS Data Bank]

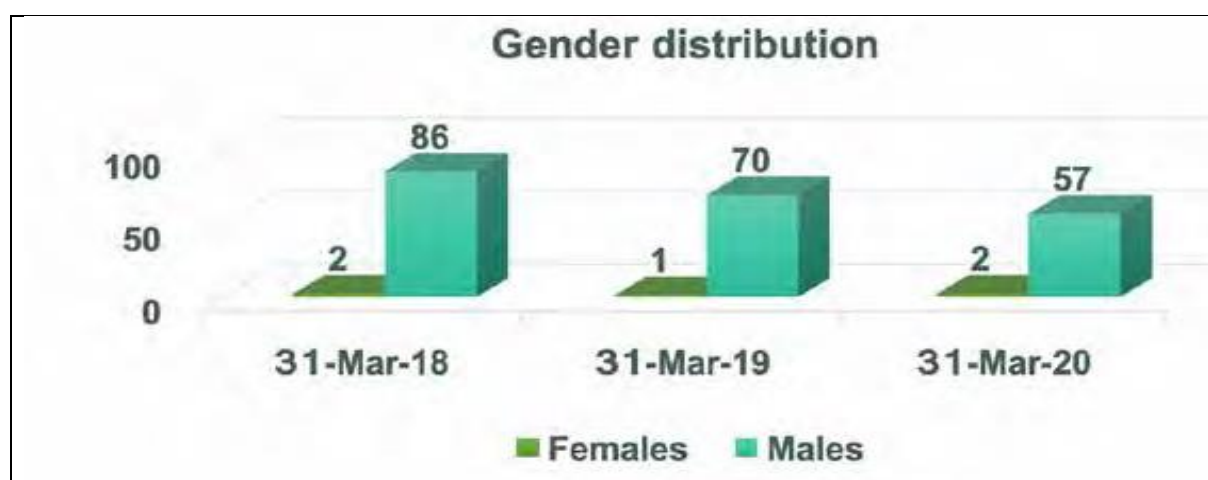


Figure 11: Snapshot analysis of children: Gender distribution (DCS Data Bank, March 2018; Daily Unlock, March 2019, 2020)

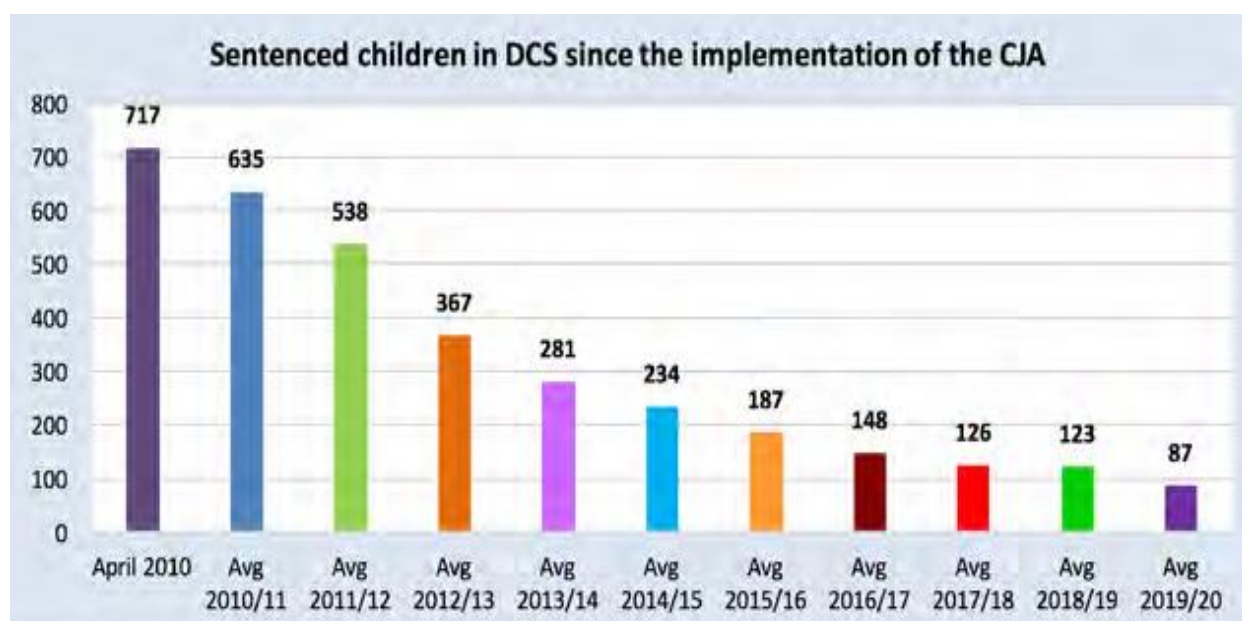


Figure 12: National distribution of sentenced children in DCS trend analysis from 2010 to 2019/20 (Daily Unlock)

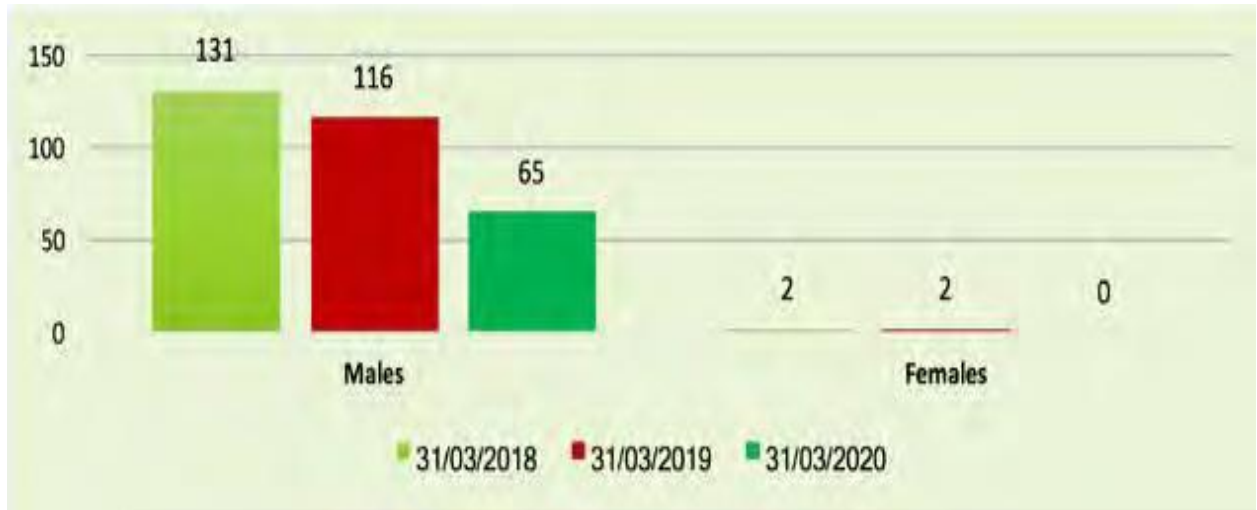


Figure 13: Snapshot analysis of sentenced children: Gender distribution (DCS Data Bank, 31 March 2018, 31 March 2019; Daily Unlock, 31 March 2020)

Table 53.2: Snapshot analysis of sentenced children: Ages

Region	31 March 2018				31 March 19				31 March 2020			
	14	15	16	17	14	15	16	17	14	15	16	17
EC	0	1	5	6	1	0	4	7	1	0	1	4
GP	0	1	1	5	0	0	1	7	0	3	2	3
KZN	0	3	12	31	3	1	12	25	5	3	9	10
LMN	1	1	2	4	1	1	2	10	1	0	4	6
FS/NC	1	1	7	14	0	0	4	12	0	1	5	4
WC	0	1	2	8	0	0	3	7	0	0	0	3
Total	2	8	29	68	5	2	26	67	7	7	21	30

[Source: DCS Data Bank]

Table 53.3: Sentences

Sentence group	EC	GP	KZN	LMN	FSNC	WC	Total
>6 to 12 months	0	0	1	0	0	0	1
>12 to 24 months	0	0	2	0	0	0	2
>2 to 3 years	1	2	4	0	0	0	7
>3 to 5 years	0	3	13	10	3	0	29
>5 to 7 years	1	0	4	1	5	0	11
>7 to 10 years	3	2	3	0	1	1	10
>10 to 15 years	1	1	0	0	1	2	5
Grand total	6	8	27	11	10	3	65

[Source: DCS Databank as at 31 March 2020]

Crime categories of sentenced children

Table 54.1: Crime categories of sentenced children from 31 March 2016 to 31 March 2020

Financial year	Female	Male	Grand total
2016/2017			
Assault and related offences	1	30	31
Culpable homicide and related offences		14	14
Drug, alcohol and tobacco-related offences	1	22	23
Firearms and ammunition offences		9	9
Fraud, deception and related offences		2	2
Murder and related offences	1	63	64
Offences against freedom of movement		6	6
Offences against justice procedures, government security and government operations	17	131	148
Property and environmental damage		10	10
Public order and public welfare offences	4	40	44
Robbery and related offences		83	83
Sexual offences		151	151
Theft-related offences	5	139	144
Total	29	700	729

Table 55: Source: DCS Data Bank as at 31 March 2020

2017/2018	Female	Male	Grand total
Assault and related offences	1	20	21
Culpable homicide and related offences	1	10	11
Drug, alcohol and tobacco-related offences	1	28	29
Firearms and ammunition offences		10	10
Fraud, deception and related offences		1	1
Murder and related offences	3	60	63
Offences against freedom of movement		4	4
Offences against justice procedures, government security and government operations	7	163	170
Property and environmental damage		6	6
Public order and public welfare offences		25	25
Road traffic and vehicle regulatory offences		2	2
Robbery and related offences	1	66	67
Sexual offences		117	117
Theft-related offences		100	100
Total	14	612	626

Table 56: Source: DCS Databank as at 31 March 2020

2018/2019	Female	Male	Grand total
Assault and related offences		27	27
Culpable homicide and related offences		6	6
Drug, alcohol and tobacco-related offences	1	10	11
Firearms and ammunition offences		9	9
Murder and related offences	1	62	63
Offences against freedom of movement		5	5
Offences against justice procedures, government security and government operations	16	179	195
Property and environmental damage		7	7
Public order and public welfare offences		14	14
Robbery and related offences		62	62
Sexual offences		110	110
Theft-related offences	1	83	84
Total	19	574	593

Table 57: Source: DCS Databank as at 31 March 2020

2019/2020	Female	Male	Grand total
Assault and related offences		20	20
Culpable homicide and related offences	1	6	7
Drug, alcohol and tobacco-related offences	1	7	8
Firearms and ammunition offences		7	7
Miscellaneous offences	1	3	4
Murder and related offences	2	46	48
Offences against freedom of movement	1	5	6
Offences against justice procedures, government security and government operations	25	191	216
Property and environmental damage		3	3
Public order and public welfare offences		4	4
Road traffic and vehicle regulatory offences		1	1
Robbery and related offences	1	43	44
Sexual offences		75	75
Theft-related offences	5	70	75
Total	37	481	518

[Source: DCS Data Bank as at 31 March 2020]

Summary 8: Reported cases of abuse and maltreatment of children during their arrest and detention/imprisonment

529. The admissions and release system does not make provision to capture child abuse. Incarcerated children are kept separately from the adult inmate population, because they are a vulnerable group. Children are also allowed to register complaints and request daily through the complaints and requests register.

PART 14: ADDITIONAL INFORMATION

ANNEXURE A: MEASURES TAKEN TO ENSURE THE PROTECTION OF THE RIGHTS OF CHILDREN IN THE CONTEXT OF THE COVID-19 PANDEMIC

530. Government declared the National State of Disaster on 15 March 2020 and subsequently the Regulations were issued in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and since then, different lockdown levels were announced.
531. Directions were issued to prevent and combat the spread of Covid-19 in all ***courts, court precincts and justice service points***.
532. In relation to ***children in conflict with the law***, the directions provided that cases against children in detention in CYCCs and correctional facilities had to be postponed in absentia due to the fact that detainees awaiting trial were not brought to court. Accused persons charged with petty offences had to be released and warned to appear in court on future dates. The Directions issued under **Lockdown Level 4** provided that cases against children in detention in CYCCs and correctional facilities must be brought before court for consideration of the continued detention of these children. This was in compliance with the Constitution, 1996, which requires that children should be detained for the shortest appropriate period of time and section 66 of the Act which provides that –
- i. cases where children are in detention in correctional facilities may not be postponed for a period longer than 14 days; and
 - ii. cases, where children are in detention in CYCCs, may not be postponed for a period longer than 30 days.
533. The Directions issued under **Lockdown Level 3** provided that for the reconsideration of continued detention as provided for in Level 4 and provided for the prioritisation of trial cases where a child is an accused, a witness or a victim.
534. The Directions issued under **Lockdown Level 2** provided for the reconsideration of continued detention as provided for in Level 4 and provided for the prioritisation of trial cases where a child is an accused, a witness or a victim. Courts were also directed to compile a priority roll for criminal cases.
535. **Family Law Services** remained open with foster care, adoptions, removal of children in need of care and protection, placement of children in CYCC and international child abduction cases heard by Children's Courts. Application for maintenance and applications for enforcement of maintenance matters were dealt with as well as applications for domestic violence protection orders and interim protection orders against harassment.
536. To strengthen the ***care and protection of children***, Government led the initiative and partnered with the child care and protection sector, which includes CSOs to develop the Covid-19 sector response plan. The plan was aimed at putting adequate response measures in place to ensure the care and protection

of children, and the intention was to maximise the provision of quality services to communities, including services to children, caregivers and persons with disabilities during the disaster.

537. To mitigate the impact of Covid-19 **on parents, primary caregivers and foster parents of children with disabilities**, Government ensured that the CDGs for children with disabilities that were about to lapse during the pandemic did not lapse and continued to pay the grants throughout the pandemic from March 2020 to March 2021.
538. The **top-up/additional amounts to social grants to caregivers of children's grants** was provided from May to December 2020 as a relief measure during the 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, Regulation 11(1) of the Social Assistance Act, 2004, was relaxed to ensure that applicants for social grants without critical documents are not prevented from accessing a particular grant for which they apply.
539. To ensure proper management of the pandemic in **correctional facilities**, the SOPs for preparedness, detection and response to Covid-19 was developed to provide guidance on mitigation strategies to be implemented to prevent, detect and respond to Covid-19 in correctional facilities. Some of the prevention of infection measures included suspension of visits to correctional centres by the members of the public and legal representatives, except for essential and permitted service providers as provided for in the Regulations.
540. Furthermore, 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. The Special Parole Dispensation allows low-risk offenders to be assessed for parole by the parole boards with due consideration of the level of risk of each case individually to prior placement. This intervention assisted in reducing the overcrowding in the facilities and the spread of the virus.
541. The subsidy to **ECD programmes** continued to be paid during the national disaster and the maintenance component of the conditional grant was repurposed to support ECD services with personal protective equipment (PPE).
542. Through partnership with key stakeholders, the resource materials to support all parents of young children at home during the national state of disaster were developed and distributed. Daily information pamphlets were sent to parents to stimulate children while at home. The materials were distributed through electronic and social media, and printed copies. More than 510 000 parents of young children accessed the material.
543. The **Presidential Employment Stimulus for ECD**, which is an emergency relief intervention to support the ECD sector in recovering from the effects of the Covid-19 pandemic was introduced. This is aimed at supplementing the income generated by the ECD services through subsidising the cost of employment and will help with restoring the provision of ECD services, support continued operation and reduce the risk of permanent closure. To provide 108

833 ECD workers with income support through existing ECD services, the Policy for ECD Presidential Employment Initiative allocation was developed and approved to manage and allow the disbursement of funds. An amount of R380 million has been allocated for unemployment risk support, which will benefit 83 333 existing ECD-related workers. There is R116 million that has been allocated for the support of 25 500 compliance support officers, who are existing staff members at ECD programmes and will play a compliance support role in their ECD programmes.

544. To ensure the protection of ***children with disabilities in disability centres***, Government developed the SOP for the prevention, containment and management of Covid-19 and post-Covid-19 in disability centres for children with disabilities. Training in the SOPs was also provided to 1 223 participants, comprising care givers, support staff in partial care facilities/day care centres, social workers, parents, and officials from other departments.
545. A survey was conducted in provinces in October 2020 to shed light, from the ground, on the state of schooling during the Covid-19 pandemic. The survey revealed that, ***first***, learners in many schools were attending school far less frequently than the envisioned 50%. The rotational timetables used by schools impacted curriculum coverage and assessment negatively. ***Second***, very few schools managed to complete the curriculum. This was partially caused by the number of times the learners had attended schools, and partially by the inability of many schools, mostly rural schools, to provide effective teaching when the learners were learning from home. ***Third***, the severity of the debilitating effect of Covid-19 on teaching and learning was felt more in rural and township schools serving learners from disadvantaged communities than the affluent urban schools.
545. It was also 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 the disadvantaged communities and schools in more affluent communities from widening, the Basic Education Sector has put measures in place to ensure that effective schooling continues.
546. The DBE ensured that teaching and learning continued with as much vigour as possible. At the same time teachers, learners (and their families) as well as non-teaching staff were assured that the provision of education continues in an environment where all participants are as safe as they can possibly be from contracting Covid-19 virus.
547. 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 (Grades R to 7), will attend school daily. This was aimed at minimising curriculum losses caused by rotational timetables and to assist in reducing the performance gap between schools serving learners from the disadvantaged communities and schools in more affluent communities.

CLOSURE OF SCHOOLS

Strategic interventions

548. To ensure the continuation of learning during the lockdown period, the strategy to ensure that learning continues was developed and implemented. A dedicated television channel to broadcast lessons from April to November for the 10 subjects with the highest enrolment of learners was introduced. In addition, on-line resources were developed including self-study guides, self-directed lessons, readers, online/virtual schools and radio lessons.
549. Owing to the extended school closure resulting in reduced time for teaching, learning and assessment, the annual teaching plans for all subjects and grades to focus on deeper learning in the available time was trimmed. The assessment requirements for all grades was amended and reduced, which included the scrapping of the midyear and end-of-year examinations to create more time for teaching. After the reopening of schools, the school calendar was extended and holidays reduced to create more teaching and learning time. To recover the learning losses that occurred in 2020, a three-year recovery plan (2021-2023) is being implemented, which includes recovery teaching plans per subject for all grades.

Health promotion

550. The Guidelines for the Maintenance of Hygiene during the Pandemic and SOPs for the Prevention, Management and Containment of Covid-19 in Schools and Communities to inform the sector response to Covid-19 were developed.

National School Nutrition Programme

551. This was resumed during lockdown irrespective of whether learners were attending school or not (rotation time-table). The Conditional Grant Framework was amended in line with the risk-adjusted school calendar to provide for food parcels and PPE for volunteer food handlers. Therefore, both cooked meals and food parcels were provided according to the amended Conditional Grant Framework in response to the risk-adjusted levels of the Covid-19 lockdown. With the prevailing regulations, the following three feeding modalities are offered:
- i. Cooked meals served to learners attending school.
 - ii. Cooked meals collected by learners not attending school or on rotation, (while in adherence with social distancing and wearing masks).
 - iii. Food parcels collected/distributed to learners/parents.

Social cohesion and equity in education

552. To keep learners engaged during lockdown, the Violence Prevention and Child Protection Forum was established in partnership with relevant stakeholders to provide for online discussions on topics such as communication, my community, be responsible, be a captain, etc. The purpose was to capacitate learners with information that will continue to build resilience in and among themselves and be able to bring about social change and tackle social issues both at community and school level.

ANNEXURE B: DEPARTMENT MANDATES AND CHILDREN'S RIGHTS OBLIGATIONS

DEPARTMENTAL CORE MANDATES	RELATED CHILDREN'S RIGHTS OBLIGATIONS
<p>(1) AGRICULTURE, FORESTRY AND FISHERIES Mandate: To provide strategic economic intelligence and advice on the performance of Agriculture, Forestry and Fisheries Sectors. Generate and manage national Agriculture, Forestry and Fisheries statistics in support of effective decision-making. Disseminate agricultural statistical and economic information.</p>	<p>(1) Contribute to child survival by ensuring food security for children and their families and facilitating small- and large-scale successful farming in the country. (2) Monitor and facilitate the safety of farming produce consumed by families and children. (3) Contribute to child development by educating children on the importance of the science of farming, related skills and career opportunities. (4) Protect children against child labour.</p>
<p>(2) ARTS AND CULTURE Mandate: Develop and preserve <i>South African culture</i> to ensure social cohesion and nation-building.</p>	<p>(5) Contribute to child development by educating children about their heritage and culture. (6) Strengthen the children's knowledge and pride in their national identity and democratic multi-cultural South Africa. (7) Strengthen the sense of patriotism in the country's child-population.</p>
<p>(3) BASIC EDUCATION Mandate: To develop, maintain and support a South African school education system for the 21st century, in which all citizens have access to lifelong learning, as well as education and training, which will in turn contribute towards quality of life, peace and a prosperous democratic South Africa.</p>	<p>(8) Contribute to child survival through the school nutrition programme, child development through education (ECD-Matric) and child protection, psychosocial support and referrals through compliance with child rights norms and standards on school premises and facilitation of child responsibilities implementation. (9) Ensure that children with disabilities are not excluded from learning. Adhere to the principle that no child is be left behind.</p>
<p>(4) COMMUNICATION Mandate: To develop communications policies and legislation that create conditions for accelerated and shared growth in the <i>South African</i> economy towards having a positive impact on the well-being of all the people of South Africa</p>	<p>(10) Contribute to child development and participation through children programmes managed by children themselves at the public broadcaster. (11) Contribute to child protection through measures that prevent children from exposure to TV shows that are too ghastly for their tender age. (12) Protect children's right to privacy (in the media). Their identity should be concealed from the public irrespective of whether they are the perpetrator or victim of offence.</p>
<p>(5) COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Mandate: Strengthening municipalities through capacity building, facilitating cooperative governance with respect to the alignment of local and provincial governance, monitoring and supporting integrated development and planning</p>	<p>(13) Contribute to child rights capacity building and mainstreaming in local government by facilitating children's rights training and capacity building for municipalities, communities and parents. Ensure provision of a child-friendly space and infrastructure in municipalities.</p>

DEPARTMENTAL CORE MANDATES	RELATED CHILDREN'S RIGHTS OBLIGATIONS
including monitoring and sustainable support of local government governance and accountability. Promote and facilitate sustainable integrated human settlements and infrastructure development for effective housing delivery and planning.	
(6) CORRECTIONAL SERVICES Mandate: To enhance public safety and effective criminal justice through effective management of remand detention; reduce reoffending through offender management and rehabilitation, and social reintegration through management of non-custodial sentences and parole.	(14)Contribute to child protection and development through compliance with child rights norms and standards applicable when children are incarcerated or incarceration with the mother or contact with the mother while incarcerated. (15)Ensure that sentenced children and those awaiting trial are kept separately from adults.
(7) DEFENCE Mandate: To provide effective defence for democratic <i>South Africa</i> .	(16)Contribute to child protection by facilitating child rights training for servicemen especially when they are deployed to serve in peace missions. (17)Child development by exposing children for possible careers in Defence. (18)Prevent and protect children from being used in war.
(8) ENERGY Mandate: To administer all matters related to energy as required by legislation and international agreements.	(19)Contribute to child development, protection and quality of life by ensuring affordable and sustainable energy supply to all families and children.
(9) ENVIRONMENTAL AFFAIRS Mandate: To give effect to the right of citizens to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations.	(20)Contribute to child survival and development through effective protection of the environment and empowerment of children through education on environment care.
(10) GOVERNMENT COMMUNICATION INFORMATION SERVICES Mandate: To communicate information from Government to the people of South Africa and provide core communication services to the Government Communication and Information System and other government departments, both in-house and outsourced.	(21)Contribute to access by children to their right to information by communicating government policies to children and soliciting their input on improvements.
(11) HEALTH Mandate: To deliver comprehensive <i>health</i> services to the people of South Africa	(22)Contribute to child survival by ensuring that children (especially the poor) have access to their right to healthcare for their survival, care and protection. (23)Educate children about substance abuse.
(12) HOME AFFAIRS	(24)Contribute to child protection by enabling children to access their right to identity (birth registration) and nationality.

DEPARTMENTAL CORE MANDATES	RELATED CHILDREN'S RIGHTS OBLIGATIONS
Mandate: To maintain the National Population Register, manage birth, marriage and death records, determine and grant citizenship, issue travel documents and passports and issuing identity documents.	
(13) HUMAN SETTLEMENTS Mandate: To establish and facilitate a sustainable housing development process" after consultation with the nine MECs for <i>Human Settlements</i> and the national organisation representing municipalities (<i>South African Local Government Association, SALGA</i>).	(25)Contribute to child protection by providing decent shelter to children and their families.
(14) INDEPENDENT COMPLAINTS DIRECTORATE Mandate: To ensure independent oversight over the SAPS and the Municipal Police Services (MPS) and to conduct independent and impartial investigations on identified criminal offences.	(26)Contribute to child protection by monitoring compliance by the communication industry with child rights principles, norms and standards.
(15) INTERNATIONAL RELATIONS AND COOPERATION Mandate: Responsible for South Africa's relationships with foreign countries and international organisations, respectively, and runs South Africa's diplomatic missions abroad.	(27)Contribute to the best interests of the child through implementation of relevant legislation at national, regional and international levels.
(16) JUSTICE AND CONSTITUTIONAL DEVELOPMENT Mandate: To uphold and protect the Constitution, 1996, and the rule of law and to render accessible, fair, speedy and cost-effective administration of justice, in the interests of a safer and more secure <i>South Africa</i> .	(28)Child protection by sensitising officers of the court with child rights principles. Protection and promotion of the best interests of the child in family related civil litigation nationally and internationally. (29)Ensure the accessibility of courts to children in the prescribed legislative procedures and time frames.
(17) EMPLOYMENT AND LABOUR Mandate: Responsible for the creation of a conducive working environment, working conditions, basic conditions of employment, minimum wages and compensation of occupational injuries, employment.	(30)Child protection through the elimination of the WFCL and enforcement of applicable labour laws. (31)Ensure that children's rights are taken into consideration in matters pertaining to employees across all levels.
(18) MINERAL RESOURCES Mandate: Responsible for oversight on the mining industry in <i>South Africa</i> and exploitation of the country's mineral resources.	(32)Contribute to child survival, protection and development by ensuring that mining companies comply with the obligation to develop, invest and implement child rights-based sustainable development plans in partnership with relevant municipalities. (33)Mines should adhere to children's rights and business principles in order to mainstream children's rights in their activities.

DEPARTMENTAL CORE MANDATES	RELATED CHILDREN'S RIGHTS OBLIGATIONS
(19) NATIONAL INTELLIGENCE AGENCY Mandate: To gather, correlate, evaluate and analyse domestic intelligence to identify any threat or potential threat to the security of the Republic or its people.	(34)Contribute to child protection by gathering, correlating, evaluating and analysing domestic intelligence to identify any threat or potential threat to the survival, protection and development of children in the Republic.
(20) NATIONAL TREASURY Mandate: To promote economic development, good governance, social progress and rising living standards through accountable, economic, efficient, equitable and sustainable management of South Africa" public finances.	(35)Allocation of resources for child survival, protection, development and participation and conduct monitoring accordingly.
(21) NATIONAL PROSECUTING AUTHORITY Mandate: To Institute and conduct criminal proceedings on behalf of the state. Carry out any necessary functions incidental to instituting and conducting such criminal proceedings (this includes investigation).	(36)Contribute to child protection by gathering, correlating, evaluating and analysing information to ensure successful prosecution of perpetrators charged with crimes against children.
(22) SOUTH AFRICAN POLICE SERVICES Mandate: Effective prevention, investigation and combating of crime and maintain public order and stability	(37)Contribute to child protection by investigating crimes against children and prosecuting perpetrators. Provide capacity building programmes for the police on child protection and children's rights.
(23) PUBLIC ADMINISTRATION LEADERSHIP AND MANAGEMENT ACADEMY Mandate: To develop leadership competencies specified by the Department of Public Service and Administration for junior and middle managers across the three levels of government.	(38)Ensure good governance in the child rights sector by offering mandatory child rights training to public service officials. (39)Ensure that children's rights are taken into consideration in matters pertaining to workers across all levels.
(24) PUBLIC ENTERPRISE Mandate: To drive investment, productivity and transformation in <i>State-owned</i> companies	(40)Contribute to implementation of the national agenda on children by mainstreaming children's rights in planning, programming and budgeting processes of SOEs.
(25) PUBLIC SERVICE AND ADMINISTRATION Mandate: To establish a framework that creates a unified system of public administration traversing all three spheres of government.	(41)Contribute to children's rights knowledge management by integrating child rights principles in Batho Pele principles and in policies pertaining to human resources.
(26) PUBLIC WORKS Mandate: To provide and manage the accommodation and infrastructure needs of national <i>departments</i> .	(42)Contribute to implementation of the national children's rights programme by providing or ensuring that government buildings are child friendly, safe and accessible and infrastructure especially school buildings, CYCCs and partial care centres are safe and accessible for all children, including children with disabilities.
(27) RURAL DEVELOPMENT AND LAND REFORM Mandate: To initiate, facilitate, coordinate, catalyse and implement an integrated <i>rural</i> development programme.	(43)Contribute to child survival, protection and development by mainstreaming best interest of the child in the development and implementation of an integrated <i>rural</i> development programme.

DEPARTMENTAL CORE MANDATES	RELATED CHILDREN'S RIGHTS OBLIGATIONS
<p>(28) SCIENCE AND TECHNOLOGY Mandate: To Provide central direction in collaborative development and utilisation of <i>Science, Technology</i> and Innovation in building smarter and disaster resilient communities.</p>	<p>(44)Contribute to child survival, development and protection through science and technology-based education and innovation and development of a smarter and resilient child population in the country.</p>
<p>(29) SOCIAL DEVELOPMENT Mandate: To provide appropriate social assistance to those unable to support themselves and their dependents.</p>	<p>(45)Contribute to implementation of the national children's rights programme through legislation and policies providing for social protection, preventive, promotive and interventive child welfare services to vulnerable families/guardians and their children. Prevent and protect children from abuse, neglect and exploitation as well as substance abuse.</p>
<p>(30) SOUTH AFRICAN REVENUE SERVICES Mandate: To collect all revenues due. Ensure optimal compliance with tax, customs and excise legislation. Provide a customs and excise service that will facilitate legitimate trade as well as protect our economy and society.</p>	<p>(46)Contribute to child protection and development through tax rebates for citizens who cover education costs for children in extended families without any means of education.</p>
<p>(31) SPORTS AND RECREATION SOUTH AFRICA Mandate: To create an enabling environment for sport and recreation towards redress of historical socio-economic imbalances.</p>	<p>(47)Contribute to children's rights implementation by enabling children access to their right to sports, leisure and recreation for all age groups.</p>
<p>(32) STATISTICS SA Mandate: To provide leadership and establish relevant partnerships in <i>statistical</i> systems for evidence-based decisions in Government and where applicable in broader society.</p>	<p>(48)Integrating issues of children in Stats SA's statistical system and disaggregating accordingly - including undertaking child sector-specific research.</p>
<p>(33) PRESIDENCY Mandate: To lead the National Executive in the obligation to uphold, defend, respect and apply the Constitution, 1996, as the supreme law of the Republic, as well as in the promotion of unity in the nation including that which will advance unity.</p>	<p>(49)Development, monitoring and evaluation of the national agenda on children's rights and reporting on progress at a national, regional and international levels.</p>
<p>(34) TRADE AND INDUSTRY Mandate: To lead and facilitate access to sustainable economic activity and employment for all South Africans through higher levels of investment and increased access for South African products in international markets.</p>	<p>(50)Contribute to child survival, protection and development by facilitating employment of parents, thereby enabling quality family life in society.</p>
<p>(35) TELECOMMUNICATIONS AND POSTAL SERVICES Mandate: To create a vibrant ICT sector to ensure robust, reliable, affordable and secure ICT services in South Africa for the advancement of socio-</p>	<p>(51)Contribute to child development, child participation and access to opportunities through the provision of access by especially poor children mostly teenagers and youth to data, internet and computers especially in rural areas, thereby bridging the digital divide in the country.</p>

DEPARTMENTAL CORE MANDATES	RELATED CHILDREN'S RIGHTS OBLIGATIONS
economic development goals and support for the Africa and global development agenda.	
<p>(36) TRADITIONAL AFFAIRS Mandate: Strengthening the capacity of traditional leaders for cooperative governance with local government especially, monitor and support integrated development and planning including monitoring and sustainable support of governance and accountability in areas under traditional leadership.</p>	<p>(52)Contribute to child survival, protection, development and participation in the country including the protection of girl children from commercialisation of customary practices (for example, ukuthwala and ulwaluko before majority age).</p> <p>(53)Promote healthy and developmental practices and prohibit those that are harmful especially to young girls and boys, for example ukuthwala and child marriages.</p>
<p>(37) TOURISM Mandate: Promotion of tourism in South Africa and abroad.</p>	<p>(54)Contribute to child protection and development through requisite child protection measures in the tourism system and affordable domestic and cross-border holiday packages for children and popularisation of such packages. Protect children from child trafficking in the tourism environment.</p>
<p>(38) TRANSPORT Mandate: To regulate public <i>transport</i> while ensuring access to safe, efficient and affordable public <i>transportation</i>.</p>	<p>(55)Contribute to child survival, protection and development through ready transportation to healthcare facilities, police stations and schools. Ensure that children with disabilities have transport that is specially modified for their needs.</p>
<p>(39) WATER AFFAIRS Mandate: To provide policy leadership, advice and <i>core</i> support services, including finance, human resources, legal, information and management services in Government and broader society. To serve as the custodian of South African water resources.</p>	<p>(56)Contribute to child survival by sustainable provision of clean water to children and their families, educating them on management of water usage and encouragement of children to study the science of water supply.</p>