



**SOUTH AFRICA'S RESPONSE TO LIST OF ISSUES IN
RELATION TO ITS SECOND PERIODIC REPORT TO THE
UNITED NATION'S COMMITTEE ON THE RIGHT OF THE
CHILD**

Part I

- 1. With reference to paragraph 39 of the State party report, please inform the Committee on the implementation of the National Plan of Action for Children (2012- 2017), including mid-term evaluation on concrete achievements and challenges faced in its implementation.**

Implementation of the National Plan of Action for Children

1. The Government is implementing the National Plan of Action for Children which is encapsulated in a range of policies and legislation aimed at the protection and promotion of children's rights in South Africa. The strategic plans and annual performance plans comprises critical and high level indicators which include the indicators on services to children and the realization of their rights.

The mid-term evaluation on concrete achievements

2. The mid-term evaluation on concrete achievements and challenges is done in different implementing Government departments. In March 2016, government through the Department of Justice and Constitutional Development has commenced with the research to determine the turnaround time in the finalization of the sexual offences cases from the reporting stage to the judgement/ sentence stage. The Government has also established an Inter-Ministerial Committee chaired by the Minister of Social Development, to develop and implement a

multi-faceted response program, and commissioned the required diagnostic research to enable South Africa to respond accordingly.

2. **With reference to the dissolution of the Department of Women, Children and Persons with Disabilities and transfer of the responsibility on children's issues to the Department of Social Development in 2014, please provide information on the mandate of the Department of Social Development in relation to all areas of the Convention as well as how the Department coordinates the work on children across the Government. Please also provide information on financial and human resources specifically allocated to children's issues at the Department of Social Development**

Mandate of the Department of Social Development in relation to all areas of the Convention

3. Since 2014 the Department of Social Development has an additional mandate to facilitate, coordinate and monitor compliance on the realization of children's rights across all sectors. The department is also responsible for the monitoring, evaluation and reporting to the United Nations and the African Union periodically on progress made in relation to the realization of children's rights.

Coordination of work on children across the Government

4. National Child Care and Protection Forum coordinates relevant government departments and NGOs to ensure the implementation of the Children's Act and other related legislation. Strategies, guidelines and programmes are approved through this forum to ensure the care and protection of all children, including challenges in rendering effective services. This forum meets on a quarterly basis.
5. The National children's Rights Intersectoral Coordination Committee coordinates and monitor compliance on policies and legislation aimed at the realization of children's rights across all sectors. The departments hold meetings quarterly and different Departments share and deliberate on achievements and challenges on implementation of policies and legislation on the realization of children's rights and also ensures that periodic treaty obligation reports are compiled.

Financial and human resources specifically allocated to children's issues

6. The budget process for provision of services is according to the Public Finance Management Act (Act No1 of 1999). This Act promotes good financial management through coherent, efficient, effective and transparent utilization of

limited resources to maximize service delivery. Children related programmes allocation for the National Department of Social Development (DSD) during the reporting period is as follows:

Children Related Programmes Allocation - National DSD

Programme	Audited [R]			Preliminary [R]	Total
	2012/13	2013/14	2014/15	2015/16	
Children	54,765,000	56,310,000	67,904,000	76,031,000	255,010,000
	54,765,000	56,310,000	67,904,000	76,031,000	255,010,000

Source: Department of Social Development

Children related allocation per Province

Children Related Programmes Allocation per province

Province	2012/13		2013/14		2014/15		Total [2012/13 -2014/15]		2015/16		Total [2012/13-2015/16]	
	Rands	Percentage	Rands	Percentage	Rands	Percentage	Rands	Percentage	Rands	Percentage	Rands	Percentage
Eastern Cape	237,921	7%	542,589	12%	651,643	12%	1,432,153	10%	637,934	10%	2,070,087	10%
Free State	340,579	9%	377,526	8%	344,007	6%	1,062,112	8%	365,732	6%	1,427,844	7%
Gauteng	1,102,562	30%	1,351,564	29%	1,629,765	30%	4,083,891	30%	1,956,637	31%	6,040,528	30%
KwaZulu Natal	721,061	20%	835,189	18%	941,344	17%	2,497,594	18%	1,019,959	16%	3,517,553	17%
Limpopo	253,322	7%	260,638	6%	545,352	10%	1,059,312	8%	677,358	11%	1,736,670	9%
Mpumalanga	178,512	5%	329,897	7%	353,435	6%	861,844	6%	455,032	7%	1,316,876	7%
Northern Cape	146,879	4%	181,994	4%	216,688	4%	545,561	4%	233,690	4%	779,251	4%
North West	188,768	5%	276,079	6%	272,031	5%	736,878	5%	411,986	6%	1,148,864	6%
Western Cape	454,280	13%	523,498	11%	550,888	10%	1,528,666	11%	600,199	9%	2,128,865	11%
	3,623,884		4,678,974		5,505,153		13,808,011		6,358,527		20,166,538	

Source: Department of Social Development

- The department of Social Development's compensation of employee's budget is set to decrease by R29.6 million in 2017/18 and R45.9 million in 2018/19 due to the Cabinet approved budget reductions to lower the national aggregate expenditure ceiling. After consultation with the Department of Public Service and Administration and the National Treasury, the department will develop and implement a plan to manage its personnel expenditure within its reduced personnel budget. The reduction applies across all programmes in the department.
- The Government also reckons that trained social workers are crucial to a reformed and standardised social protection system, and the Department expects

to award 4 506 scholarships for social work in 2018/19. Scholarships constitute 31.8 per cent of the budget in the *Welfare Services Policy Development and Implementation Support* programme over the medium term, and are administered by the National Student Financial Aid Scheme.

- 3. With reference to paragraphs 3 and 51 of the State party report, please update the Committee with information on measures taken to improve the budget process to allow for more accurate determination of allocations to and expenditure on children's rights, as well as to secure sufficient resources to fully implement laws on children.**

Improve the budget process to allow for more accurate determination of allocations and expenditure on children's rights

9. The budget process for provision of services is according to the Public Finance Management Act (Act No1 of 1999) which promotes good financial management through coherent, efficient, effective and transparent utilization of limited resources to maximize service delivery.
10. The Government's National Development Plan gives effect to outcome 13 (an inclusive and responsive social protection system) of government's 2014-2019 Medium Term Strategic Framework (MTEF). The Department of Social Development's focus over the MTEF period is on improving the social development sector through: increasing access to social assistance; investing in and increasing access to quality Early Childhood Development (ECD) services; reforming and standardising the social welfare system; expanding social development services; improving household access to food and nutrition; and strengthening community participation in service delivery.
11. The provision of free health care services is also protected in the National Health Act (Act 61 of 2003) which secures the rights of all children as well as vulnerable groups (e.g. women, older persons and people with disabilities), to basic nutrition and health care services. The Cluster Child and Youth Health as a main division within a vote benefits from resource allocation as approved by Parliament or provincial legislature (for provinces).

Secure sufficient resources to fully implement laws on children

12. The Government is implementing laws on children in different departments whereby resources are allocated accordingly. The Department of Home Affairs allocated R30 million over 3 years to digitize birth records and to improve turnaround time. An amount of R2 million was set aside to evaluate

birth registration strategies in partnership with the Department of Performance Monitoring and Evaluation.

13. Cabinet recently approved the Early Childhood Development (ECD) Policy which recognises ECD as a public good. To date, government spends over 1.8 Billion Rand on ECD, benefiting seven hundred and forty eight thousand seven hundred and sixty eight (748,768) children throughout the country. Over 1.5 million children access ECD from twenty six thousand (26 000) registered ECD programmes.
14. The government pays a subsidy of R15 per child per day for 264 days a year. At the end of 2014/15, approximately 1.4 million children were accessing early childhood development services, of which just over half were receiving a subsidy. Government aims to provide all poor children accessing early childhood development services in registered centers with an early childhood development subsidy. The amount of R663 million over the MTEF period is allocated to increase the number of poor children receiving a subsidy.
15. The Department of Basic Education continues to intensify the support for Technical Schools through the Mathematics, Science and Technology (MST) Conditional Grant during the 2016 MTEF period. An allocation of R1.1 billion has been made available for all provinces through the grant for the MTEF period.
16. The Department of Transport provides transport services to learners from poor families. Nationally, there are approximately five hundred and seventeen thousand (517 000) learners who require learner transport services. Provinces are providing learner transport services to deserving learners in terms of the National Learner Transport Policy. Currently, through provincial schemes, government provides transport for over three hundred and seventy thousand (370 000) or 71.85 % of learners, with the current budget being R2.3 billion.
17. The Department of Arts and Culture, will in line with the Library Policy allocate R4 billion over the coming MTEF period to build more libraries in close proximity to schools or within school premises and procure materials that support teaching and learning.
18. The Department of Environmental Affairs secured resources to the cost of R800 000 for training of 145 Teachers on Fundisa for Change in 2013/14 and R 827 322.00 for the 179 Elementary Teacher training course. Furthermore 117 teachers were trained in Fundisa for Change in 2014/15 and 161 teachers trained in the intermediate phase which in involve learners from Grade 4 to 6 to the total budget of R1000 000. During the current financial year 2015/16 a total of 51 993 School Desks Equivalent produced from the wood of invasive trees which are donated to needy schools.

4. Please inform the Committee on measures taken to regulate activities of business enterprises, in particular extractive industries, on respecting human rights, environment and health standards and monitoring of their compliance. Please provide information on investigation of alleged violations, prosecution and sanction of perpetrators and remedies to child victims.

19. The Government regulate activities of business enterprises through the Occupational, Health and Safety Act (Act 85 of 1993) which apply to all business enterprises. The Act is enforced by the Departments of Labour through the Inspectorate and Enforcement Services (IES). Prohibition notes may be served and prosecution followed when the Act is not complied with. The Department of Environmental Affairs (DEA) regulates all activities that have a potential to impact negatively on the environment, such as extractive industries through the National Environmental Management Act (Act 107 of 1998). The Department of Mineral Resources (DMR) is the competent authority for the exploration rights in South Africa. These activities require an environmental impact assessment to be conducted prior and environmental authorization to be issued. The Department of Health (DOH) provide guidance on the impact that these processes have on the human health and also ensure that all health aspects of the proposed activities are considered before a decision to issue or refuse authorization could be made. Department of Health through environmental health investigations continuously monitors conditions in the environment that can pose a health hazard or risk to human health, including children.
20. The Government through the Department of Environmental Affairs is promoting the development and implementation of an enabling legal regime of licensing and authorisation systems to ensure enforcement and compliance with environmental laws. Any violation to the conditions of the environmental authorization or of the exploration right are conducted by the competent authorities in the Department of Environmental Affairs and Department of Mineral Resources. To this end 135 authorizations were inspected in 2013/14, 247 in 2014/15 and 112 in 2015/16. Furthermore 72% annual compliance with administrative enforcements actions were issued on 27 projects which were monitored during 2013/14, while 83% were issued on 129 projects monitored in 2014/15. In addition 165 administrative enforcements actions were issued and 26 criminal investigations were finalized during 2014/2015 while 30 dockets were handed over to the National Prosecuting Authority. Furthermore 15 dockets were also handed over in 2016.

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- 5. Please explain what measures have been undertaken to ensure that those children whose birth has not been registered within 30 days after the date of birth would receive birth registration. Please also inform the Committee on measures to ensure birth registration of stateless children and children at risk of statelessness, including those born to parents who are undocumented non-nationals, as well as of children in prison with their mothers.**

Measures to ensure children whose birth has not been registered within 30 days after the date of birth would receive birth registration

21. Late registration of birth is a process used to register birth after 30 days.

Children born to parents who are undocumented non-nationals

22. The Government through the Department of Home Affairs issues to foreign nationals DHA 19, which is a certificate that confirms that the child is born in South Africa but not a citizen/registered. The children born by South Africans are all required to be registered within 30 days including those in prison.

Children in prison with their mothers.

23. The Government initiated the Concept of Mothers and Baby Unit (MBU) through the Department of Correctional Services in 2009 to cater specifically for the needs of incarcerated mothers with their babies. The intention was to separate the mothers from the general female population. The mother and baby units have been harmonised to be child friendly with baby cots, toys and kitchen. According to the Correctional Services Amendment Act No 25 of 2008, mothers who are remand detainees and those serving their sentences are allowed to keep their babies until they reach the age of two (2).
24. Department of Correctional Services has also established early childhood development (ECD) centres in some of the Mother and baby Units. The Department strives to ensure the best interest of the child by rendering ECD and ensuring provision of programmes that focusses on the development and stimulation of babies. Females with babies are involved in parenting skills programme. The Department further ensures that process of placement of babies with suitable alternative care is commenced with immediately upon admission or birth of the child. Mothers and babies have access to health care services. Department of Correctional Services his operating sixteen (16) Mothers and Baby Units nationally.
- 6. Please elaborate on measures undertaken to eliminate the very high prevalence of violence in the State party, in particular, sexual violence, domestic violence, child abuse and neglect, corporal punishment both at**

home and at schools as well as bullying at schools and on the Internet. In relation to the violence mentioned above, please include information on measures taken to improve low reporting, prosecution and conviction rates as well as on remedies, protection and rehabilitation and reintegration support provided to child victims of such violence. Please also include information on groups of children who face heightened risk of exposure to violence, such as refugee, asylum-seeking and migrant children, children in street situations, unaccompanied or separated children, lesbian, gay, bisexual, transgender and intersex (LGBTI) children, and children with albinism.

Measures taken to eliminate the very high prevalence of violence against children in particular sexual violence, domestic violence, child abuse and neglect, corporal punishment both at home and at schools

25. The Government promulgated the Children's Act 38 of 2005 which came into effect in 2010. In line with the Act, Form 22 which is an addendum for Part A of the Child Protection Register is used in order to track and trace children who have been abused or exploited. The Child Protection Register keeps record of cases of child abuse, convictions and persons found unsuitable to work with children in order to ensure protection of children from abuse and deliberate neglect.
26. The Government has introduced a number of programmes and measures to protect children from vulnerability and exploitation. These programmes, amongst others, include the Child Protection Week which has become an annual campaign to educate and mobilize communities to put children first. Government has also established an Inter-Ministerial Committee chaired by the Minister of Social Development, to develop and implement a multi-faceted response program, and commissioned the required diagnostic research to enable South Africa to respond accordingly.
27. The South African Police Service (SAPS) are part of early identification interventions aimed at protecting vulnerable children from harm. In this regard, the SAPS National Instruction 2 / 2010 directs the police to hand children in need of care and protection over to social workers for assessment and placement in alternative care. Children who are in need of emergency care and protection would be handed over to care facilities such as Child and Youth Care Centres (CYCCs), subject to confirmation by court order on review on the next court day following the emergency placement. These include child victims of abuse / domestic violence, children living in streets and unaccompanied migrant children / asylum-seekers who are brought to the attention of the police.

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28. Government is in the process of developing a Child Protection Policy. This policy will provide the legislative response framework for the protection of children against corporal punishment in the home, and it will be in-cooperated into the third amendment Children's Bill.
 29. The Department of Basic Education monitors the implementation of Section 12 of the South African Constitution Act 108 of 1996 states that "everyone has the right not to be treated or punished in a cruel, inhuman or degrading way". In line with the Constitution, the National Education Policy Act of 1996 (Republic of South Africa, 1996a: A-47) states that "no person shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution". The National School Safety Framework further bolsters the system's ability to monitor the cases of corporal punishment within the education system.

Bullying at schools and on the Internet.

30. The government through the Department of Basic Education has developed and rolled out the National School Safety Framework (NSSF) which is a tool for School Management Teams (SMT) including School Governing Bodies (SGB) on promoting safety holistically in schools. The NSSF has components on how to manage and prevent violence; gender-based violence as well as a special segment focusing on homophobic bullying. Training of provincial and district officials have already taken place in all provinces
31. The Government has further established schools-based crime prevention programme, through which the South African Police Service reaches children. A range of crime and violence issues are addressed to indicate the negative impact crime has in causing harm to others. Crime awareness campaigns also emphasise the need to report issues of abuse and educate children and care givers including educators on what is tantamount to violence, may precipitate or predispose others to violence. Issues addressed in the schools-based crime awareness engagements include bullying, cyber bullying, substance use and drug abuse, dangerous weapons, sexual offenses, xenophobia, occult-related crimes and gangsterism and the necessity to report all forms of child abuse.
32. More education continue to be done on Cyber Bullying and Sexting. The National event was held on 27 June 2014 and 06 June 2015 and these interventions are planned to be rolled out in the provinces to educate the learners and communities about the legal consequences of violent behaviour.

Information on groups of children who face heightened risk of exposure to violence.

Refugee, asylum-seeking and migrant children

33. The Government is currently in the process of drafting an integration strategy for refugees and the strategy will form part of the input for the national framework for integration of all foreigners in the country which is led and coordinated by Department of Cooperative Governance and Traditional Affairs (COGTA) and the Department of Home Affairs.
34. Section 205 of the Constitution of the Republic of South Africa (1996) indicates the objects of the SAPs as to “prevent, combat and investigate crime, maintain public order, to protect and secure the inhabitants of the Republic of South Africa....” Inhabitants include the indigenous people of the RSA. In this regard all National Instructions relating to the provision of services to victims of crime (including child-victims) require that communication with the victim (or offender) should be in a language understood by the victim (or offender). In this regard efforts should be made to ensure that the victim is in a position to articulate what assistance they may require and understand processes or procedures that will be followed in their case.

Children in street situations, unaccompanied or separated children

35. Awareness campaigns are conducted by different departments to deal with the prevalence of violence. These includes child protection week which is led by the Department of Social Development whereby different activities are embarked on to educate and make communities aware of the protection of children.
36. The Government has established the National Register for Sex Offenders (NRSO) which was established in terms of Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007). Its key objective is to register sex offenders convicted of sexual offences perpetrated against children and persons with mental disabilities. The aim is to prevent registered sex offenders from working or operating at environments that will expose them to these victims. It also restricts them, among other things, from becoming foster parents, kinship care-givers, temporary safe care-giver, adoptive/ foster parents or curators, unless they receive a clearance certificate from the National Register for Sex Offenders. At the end of 2014/2015, the registrations into the NRSO stood at 17 500. As at 31 January 2016, they increased to 22 324.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) children

37. In addition the National Prosecuting Authority (NPA) also embark upon the Project Ndabezitha focusing on Traditional Leaders and their crucial

responsibilities in the communities regarding awareness raising. NPA also participates in the lesbian, gay, bisexual, transgender and intersex (LGBTI) Task Team which is facilitated by Department of Justice and Constitutional Development to look into all matters regarding the LGBTI sector. The task team inter alia focus on the prevention, public awareness and improved investigation and prosecution of these cases.

Children with albinism.

38. Government in partnership with the Albinism Society of South Africa (ASSA) cohosted the first ever National Conference of persons with albinism in 2014 the focus of which was on the rights of persons with albinism. This Conference was a direct outcome of the Presidential Siyahlola Monitoring Programme. The Conference was constituted by over 250 delegates with albinism, including 90 children with albinism drawn from special and ordinary schools across all nine provinces. This was in compliance with the United Nations Convention on the Rights of the Child Article 12 on child participation and the United Nations Convention on the Rights of Persons with Disabilities, Article 7 on self-representation. Deliberations over the two days focused, among others, on priorities in service delivery, elimination of discrimination and the development of positive language associated with albinism in all official languages.
39. The Conference as such takes forward the recommendations contained in the Report published by the Office of the High Commissioner on Human Rights on the Promotion of the Rights of Persons with Albinism. One of the highlights of the Conference was the launch of a Booklet "*Understanding Albinism*", developed by the Human Rights Media Centre on the 26th October 2013. South Africa further participated in the 2015 Pan African Albinism Conference in Tanzania denouncing the killing of people with Albinism.

Measures taken to improve low reporting, prosecution and conviction rates and support provided to child victims of such violence as well as remedies, protection and rehabilitation and reintegration

40. The Government is reactionary towards all forms of violence including gender based violence and committed to the prosecution of these cases once reported and investigated. To this effect the Government has put in place Dedicated Sexual Offences Courts that exclusively deals with sexual offences matters. The Department of Justice commenced with the Sexual Offences Courts Project in August 2013, and as at 29 February 2016, 46 sexual offences courtrooms have been established nationwide. These courts provide court-based support services

for child victims to reduce secondary traumatization, and these include the intermediary services, private testifying services, age-appropriate court preparation services, private waiting services, child-appropriate information services and witness fee service.

41. The sexual offences courts are also intended to reduce the turnaround time in the finalization of sexual offences cases. In March 2016, the Department of Justice and Constitutional Development has commenced with the research to determine the turnaround time in the finalization of the sexual offences cases from the reporting stage to the judgement/ sentence stage. This research will help the country to establish the national indicator for the case cycle time. During the financial periods 2013/2014 and 2014/2015, the conviction rate in sexual offences cases increased from 59,6% to 63%, and this service improvement is attributed to the re-introduction of the sexual offences courts.
42. The Government has further amended the Criminal Law (Sexual Offences Amendment) Act, 2007 Section 15 and 16 through the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2015 (Act No.5 of 2015) (“the Amendment Act”). Section 15 was amended to decriminalize consensual sexual act with a child who is 12 or older but under the age of 16 years, if the perpetrator was also within the same age group or if he or she was 16 or 17 years, if the age difference (between the victim and offender) is not more than two years. As a result, the amendment decriminalises consensual sexual acts of children between the ages of 12 and 17.
43. Section 16 was amended along the same lines and allows the Director of Public Prosecution to decide whether to prosecute an offender who was 16 or 17 and the difference between the perpetrator and the victim was more than 2 years.
44. With regard to children who were convicted in terms of section 15 and 16 before these sections were amended, the Amendment Act (2015) provides for automatic Expungement of the criminal records and removal of the names from the Register of Sex Offenders, where the convicted person was 12 years or older but under the age of 17 years. In respect of children who were charged in terms of section 15 or 16 before they were declared unconstitutional, the National Prosecuting Authority withdrew all the cases that were pending before court at the time of the constitutional court judgement.
45. Section 50 was also amended to provide that, “If a court has, in terms of this Act or any other law, convicted a person of a sexual offence against a child and that person 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 respect of a child at the time of the alleged commission of the offence, the court may not make an order as contemplated unless the prosecutor has made an application to the court for such an order; the court has considered a report by the probation officer referred

to in section 71 of the Child Justice Act, 2008, which deals with the probability of committing another sexual offence against a child or a person who is mentally disabled, as the case may be, in future; a child has been given the opportunity to address the court as to why his or her particulars should not be included in the Register; and 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. The inclusion of the particulars of persons, who were children at the time of the commission of sexual offences, in the National Register for Sex Offenders is contrary to the “best interest of the child” principle and therefore not justified in an open and democratic society.

46. However, due to the high rate of gender based violence (GBV), government through the National Prosecuting Authority (NPA) and relevant stakeholders focus on a prevention programme dealing with public awareness and education targeting inter alia schools, communities, radio stations etc. This is done on all 3 levels, namely local, provincial and nationally. The NPA facilitates integrated training for stakeholders at the Thuthuzela Care Centers (TCC) to efficiently and effectively deal with GBV cases. In this regard government in partnership with stakeholders strive to eliminate the prevalence of violence and to improve service delivery in the Child Justice System.

7. Please provide updated information on the prevalence and trend of harmful practices including prevention measures, investigation, prosecution and sanctions of perpetrators; as well as remedies, protection and support provided to child victims of such practices. Please also provide the evaluation of the effectiveness of measures that have been taken to combat such practices and the update on the investigation of the South African Law Reform Commission on the impact of *ukuthwala* on girls and its assessment on the needs of law reform.

Measures to address the prevalence of harmful traditional practices

47. The government is continuing with the campaigns against harmful traditional practices. In this regard during 2014/2015 and 2015/2016 the government through the Department of Justice and Constitutional Development rolled out new interventions in the provinces to increase awareness on Harmful Religious Practices. The National Prosecuting Authority facilitates discussions on possible harmful traditional practices during public awareness campaigns.

48. The Government through the Department of Traditional Affairs developed the draft initiation policy which was published in the Gazette on 22 May 2015 for public comment. Initiation is a sacred and respected customary practice used as a rite of passage to adulthood. However the practice of initiation amongst

traditional communities has in recent years been subject to abuse. In many instances it has resulted in the death of initiates as well as serious injuries (bodily harm).

49. The main objectives of the initiation policy are to protect, promote and regulate initiation; to provide acceptable norms and standards; and to provide for structures at the national and provincial levels with a view to ensure that initiation takes place in a controlled environment; 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). This principle underpins the entire process of initiation without any exception.
50. Furthermore the policy will ensure that initiation is not exploited as a commercial enterprise used purely for personal enrichment and that the teachings and rituals that are part of initiation are aimed at character building, promotion of societal values and sharing of constructive and factual information about sexuality, gender, reproduction and ultimately prepare the young people for adulthood (school of life). It will also protect the customary practice of initiation and ensure that it is practiced within the Constitutional and other legal prescripts, allow the practice to evolve within the relevant communities while awareness campaigns on initiation practices are provided with a view to educate all persons involved in such practices on their rights, duties, responsibilities, roles, functions as well as all relevant legal prescripts. The policy is in the Cabinet process for consideration.
51. In addition the government also hosted the campaign on child marriages in collaboration with the African Union Committee of Experts on the Rights and Welfare of the Child during the commemoration of the Day of the African Child held in June 2015. The specific aims and objectives were to execute provincial strategies and programmes aimed at ending child marriage; mobilise provincial communities to be aware of child marriage and remove barriers and bottlenecks to law enforcement, including advocate for prioritization of gender based violence cases, especially child marriages; increase the capacity of non-state actors including youth leaders and child ambassadors to undertake evidence-based advocacy for policy; facilitate and coordinate public awareness campaigns for the protection of children against harmful traditional practices.
52. The Government is also conducting public education and awareness campaigns on an on-going basis and specifically during August, Women's Month and the 16 Days of Activism against Gender Based Violence Campaign whereby awareness is made to the communities in rural areas on the human right violations that are committed through the practice of the distorted form of

ukuthwala. The Children's Act 38 of 2005 views ukuthwala as a contravention of section 12 of the Children's Act.

Prevention measures, investigation, prosecution and sanctions of perpetrators; as well as remedies, protection and support provided to child victims of such practices

Refer paragraphs numbers 37 to 43

Update on the investigation of the South African Law Reform Commission on the impact of *ukuthwala* on girls and

53. The South African Law Reform Commission (SALRC) published a Discussion Paper in 2014 and conducted public hearings in several provinces to elicit comments. In 2016 the Commission issued a Revised Discussion Paper and conducted workshops on the paper from 28 January 2016 to 3 March 2016. The purpose of the workshops was to discuss the revised discussion paper and focus on the law reform initiatives. The discussion paper makes the conclusions and recommendations on the current law and the need to address the abhorrent aspects of contemporary abuses of *ukuthwala*. The SALRC therefore recommends that a criminal statute be created that would define "forced marriage", "child marriage", and *ukuthwala* in all its manifestations and criminalise the conduct of forcing someone into a marriage without his or her free and full consent and also contain an aggravated offence for conduct in relation to a person under the age of 18 years. The National House of Traditional Leaders in partnership with stakeholders conducted awareness campaigns on *ukuthwala* and human trafficking.

- 8. With reference to the huge increase in foster care placements (paragraph 191 of the State party report), please provide updated information on measures taken to solve this crisis and to respond to growing backlogs and lapses in foster care orders and to provide necessary support, such as Foster Care Grant, to children in foster care in a reliable and sustainable manner. Also provide information on efforts made to monitor the situation of children in kinship care or adopted through customary adoptions.**

Measures to solve foster care crisis

54. The Children's Act 38 of 2005 makes reference to children placed in foster care with family members instead of kinship care. The Department is implementing a Foster Care project plan that aims to reduce the backlog of lapsed foster care orders and to put systemic mechanisms in place for effective and sustainable management of the foster care programme. The foster care orders are extended administratively in line with the North Gauteng High Court Order and children continue to receive services i.e. foster child grants. The

Department is engaged in a policy review process undertaking a number of activities that include the Minister's Committee on Foster Care that is established to determine factors that impact on the programme and making recommendations to the Minister on implementation and evaluation of the foster care programme and consultations on policy options for foster care.

Response to growing backlogs and lapses in foster care orders and provide necessary support, such as Foster Care Grant, to children in foster care in a reliable and sustainable manner

55. The Government is extending foster care orders administratively in line with the North Gauteng High Court Order so that children continue to receive services and foster child grants. The Government further engaged in a policy review process undertaking a number of activities that include the Minister's Committee on Foster Care that is established to determine factors that impact on the programme and making recommendations to the Minister; on the implementation and evaluation of the foster care programme and consultations on policy options for foster care.

56. Department of Justice and Constitutional Development provides administrative support to Children's Courts in the administrative opening and finalisation of Children's Courts matters as well as the adjudication and finalisation of Children's Courts cases/inquiries to ensure the child's well-being and that the child's best interests and rights are protected

Efforts made to monitor the situation of children in kinship care or adopted through customary adoptions.

57. The Children's Act 38 of 2005 makes reference to children placed in foster care with family members instead of kinship care.

9. With reference to the challenges identified for realizing the rights of the child with disabilities (paragraph 221 of the State party report), such as long waiting period for assistive devices, the lack of braille and sign language services, lack of access to public transport, the need for support for caregivers, and the lack of protection of the sexual and reproductive rights of children with disabilities, please provide concrete information on measures taken to address these challenges. Please also inform the Committee on any steps made to enact legislation to protect the rights of children with disabilities.

Measures taken to address challenges in realizing the rights of children with disabilities in relation to long waiting period for assistive devices

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58. In addressing the challenges of long waiting periods for assistive devices the Government has developed a Framework and Strategy for Disability and Rehabilitation Services in South Africa under the Department of Health. The policy document makes provision for disability and rehabilitation services at all levels of care, from home/community level to tertiary and specialized hospital level. The Framework includes a section on the provision of Optical Assistive Devices such as spectacles and low vision optical devices. The implementation of the policy document across the country is aimed at improving access to assistive devices and to make them available at lower levels of care.
59. The Government is conducting a study on the readiness of provinces to implement the Framework and Strategy for Disability and Rehabilitation and will culminate in the development of an implementation model that will guide provinces and districts on effective implementation. Provinces have been encouraged to ensure that a budget is available for the assistive devices. The Government also partnered with civil society organisations on private optical devices to children and is currently developing a framework for Eye Health which will incorporate services and devices that need to be provided to children.

Braille and sign language services.

60. In terms of lack of braille and sign language services the Government has adopted a strategy to transcribe summarized versions of key policy documents into Braille to increase access to health information. Furthermore, the Department of Health makes provision for sign language in all major consultations with the disability sector. A government wide strategy on sign language services is under consideration by the Department of Social Development.

The need for support for caregivers.

61. The Government has established the disability service and information portal that provide access to information. Caregivers of children with disabilities have access to integrated information, which includes information on parental counselling, peer-support services, therapeutic, educational and economic programmes.

Protection of the sexual and reproductive rights of children with disabilities.

62. In protecting sexual and reproductive rights of children with disabilities the Government has defined, costed and approved an integrated and holistic basket of accessible and affordable health care services at district and community level, which will include access to higher level of care.

Steps made to

63. The Government has enacted legislation to protect the rights of children with disabilities and this includes Section 27 of the Constitution, the National Health Act (Act 61 of 2003), the National Rehabilitation policy (2006), the development of a Rehabilitation framework and related policies and protocols to secure the right of all persons, including persons with disabilities, to have equal access to health care, which embraces mental health and rehabilitation services.

64. The White Paper on the Rights of Persons with Disabilities 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.

10. Please indicate how the prevalence of pregnancies, HIV/AIDS infection, drugs and substance abuse and suicide has been reduced during the period under review. Please also indicate how adolescents have been involved in law- and policy-making on these issues.

Reducing the prevalence of pregnancies

65. The Government through the Department of Basic Education is reviewing the draft policy on the Prevention and Management of Learner Pregnancy. The draft policy was developed to address the challenge of learner pregnancy in schools mainly driven by the gap in dealing with learner pregnancy since the withdrawal of “The Measures” as some schools use these to exclude learners from school for up to two years. The policy also seeks to strengthen the prevention element to reduce the number of learner pregnancies. The Life Skills Education Programme also touches on the prevention of teenage pregnancy through its sexual and reproductive health education component, however, this needs to be augmented.

66. Government has also developed and implemented the contraception policy which focuses on five (5) key actions, namely provision of quality contraceptive health services; stimulating community awareness and demand; putting integration into practice; strategic multi sectoral collaboration; and evidence guided planning and provision. The Department of Health Policy Guidelines for Youth and Adolescent Health, outline five (5) intervention strategies, namely promoting a safe and supportive environment, providing information, building skills, counselling and access to health services, as well

as an Integrated School Health Programme (ISHP), which aims to provide reproductive health services.

67. Department of Health is conducting Adolescent and Youth Friendly services training for health care providers in health facilities and this training contributes to the reduction of teenage pregnancies as it empowers trained health care providers to be able to interact and communicate well with young people when providing services. Through love life and Soul City's programmes demand for health care services is created and young people are then able to access facilities for contraceptives.

Reducing HIV/AIDS infection

68. The Government has developed implementing guidelines and strategies such as Paediatric and Adolescent HIV and TB integrating prevention, early identification of HIV and link to early treatment, care and support, Blue print for action 2012-2016, Psychosocial Support for children and adolescents infected and affected by HIV 2013 (information booklet for health professionals), the Draft HIV Disclosure Guidelines for Children and Adolescents, Revised policy on national consolidated guidelines for the prevention of Mother-to-Child Transmission of HIV (PMTCT) and the management of HIV in children, adolescents and adults. The monitoring tool has been developed and approved. In addition the Standardized Anti-Retroviral Treatment (ART) Clinical file for children and adolescents (Birth to 19 years). Currently the Department is implementing 90 90 90 strategy to improve HIV cases finding in all population groups and linking them to HIV care.
69. The Government has further developed a social and behavior change programme for 15-24 year old targeted key population. The programme aims at enhancing young people's skills for social and behaviour change that will reduce risk tolerance to HIV acquisition. The programme has been designed to run over 12 sessions and it is implemented through a participatory approach with supporting programme activities and a facilitation style to enhance personnel growth and promote behaviour change with a view to reducing HIV infections, encouraging testing for HIV and the prevention of teenage pregnancies. The programme is called **YOLO**, which means: **You only live once** hence responsible behaviour is important. The programme has been piloted in 15 Districts in 8 provinces. The programme was launched on 03 December 2015 at National Youth Camp in Northern Cape and will be scaled up to all districts in the next financial year 2016/17.
70. In addition the Isibindi "Circle of Courage" model has been introduced. This model is aimed at creating safe and caring communities in the context of HIV/AIDS through the delivery of community-based child and youth care

services by trained and qualified Child and Youth Care Workers (CYCWs). Through the Isibindi model, prevention, early intervention and protective services were provided to 1.4 million OVCs nationally.

71. Furthermore the Department of Basic Education is finalising the review of the Draft National Policy on HIV, STIs and TB in order to include TB as a twin epidemic with HIV and to approach to HIV & TB as a management issue. The policy seeks to presents a holistic response for learners, educators and officials in the schooling system. In addition, the Department of Basic Education is in the process of re-focusing the HIV and AIDS Life Skills Education Programme such that it addresses the most relevant risk factors for unsafe sexual behaviour and ensures that the fundamental life skills are in place to achieve this objective.
72. Moreover various educational activities are undertaken in schools each year, which include the commemoration of calendar events such as the candle light activities and the World AIDS Day Commemoration. In addition, a number of advocacy activities are held with learners and educators focusing on awareness around a range of risky behaviours that lead to the spread of HIV infection. These include the prevention of early sexual debut, multiple concurrent sexual partnerships, age disparate sex, transactional sex and associated risks such as alcohol and drug use that lead to engaging in unsafe sex that also result in unwanted pregnancy (as it shares a common antecedent with HIV infection).

Reducing drugs and substance abuse

73. Substance abuse is a key government priority it is regarded as a key social challenge in many South African communities. The Prevention of and Treatment for Substance Abuse Act (2008) prescribes that each province must have at least 1 public treatment centre. There are currently 7 operational in-patient treatment centres in 4 of the provinces, and they are located in cities. An increase of R128 million is allocated towards the operational costs of these centres in 2017/18 and 2018/19. Each centre has the capacity to accommodate 40 in-patients.
74. The National Strategy for the Prevention and Management of Alcohol and Drug Use Amongst Learners in Schools was developed. The Strategy provides comprehensive guidance with regards to the prevention and management of alcohol and drugs in schools. Supported by UNICEF additional copies of the Strategy as well as Guidelines for Drug Testing of learners in schools were printed and distributed to provinces. The Guidelines provides information on the devices to be used for Drug Testing and the procedures to be followed, (Government Gazette 1140, September 19 (Regulation Gazette No. 31417) and Regulations for safety measures at public schools, Government Gazette 1040, October 12 (Regulation Gazette No. 22754).

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75. Radical steps to bring about change include the facilitation of training on the Guide to Drug Testing in Schools in targeted “hot spot” and “under-performing” schools and implementing education and awareness programmes on alcohol and drug use amongst learners. The Department of Basic Education is currently in consultation with UNICEF to support the appointment of a service provider to develop an implementation plan for schools. Terms of reference has been drafted and submitted to UNICEF.
76. The Government has developed a draft Bill on the marketing of alcohol beverages. It is anticipated that this will be issued for public comments and debate in Parliament during 2016. The Department of Trade and Industry has issued a policy document for public comment that proposes raising the legal drinking age and limiting hours for alcohol sales. While the Department of Transport has issued a policy proposal that there should be zero limits for drinking and driving.

Reducing suicide

77. The Government is embarking on measures to promote safe school environments. The prevalence of depression and thus suicide ideation in young people is reduced by early identification of at risk students, for example, those experiencing forced sexual encounters, poor social support, and previous suicide attempts. The pamphlets have been developed to guide schools on identifying and supporting learners at risk of depression and suicide and shared with schools. These pamphlets contain “*A Message to Schools on Identifying and Supporting Learners at Risk of Depression and Suicide*”. The material covers the following content: Defining Suicide and depression; warning signs and risk factors for suicide; the roles of an educator; SGB; School Based Support Team as well as the role of a parent. Some of the Provincial Education Departments such as Gauteng have put in place a rapid response plan that facilitates crisis intervention by various Non-governmental Organisations and some district officials should crisis situations arise at school.
78. The Government and non-governmental organizations work collaboratively in providing in-service education to health promoters and school teachers to address risk behavior in an integrated and comprehensive manner, for example within the World Health Organization (WHO) concept of health promoting schools. The department of Health and the Department of Education work together in reviewing the content included in the Life Orientation (LO) subject. This is done to ensure that service providers and schools do not feel overwhelmed and overburdened by multiple single behaviour interventions but approach suicidal behaviour and related risk

behaviours in a comprehensive manner, guided by systematic explorative and confirmative research to develop evidence- and theory-based suicide prevention and behaviour change programmes using intervention development frameworks such as Intervention Mapping.

Involvement of Adolescents in law and policy making

79. The Government involves adolescents in law and policy-making through consultative workshops in the finalisation of policies such as the integrated strategy on HIV and AIDS which has been finalised by South African National Aids Consortium (SANAC).

11. Please update the Committee on legal and policy measures taken since the submission of the report to eradicate child malnutrition and on evaluation of the effectiveness and impact of such measures. Please provide information on what concrete measures have been taken to implement the Tshwane declaration in support of exclusive breastfeeding (2011) and regulate marketing of unhealthy foods to reduce overweight and obesity of children.

Measures taken to eradicate child malnutrition

80. The Government is providing technical support to poor performing provinces and in addressing this issue the Integrated Management of Acute Malnutrition guidelines was finalized.

Evaluation of the effectiveness and impact of such measures

81. Finalisation of the Integrated Management of Acute Malnutrition guidelines and implementation thereof will assist in evaluating the impact. Child under 5 years Severe Acute Malnutrition Case Fatality Rate (CFR) trends showed a decline from 19.3% in 2009 to 9.1 in January 2016 (DHB 2014, DHIS 2015/2016).

Concrete measures taken to implement the Tshwane declaration in support of breastfeeding (2011) include:

82. The Government is implementing the Tshwane declaration through a range of strategies which includes the adoption of the World Health Organization (WHO) 2010 of the Infant and Young Child Feeding Guidelines in the context of HIV; promulgation of the Regulation relating to foodstuffs for infant and young children; distribution of Free Infant Formula phased out; revision of the Infant and Young Child Feeding Policy (2013); scaling up on the number of facilities

accredited mother and baby friendly; incorporated Breastfeeding in MCWH strategy 2012 – 2016 as well as incorporation of Breastfeeding in the Obesity strategy 2015 – 2020. The current status of the Mother Baby Friendly Initiative (MBFI) in South Africa shows that 403/545 facilities (74%) were accredited Mother Baby Friendly (MBF) by 2015-2016.

Regulating marketing of unhealthy foods to reduce overweight and obesity of children

83. The Government of South Africa has promulgated the Regulation relating to foodstuffs for infant and young children. The Regulations R991 relating to Foodstuff for Infants and Young Children, under Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act 54 of 1972) was promulgated in December 2012. Compliance to these regulations is monitored and coordinated at National level, with members of civil society, Non-Governmental Organizations, Developmental Partners and various organizations being able to report any non-conformity to the regulations with evidence to the Director General. The enforcement of the regulation is the competency of Environmental Health Practitioners at Local Authority Level.

12. Please provide information on the situation of children in informal settlements, in particular measures taken to improve their access to adequate housing, water and sanitation, as well as to guarantee protection from forced eviction. Please also comment on incidences of displacements and relocation due to development projects, such as mining or urban planning, and measures taken to protect children from such displacements and negative impacts of relocation.

Measures taken to improve situation of children in informal settlements and their access to adequate housing, water and sanitation,

84. The Government continues to improve the situation of children in informal settlements. The General Survey 2014 (Stats SA 2015) indicates that in 2014, 15, 3% of South African households were living in ‘RDP’ or state-subsidised dwellings. The percentage of households that received a government housing subsidy increased from 5,5% in 2002 to 15,3% in 2014. Female-headed households were more likely to have received housing subsidies than male-headed households in 2014 (17, 9% compared to 13, 5%). This is in line with government policies that give preference to households headed by individuals from vulnerable groups, including females, and individuals with disabilities.

85. According to the General Households Survey 2014, Stats SA (2015) nationally 90% of South African households have access to piped water. The percentage of households with access to piped water increased from 62.3% in 2002 to 79.5% in 2014; while the percentage of households that continued to live without proper sanitation facilities have been declining consistently between 2002 and 2014, decreasing from 12.3% to 4.9% during this period. The percentage of households for which refuse were removed at least once per week increased from 56.7% in 2002 to 64% in 2014, with a decrease in the number of households that had to rely on their own or communal rubbish dumps, or who had no facilities at all.

13. With reference to paragraph 324 of the State party report, please elaborate on measures taken to improve access by refugee, asylum-seeking and migrant children, in particular unaccompanied children, to refugee and asylum-seeking procedures; birth certificates and other enabling documents; and to social services such as health care, education and social security without discrimination; as well as protection from exploitation, violence and arbitrary arrest and detention. Please also update the Committee on the main changes proposed under the Refugees Amendment Bill, Notice No. 806 of 2015

Measures taken to improve access by refugee children, asylum-seeking and migrant children and unaccompanied children :

86. The Government issues section 22 permits to asylum seeking children upon application at the Department of Home Affairs. The section 22 permits, allow the asylum seeker to study in South Africa. Awareness programs are conducted to relevant stakeholders to ensure that the stakeholders are aware of the rights of asylum seekers and refugees including the documentation issued to them. The document provided is DHA 19 which will be produced by a client upon registration of birth in a country of origin.

87. The Government is in the process of developing a protocol on unaccompanied migrant children which involve the South African Police Services, the Department for Social Development and Home Affairs. The protocol will regulate the manner in which services to migrant children including asylum seekers are expedited in order to enable consistent protection from abuse. This is designed to address the challenge of accessing services in remote borderline areas where there only government facilities available where children may be kept and protected against abuse. This would also address the perception that the children are in detention or have been arbitrarily arrested.

Protection from exploitation and violence as well and arbitrary arrest and detention.

88. The Government is investigating reported cases of abuse against children in order to ensure that repeat offending is prevented through charging offenders, investigating cases and contributing to convictions.

Access to social services such as health care, education and social security without discrimination

89. Children are provided with health, education and social development services however access to social security benefits depends on compliance with the required documentation.

14. Please provide information on measures taken to guarantee adequate standard of living and access to education and health care to children belonging to indigenous peoples, to protect them from violence, exploitation and substance abuse.

90. The government is providing adequate standard of living and access to education and health care to all children including indigenous children. The Government uses the District Health System (DHS) as the vehicle for the delivery of Primary Health Care (PHC) services. The sub-programme is therefore central to supporting the health system to be efficient and effective. The National Health Act, Act 61 of 2003 makes provision for the establishment of health districts and the organisation and delivery of services within the DHS. The functional district health management offices are managing the primary health care facilities so that they meet the standards of the Office of Health Standards Compliance (OHSC) and also meet their key population health indicator targets.

91. In addition government through the Department of Health is also working towards a continuum of care starting with primordial prevention, early identification and screening, through to treatment and control at all levels of care and effective palliative care. This includes the development of guidelines and strategies for non-communicable diseases, the management of disabilities and the establishment and strengthening of rehabilitation services.

92. The National Health Insurance (NHI) aims at providing essential health care to all South Africans regardless of their ability to make direct monetary contribution to the NHI. This is being piloted in the eleven (11) selected districts. The re-engineered service delivery system consists of three interventions known as the “three streams of PHC” essential in delivery of PHC services and prevention and promotive health. These three streams comprise: i) Ward-based PHC outreach teams (WBOTs), ii) Integrated School Health teams, iii) District clinical specialist teams (DCSTs).

93. The Government has promulgated the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003) (Framework Act). The Framework Act requires recognized kingships and queenships, principal traditional councils and traditional communities to transform and adapt customary laws and customs so as to comply with the principles contained in the Bill of Rights. Section 9 of the Bill of Rights guarantees equality for all and prohibits unfair discrimination on the grounds of age. Therefore recognized kingships and queenships, principal traditional councils and traditional communities must ensure that their customary laws and customs do not infringe upon the rights of children. This position is retained in the Bill.
94. The Government also developed the Traditional and Khoi-San Leadership Bill, 2015. Therefore traditional and Khoi-San communities are obliged to adapt their customary laws and customs so as to be in harmony with the principles contained in the Constitution of the Republic of South Africa which promotes equality; and progressive advancement of children's rights.
95. Section 205 of the Constitution of the Republic of South Africa (1996) indicates the objects of the South African Police as to "prevent, combat and investigate crime, maintain public order, to protect and secure the inhabitants of the Republic of South Africa." In this regard inhabitants include the indigenous people of the RSA. In addition all National Instructions relating to the provision of services to victims of crime (including child-victims) require that communication with the victim (or offender) should be in a language that the victim or offender is familiar and understand better. In this regard efforts are made to ensure that the victim is in a position to articulate what assistance they may require and understand processes or procedures that will be followed in their case.

15. Please also provide more detailed information on the measures taken to eliminate the use of children in drug trafficking.

96. The Government continuously conduct education and awareness campaigns targeting the general population and vulnerable groups including children. The Department of Social Development is also implementing Ke Moja Drug Awareness Programme with the aim of educating young people and children about the facts related to alcohol and drug abuse. The programme also aims at capacitating children and young people to handle challenges associated and emanating from drug abuse. Puppet programmes have been developed specifically for young children under the age of 18 years with the aim of creating

awareness at an early stage. The children are also engaged on issues of drug trafficking through dialogues, workshops and seminars. Treatment services are also available for children who are found to be already abusing substances as well as their families.

- 16. Please update the Committee on the revision of the minimum age of criminal responsibility by 1 April 2015 as envisaged under the Child Justice Act (2008). With reference to the paragraphs 159 and 160 of the State party report, please provide more detailed information on the conditions for pre-trial detention of children. Please also provide more detailed information on the standards related to conditions and service provision at detention facilities, such as space, hygiene and recreation facilities, access to nutritious food, education and health care services. Furthermore, please also elaborate on concrete measures for the protection of child victims and witnesses of crimes provided under the Domestic Violence Act (1998) and any other relevant laws and policies.**

Revision of the minimum age of criminal responsibility

97. The Government has submitted a report on the Review of the Minimum Age of Criminal Capacity to Parliament for consideration on 17 February 2016 in terms section 96(5) of the Child Justice Act, 2008 (Act 75 of 2008). The recommendations in the Report are that:
- a. The minimum age of criminal capacity be raised to 12 years with the retention the rebuttable presumption for children 12 years or older but under the age of 14 years, applicable to children referred to the child justice court for plea and trial.
 - b. The Act (sections 7, 10, 11, 41, 49, 52, 58 and 67) be amended to remove the requirement of establishing the criminal capacity of children 12 years or older but under 14 years for purposes of diversion. The prosecutor and magistrate will consider and be satisfied that the child's educational and maturity levels are such that he or she will understand and benefit from diversion before the child is diverted.
 - c. Section 8 of the Act be amended and retained in the Act to provide for another review of the minimum age of criminal capacity within ten years.

Conditions for pre-trial detention of children and service provision at detention facilities, such as space, hygiene and recreation facilities, access to nutritious food, education and health care services

98. The Government continues to protect the rights of children and in this regard child offenders are handed over to the custody of their parents or adults

responsible for their care with a notice to appear in court or for preliminary inquiry on the court date. Summons can also be issued for appearance in court. Child offenders can only be detained if there are compelling reasons, where the child does not have a fixed residential address; has absconded from foster care, a child and youth care centre or temporary safe care; is likely to continue to commit offences, unless he or she is arrested; will pose a danger to any person (including himself or herself) unless arrested; is likely to destroy evidential material relating to the offence; is likely to tamper with evidential material relating to the offence; is likely to interfere with the investigation into the offence unless arrested and where the offence is in progress and is not yet completed.

99. Child offenders can only be detained for no longer than 48 hours in a police cell. If there are compelling reasons for their continued detention they are handed over to probation officers for placement at a secure care facility in a Child and Youth Care Centre. There is an administration form used for this purpose that indicates all details identifying the child and offence alleged to have been committed and the expected date of appearance in court. In detention children are kept in a separate cell from adults and girls kept in separate cells from boys.
100. The parents, guardians or adult responsible for the care of the child have to be informed. The probation officer operating in the area also has to be notified. If the child does not have legal representation, Legal Aid South Africa have to be informed so that a legal representative can be assigned to the child. Children are detained in conditions that will reduce the risk of harm to the child (for example if the children in question were engaged in a fight against each other, they would need to be detained separately and it may mean requesting the assistance of neighbouring police stations to assist in order to accommodate these children. Like all detainees they would have access to meals, use of amenities, bedding, toiletries (including sanitary pads for girls), health care, visitors, reading materials and other things taking into account the special needs of the child.
101. The National Prosecution Authority have a court preparation programme that assist witnesses with the court procedures and processes.
102. In addressing the education need of children in conflict with the law, a curriculum for the Child and Youth Care Schools has been developed. The curriculum is a response to the children who are admitted to the care centres who predominantly present with severe behavioural problems and learning difficulties. The schools have been equipped with an orientation programme and offer various schooling packages including; a full curriculum while others

have a focus on technical skills offering, others have Adult Basic Education and Training facilities and technical skills and some have facilities for education for learners with special educational needs classes and for learners who are bridging.

103. The Department of Social Development in line with the legislative requirement of section 194 (1) of the Children's Act 38 of 2005 ensured the determination and development of norms and standards generally for child and youth care centres and specifically for secure care centres for children in conflict with the law. Over and above the norms and standards there's a blueprint that provides a guideline on the design principles for the structure of how secure care centres are to be built across all provinces.

Measures for the protection of child victims and witnesses of crimes

104. The Domestic Violence Act, 1988 (Act No 116 of 1998) allows children to apply for a protection order assisted or unassisted. By so doing, the Act recognises that parents and guardians may be the perpetrators of domestic violence against their children. Any person with a material interest in the well-being of an abused child (e.g. teacher, doctor, neighbour, relative, police officer, social worker or counsellor) may also apply for a protection order on behalf of such child without the written consent of child. This provision allows third parties and community members to participate in ending domestic violence against children.
105. The Government has introduced the Safety Planning for Survivors of Domestic Violence, which provides safety measures for children. It is a tool that assists child victims/ guardians to take precautionary measures to restrict access of their abusers in schools, playgrounds and even at their homes. With this Plan, the victims/ survivors are encouraged to think ahead of measures to minimize or prevent domestic violence. The Safety Plan comes out in a pocket-book or discreet lip-stick holder to avert the unwanted attention of the abuser.
106. In addition Government holds Ndabezitha Izimbizo annually at rural communities to deal with cultural practices that could constitute domestic violence. This programme targets rural men and boys with the aim of roping them in the fight against domestic violence. To ensure information accessibility, the Department translated the application form for Protection Order into all 11 official languages and also converted the public education booklets into braille and audio versions to reach out to disabled children.

107. The government of South Africa has further put in place concrete measures for the protection of victims and witnesses. These measures are provided by the Criminal Procedure Act 51 of 1977. Section 158 of the Act make provision for the use of closed-circuit television during court proceedings when applicable. In terms of the protection of a child victims section 170 A of the Criminal Procedure Act make provision for the use of an intermediary during the testimony of a child or a mentally disabled person. Section 153 and 154 of the Criminal Procedure Act provides for in camera proceedings when dealing with children. In addition there is a court preparation programme that assist witnesses with the court procedures and processes.
108. The Thuthuzela Care Centers are used to prevent secondary victimization, to reduce cycle time of cases reported and to increase the conviction rates. The Thuthuzela Care Center model is victim centered, court directed, with prosecutor, guided by investigations with stakeholder cooperation. The Sexual Offences unit in the National Prosecuting Authority also developed training manuals and provides specialized training sessions mainly for prosecutors towards sexual offences, domestic violence, child justice, maintenance and trafficking in persons.
109. Government has re-introduced the Sexual Offences Courts Project since August 2013. A commitment was made to first introduce 57 courts over a period of three years from August 2013. The Sexual Offences Court Model suggests minimum requirements for both the Physical and Human Resources. The human resources that mostly focuses on child witnesses or victims include the introduction of child friendly waiting rooms and dual CCTV systems. The physical resources that are required in the system include the provision of Court Intermediaries provided by the Department of Justice and Constitutional Development, Court Preparation Officers provided by the National Prosecuting Authority, Designated Social Workers provided by the Department of Social Development. These are some of the resources that are part of the Sexual Offences Court Model that directly support child complainants and witnesses. A major benefit of the dual system is that it enables the child to testify from a room away from court to prevent potential trauma that will be caused by the giving of evidence in the same room as the accused. This reduces also the case cycle time as the evidence of the child can be dispensed with without the child having to be in contact or close proximity with the accused. The Child Waiting Rooms enable children to wait in a separate child friendly room whilst they await their turn in court. The needs of children are focused on to enable them to wait in an area that is not shared by the accused or his family or supporters. Intermediaries are facilitators of evidence who facilitate the communication of court language in a

child friendly manner and child language in a court friendly manner to minimize the technicalities that may be brought up by the use of language which may confuse a child.

Part II

ALL DEPARTMENTS

In this section the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding to:

(a) New bills or laws, and their respective regulations;

110. Basic Conditions of Employment Amendment Act, 2013 make provision for the prohibition and regulation of child labour which have been extended to cover all work by children and not only work by children as employees in order to achieve full compliance with South Africa's obligations under the relevant international labour standards; create consistency with the Constitution and other legislations protecting the rights of children.

111. Prevention and Combating of Trafficking in Persons Act, Act 7 of 2013. The Act give effect to the obligations concerning the trafficking of persons in terms of international agreements and to provide for an offence of trafficking in persons and other offences associated with trafficking in persons.

112. The Traditional and Khoi-San Leadership Bill, 2015 make provisions for the transformation of traditional leadership to be in line with the principles contained in the Bill of Rights have been retained and strengthened.

(b) New institutions (and their mandates) or institutional reforms

113. During the reporting period the government has transferred the functions relating to children's rights and the rights of persons with disabilities from the Department of Women, Children and People with Disabilities to the Department of Social Development. The Department of Social Development has an additional mandate to facilitate, coordinate and monitor compliance on the realization of children's rights in different departments and across all sectors. The Department of Social Development is also responsible for the monitoring,

evaluation and reporting periodically to the United Nations and the African Union on progress made on the realization of children's rights as well as the rights of persons with disabilities which includes children with disabilities.

(c) Recently introduced policies, programmes and action plans and their scope and financing;

114. The White Paper on the Rights of Persons with Disabilities was approved by Cabinet. This 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.

115. A government wide early childhood development policy was developed in consultation with a range of stakeholders and has been approved by Cabinet in 2015. The main objectives of the policy are to ensure that comprehensive, quality early childhood development services are in close proximity and equitably accessible to all children and their caregivers, and to enable parents to lead and participate in the development of their young children through the use of these services.

116. The National Drug Master Plan (NDMP) 2013 – 2017 of South Africa was formulated by the Central Drug Authority in terms of the Prevention and Treatment of Drug Dependency Act (20 of 1992), as amended, as well as the Prevention of and Treatment for Substance Abuse Act (70 of 2008), as amended, and approved by Parliament to meet the requirements of the international bodies concerned and at the same time the specific needs of South African communities.

117. National Environmental Health Policy 2013 serves as abroad guideline and provides framework for the effective implementation of Environmental Health in South Africa.

(d) Recent ratifications of human rights instruments.

118. No ratification was done during the reporting period

Part III

Data, statistics and other information, if available.

1. Please provide consolidated budget information for the past three years on budget lines regarding children and social sectors, by indicating the percentage of each budget line in terms of the total national budget, gross national product and geographic allocation.

Children's services: comprehensive allocation per Province

Province	2012/13		2013/14		2014/15		Total		2015/16		Total [2012/13 - 2015/16]	
	Rands	Percentage	Rands	Percentage	Rands	Percentage	Rands	Percentage	Rands	Percentage	Rands	Percentage
Eastern Cape	1,739,533	14%	1,928,811	14%	2,134,236	14%	5,802,580	14%	2,261,694	13%	8,064,274	14%
Free State	867,136	7%	962,711	7%	956,335	6%	2,786,182	7%	1,017,274	6%	3,803,456	7%
Gauteng	2,524,726	21%	2,900,683	21%	3,408,805	22%	8,834,214	21%	3,997,139	24%	12,831,353	22%
KwaZulu Natal	1,985,386	16%	2,329,906	17%	2,487,432	16%	6,802,724	17%	2,713,250	16%	9,515,974	16%
Limpopo	1,197,232	10%	1,324,137	10%	1,455,600	10%	3,976,969	10%	1,608,884	10%	5,585,853	10%
Mpumalanga	928,267	8%	1,136,357	8%	1,220,303	8%	3,284,927	8%	1,294,698	8%	4,579,625	8%
Northern Cape	531,722	4%	604,415	4%	654,471	4%	1,790,608	4%	719,956	4%	2,510,564	4%
North West	922,173	8%	1,048,717	8%	1,218,405	8%	3,189,295	8%	1,336,349	8%	4,525,644	8%
Western Cape	1,402,227	12%	1,580,143	11%	1,733,842	11%	4,716,212	11%	1,898,929	11%	6,615,141	11%
	12,098,402		13,815,880		15,269,429		41,183,711		16,848,173		58,031,884	

Source: Department of Social Development

2. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location, and socio-economic status for the past three years on:

(a) The number of children stunted, wasted, and over-weight, and children having micronutrient deficiencies;

119. According to studies the mean weight (kg) and height (cm) of participants aged 0 to 14 years by sex, age, locality, province and race, indicate that, overall, South African girls were significantly heavier than boys (27.2 vs 24.8kg); they were also marginally taller than boys, but not significantly so (118.9 vs 117.5cm). Weight and height increased with age, with boys being heavier and taller until the age of five years, where after girls were heavier and taller.
120. Boys living in urban formal areas were significantly heavier than those living in rural informal areas. They were also taller than all the other race groups. The same pattern applied to girls, although the differences were not significant. KwaZulu-Natal, followed by Gauteng, had the heaviest boys and the North West province the lightest boys. Gauteng and KwaZulu-Natal boys were the tallest, while Western Cape boys were the shortest – none of the results for height between the provinces were significant. The same pattern for girls' weight was seen among the provinces, with KwaZulu-Natal and Gauteng having the heaviest girls.
121. The lightest and shortest girls, however, were in the Free State province. There were no significant differences in mean weight and height for girls between the provinces. The low numbers of Indian and especially white children do not justify a between race groups. When these two race groups are excluded there was no significant difference between black African and

coloured children with respect to mean weights and heights. The national prevalence of vitamin A deficiency (VAD) (0-14 years) was 43.6% and although this is 20% lower than in 2005, VAD is still a significant public health problem nationally. Of the children (> 5 years) sampled, 10.7% were anaemic, 8.1% were iron deficient and 1.9% had iron deficiency anaemia.

122. Mean weight and height among male participants aged 0–14 years by age, locality, province and race, South Africa 2013 (SANHNES)

Boys Background Characteristics	Weight (kg)			Height (cm)		
	Mean	95%CI	Total (n)	Mean	95%CI	Total (n)
Age						
0-6 months	*	*	*	*	*	52
6-11 months	*	*	*	*	*	45
12-23 months	11.4	10.2-12.1	125	78.9	77.7-80.0	125
2-5 years	16.1	15.7-16.6	656	98.6	97.5-99.8	656
6-9 years	24.4	23.9-24.9	625	132.2	122.3-124.0	625
10-14 years	38.4	37.2-39.5	620	145	143.9-146.1	620
Locality						
Urban formal	26.1	24.6-27.6	830	119.7	116.6-122.9	830
Urban informal	24.7	22.6-26.8	311	111.5	111.5-119.7	311
Rural formal	23.9	22.9-24.9	622	116.5	114.4-118.6	622
Rural informal	22.7	21.6-23.9	360	114.4	112.0-116.7	360
Province						
Western cape	23.7	22.2-25.3	318	113.6	110.4-116.8	318
Eastern Cape	24.9	23.5-26.3	291	117.6	115.1-120.1	291
Northern Cape	22.3	20.1-24.5	122	115.8	111.2-120.4	122
Free state	23.1	21.4-24.8	188	114.2	109.9-118.5	188
KwaZulu-Natal	26.4	24.1-28.6	302	119.8	115.2-124.3	302
North West	22.1	20.8-23.4	275	114.6	111.3-117.8	275
Gauteng	26.1	23.7-28.4	205	120.4	115.5-125.3	205
Mpumalanga	24	22.6-25.4	237	115.1	112.3-117.8	237
Limpopo	23.8	21.6-26.0	185	117	112.6-121.3	185
Race						
African	24.7	23.9-25.6	1629	117.4	115.7-119.2	1629
White	*	* * *	*	*	*	10
Coloured	23.7	22.1-25.2	433	116.1	112.9-119.3	433
Asian/Indian	*	* * *	*	*	*	42
Total	24.8	24.0-25.6	2123	117.5	115.9-119.2	2123

123. **Mean weight and height among female participants age 0-14 years by age, locality, province and race, South Africa 2013 (SANHNES)**

Background Characteristics	Weight (kg)			Height (cm)		
	Mean	95%CI	Total (n)	Mean	95%CI	Total (n)
Age						
0-6 months	*	*	56	*	*	56
6-11 months	*	*	57	*	*	57
12-23 months	10.7	10.2-11.2	125	76.3	74.6-78.0	125
2-5 years	15.7	15.3-16.1	640	98	97.0-99.0	640
6-9 years	25.4	24.6-26.3	592	123.9	122.8-125.0	592
10-14 years	44.5	43.0-45.9	685	148.2	147.4-149.0	685
Locality						
Urban formal	28.6	26.5-30.8	837	120.2	117.3-123.0	837
Urban informal	25	22.8-27.1	305	112.3	107.8-116.8	305
Rural formal	26.9	25.7-28.1	649	120.3	118.2-122.5	649
Rural informal	24.9	23.1-26.7	364	116.7	113.2-120.2	364
Province						
Western cape	25.6	23.2-28.1	300	116.5	112.7-120.2	300
Eastern Cape	27.2	25.0-29.4	293	120.1	116.0-124.2	293
Northern Cape	27.2	24.2-30.3	135	122.4	115.4-129.4	135
Free state	24.6	20.9-29.2	194	111	105.9-116.2	194

South African National and Health Nutrition Examination Survey

(b) The number of children involved in economic activities and children engaged in the worst forms of child labour

124. Data from the Department of Labour indicates that 784 000 children were involved in economic activities between 2013-2016. However data on the number of children engaged in the worst forms of child labour is currently not available.

(c) The number of indigenous children receiving education at Foundation Phase in their indigenous languages

125. There is no available data disaggregated by age, sex, ethnic origin, national origin, geographic location, and socio-economic status for the past three years on the number of children receiving education at Foundation Phase in their indigenous languages.

(d) The number of children used in illicit production and trafficking of drugs;

126. There is no available data disaggregated by age, sex, ethnic origin, national origin, geographic location, and socio-economic status for the past three years on the number of children used in illicit and trafficking of drugs.

(e) The number of children in pre-trial detention, including in police custody, child and youth care centres and prisons, and the average duration of the detention.

Number of children in pre-trial detention

127. There is no available data on the number of children in pre-trial detention disaggregated by age, sex, ethnic origin, national origin, geographic location, and socio-economic status for the past three years.

Number of children in prisons/correctional centers

128. The Government through the Department of Correctional Services admits children in remand detention (RD) or sentenced child offenders with ages ranging from 14 to below 18 years. There are 243 detention facilities and of these, RD children were detained in 52 facilities while sentenced children were detained 55 facilities in 2014/2015 financial year. Children are detained separately from adults and males are detained separately from females.

129. Trend Analysis from 2010 to 2015 show that the number of children detained is fluctuating daily because of the admissions and releases that take place as a process of implementing court and parole decisions. The figures in this report will therefore be presented in terms of averages and the actual figures.

130. An average of five hundred and four (504) remand detainee children were incarcerated in DCS facilities in March 2010. This figure decreased to an average of 155 during 2014/2015 financial year. This converts to a reduction of 69.25% (see figure below).

2010 Baseline	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
504	347	379	353	143	155

National distribution of remand children - Source: DCS MIS

131. Trend Analysis for 2014/2015 show that remand detainee children constituted almost 0.4% of the remand detainee population (daily unlock) on 31 March 2014 and 30 September 2014 and 0.2% on 31 March 2015. This reflects a gradual decline in the number of remand detainee children sent for detention in DCS facilities. On 31 March 2014 there were 169 remand detainee children while on 30 September 2014 and 31 March 2015 there were

154 and 106 remand detainee children respectively. This reflects a gradual decline in the number of remand detainee children.

Snapshot analysis: Gender

132. Of the remand detainee children detained, males constituted 98% (166) on 31 March 2014 and 97% (103) on 31 March 2015.

31 March 2014		30 June 2014		30 September 2015	
Female	Male	Female	Male	Female	Male
3	166	4	150	3	103

National distribution of remand children - Source: DCS MIS

133. Trend Analysis 2015/2016 show an average of 155 remand detainee children were incarcerated in DCS facilities in March 2014/2015. This figure decreased to an average of 106 on 30 June 2015 and to 103 on 30 September 2015. This converts to a reduction of 31.6% and 33.5% respectively.

Average for 2014/2015	30 June 2015	30 September 2015
155	106	103

National distribution of remand children - Source: DCS MI

Snapshot analysis: Gender

134. Of the remand detainee children detained, males constituted 96.3% (104) on 31 March 2015 and increased slightly to 98% (103) on 30 June 2015 but decreased to 95.1% (98) on 30 September 2015. Females constituted 2.8% (3) on 31 March 2015 and decreased to 1.9% (2) on 30 June 2015. The figure increased to 4.9% (5) on 30 September 2015.

31 March 2015		30 June 2015		30 September 2015	
Female	Male	Female	Male	Female	Male
3	103	2	104	5	98

National distribution of remand children - Source: DCS MIS

Number of children in need of care and protection placed in funded Child and Youth Care Centres

	2014/15 Annual Target	Annual Actual Output	% Performance
EC	1 996	1 078	54,01
FS	245	72	29,39

GP	4 092	3 817	93,28
KZ			
N	4 019	3 507	87,26
LP	1 200	961	80,08
MP	1 128	836	74,11
NC	0	0	0
NW	600	582	97,00
WC	224	252	112,50

Source: Department of Social Development

(f) The number of children convicted for crimes (disaggregated by age, types of crime and sentences)

135. An average of 717 sentenced children was incarcerated in DCS facilities in April 2010. This figure decreased to an annual average of 234 for the 2014/2015 financial year. This converts to a decrease of 67.36% over a period of five years.

2010 Baseline	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
717	635	538	357	281	234

National Distribution of Sentenced Children in DCS, Source: DCS Data Corporate Bank

Snapshot analysis: Gender

136. Of the sentenced children incarcerated, males constituted 99.1% (227) on 31 March 2014 and 98.9% (193) on 31 March 2015.

31 March 2014		30 September 2014		31 March 2015	
Female	Male	Female	Male	Female	Male
2	227	4	219	2	193

National Distribution of Sentenced Children in DCS, Source: DCS Data Corporate Bank

Snapshot Analysis of Children: Gender Distribution

137. Trend Analysis on Crime Charges: 2014/2015 indicate that of the sentenced children detained on 31 March 2014 and 31 March 2015, sixteen (16) and twenty nine (29) children had outstanding charges respectively. The top three crimes that the sentenced children were serving for, in a descending order,

were rape, murder and robbery. The snapshot for 31 March 2014 and 31 March 2015 revealed that 78 children had more than one case.

138. Analysis for Sentenced Children: 2015/2016 show the number of sentenced children decreased from an annual average of 234 for the 2014/2015 financial year to 198 (15.38%) on 30 June 2015. There was a further decrease to 186 sentenced children as at 30 September 2015. This converts to an overall decrease of 20.51 %.

Average for 2014/2015	30 June 2015	30 September 2015
234	198	186

National Distribution of Sentenced Children in DCS, Source: DCS Data Corporate Bank

Snapshot analysis: Gender

139. Of the sentenced children incarcerated, males constituted 98.9% (193) on 31 March 2015. These numbers decreased to 99% (196) as at 30 June 2015 and to 98% (183) as at 30 September 2015.

31 March 2015		30 June 2015		31 September 2015	
Female	Male	Female	Male	Female	Male
2	193	2	196	3	183

National Distribution of Sentenced Children in DCS, Source: DCS Data Corporate Bank

Trend Analysis: Crimes Charges 2015/2016

140. The number of cases for 106 children, who were in detention on 31 March 2015, was 144; on 30 June 2015 the number of cases for 106 children was 113 cases and on 30 September 2015 the number of cases for 103 children was 124. Of the 106 children detained on 30 June 2015, Fourteen (14) children had more than one case and of these, 7 had two cases each. Of the 103 RD children detained on 30 September 2015, fourteen (14) had more than one case. Of the children with multiple cases 10 had two cases each and four (04) had more than two cases (3 had 3 cases each and 1 had 4 cases). The top two (2) crimes that remand detainee children were charged for in a case as a single crime charge are rape and murder on 31 March 2015 and 30 June 2015. The top two (2) crimes on 30 September 2015 were economic crimes and murder.

	144 Cases for 106 Children	113 Cases for 106 children	124 cases for 103 children

Crimes	31-Mar-15	%	30 June 2015	%	30 Sept 15	%
1. Rape	22	15.28%	18	15.93%	13	10.48%
2. Murder	20	13.89%	17	104%	31	25%
3.Economic crimes other	15	10.42%	24	21.24%	39	31.45%

Snapshots Analysis of RD Children: Top crimes as the only charge

Source: Department of Correctional Services

141. The top 4 crime charges for all the remand detainee children including all their cases for the three snap shots are presented below:

	144 Cases for 106 Children		113 Cases for 106 children		124 cases for 103 children	
	31-Mar-15	%	30 Jun-15	%	30 Sep-15	%
Robbery (common and aggravating)	32 (1)	22.22%	26 (1)	23.02%	27 (2)	21.78%
Rape	24 (2)	16.67%	18 (2)	15.93%	13 (3)	10.48%
Murder	22 (3)	15.28%	17 (2)	15.04%	31 (1)	25%
Assault(common, intentional and serious)	12 (4)	8.33%	4 (3)	3.54%	8 (4)	6.45%

Snapshots Analysis of RD Children: Top crimes for all cases

Source: Department of Correctional Services

(f)Number of children convicted for crime and children in detention

142. Whenever a charge has not been withdrawn or the case diverted or referred to the children's court during the preliminary inquiry, the matter is referred to the child justice court for trial. The outcomes of trial in the child justice court during the reporting period were as follows:

Outcome of trials in the child justice courts

Period	New matters	Postponed during trial	Guilty	Not guilty/acquitted	Withdrawn	Struck off the roll
2011/ 2012	7 750	7 570	1 128	794	1 637	1 000
2012/ 2013	10 821	8 623	1 443	628	1 384	1 123
2013/2014	12 199	9 583	1 179	650	1 179	949
2014/2015	11 358	8 855	637	328	1 295	999

(Source: Department of Justice and Constitutional Development)

143. Between 2013/14 and 2014/15 there was a decrease of **-6.9%** in the number of new matters registered at the child justice courts. It is likely that SAPS might have also registered a further decline in the number of charges laid against children in 2014/15. In cases finalised with a verdict, in 2013/14 the conviction rate was **64%**, whereas in 2014/15 it increased to **66%**. The aim of the Department is to improve reporting in this area by identifying offences for which children are mostly charged with and convicted of and to disaggregate the information by age.

144. One of the objectives of the Act is to give effect to the United Nations Convention on the Rights of the Child, 1989 and to section 28(1) (g) of the Constitution, which require that imprisonment of children be used as a measure of last resort, and where necessary, only for the shortest appropriate period of time. The focus is therefore to encourage the utilization of community-based sentences and on the reintegration and rehabilitation of children in conflict with the law. Since 2011/2012 the sentences imposed against children in terms of the Act are as follows:

Types of sentences

Type of Sentence	2011/2012	2012/2013	2013/2014	2014/2015
Community-based sentences	795	687	753	543
Restorative justice sentences	405	508	402	179

Fines or alternatives to fines	37	Fines: 34	Fines: 43	18
		Alternatives: 44	Alternative s: 50	47
Correctional supervision	302	179	188	81
Compulsory residence in a child and youth care centre	353	335	381	245
Postponement or suspension of passing of sentence	Not yet available	296	206	190
Imprisonment	94	98	49	39
TOTAL	1 986	2 181	2 072	1 342

(Source: Department of Justice and Constitutional Development)

145. Since 2011/2012 there is a noticeable decline in the number of sentences in the form of fines imposed against children. This decrease is welcomed as it often serves as indirect punishment against parents whose children are still at school, and therefore without an income to pay for such fines. A further decrease in the number of children sentenced to imprisonment is also positively noted and this could mean that during this period fewer children were convicted of serious offences, which warranted imprisonment sentences. This could also account for the decrease in the number of children sentenced to compulsory residence in a child and youth care centre.

Average number of sentenced children in Correctional Facilities

The Department of Correctional Services reported the average number of sentenced children in their facilities as follows:

Year	April 2010	2010/11	2011/12	2012/13	2013/14	2014/15
Sentenced children	717	635	538	367	281	234

(Source: Department of Correctional Services)

146. The Department of Correctional Services reported the average number of sentenced children in their facilities and average of 717 sentenced children was incarcerated in DCS Facilities in April 2010. This figure decreased to an annual average of 234 during 2014/2015. This converts to a decrease of 67.36% over the 5 year period. The

persistent reductions in the number of children sentenced to imprisonment show that the imprisonment of children are in compliance with section 28(1)(g) of the Constitution which states that a child has a right ‘not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time..’

Number of crimes against children reported to the police

Period	2013 / 2014	2014 / 2015
Murder	1 542	804
Attempted Murder	1 626	868
Assault (GBH)	16 872	8 413
Common Assault	20 302	10 140
Sexual Offences	44 696	21 177
TOTAL	85 038	41 402

(Source: South African Police Service 2014 / 2013 Annual Report)

147. Social Development is mandated by the Children’s Act 38 of 2005 as amended to ensure the establishment and management of Child and Youth Care Centres (CYCC’s) for awaiting trial or sentence, and sentenced children in terms of the Child Justice Act 75 of 2008. Children in pre-trial detention in secure care centres are required by legislation to appear in court every fourteen days (14 day remand).

148. Furthermore the operational Inter-Sectoral Child Justice Committee (ISCCJ) both from the National and Provincial levels are committed to a case flow management system, where petty offences are put on trial for a maximum of three months, less serious offences from three to six months and more serious offences from six to nine months. This therefore has a bearing on the duration that young offenders can stay in secure care centres during their pre-trial period. The duration of detention of these young offenders in secure care centres can also be influenced by other factors such as legal representation, awaiting of court dates from Regional and Higher courts.

Total number of children in Secure Care Centres

ACTIVITY	2012/13	2013/14	2014/15	2015/16
Overall Admission	15 474	17 843	17 557	17 323
Monthly Admission	6 888	6 453	5 453	5 148
Overall Releases	5 464	6 664	5 462	4 713

Source: National Department of Social Development

Provincial breakdown of numbers of children in secure care centres

Provinces		2012/13	2013/14	2014/15	2015/16
Mpumalanga	Overall Admission	359	572	606	655
	Monthly Admission	149	139	139	147
	Overall Releases	122	130	123	137
Free State	Overall Admission	904	552	537	522
	Monthly Admission	321	249	159	181
	Overall Releases	324	296	148	135
Gauteng	Overall Admission	3445	3796	3663	3504
	Monthly Admission	2056	2188	1696	1609
	Overall Releases	2256	2502	1900	1433
KwaZulu-Natal	Overall Admission	829	907	768	690
	Monthly Admission	655	646	561	486
	Overall Releases	619	550	479	476
Limpopo	Overall Admission	1764	1906	1641	1798
	Monthly Admission	509	383	364	352
	Overall Releases	424	314	333	274
Eastern Cape	Overall Admission	1042	1462	1830	1781
	Monthly Admission	400	568	548	521
	Overall Releases	317	464	475	443
Northern Cape	Overall Admission	1709	1849	1595	1495
	Monthly Admission	493	472	362	398
	Overall Releases	425	465	373	375
North-West	Overall Admission	1246	1092	1291	1518
	Monthly Admission	230	259	271	312
	Overall Releases	249	238	273	276
Western Cape	Overall Admission	5622	5714	5626	5360
	Monthly Admission	1900	1591	1353	1142
	Overall Releases	1875	1516	1358	1164

Source: National Department of Social Development

3. Please provide data disaggregated by age, sex, socio-economic background, geographical location and nationality regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

(a) Separated from their parents

149. There is no available statistical data of children separated from their parents disaggregated by age, sex, type of disability and geographical location, for the past three years.

(b) Living in child-headed households

Province	Child Headed Households	Youth Headed Households
Kwa Zulu Natal	604	1139
Mpumalanga	590	478
Limpopo	383	282
Gauteng	725	3280
Free State	329	105
Eastern Cape	90	137
Western Cape	179	189
North West	56	2
Northern	126	305
TOTAL	3082	5917
Overall total for Child Headed and Youth Headed Households	8999	

Source: Child Headed Households and Youth Headed Households data register.

(b) Placed in institutions (disaggregated by the length placement)

150. There is no available statistical data of children placed in institutions disaggregated by length of placement. Below is the number of children in need of care and protection placed in funded Child and Youth Care Centres.

	2014/15 Annual Target	Annual Actual Output	% Performance
EC	1 996	1 078	54,01
FS	245	72	29,39
GP	4 092	3 817	93,28
KZN	4 019	3 507	87,26
LP	1 200	961	80,08
MP	1 128	836	74,11
NC	0	0	0
NW	600	582	97,00
WC	224	252	112,50

Source: Department of Social Development

(d) Children placed with foster families

148. Statistics on foster care is not disaggregated according to the indicators indicated above.

PROVINCE	Apr-13		Apr-14		Apr-15	
	Beneficiaries	Children	Beneficiaries	Children	Beneficiaries	Children

E. Cape	71 793	101 817	79 951	117 786	79 863	116 935
Free. State	24 955	32 196	30 391	40 176	29 357	38 632
Gauteng	36 828	49 025	41 574	56 118	40 585	54 611
Kwa-Zulu Natal	75 628	102 723	89 911	127 977	86 103	120 446
Limpopo	33 776	46 302	41 241	59 726	40 513	58 008
Mpumalanga	23 129	30 571	25 633	34 911	25 874	34 980
N. Cape	9 186	12 619	10 361	14 591	10 431	14 694
N. West	24 257	33 104	29 536	41 491	27 643	38 634
W. Cape	20 040	28 731	20 530	29 089	20 968	29 971
National	319 592	437 088	369 128	521 865	361 337	506 911

Source: National Department of Social Development

(e) Children adopted domestically or through inter-Country adoptions

Financial Year	National Adoptions	Inter-country Adoptions	Totals
2012/2013	1522	177	1699
2014/2015	1401	250	1651

Source: Adoption Register: National Department of Social Development

4. Please provide data, disaggregated by age, sex, type of disability and geographical location, for the past three years, on the number of children with disabilities:

(a) Children living with their families.

149. There is no available statistical data of children living with their families disaggregated by age, sex, type of disability and geographical location, for the past three years.

(b) Children living in institutions

150. Refer to paragraph number 150

(c) Children attending regular primary schools

Enrolment in Primary Schools (Grades 1 to 7)

Province	2010	2011	2012	2013	2014	2015
EC	1 232 905	1 157 901	1 140 822	1 133 220	1 142 506	1 163 757
FS	375 719	377 076	382 510	388 474	393 684	405 433
GP	1 146 294	1 162 013	1 193 061	1 232 183	1 275 717	1 334 603

KZN	1 564 596	1 567 329	1 571 814	1 561 995	1 590 072	1 595 577
LP	890 493	874 824	879 558	885 829	898 765	924 414
MP	588 750	588 064	591 708	594 826	600 214	616 722
NC	165 994	167 103	168 531	170 652	174 183	175 885
NW	451 533	455 910	461 585	470 814	477 396	486 717
WC	608 084	607 212	614 893	625 856	642 646	665 002
National	7 024 368	6 957 432	7 004 482	7 063 849	7 195 183	7 368 110

Source: DBE, SNAP Survey

(c) Children attending regular secondary schools

Enrolment in Secondary Schools (Grade 8 to Grade 12)

Province	2010	2011	2012	2013	2014	2015
EC	638 791	633 910	638 519	640 820	636 803	646 512
FS	250 778	251 254	247 804	242 532	242 317	239 199
GP	739 523	757 089	769 289	774 422	783 434	793 114
	1 053	1 085	1 103	1 107	1 109	1 093
KZN	202	180	930	300	168	889
LP	699 485	700 275	716 953	707 711	697 176	705 657
MP	391 760	397 612	399 503	396 764	394 512	399 773
NC	90 041	93 499	92 844	94 009	95 363	94 495
NW	263 499	264 060	268 299	268 792	271 439	275 594
WC	344 389	351 560	360 144	361 147	363 268	362 862
National	4 471 468	4 534 439	4 597 285	4 593 497	4 593 480	4 611 095

Source: DBE, SNAP Survey

(e) Children attending special schools:

Enrolment in Special Needs Schools

Province	2015
Eastern Cape	9 229
Free State	6 160
Gauteng	44 941
KwaZulu-Natal	17 084
Limpopo	8 106
Mpumalanga	3 994
Northern Cape	1 966
North West	7 282
Western Cape	19 883
National	118 645

Source: DBE, SNE_SNAP Survey

(f) Children out of school

Province	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Eastern Cape	7.6	6.4	6.1	5.4	6.5	6.5	5.9	5.8	5.2	5.6	5.6
Free State	5.7	5.1	4.0	3.4	5.4	4.7	5.0	4.3	4.0	4.7	3.6
Gauteng	4.7	4.7	6.2	5.6	4.5	3.5	4.7	4.8	4.3	4.1	3.6
KwaZulu-Natal	6.6	6.2	6.0	5.7	5.1	5.8	6.1	4.6	4.3	4.0	4.0
Limpopo	2.7	3.7	3.5	2.8	4.0	2.8	2.8	2.6	2.3	2.1	2.5
Mpumalanga	4.1	4.9	5.4	3.7	4.8	5.0	4.3	4.1	4.3	4.7	3.8
North West	6.1	7.4	8.2	7.4	7.3	6.3	7.0	4.9	5.7	5.3	6.5
Northern Cape	8.4	6.7	7.7	6.5	7.6	7.3	6.4	6.7	6.1	5.1	6.7
Western Cape	7.8	9.2	10.0	7.5	8.8	7.3	6.8	7.0	6.1	6.5	5.5
National	5.8	5.8	6.1	5.3	5.6	5.2	5.3	4.8	4.5	4.5	4.3

Source: General Household Survey (GHS) DBE own calculations

(g) Children abandoned by their families.

152. There is no available statistical data of children abandoned by their families disaggregated by age, sex, type of disability and geographical location, for the past three years.

5. Please provide data, disaggregated by, inter alia, age, sex, socio-economic background, geographical location and ethnic origin, for the past three years, on:

- (a) The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, primary schools and secondary schools**

Percentage of 15 to 24-year-olds who completed Grade 7 and above, 2004-2014 (Primary completion)

Province	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Eastern Cape	75.0	79.4	80.2	83.2	83.2	83.4	85.6	86.3	86.6	88.7	89.4
Free State	90.7	90.3	91.2	90.5	91.0	93.5	93.7	93.6	95.0	94.3	95.0
Gauteng	94.4	95.1	94.3	95.0	95.8	95.7	96.4	97.0	97.8	97.1	97.9
KwaZulu-Natal	88.7	89.4	90.0	90.8	90.0	90.5	92.6	93.0	93.1	94.3	95.1
Limpopo	90.6	89.7	91.2	91.4	90.6	91.8	92.5	93.5	94.6	94.8	94.5

Mpumalanga	88.3	90.1	89.2	90.4	90.4	91.5	92.8	91.5	93.0	92.4	93.3
North West	84.8	83.0	85.4	87.1	88.7	90.4	90.3	91.0	91.2	92.2	91.7
Northern Cape	84.1	87.0	86.9	86.7	86.7	89.3	92.9	91.3	92.5	92.8	93.6
Western Cape	92.0	93.9	94.7	92.5	94.1	95.0	96.3	95.5	95.8	95.9	96.3
National	88.2	89.2	89.7	90.4	90.6	91.3	92.7	92.9	93.6	94.0	94.5

Source: General Household Survey (GHS) DBE own calculations

(b) The number and percentage of dropouts

There is no available statistical data on the number and percentage of dropouts disaggregated by age, sex, type of disability and geographical location, for the past three years.

The number and percentage of repetitions

Grade	2009	2010	2011	2012	2013	2014
Grade 1	6.9	5.8	6.9	9.0	10.7	9.2
Grade 2	7.4	8.4	8.3	9.7	9.1	9.0
Grade 3	7.2	8.9	7.7	9.5	9.7	9.6
Grade 4	7.1	6.2	8.2	10.7	9.2	7.6
Grade 5	6.8	7.0	6.0	8.2	9.4	7.8
Grade 6	6.5	6.6	7.3	7.2	7.6	8.4
Grade 7	5.0	5.3	6.1	6.5	7.9	6.8
Grade 8	8.2	6.6	7.6	10.3	8.6	9.8
Grade 9	10.7	11.3	13.4	15.0	16.2	17.3
Grade 10	17.1	19.0	21.0	22.1	24.5	21.0
Grade 11	16.3	18.2	18.1	19.9	21.1	17.7
Grade 12	8.3	10.6	10.9	8.9	8.9	6.4
Total	8.8	9.4	10.2	11.5	12.2	11.3

Source: Statistics South Africa, General Household Survey (GHS), DBE own calculations

(c) The teacher-pupil ratio.

Province	2013	2014	2015
Eastern Cape	29	30	30
Free State	27	27	29
Gauteng	28	28	29
KwaZulu-Natal	30	30	33

Limpopo	30	30	31
Mpumalanga	30	30	31
Northern Cape	32	31	32
North West	30	31	32
Western Cape	29	30	30
National	29	30	31

Source: DBE School Realities, 2013-2015

6. Please provide the Committee with an update of any data in the report which may have been outdated by more recent data collected or other new developments.

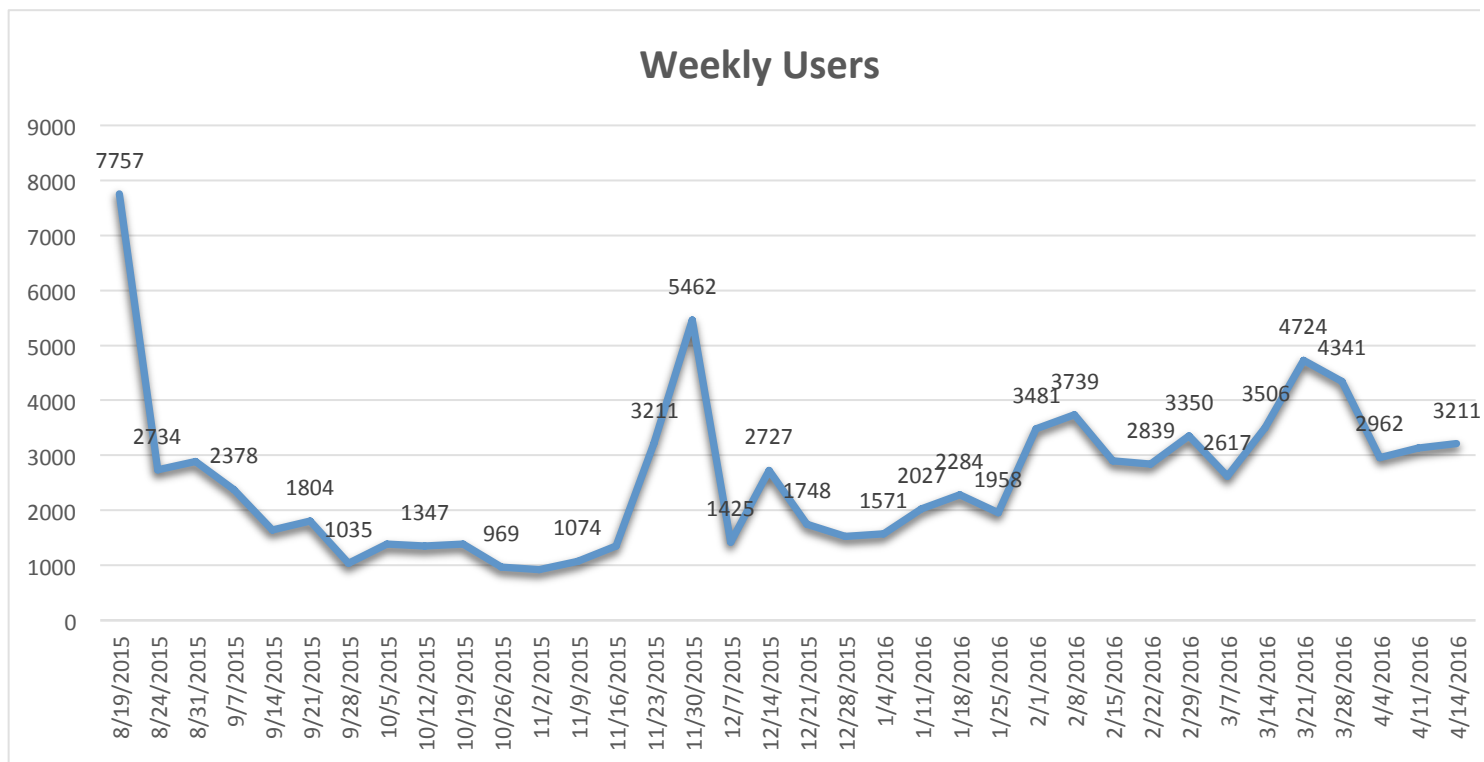
Reducing HIV/AIDS infection

														To tal	
Infant 1st PCR test around 6 weeks uptake rate	%	2013	10	10	91.	10	10	95.	11	10	10	12	10	8	10
			4.0	7.3	7	6.7	1.1	5	3.8	3.9	2.1	3.1	2.6	2.5	2.6
			2014	10	10	98.	10	99.	10	11	10	10	11	99.	8
			2.4	0.7	0	1.8	6	1.0	2.9	1.1	0.2	4.2	3	4	1.4
		2015	93.												93.
			5												5
Infant 1st PCR test positive around 6 weeks rate	%	2013	2.2	2.3	2.6	2.5	2.0	2.0	2.1	2.2	2.0	1.8	1.7	1.	2.1
			1.8	2.2	2.0	1.5	1.4	1.7	1.4	1.4	1.6	1.5	1.8	1.	1.6
			2014	1.8	2.2	2.0	1.5	1.4	1.7	1.4	1.4	1.6	1.5	1.8	1.
		2015	1.8												1.8
Infant exclusively breastfed at HepB 3rd dose rate	%	2013	15.	16.	16.	31.	32.	34.	38.	40.	39.	43.	43.	4	33.
			9	7	6	7	1	1	2	1	5	6	8	4	5
			2014	41.	42.	43.	44.	43.	45.	44.	44.	45.	46.	46.	4
		2015	7	2	8	1	5	0	0	1	6	2	1	6	4
			46.												46.
			0												0
Infant given NVP within 72 hours after birth uptake rate	%	2013	97.	95.	98.	96.	96.	97.	97.	98.	98.	99.	99.	9	97.
			3	9	4	9	8	7	6	4	7	0	1	1	9
			97.	95.	98.	96.	96.	97.	97.	98.	98.	99.	99.	9	97.
			3	9	4	9	8	7	6	4	7	0	1	1	9

			2014	99.5	98.4	100.4	99.4	99.1	98.9	101.0	94.9	97.5	98.4	98.3	97.6	98.6
			2015	95.0												95.0
Infant initiated on CPT around 6 weeks uptake rate	%		2013	85.0	87.5	76.6	84.2	80.3	75.0	89.9	82.8	81.6	101.8	84.2	68.0	82.9
			2014	86.0	84.7	81.8	90.8	89.8	90.4	100.8	90.7	89.0	102.2	88.1	64.4	89.1
			2015	81.3												81.3
Infant rapid HIV test around 18 months positive rate	%		2013	3.1	3.0	2.3	3.3	2.6	2.5	2.4	1.9	2.1	2.1	2.1	1.6	2.3
			2014	1.9	1.6	1.4	1.5	1.4	1.4	1.3	1.2	1.5	1.5	1.4	1.4	1.4
			2015	1.5												1.5
Infant rapid HIV test around 18 months uptake rate	%		2013												8	17
			2014							99.1	97.7	87.8	101.5	88.8	4.4	3.4
			2015	99.1												99.1

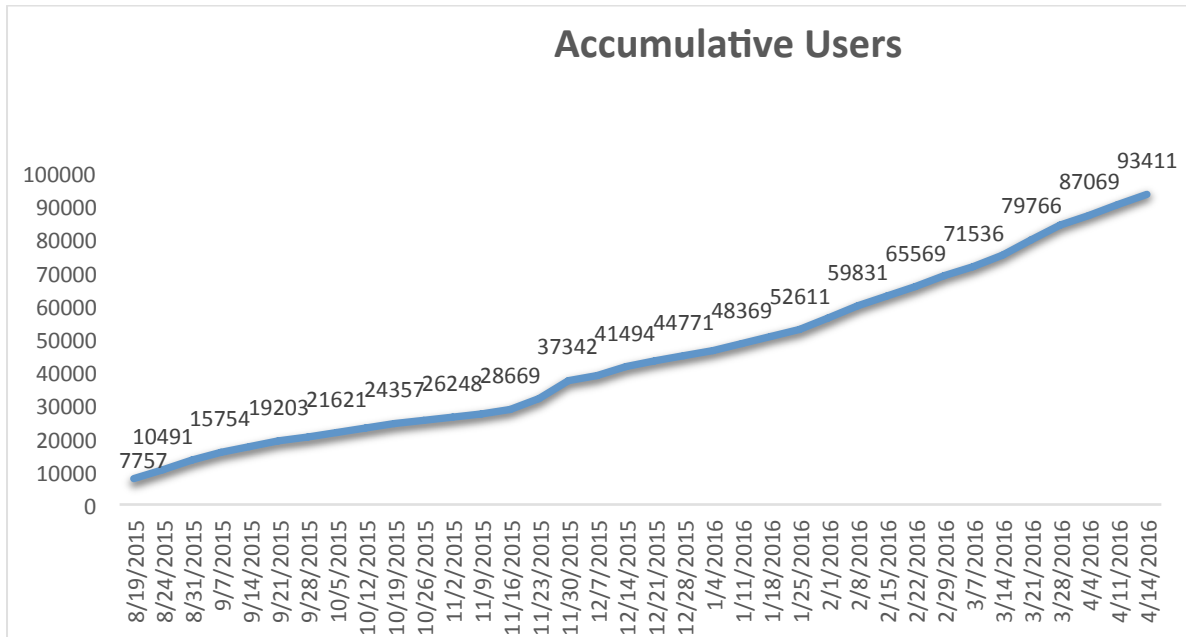
Source: Department of Health

Reducing the prevalence of pregnancy

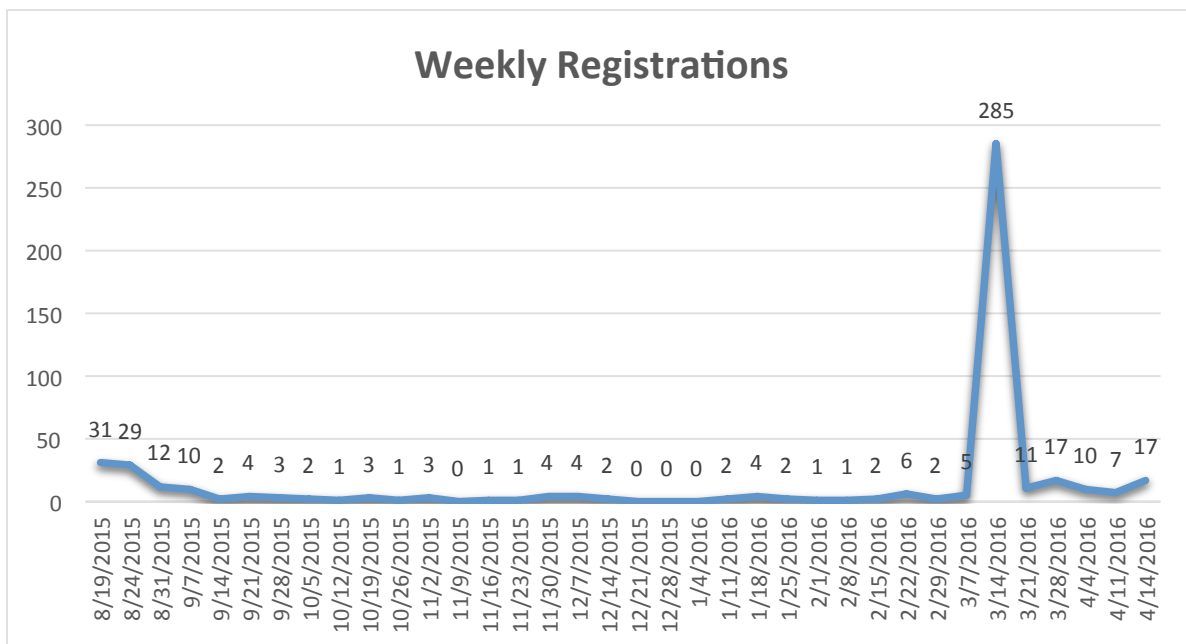


Source: Department of Health

Included is B-WiSE as it provides access to information for Adolescents and Youth.



Source: Department of Health



Source: Department of Health

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- 7. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention**