



# NATIONAL PLAN OF ACTION FOR CHILDREN IN SOUTH AFRICA 2012–2017



women, children &  
people with disabilities

Department:  
Women, Children and People with Disabilities  
REPUBLIC OF SOUTH AFRICA

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## National Plan of Action for Children in South Africa 2012–2017

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**NATIONAL PLAN OF ACTION  
FOR CHILDREN IN SOUTH AFRICA**  
2012–2017

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OUR CHILDREN DESERVE  
NOTHING LESS!

# FOREWORD

BY MINISTER LULU XINGWANA



The National Plan of Action for Children (NPAC) is a comprehensive overarching plan that brings together government's obligations in the realisation of the rights of children in the country. The Department of Women, Children and People with Disabilities' has coordinated the development of the NPAC to fulfil its mandate to ensure the promotion, protection and fulfilment of the rights of children.

South Africa has ratified a number of international treaties such as the United Nations Convention on the Rights of the Child and its Optional Protocols on Prohibiting the Sale of Children, Child Prostitution and Pornography and Involvement of Children in Armed Conflict, the African Charter on the Rights and Welfare of the Child, the United Nations Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of all forms of Discrimination Against Women, which oblige us, with our Constitution, to ensure that children's rights are a reality in their daily lives.

The NPAC was developed with the rights of all children in South Africa at its heart. It looks at the broad areas where we as a country, collectively, work to ensure our children are safe, healthy, happy, educated and developed, are able to participate in matters affecting them and have an adequate standard of living. Thus, the NPAC strives to give guidance to all spheres of government and partners in the realisation of the rights of every child in the country. Furthermore, through the setting of clear goals, objectives and indicators, we can monitor the realisation of children's rights so as to make sure that no child is left behind.

Childhood is characterised by on-going development, change and learning. Similarly, we believe that the NPAC is a living document that is responsive to the specific situation of children in the country as we learn, grow and change as a nation.

The success of the NPAC is embedded in the commitment of all government departments at national, provincial and local levels to ensure that they meet their obligations and work together in its implementation. All departments, provinces and municipalities have a role to play in the realisation of children's rights, whether through their legislative frameworks, policies, strategies or programmes.

The Department of Women, Children and People with Disabilities has a responsibility towards the children of South Africa to develop the necessary institutional mechanisms, mainstreaming and advocacy strategies, as well as monitoring and evaluation systems, to realise children's rights. An overarching plan such as the NPAC provides the department with such a framework to achieve its mandate.

The NPAC 2012–2017 was developed in close collaboration with government departments to ensure that existing priorities, programmes and commitments are included as part of this overall plan. It was consulted broadly across the provinces, within departments at various clusters (Social, Governance and Administration and Justice), as well as with non-governmental organisations and children.

Children need an enabling environment to ensure their survival, development, care and protection, as well as their full participation in matters affecting them. Children also need to take responsibility and seize the opportunities available to them to realise their full potential.

The realisation of children's rights can be attained only if we look at children in the country through an equity lens.

Our children deserve nothing less!



# ACRONYMS

<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>ANA</b>	Annual National Assessment
<b>ART</b>	Antiretroviral Treatment
<b>ARV</b>	Antiretroviral
<b>AU</b>	African Union
<b>BEM</b>	Boys Empowerment Movement
<b>CARMMA</b>	Campaign for Accelerated Reduction of Maternal Mortality in Africa
<b>CDG</b>	Care Dependency Grant
<b>CLPA</b>	Child Labour Plan of Action
<b>COGTA</b>	Department of Cooperative Governance and Traditional Affairs
<b>CPO</b>	Child Protection Organization
<b>CRC</b>	Convention on the Rights of the Child
<b>CUBAC</b>	Children used by adults or other older children to commit crime
<b>DEA</b>	Department of Environmental Affairs
<b>DoH</b>	Department of Health
<b>DSD</b>	Department of Social Development
<b>DWCPD</b>	Department of Women, Children and People with Disabilities
<b>ECD</b>	Early Childhood Development
<b>FBO</b>	Film and Publication Board
<b>GEM</b>	Girls Empowerment Movement
<b>GHS</b>	General Household Survey
<b>HIS</b>	Health Information Service
<b>HIV</b>	Human Immunodeficiency Virus
<b>HIV and AIDS</b>	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome
<b>ID</b>	Identity Document
<b>IMCI</b>	Integrated Management of Childhood Illnesses
<b>INDS</b>	Integrated National Disability Strategy
<b>MDGs</b>	Millennium Development Goals
<b>MNCWH</b>	Maternal, Neonatal, Child and Women's Health
<b>MRC</b>	Medical Research Council

<b>MWCPD</b>	Ministry of Women, Children and People with Disabilities
<b>NAC</b>	National Action Plan for Orphans and Vulnerable Children
<b>NAP</b>	National Action Plan
<b>NCLPA</b>	National Child Labour Programme of Action
<b>NGO</b>	Non-Governmental Organisation
<b>NIP for ECD</b>	National Integrated Plan for Early Childhood Development in South Africa
<b>NPA</b>	National Prosecuting Authority
<b>NPAC</b>	National Plan of Action for Children
<b>NPASC</b>	National Plan of Action Steering Committee
<b>NPO</b>	Non-Profit Organisation
<b>NSNP</b>	National School Nutrition Programme
<b>NSP</b>	Nutrition Supplementation Programme
<b>NYDA</b>	National Youth Development Agency
<b>ORC</b>	Office of the Rights of the Child
<b>OVC</b>	Orphans and Vulnerable Children
<b>PIRLS</b>	Progress in International Reading Literacy Study
<b>PIRLS</b>	Progress in International Reading Literacy Study
<b>PMTCT</b>	Prevention of Mother-to-Child-Transmission of HIV
<b>PSS</b>	Psychosocial support
<b>RDP</b>	Reconstruction and Development Programme
<b>SACMEQ</b>	Southern Consortium for Monitoring Education Quality
<b>SANAC</b>	South African National AIDS Council
<b>SASSA</b>	South African Social Security Agency
<b>StatsSA</b>	Statistics South Africa
<b>STI</b>	Sexually Transmitted Infection
<b>TB</b>	Tuberculosis
<b>TIMSS</b>	Trends in International Mathematics and Science Study
<b>TOR</b>	Terms of Reference
<b>UCT</b>	University of Cape Town
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNGASS</b>	United Nations Special Session on Children
<b>UNICEF</b>	United Nations Children's Fund



# INTRODUCTION

## THE PROVISIONS ON THE RIGHTS OF CHILDREN HAVE BEEN INCORPORATED INTO THE CONSTITUTION OF SOUTH AFRICA



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During the past decade, there has been increasingly more attention paid to children globally, regionally and nationally because of the realisation that they are more vulnerable when confronted by poverty, livelihood securities, social ills and health pandemics.

The commitment to children and their future remains a core value in South Africa. This is reflected by the reality that our children are growing up in a progressive rights' framework based on the South African Constitution and the various international instruments that South Africa has ratified. The Bill of Rights in the South African Constitution specifically guarantees that “a child’s best interests are of paramount importance in every matter concerning the child”.

By ratifying the United Nations Convention on the Rights of the Child (CRC) on 16 June 1995, the South African Government committed itself to not only promoting and protecting the rights of children, but also to implementing a “first call for children”. This commitment was further reinforced by the ratification of the African Charter on the Rights and Welfare of the African Child during 2000.<sup>1</sup>

In view of South Africa having ratified the CRC, it is obligated to develop a Plan of Action for children. The National Plan of Action for Children (NPAC) provides a holistic framework for the integration of all policies and plans developed by government departments and civil society to promote the well-being of children.

The NPAC does not seek to duplicate or replace plans related to children that have already been created by national and provincial government departments, or local municipalities, but rather seeks to provide a mechanism that enhances coordination, collaboration and mainstreaming of children’s rights by providing a holistic framework for the integrated programming, organization and implementation of intersectoral programmes for the betterment of the situation of children.<sup>2</sup> The NPAC is also directly linked to Government priorities and outcomes and provides a mechanism to ensure that children are an integral part of these processes.

As mainstreaming lies at the heart of the NPAC, it seeks to provide a framework within which all departments integrate children’s issues in their agendas. It further provides a common agenda of action that can be executed by the provincial and local spheres of government, civil society and business among others.

<sup>1</sup> Theron (2000)

<sup>2</sup> The Presidency



# SECTION 1

## 1. HISTORICAL OVERVIEW OF SOUTH AFRICA'S NATIONAL PROGRAMME OF ACTION FOR CHILDREN

Since the advent of democracy during 1994, the Government of South Africa has been active in showing its commitment to protecting children's rights through the development of various institutional processes. These commitments are highlighted as follows:

- During June 1994, former President Nelson Mandela made the democratic governments' first commitment to children when he accepted the first draft of the NPA for children in South Africa.
- The NPAC (1996) was developed as part of the collaborative efforts of children's rights activists, the NGO sector and UNICEF.
- Later in 1994, the former President established the Inter-ministerial Cabinet Committee led by the National Department of Health to oversee the development of the NPAC process.
- The Convention on the Rights of the Child (CRC) was ratified during June 1995, and the principle of "a first call for children" became legally binding for the Government of South Africa.
- In April 1996, the NPAC (1996) framework was approved by Cabinet for implementation by the relevant ministries and departments. The NPAC (1996) was identified as the mechanism for integrating all policies and plans developed by government and non-governmental organizations seeking to promote the well-being of children.
- The National Programme of Action for Children was launched in all provinces in 1996, with the NPA Steering Committee (NPASC) being established and mandated to oversee the process of coordination, implementation and monitoring of the National Programme of Action. The role of the Steering Committee was also to ensure that the NPA was in accordance with the commitments of the UN Convention on the Rights of the Child.
- In 1998, the Office on the Rights of the Child (ORC) was established in The Presidency to provide leadership on the strategic Agenda of Government on Children's Rights and Responsibilities. The NPAC (1996) was then used as the compass to assist with the road mapping for service delivery.
- During 1999, an assessment and evaluation of the NPAC (1996) process was undertaken and outlined in a document entitled: *The National Programme of Action: 2000 and beyond*, in which organisational structures, goals, objectives and activities were outlined.
- During the 10-year governance review in 2004, it was decided to intensify the mainstreaming of child-centred approaches in government processes to deliver on our national and international obligations effectively.
- In 2011, after 16 years of democracy in South Africa, the need to review the initial NPAC (1996) gained momentum in line with the mandate of the newly established Ministry for Women, Children and People with Disabilities. The improved circumstances of children, encouraged by the development and promulgation of new pieces of legislation relating to children, were regarded as central to the review of the NPAC.



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# SECTION 2

## 2. RATIONALE, STRATEGIC OVERVIEW AND LEGAL FRAMEWORK

### 2.1 RATIONALE

Why do we need a National Plan of Action for Children?

The status and well-being of children speak volumes about the values and quality of life in any society. In the words of former President Mandela: “There can be no keener revelation of a society’s soul than the way in which it treats its children”. The National Plan of Action for Children (NPAC) is seen as an opportunity to enhance the status of children and to improve the quality of their lives.

The NPAC is also a major initiative to monitor progress of the implementation of the UN Convention on the Rights of the Child. The guiding principles of the UNCRC are as follows:

- All children should be entitled to basic rights without discrimination
- The best interests of the child should be the primary concern during decision-making
- Children have the right to life, survival and development
- The views of children must be taken into account in matters affecting them (child participation).

During 2002 South Africa participated in the United Nations Special Session on Children (UNGASS) and acceded to the outcome document, *A World Fit for Children*. The outcome document sets clear targets for child survival, development, protection and participation within the following broad goals:

- Promoting healthy lives
- Providing quality education
- Protecting against abuse, exploitation and violence
- Combating HIV/AIDS.

South Africa’s commitment to the Millennium Development Goals (MDGs) also has a direct correlation to its commitment to children’s rights, as all MDGs have a direct bearing on the rights and well-being of children. The eight MDGs are listed as follows:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development.

The National Plan of Action for Children 2012–2017 aims to bring together existing international and national priorities for the survival, protection, development and participation of children in South Africa into one coherent framework. It provides, within the broader context of the South African Human Rights Framework, a children’s rights impetus to national planning, implementation, monitoring and evaluation of national priorities.



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The NPAC 2012–2017 is aligned directly with the following five government priorities:

- Education
- Health
- The fight against crime and corruption
- Economic growth, decent work and sustainable livelihoods
- Rural development, food security and land reform

These five government priorities seek to streamline the delivery agenda of government as all spheres of government work towards tangible deliverables. Services planned and directed at children are also informed by these five priorities and should be aimed at positively changing the lives of children.

The NPAC is also aligned with the 12 government outcomes and the different themes of the NPAC detail the intended purpose for delivering efficient and equitable services to children to achieve the following broad government outcomes, namely:

1. Improved quality of education.
2. A long and healthy life for all South Africans.
3. All people in South Africa feel safe.
4. Decent employment through inclusive economic growth.
5. A skilled and capable workforce to support an inclusive growth path.
6. An efficient, competitive and responsive economic infrastructure network.
7. Vibrant, equitable and sustainable rural communities with food security for all.
8. Sustainable human settlements and improved quality of household life.
9. A responsive, accountable, effective and efficient local government system.
10. Environment assets and natural resources that are well protected and continually enhanced.
11. Create a better South Africa and contribute to a better and safer Africa and world.
12. An efficient, effective and development oriented public service and an empowered, fair and inclusive citizenship.

The promotion, protection and fulfilment of children's rights do not happen in isolation from these broader macro-commitments and it is thus essential that the mainstreaming of children's rights be regarded as a central principle of the NPAC.

Through mainstreaming, government departments incorporate children's issues into their respective policies, priorities, outcomes and delivery agreements. Each department must be called upon to reflect its commitment to South African children, with corresponding strategic plans, operational plans, policies, budgetary allocations and monitoring and evaluation systems.

Mainstreaming requires a re-conceptualisation on how children's issues are addressed and made operational by government. Children are often thought of as the concern only of the welfare, education and/or health sector. However, all government departments have an important responsibility towards the promotion, protection and fulfilment of children's rights. Many government departments focus on the type of service they are delivering and not who they are delivering the service to. If the citizen on the receiving end is to be considered, then it is clear that children are part of the process of service delivery. Children require, and receive, services from every single department.<sup>3</sup>

The mainstreaming foundation of the NPAC is essential to ensure its sustainability, coherent implementation and effective monitoring of children's rights in South Africa.

## EXAMPLE

The Department of Transport is responsible for roads in the country. In order for a child to get to school or to a hospital, she or he needs to use the country's roads. Furthermore, as one considers the roads being used, so too should one consider the method of transport being used on that road: Is public transport available for that child to use? Is that public transport affordable for that child? Thinking about service delivery in this way clearly illustrates that children are served and affected by this department. Every department has a responsibility to children, and every department must reflect that responsibility in the delivery of their services, and through a concrete budgetary commitment.

<sup>3</sup> The Presidency (1999): NPA 2000 and beyond.

## 2.2 STRATEGIC OVERVIEW OF THE NATIONAL PLAN OF ACTION FOR CHILDREN

VISION OF THE NPAC	"PUT CHILDREN FIRST"
MISSION OF THE NPAC	TO PROMOTE THE REALISATION OF CHILDREN'S RIGHTS TO SURVIVAL, DEVELOPMENT, PROTECTION, PARTICIPATION AND TO MOBILISE RESOURCES ON ALL LEVELS.

### Guiding principles of the NPAC

The values of the National Plan of Action for Children are underpinned by the following principles contained in the Convention on the Rights of the Child, namely:

#### *Best interests of the child*

The general principle of the 'best interests of the child' is a central and all-embracing principle stipulating that "a child's best interests are of paramount importance in every matter concerning the child". This principle must be integrated in all legislative frameworks, programmes, projects, services and decision-making processes affecting children.

#### *Non-discrimination*

This principle affords children broad and comprehensive protection against discrimination. It provides that State parties shall ensure that the rights as outlined in the Convention apply to all children within their jurisdiction without discrimination of any kind – race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

#### *Right to survival, well-being and development*

This principle is premised on the recognition of the right to child survival, well-being and development. The right to life, survival and development can be implemented only in a holistic manner, through the enforcement of all the other provisions of Rights as outlined in national and international obligations, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play.

*Respect of the views of the child*

This principle affirms that children are entitled to express their views in all matters affecting them and requires that those views be given due weight in accordance with the child's age and maturity. It recognises the potential of children to enrich decision-making processes and to participate as citizens and actors of change.

## Strategic objectives

- To promote the rights of children within the broader framework of a human rights culture in South Africa.
- To review, analyse and evaluate policies and implementation from a child rights perspective.
- To ensure that the participation of children in all matters that affect them are mainstreamed into the NPAC process and government departments.
- To create collaboration and integrated strategies for the protection of children against harmful actions, abuse and exploitation.
- To inform socio-economic and development policy and planning with a children's rights perspective.
- To ensure that children's rights are mainstreamed into all government departments and spheres of government.
- To raise awareness and educate the public about children's rights.
- To stimulate public debate around children's issues and children's rights.
- To provide the necessary framework and guidance for all sectors to achieve these objectives.
- To strengthen institutional capacity at national, provincial and local government levels to promote, protect and fulfil children's rights.
- To forge strong social alliances with civil society and business at reference-group level in support of the NPAC goals and objectives.
- To coordinate, monitor, evaluate and report on the implementation of programmes and strategies aimed at achieving goals for children.

**2.3 LEGAL FRAMEWORK**

South Africa's ratification of international treaties since 1995 that relate to children's rights obligates the country to ensure that its domestic legislation is in harmony with international laws and commitments. Although the National Plan of Action for Children is developed within the context of these treaties, it is firmly rooted in the provisions of the South African Constitution, as well as related domestic legislation and policies.

International Treaties and Declarations ratified by South Africa which commit her to the safeguarding, promotion and implementation of children's rights within a broader human rights framework includes, among others:

- United Nations Convention on the Rights of the Child (CRC)
- Optional Protocol Prohibiting the Sale of Children, Child Prostitution and Pornography
- Optional Protocol on Involvement of Children in Armed Conflict
- African Charter on the Rights and Welfare of the Child
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment
- Convention on the Rights of Persons with Disabilities
- United Nations Millennium Declaration

South Africa has a rich legislative and policy environment and many national laws were developed since 1994 that give effect to the country's constitutional obligations in the promotion, protection and fulfilment of child rights.

For a detailed list on National Laws and Policies impacting on children refer to Annexure A.

# SECTION 3

EVERY CHILD HAS THE RIGHT TO HAVE  
HIS OR HER DIGNITY RESPECTED  
AND PROTECTED



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## 3. AN OVERVIEW OF CHILDREN IN SOUTH AFRICA 2012

Despite the significant progress that has been made in addressing the rights and needs of children, including the progressive legislative frameworks and programmes that have been put in place, South African children are still faced with formidable challenges.

The realisation of children's rights is not only fundamental for their development and well-being, it is also pivotal to creating the world envisioned by the Millennium Declaration – a world of peace, equity, security, freedom, respect for the environment and shared responsibility. In short – a world fit for children.<sup>4</sup>

### Demographic profile of children in South Africa

According to the mid-year estimates of Statistics South Africa (2010) there are currently 18.6 million children under the age of 18 years, with 45 per cent being in the age group of 10–17 years, and 49 per cent of these children being females. The statistics also reveal that the age profile of children is older than initially estimated and that children younger than 18 years will dominate the age distribution of children in the short- to medium-term period.<sup>5</sup>

The majority of children reside in KwaZulu-Natal, followed by Gauteng and the Eastern Cape. The language most spoken by children in South Africa is IsiZulu (29 per cent), followed by Isixhosa (17 per cent), Setswana (11 per cent) and English (10 per cent).

The Child Rights and Equity Review (2011) reveals that a child in the poorest 20 per cent of households is twice less likely to have access to adequate sanitation and water; twice less likely to be exposed to early childhood development programmes; three times less likely to complete secondary education; 17 times more likely to experience hunger; and 25 times less likely to be covered by a medical scheme.<sup>6</sup>

The existence of large disparities in children's access to some of the essentials of life, points to a critical policy challenge that requires a more accelerated drive to redress inequities from the past, as well as confronting the substantial barriers that the poorest children still face today.

### 3.1 CHILD SURVIVAL

STATE PARTIES TO RECOGNISE THAT EVERY CHILD HAS THE  
INHERENT RIGHT TO LIFE

#### 3.1.1 Child health

Child health remains high on government's priority list, as can be seen by the wide range of measures adopted to realise the right of access to health care services. Although free health

<sup>4</sup> UNICEF (2011)

<sup>5</sup> Statistics South Africa (2010)

<sup>6</sup> UNICEF (2011)

services are available to pregnant women and children under the age of 6, South Africa is not on track to meeting the required health targets of the 2015 Millennium Development Goals, despite considerable progress being made in this area. (MDG Goal 4: Reduce child mortality.)

South Africa is also in a period of profound health transition, characterised by a quadruple burden of communicable, non-communicable, peri-natal and maternal, and injury-related disorders. Non-communicable diseases are emerging in both rural and urban areas, featuring more prominently in poor people living in urban settings. This is resulting in increasing pressure on an already acute and chronic health-care service. The extreme burden of HIV and AIDS and TB is almost unparalleled globally and the brunt of this is borne by women and children. 43.7 per cent of maternal mortality and nearly 50 per cent of under-five mortality is attributed to AIDS.<sup>7</sup>

### 3.1.2 Child mortality

According to the 2011 Child Rights and Equity Review, 20,000 babies are stillborn and 23,000 die before they reach one month of age. In total, some 75,000 children die before their fifth birthday.<sup>8</sup> This toll of over 270 maternal and child deaths every day is ascribed mainly due to HIV and AIDS and the poor implementation of existing packages of care. South Africa is one of the few countries in which maternal and under-five mortality has increased since 1990.<sup>9</sup>

Non-communicable and communicable diseases including HIV infections remain a challenge with the prevention of mother-to-child-transmission of HIV (PMTCT) being regarded as crucial in supporting child survival. The World Health Organisation suggests that non-communicable diseases have caused 28 per cent of South Africa's total disease burden.<sup>10</sup>

As part of their commitment to ensuring health care for all, the Department of Health has developed a strategic plan (2009–2014), outlining a “10 Point Plan” to improve the performance of the health system around the country. The four strategic outcomes for the health sector are as follows:

1. Increase life expectancy;
2. Decrease maternal and child mortality;
3. Combat HIV and AIDS and decrease the burden of disease from TB; and
4. Strengthen health system effectiveness.

### 3.1.3 Nutrition

The five-year roadmap for Nutrition for South Africa and the draft Strategic Plan for Maternal, Neonatal, Child and Women's Health (MNCWH) and Nutrition in South Africa recognises that optimal nutrition during infancy and childhood is critical to child health and development. The period during pregnancy and a child's first two years of life are considered a “critical window of opportunity” for prevention of growth faltering. Over one third of under-five mortality is caused by undernutrition, in which poor breastfeeding practices and inadequate complementary feeding play a major role.<sup>11</sup>

According to the Department of Health, malnutrition is still prevalent among children and disparities persist across provinces. At present, one in five children are stunted as a result of chronic nutritional deprivation, one in 10 children is underweight, and close to 5 per cent of children suffer from wasting and face a markedly increased risk of death. Chronic undernutrition in early childhood results in diminished cognitive and physical development which puts children at a disadvantage for the rest of their lives. Despite the School Nutrition Programme reaching 6 out of every 10 children in public schools, micronutrient deficiencies, particularly vitamin A and iron deficiency doubled between 1994 and 2005.<sup>12</sup>

7 Statistics South Africa – General Household Survey (2009)

8 UNICEF (2011)

9 Lancet (2009)

10 Planning Commission (2011)

11 Lancet (2008)

12 Department of Health (2007)

### 3.1.4 HIV and AIDS

The Department of Health database (2010) reveals that HIV prevalence among children has decreased since 2002. This can be attributed to an increase in children accessing antiretroviral therapy. Estimates reveal that even though more than 100,000 children living with HIV are now receiving treatment, only 54 per cent of children needing antiretroviral therapy were receiving it in 2009. This is expected to increase because of new treatment guidelines that became effective since April 2010. Overall, there is need for a greater focus on the HIV-free survival among the children.

## 3.2 CHILD DEVELOPMENT

EVERY CHILD HAS THE RIGHT TO EDUCATION, THE RIGHT TO REST, TO ENGAGE IN PLAY AND TO PARTICIPATE FREELY IN CULTURAL ACTIVITIES

### 3.2.1 Early childhood development

The exposure of young children to early childhood development (ECD) is critical in ensuring that they reach their full potential. According to the National Planning Commission, while only 22.5 per cent of children were enrolled in an ECD institution during 1996, this figure dramatically increased to an enrolment of 80.9 per cent during 2007. Despite this improvement, access to ECD services remains low across all provinces.<sup>13</sup>

Overall, 43 per cent of children under 5 years are exposed to an ECD programme at home, or a centre or elsewhere. There are gaps in ensuring that those practitioners offering the ECD curriculum are adequately equipped, as the model of funding as well as technical support required to expand the ECD sector to rural areas, remains a challenge. Children in the poorest households are only half more likely to benefit from ECD programmes than children in the richest households.<sup>14</sup>

There has been substantial progress in expanding enrolment in Grade R – from 330,000 in 2003 to 707,000 during 2010. Government subsidies have also given momentum to centre-based care for younger children, though at a much slower pace than Grade R. Currently funding for Grade R is four times more than it was in 2006 (Department of Education, 2012).

It is quite evident that the legislative frameworks, policies and challenging programmatic issues should be given serious consideration to ensure that ECD programmes benefit the majority of the children in South Africa.

### 3.2.2 Gender

Despite the Children's Act ushering in significant reforms to ensure children are not subjected to any harmful social, cultural and religious practices, there are still incidences being reported of young boys and girls being subjected to atrocities that directly violate their rights (*ukuthwala*, forced circumcisions). The multisectoral approach by various departments and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, has greatly assisted in addressing these violations.

### 3.2.3 Adolescent behaviour

The Youth Risk Survey (2008) showed there was a decline in the number of sexually active learners (from 41 per cent to 38 per cent) compared to a previous study in 2002. Of those learners who were sexually active, the number of school learners who had two or more sexual partners in their lifetime was reduced (from 45 per cent to 41 per cent), and fewer learners had one or more sexual partners during the past three months (from 70 per cent to 52 per cent). Also, for those who were ever sexually active, the incidence of sexually transmitted infections had been reduced (from 7

<sup>13</sup> National Planning Commission (2011)

<sup>14</sup> UNICEF/Social Development (2011)

per cent to 4 per cent), while consistent condom use has increased slightly (29 per cent to 31 per cent).<sup>15</sup>

Although these declines may show results in current behaviour change programmes aimed at young people, it is not yielding results at scale and other risk behaviours are increasing. For instance, from the 38 per cent of learners who had reported ever being sexually active, 16 per cent respondents did so after consuming alcohol and 14 per cent after taking drugs.

The Youth Risk Survey (2008) also revealed that 15 per cent of learners carried weapons, 19 per cent participated in gang-related activities and 9 per cent carried weapons on school premises. In relation to suicide-related behaviours, 24 per cent reported having experienced feelings of sadness or hopelessness and 21 per cent had considered or had attempted to commit suicide. Fifty per cent of learners also reported to have drunk alcohol and 30 per cent had smoked.<sup>16</sup>

Adolescents also enter the correctional system having violated the laws of the country for reasons varying from dysfunctional family life, substance abuse, poverty, unemployment and peer pressure, amongst others. The majority of adolescents are incarcerated due to economic crimes (theft, robbery). According to the South African Police Service, a total of 75,435 children were charged during the period 1 April 2010 and 31 March 2011. This total represents all the children charged by the South African Police Service: no distinction has been made between the children arrested, warned or summoned to appear in court. According to the National Prosecuting Authority (NPA) a total of 9,325 children were diverted during the period 1 April 2010 to 31 December 2010.<sup>17</sup>

The Planning Commission (2011) attests to the fact that the scale of social fragmentation and loss of purpose requires a more systematic engagement with both government and non-governmental service providers, as statutory services to young offenders, children, and people with disabilities need urgent and well-conceived systematic state and community interventions.<sup>18</sup>

### 3.2.4 Children with disabilities

Children with disabilities are vulnerable to abuse and exploitation. Early identification of risks and intervention for children with disabilities can prevent and reduce potential damage.

Data analysed from the 2008 General Household Survey indicates that 10 per cent of children with disabilities in South Africa are not enrolled at school. The percentage of children not attending school is highest in the Northern Cape (27 per cent) followed by the North West (15 per cent) and Gauteng (12 per cent).<sup>19</sup> The most prevalent disabilities among children in South Africa include visual impairment (36 per cent), hard of hearing (22 per cent), physical disability (16 per cent) and intellectual disability (5 per cent) (The Presidency, 2009).

Despite the policy and legislative framework guaranteeing that children with disabilities are admitted and retained at ordinary public schools or at special schools, the implementation of the policy has been described as inadequate. The Department of Education increased the number of special schools from 375 to 392 between 2002 and 2009.

According to the 2010 report on government-funded programmes and services for vulnerable children, the lack of services and support for children with disabilities, particularly in rural areas, is described as problematic due to the lack of special needs schools, inadequate and unreachable facilities, and insufficiently trained teachers. Children with disabilities also experience challenges in accessing appropriate assistive devices due to the application process being complicated and the delivery of the devices not always being guaranteed.<sup>20</sup>

During July 2010, nearly 110,000 children were receiving care dependency grants (CDG). The majority of recipients receiving grants were based in KwaZulu-Natal, followed by the Eastern Cape and Gauteng.

<sup>15</sup> Medical Research Council (2010)

<sup>16</sup> Ibid.

<sup>17</sup> Department of Justice (2011)

<sup>18</sup> National Planning Commission (2011)

<sup>19</sup> Statistics South Africa (2009)

<sup>20</sup> Martin (2010)

According to the Children's Institute (UCT), there has been a consistent and gradual increase in accessing CDG over the past six years.<sup>21</sup>

### 3.2.5 Children and the environment

Climate change is one of the defining challenges of the 21st century that negatively affects people, especially children, because people's ecosystems and livelihoods are influenced by changes in climate such as sudden droughts, floods and habitat changes. These changes will also have an impact on the possible decline in food security and people's income. Climate change also has profound implications on the health of children, causing malaria and vector-borne diseases such as diarrhoea, cholera and bilharzia to increase in the areas where the levels of rainfall (intensity, distribution and annual average) are high. Where this coincides with poor levels of inadequate access to sanitation, the people's health may also face serious risks.<sup>22</sup>

According to the Climate Change Report<sup>23</sup> commissioned by UNICEF in collaboration with the Departments of Environmental Affairs and Women, Children and People with Disabilities, the primary impact of climate change on children in South Africa can be analysed on the basis of changes anticipated over various time scales. This has serious implications for close to 90 per cent of children in Limpopo, 44.7 per cent in the Eastern Cape and 58.8 per cent in KwaZulu-Natal living in informal housing. Sudden and unexpected climate change could mean that houses in these areas could be at greater risk of damage as a result of severe weather conditions, given the possible weaknesses of walls and roofs.

A higher intensity of rain occurs in areas such as Limpopo, Mpumalanga and Gauteng (higher rain combined with poor sanitation and high population density), which can pose a risk to a child's health and survival, either directly through drowning or through the transmission of highly infectious diseases.

In most instances, children are affected by land degradation, soil erosion and lowered agricultural food production, which in turn can result in increased vulnerability. The uniqueness of the effect of climate change on children requires state involvement and interventions to prepare children adequately for adaptation, as well as mitigation on climate change impact.

### 3.2.6 Quality education

Considerable progress has been made in education as universal access and gender parity were almost achieved in schools by 2010, when 99 per cent of children completed Grades 1–9. In an attempt to increase access to education, the Department of Basic Education has adopted a school-fee exemption policy for children attending schools in the bottom three poorest quintiles, i.e. no-fee schooling. A fee exemption policy also exists for poor children attending schools outside these three quintiles – and currently one in two children receive free education.<sup>24</sup>

A strong suite of laws, policies and programmes lays the foundation for getting all school-aged children into schools. Near-universal primary education has been achieved in all provinces, with one in every two learners in public schools receiving free basic education. School attendance among children has increased steadily in the past 15 years, but less so for older age groups, especially those eligible for secondary education.

The Macro Indicator Trends in Schooling Report 2011 reflect that the enrolment figures for children have shown a significant increase over the years, especially the enrolment of five-year-olds at educational institutions. The numbers had doubled from 39 per cent in 2002 to 78 per cent in 2009; the largest increase being attributed to the phasing in of the Grade R in terms of ECD policy. Although this indicates a positive move for the country, the challenge is to retain those enrolled to pursue their educational career without interruption up to Grade 12.

21 Jamieson, Bray, Viviers, Lake, Pendlebury and Smith eds (2011)

22 UNICEF (2011)

23 UNICEF (2011)

24 Planning Commission (2011)

Nationwide, some 582,000 children are out of secondary school due to lack of money and/or disabilities. Furthermore, children in the poorest households are nearly three times less likely to complete secondary schooling than children in the richest households.<sup>25</sup>

The current high enrolment rates have unfortunately not matched improvements in educational quality. Children's chances of meaningful learning and a smooth pathway through school remain uneven. Learners' achievements in national and international assessments are also generally poor. Children in the poorest households are more likely to repeat the same grade and tend to have lower achievement levels.

A number of international testing programmes, such as TIMSS, PIRLS and SACMEQ have demonstrated that South Africa's learner performance in reading, writing and mathematics is well below what it should be. A key problem identified has been insufficient measurement of the quality of teaching and learning below Grade 12.<sup>26</sup>

While South Africa has exceeded its targets for learner-to-educator ratios, there is an oversupply of teachers in some learning areas and an undersupply in other critical areas, such as mathematics, mathematical literacy, physical science and languages. Qualified teachers are unevenly distributed across districts, with rural schools at a distinct disadvantage. Large class numbers and consequent overcrowding in the early years of schooling impedes critical foundational learning.

Moreover, violence at school is widespread with 27 per cent of high school learners feeling unsafe at school while 16 per cent have been threatened with a weapon. More than one in 10 high school learners has taken at least one illegal narcotic drug or psychotropic substance.<sup>27</sup> The Departments of Transport and Basic Education have drafted the National Scholar Transport Policy with the intention to respond adequately to the needs of learners, especially those in the rural areas.

### 3.2.7 Children living in rural and urban areas

About 1.9 million South African households live in informal dwellings, such as shacks or in backyards. The percentage of households living in informal dwellings gradually increased from 13 per cent in 2002 to 13.4 per cent in 2009. This has been linked to increased urbanisation, especially in Gauteng and the Western Cape.

In South Africa more than half of children (53 per cent) live in urban areas – equivalent to 9.75 million children. In Gauteng and Western Cape, around 95 per cent of children live in urban areas, while in KwaZulu-Natal, Mpumalanga and Eastern Cape approximately one in three children live in urban areas. Limpopo is the least urbanised province with only 10 per cent of children living in urban areas.<sup>28</sup>

### 3.2.8 Sport and leisure

During 2009, a total of 4 million South Africans actively participated in the sport and recreation mass participation programme arranged by the Department of Sports and Recreation, with close to 8,715 school children participating in the national school sport championships. During this period 2,851 schools in the country received sports equipment and training; 85 of these schools cater for learners with special education needs. All the schools selected for inclusion in the programmes are mainly located in rural areas.<sup>29</sup>

Although there has been greater awareness of a healthy lifestyle among children, diet-related non-communicable ailments such as obesity, diabetes and cardiovascular diseases account for a large proportion of South Africa's disease burden. To encourage the change in lifestyle behaviour, the Planning Commission (2011) proposed instilling a culture of healthy lifestyles by introducing compulsory physical education in all schools by 2020, and encouraging all schools to participate in organised sports activities at local, district and provincial level.<sup>30</sup>

<sup>25</sup> Department of Basic Education (2011)

<sup>26</sup> Ibid.

<sup>27</sup> Medical Research Council (2010)

<sup>28</sup> Statistics South Africa (2010)

<sup>29</sup> Department of Sports and Recreation (2010)

<sup>30</sup> Planning Commission (2011)

### 3.2.9 Culture and heritage

The opportunity to engage in cultural activities forms part of a child's development rights. According to the National Department of Arts and Culture, the National Heritage Council, under its auspices, is responsible for creating an enabling environment for the preservation, protection and promotion of South African heritage. It is also responsible to protect, preserve and promote the content and heritage that resides in orature (oral heritage), and to make it accessible and dynamic to all South Africans, including children.<sup>31</sup>

## 3.3 CHILD PROTECTION

### EVERY CHILD HAS THE RIGHT TO PROTECTION AND CARE

The well-being of children depends on the ability of families to function effectively. Children need to grow in a secure and nurturing environment that can ensure their survival, development, protection and participation in family and social life.

#### 3.3.1 Child abuse

Parents/caregivers are children's first line of protection and the risks of exploitation and abuse increases when parents and caregivers are absent due to illness, death or abandonment. According to the Crime Statistics Report released during 2010, more than 4,000 cases of child neglect or ill-treatment are reported annually. There has however been a decrease in the number of cases reported since 2003. During the 2009/2010 period the highest number of cases were reported in Gauteng (1,057), followed by the Western Cape (847) and KwaZulu-Natal (455).

Violence against children is pervasive in the country, with more than 56,500 children reported to be victims of violent crime during the 2009/2010 period. Many more crimes remain unreported. Crimes such as child sexual abuse and physical abuse are usually committed by people closest to the children.

The South African Police Service reported that 29 per cent of all sexual offences against children, involved children under the age of 10 years, 31 per cent between 11 and 14 years, and 40 per cent involved young people between 15 and 17 years old.<sup>32</sup>

#### 3.3.2 Sexual exploitation/child trafficking

At present there are no accurate official statistics available for commercial sexual exploitation of children. According to the situational analysis on children, estimates from the Crime Information Management Centre (2002) place the number of children who are victims of commercial sexual exploitation at 28,000. The lack of credible statistics can possibly be ascribed to the fact that these activities are regarded as taboo or illegal and are as such kept hidden from the authorities.<sup>33</sup>

#### 3.3.3 Refugee children and unaccompanied minors<sup>34</sup>

Children mainly from Zimbabwe, Mozambique, Swaziland and Lesotho regularly migrate to South Africa. During the 2008/2009 period it is estimated that nearly 4,000 migrant children were living independently of close relatives and outside of their country of origin. Also, girls are slightly more likely to migrate independently compared with boys. The likelihood that a child will migrate independently also increases substantially with age. Unfortunately, the exact figures of unaccompanied and separated children, including refugee and asylum-seeking children in the sub-Saharan region are not known.

Some of the determinants ascribed to child refugees and unaccompanied minors are peer pressure, rights violations and education. Another key determinant is a family's survival

<sup>31</sup> Department of Arts and Culture (2011)

<sup>32</sup> South African Police (2010)

<sup>33</sup> The Presidency (2009)

<sup>34</sup> Yaqub S (2009)

strategy. The migration of a child decreases the dependency ratio in the household because there is a decrease in household consumption demand.

### 3.3.4 Child labour

According to the Department of Labour Survey conducted during 1999, 365 children under the age of 5 years were engaged in at least one form of work activity. The department classifies the engagement of work by children as follows: three hours per week for economic activities, seven hours per week for household chores and five hours a week for school maintenance.

The Labour Survey estimated that 847,000 children between the ages of 10 and 17 years were involved in child labour during this period.<sup>35</sup> The Department of Labour, however, believes that close to a million children could be engaged in child-labour activities.<sup>36</sup>

### 3.3.5 Orphans and vulnerable children

According to the Department for Social Development an estimated 3.6 million children are maternal, paternal or double orphans – children who have lost both their parents. This is expected to peak at 5 million in 2020. The number of double-orphans – children who have lost both parents – has nearly doubled from 352,000 to 701,000 in the past five years.<sup>37</sup>

Indicators for children outline that one in every five children have lost either one or both parents, while one in three live with both biological parents. Poor children are less likely to live with their biological parents. The majority of those children not residing with their parents are either living with their grandparents or with relatives. The AIDS epidemic is an important driver of the growing number of orphans. Some 1.9 million children have lost one or both parents due to AIDS.

The national estimate for HIV prevalence in 2010 was 17.9 per cent (5,575 million people). Of these 518,000 were children under the age of 15 years.<sup>38</sup>

### 3.3.6 Child-headed households<sup>39</sup>

Between 2002 and 2010 the percentage of children living in child-headed households has consistently remained below 1 per cent of all children, as their numbers fluctuated between 95,000 and 157,000.

During 2010, approximately 0.5 per cent (100,000) of children lived in child-headed households. The absolute numbers need to be approached with caution as they are derived from percentages that are in turn based on mid-year estimates.

Although a larger percentage of children in child-headed households are orphaned, compared with children of the general population, approximately one tenth of those children are double orphans and in 63.8 per cent of the cases the parents are still alive. The majority of children living in child-headed households cannot be legally defined as orphans, as they have at least one parent who is still alive.<sup>40</sup>

### 3.3.7 Children living and working on the streets

The continually changing, evasive and unpredictable lifestyle of children living and working on the streets has made it impossible to collect accurate and reliable data on them. National estimates from the early 1990s indicate that there might be between 9,000 and 10,000 children living and working on the streets nationally, with less than 10 per cent of these being children of the streets.<sup>41</sup>

The 2001 Census data identified 2,189 homeless children (the majority being boys) between

<sup>35</sup> Department of Labour (2001)

<sup>36</sup> Department of Labour, media release (2008)

<sup>37</sup> Department of Social Development (2011)

<sup>38</sup> Statistics South Africa (2010)

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Richter L (1991)

the ages of 10 and 17 years, while the 2004 Census conducted by the National Alliance for Street Children estimated the total number of children living and working in the street to be 13,275 at the time of the census.<sup>42</sup>

A surge in numbers took place when the General Household Survey (2007) found that 6.4 per cent of households had a child aged between 5 and 17 years that had left the household. This would translate into roughly more than 700,000 children who have not been in their houses for up to a year.

The Department of Social Development has also identified the following four levels of intervention in rendering services to children living and working on the street, namely: prevention, early intervention, statutory services and the continuum of care.<sup>43</sup>

### 3.3.8 Substance abuse

High risk behaviour is a major concern among young people in South Africa today, with substance abuse and addiction to dependence-producing substances being recognised as a serious health and social problem.

According to the Central Drug Authority Report presented in provinces during 2009, 15 per cent of South Africa's population has a drug problem, with 60 per cent of crime nationally being related to substance abuse. Dagga remains the drug of choice, with Mandrax and tik also being used by young people. Tik is identified as the main drug of choice for young people in the Western Cape.<sup>44</sup> The Risk Behaviour Survey conducted by the Medical Research Council (2009) shows that more than 1 in 10 high school learners has taken at least one illegal drug, such as dagga, heroin or cocaine. Glue is also used, most commonly among children living and working on the streets as it helps to keep them warm and keeps their stomachs feeling full.

The reasons provided for the high and increased usage of dependant-producing substances among young people is because drugs are easily accessible, family history, unemployment, poverty and lack of suitable parenting.<sup>45</sup>

The Department of Education has developed a Policy Framework on the Management of Drug Abuse in all Public Schools and Further Education and Training Institutions. The framework encapsulates recommendations made in the National Drug Master Plan and has been distributed to schools throughout South Africa. The policy framework focuses on prevention and early intervention based on a restorative justice approach.

The South African Police Service, in collaboration with the Department of Basic Education, implements various preventative programmes in support of safer schools. The aim of School Based Crime Prevention Programmes is to make schools a safe and secure environment free from drugs, violence and crime, and conducive to learning. The relationship was formalised through the Implementation Protocol on Crime and Violence in Schools which was signed by both departments in April 2011. It reinforces the partnership by linking of police stations to schools, establishing Safe School Committees and implementing joint crime prevention. So far 10,350 schools have been linked with police stations and have functional Safe School Committees.

The primary focus of the programmes is to build resistance and resilience among learners to crime, violence and substance abuse and also from victimisation and offending behaviour.

The preventative programmes are complemented by law enforcement in the form of search-and-seizure operations in schools, focusing on drugs.

### 3.3.9 Birth registration

Statistics SA (2010) estimates that 91 per cent of babies born during 2009 were registered by 30 April 2010 and, since 2006, more than 80 per cent of births have been registered within the year of birth.<sup>46</sup>

<sup>42</sup> Department of Social Development (2011)

<sup>43</sup> The Presidency / UNICEF (2009)

<sup>44</sup> Central Drug Authority / Department of Social Development (2009)

<sup>45</sup> Medical Research Council (2010)

<sup>46</sup> Statistics South Africa (2010)

There are however differences in registration of births among provinces. KwaZulu-Natal, Eastern Cape and more recently Gauteng, experienced 95 per cent late registration of births. Pockets of poor registration can also be found in impoverished rural communities. Those who are poorest continue to experience difficulty in accessing documents.

### 3.3.10 Children in alternative care

The Children's Act (38 of 2005), which came into effect in April 2010, is a significant achievement in law reform in respect of the care and protection of children. The Act adopts a developmental approach that emphasises the state's role in the provision of social services to strengthen the capacity of families and communities to care for and protect children.

According to the Department of Justice,<sup>47</sup> in 2009/2010 more than 88,600 children were found to be in need of care and protection by a children's court, with close to 500,000 being placed in foster care.<sup>48</sup>

Children admitted to registered child and youth care centres during this period totalled 13,250, with almost 45 per cent of them being admitted due to abandonment or neglect.<sup>49</sup>

### 3.3.11 Young people in conflict with the law

The Child Justice Act (75 of 2008), which came into effect during April 2010, has been developed to deal with children in a non-adversarial manner and also provides for the diversion of children from the criminal justice system by offering diversion programmes to correct the offending behaviour.

During 2008/2009, approximately 33,000 children were awaiting trial in detention, either in correctional service facilities, secure care centres, child and youth care centres or under home-based supervision. The number of children in correctional facilities has decreased substantially in the past years as an increasing number of children are placed in secure care centres or diverted from the mainstream criminal justice system. On average 1,900 children per month are diverted from the mainstream criminal justice system and are referred to attend diversion programmes, such as life skills or anger management programmes.<sup>50</sup>

## 3.4 STANDARD OF LIVING

EVERY CHILD HAS THE RIGHT TO A STANDARD OF LIVING THAT IS ADEQUATE FOR THE CHILD'S PHYSICAL, MENTAL, SPIRITUAL, MORAL AND SOCIAL DEVELOPMENT

### 3.4.1 Child poverty

According to data analysed from the 2009 General Household Survey, child poverty was reduced by 13 per cent between 2004 and 2008. Income poverty, however, remains a part of the inequalities in South Africa and is regarded as a key determinant of children's standard of living. At present 11.9 million children (64 per cent of all children) live in poverty. If the Vision 2014 target is to be met, child poverty has to decrease from the current level of 64 per cent to 37 per cent by 2014.<sup>51</sup>

Unemployment has also been identified as a key constraint to overcoming child poverty. Overall, nearly four out of 10 children live in households with no employed household members. Among the poorest, seven out of 10 children live in households with no economically active members.

Reported hunger among children declined from 31 per cent in 2002 to 15 per cent in 2007. But the gains that have been made are at risk of being reversed as data shows an increase in child hunger to 22 per cent in 2009, which could be ascribed to the global economic crisis.

<sup>47</sup> Department of Justice (2007-2010)

<sup>48</sup> SA Social Security Agency (2011)

<sup>49</sup> UNICEF / Department of Social Development (2010)

<sup>50</sup> UNICEF (2011)

<sup>51</sup> Statistics South Africa (2009)

Children in the poorest households and female-headed households are significantly more likely to experience hunger. There are wide disparities across provinces on this phenomenon.

### 3.4.2 Housing

About 2.8 million children (15 per cent of all children) have been reached with a Reconstruction and Development Programme (RDP) or state-subsidised dwelling. Children from middle-income households appear to have received most benefits from RDP or state-subsidised housing. Some 1.7 million children (9 per cent of all children) still live in informal housing such as shacks in backyards or squatter settlements. Children from the poorest households are less likely to live in formal housing.<sup>52</sup>

### 3.4.3 Water and sanitation

Access to safe water and sanitation has improved in the past decade with 83 per cent of children having access to piped water on site or at a public or neighbour's tap. Access to adequate sanitation for children has improved from 47 per cent in 2002 to 64 per cent in 2009. Yet almost 1.4 million children (8 per cent of all children) still live in households that rely on rivers or streams as their main source of drinking water. In addition, nearly 1.5 million children (8 per cent of all children) live in households with no toilet facilities at all.

According to the 2006 General Household Survey, the Eastern Cape (32 per cent), Limpopo (32 per cent) and KwaZulu-Natal (47 per cent) have the lowest proportion of children with access to drinking water on site in South Africa, compared with the Western Cape (93 per cent), Free State (90 per cent) and Gauteng (90 per cent).

The Eastern Cape and Limpopo provinces have also been identified as having the lowest proportion of children living in households with basic sanitation. In fact, among children in the poorest households, only 50 per cent have access to adequate sanitation.<sup>53</sup>

### 3.4.4 Social security

There has been significant progress in fulfilling children's rights to social security, particularly by increasing the number of recipients getting social grants. This has contributed to the moderate decline in child poverty. The eligibility age ranges for the child support grant have gradually been extended from 0 to 6 years in 1999 to 0 to 17 years from 2012 onwards. The take-up for the grant has increased dramatically in the past decade, with more than 10.5 million children receiving the grant.<sup>54</sup>

During 2010 the number of foster children receiving the foster child grant totalled 510,298, while the number of children accessing the care dependency grant during this same period totalled 110,000.<sup>55</sup> The provincial distribution is fairly consistent with regard to the distribution of children, with KwaZulu-Natal receiving the largest share of grants because the province has the highest number of children in the country.

<sup>52</sup> UNICEF (2011)

<sup>53</sup> Statistics South Africa (2006)

<sup>54</sup> Jamieson L et al (2011)

<sup>55</sup> SA Social Security Agency – Socpen Database (2005–2010)



# SECTION 4

The National Plan of Action for Children's primary components is covered in the following parts. It focuses on five broad themes that are further divided into sub-themes with each comprising specific goals, objectives, strategies and indicators related to the realisation of the rights of children in South Africa. Each section has an indication on the lead government department as well as supporting departments that are responsible for implementation. The roles and responsibilities of each supporting department are further tabulated in line with the core mandate of the specific department.

## PART A: CHILD SURVIVAL

### RELEVANT SECTIONS OF THE SOUTH AFRICAN CONSTITUTION

- Section 10: Right to life
- Section 28 (1)(b): Right to family or parental care
- Section 28 (1)(c): Right to basic health care, nutrition and social services
- Section 27(1)(d): Right to alternative care
- Section 30 and 31: Right to language and protection of culture

### RELEVANT ARTICLES OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

- Article 3: Right to protected from discrimination
- Article 5: Right to survival and development
- Article 14: Right to basic health care
- Article 18: Right to family protection
- Article 19: Right to parental care and protection
- Article 20: Responsibilities of parents
- Article 25: Right to special protection

### RELEVANT ARTICLES OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

- Article 3: Best interest of a child
- Article 6: Right to life, survival and development
- Article 17: Right to information
- Article 18: Responsibility of parents
- Article 23: Rights of children with disabilities
- Article 24: Right to basic health care
- Article 25: Right to care and protection
- Article 26: Right to social security
- Article 27: Right to adequate standard of living
- Article 30: Right to belong to religious, ethnic, linguistic

## A1: CHILD, YOUTH AND MATERNAL HEALTH

### A. GOALS FOR 2012–2017

- To reduce the child mortality rate to 30 per 1,000 live births by 2014.<sup>56</sup>
- To reduce maternal mortality to 100 of less per 100,000 live births.<sup>57</sup>
- To reduce the infant mortality rate to 30 per 1,000 live births by 2015.
- To reduce the neonatal mortality rate to below 10 per 1,000 live births by 2017.
- All children have access to a National Health Insurance plan by 2017.

### B. OBJECTIVES

- To reduce neonatal mortality through the implementation of special measures to lower the mortality rate in the first day of life and first week in life.
- To fully immunise at least 100 per cent of children under 1 year of age against diphtheria, pertussis, tetanus, measles, poliomyelitis, tuberculosis by 2014.
- To fully immunise at least 90 per cent of women of childbearing age against tetanus by 2000.
- To reduce the deaths due to diarrhoea in children under the age of 5 years by 70 per cent and to reduce the diarrhoea incidence rate by 50 per cent by 2017.
- To reduce the deaths due to acute respiratory infections in children under 5 years by 60 per cent by 2017.
- To reduce the number of new TB infections among children as well as deaths from TB by 50 per cent by 2015.
- To reduce the incidence of foetal alcohol syndrome among key populations at risk by 80 per cent by 2017.
- To reduce all forms of hepatitis by 60 per cent by 2015.
- To increase the percentage of mothers and babies who receive post-natal care within 6 days of delivery from under 5 per cent to 70 per cent.
- To increase the percentage of health facilities providing training to health workers in emergency obstetric care and comprehensive emergency obstetric care.
- To increase the percentage of children under 1 year of age that are vaccinated with pneumococcal and rotavirus vaccines to 90 per cent.
- To increase the immunisation coverage from 88 per cent to 95 per cent.
- To increase the proportion schools which are visited by a School Health Nurse at least once a year from less than 5 per cent to 20 per cent.
- To conduct health screening of learners in Grade 1 in Q1 schools for eyes, ears and teeth.
- To increase the percentage of pregnant women who book for antenatal care before 20 weeks of gestation from 20 per cent to 50 per cent.
- To increase the percentage of maternity care facilities which review maternal and peri-natal deaths and address identified deficiencies from 45 per cent to 80 per cent.
- To promote mental health.
- To promote and regulate traditional medicine.

### C. STRATEGIES<sup>58</sup>

- Reduction of inequity of service provision (rural and urban) and scaling up of partnerships with stakeholders.
- Improve access to and the quality of primary health care services.
- Implementation of the integrated management of illnesses (IMCI) programme.
- Enhance the clinical skills of health workers.

<sup>56</sup> Public Service and Administration (2010)

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

- Improve the use of clinical guidelines and protocols.
- Revitalisation of primary health care.
- Improved patient care and satisfaction.
- Accreditation of health facilities for quality.
- Improve operational management of health facilities.
- Improve access to human resources for health and fill posts with skilled, committed and competent professionals.
- Increase the proportion of primary-level facilities in which health-care providers are skilled in managing childhood illnesses.
- Improve health care financing.
- Strengthen health information systems (HIS).
- Improve health services for the youth.
- Expand access to home-based care and community health workers.
- Implement the National Health Insurance (NHI) as the primary financing mechanism for the health system, thereby providing more equitable access to health care.
- Community education and support to all mothers for safe pregnancies and neonatal care.
- Progressively improve tuberculosis prevention and cure.
- Complete health systems reforms.
- Increase routine immunisation coverage for children under 1 year of age and the coverage of targeted children immunised with new vaccines.
- Finalise and implement youth health strategy.

## D. NATIONAL INDICATORS

- Under-5 mortality rate (# per 1,000 live births).
- Infant mortality rate (# per 1,000 live births).
- Neonatal mortality rate (<28 days) (# per 1,000 live births).
- Maternal mortality rate (# per 100,000 live births).
- Young child mortality rate (6 to 12 years) (# per 1,000 live births).
- Adolescent mortality rate (13 to 17 years) (# per 1,000 live births).
- Child and adolescent injury-related mortality.
- Incidence of HIV in 15- to 49-year-old women.
- Mother-to-child transmission rate.
- Proportion of eligible HIV-positive pregnant women initiated on antiretroviral treatment (ART).
- Percentage of children fully immunised against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis.
- Percentage of children having access to the NHI by 2017.
- Diarrhoea incidence in under 5s at health facilities (with and without dehydration).
- Low birth weight rate.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Health

Supporting departments

Department of Women, Children and People with Disabilities, Department of Basic Education, Department of Social Development, Department of Home Affairs

Lead department	Roles and responsibilities
Department of Health (DoH)	<ul style="list-style-type: none"> <li>• Ensure the provision of medical assistance (screening, specialised services and provision of assistive devices) to children with disabilities and those suffering from chronic ailments.</li> <li>• Provide free primary, secondary and tertiary health care services to pregnant and lactating mothers.</li> <li>• Provide free primary, secondary and tertiary health care services to children under the age of 6 years, as well as those children between 6 and 18 years whose families are recipients of social grants.</li> <li>• Provide nutritional support, particularly relating to Vitamin A deficiency, to improve the health status of children (micro-nutrients supplementation).</li> <li>• Provide preventative health care, support and guidance to parents (Reproductive Health Services).</li> <li>• Promote access to family-planning services.</li> <li>• Provide comprehensive HIV and AIDS services.</li> <li>• Enhance the clinical skills of health workers.</li> <li>• Improve the use of clinical guidelines and protocols.</li> <li>• Revitalise primary health care.</li> <li>• Improve patient care and satisfaction.</li> <li>• Accreditation of health facilities for quality health services.</li> <li>• Improve operational management of health facilities.</li> <li>• Improve access to human resources for health and fill posts with skilled, committed and competent professionals.</li> <li>• Increase the proportion of primary-level facilities in which health-care providers are skilled in managing childhood illnesses.</li> <li>• Improve health care financing.</li> <li>• Strengthen health information systems (HIS).</li> <li>• Improve health services for the youth.</li> <li>• Expand access to home-based care and community health workers.</li> <li>• Implement the National Health Insurance (NHI) as the primary financing mechanism for the health system, thereby providing more equitable access to health care.</li> <li>• Community education and support to all mothers for safe pregnancies and neonatal care.</li> <li>• Progressively improve tuberculosis prevention and cure.</li> <li>• Complete health systems reforms.</li> <li>• Increase routine immunisation coverage for children under the age of one year and coverage of targeted children immunised with new vaccines.</li> <li>• Finalise and implement youth health strategy.</li> </ul>
Supporting departments	Roles and responsibilities
Home Affairs	<ul style="list-style-type: none"> <li>• Provision of birth certificates and identification documents.</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Provide a coordination, supportive and facilitation role.</li> <li>• Collaborate with the Department of Health and other departments.</li> <li>• Ensure monitoring and evaluation of services is provided to children, including advocacy services.</li> <li>• Facilitate and coordinate transversal strategies, implementing across all departments to mainstream children's rights.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Cooperate with health workers to provide immunisation programmes and specialised school health services (as required) to children.</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Provide support services and create awareness of the importance of health services to children and families.</li> <li>• Ensure the provision of and raise awareness of health services at early childhood development (ECD) and child and youth care centres.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Raise awareness of health-related matters in collaboration with health and other stakeholders.</li> </ul>

## A2: NUTRITION

### A. GOALS FOR 2012 TO 2017<sup>59</sup>

- To improve the nutritional status, growth, development and health of infants and young children by protecting, promoting and supporting optimal safe infant feeding practices.
- To promote and encourage healthy eating practices for all children to reduce malnutrition and/or obesity among young people.
- To ensure access to targeted nutritional programmes for children with nutritional needs.

### B. OBJECTIVES<sup>60</sup>

- To promote optimal infant and young child feeding practices for all children in South Africa.
- To facilitate access to nutrition and health services for every child in South Africa.
- To promote and support exclusive breastfeeding for the first six months for all children aged 0 to 6 months regardless of the mothers' HIV status.
- To reduce the number of underweight children by half by 2015.
- To give effect to the principles and aims of the International Code of Marketing of Breastmilk Substitutes and subsequent relevant Health Assembly Resolutions.
- To encourage commitment of all stakeholders to optimal feeding practices for infants and young children.
- To create a supportive environment conducive to optimal infant and young child feeding processes.
- To ensure that there is an operational nutrition monitoring, mapping and surveillance system.
- To promote healthy eating habits for all children through education, life skills and awareness campaigns.
- To encourage continual research to improve the balanced nutritional status of children.

### C. NATIONAL STRATEGIES

- Roadmap on Nutrition for South Africa 2010–2014.
- Strategic Plan for Maternal, Neonatal, Child and Women's Health (MNCWH) and Nutrition in South Africa.
- Promotion of healthy eating habits to counter childhood malnutrition and obesity.
- A Nutrition Information System that identifies the trends, nature, extent and severity of the different types of nutrition problems and their causes.
- Reduction of the incidence of low birth weight in neonates.
- Baby Friendly Hospital Initiative.
- International Code of Marketing on Breastmilk Substitutes.
- Growth Monitoring and Promotion.
- Management of Children with Severe Malnutrition.
- Vitamin A Supplementation.
- Kangaroo Mother Care.
- Integrated Management of Childhood Illnesses.
- Prevention of mother-to-child transmission of HIV.
- Expanded Programme on Immunisation.
- Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMMA).

<sup>59</sup> Department of Health (2007)

<sup>60</sup> Ibid.

## D. NATIONAL INDICATORS

- Percentage of children exclusively breastfed up to 6 months.
- Underweight rate among children less than 59 months and under 9 years.
- Percentage of stunted children in South Africa.
- Severe malnutrition (wasting) rate for children less than 59 months.
- Obesity rate.
- Number of children receiving Vitamin A supplement.
- Number of children at primary school being on the nutritional programme.
- Children affected by micro-nutrient deficiency.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Health

Supporting departments

Department of Agriculture, Department of Basic Education, Department of Social Development, Department of Water Affairs

Lead department	Roles and responsibilities
Department of Health (DoH)	<ul style="list-style-type: none"> <li>• Promote and encourage all mothers to breastfeed exclusively their children from birth to 6 months.</li> <li>• Promote and support mothers to introduce other foods into their infants' diet only after age 6 months.</li> <li>• Promote and provide eligible children with nutritional supplements.</li> <li>• Promote healthy eating habits and counter childhood malnutrition and obesity.</li> <li>• Provide therapeutic feeding for children who require it.</li> <li>• Ensure the management of children with severe malnutrition.</li> <li>• To promote optimal infant and young child feeding practices for all children in South Africa.</li> <li>• Facilitate access to nutrition services for every child in South Africa.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Provide food parcels to households or children who are in need.</li> <li>• Conduct healthy lifestyle campaigns.</li> <li>• Promote food gardening projects.</li> </ul>
Department of Agriculture	<ul style="list-style-type: none"> <li>• Promote and support home and community gardening.</li> <li>• Promote small farming initiatives.</li> <li>• Provide starter packs for gardening.</li> <li>• Provide technical advice to small-farming initiatives.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Provide school nutrition programmes and raise awareness on healthy eating habits.</li> </ul>
Statistics South Africa	<ul style="list-style-type: none"> <li>• Promote good nutrition through data released from surveys.</li> <li>• Conduct nutritional analyses.</li> </ul>

## A3: CHILDREN LIVING WITH HIV AND AIDS

### A. GOALS FOR 2012–2017<sup>61</sup>

- Reduce new HIV infections by at least 50 per cent, using a combination of prevention approaches.
- Initiate at least 80 per cent of eligible children on antiretroviral treatment (ART), with the aim of having 70 per cent alive and on treatment 5 years after initiation.

### B. OBJECTIVES<sup>62</sup>

- To reduce new HIV infections by at least 50 per cent using combination of prevention approaches.
- To initiate at least 80 per cent of eligible patients on antiretroviral treatment, with 70 per cent alive and on treatment 5 years after initiation.
- To mitigate the impact of HIV, STIs and TB on orphans, vulnerable children and youths.
- To reduce the vulnerability of young people to HIV infection by retaining them in schools and increase access to post-school education and work opportunities.
- To reduce HIV- and TB-related stigma and discrimination to children.
- To reduce transmission of HIV from mother to child to less than 2 per cent at 6 weeks after birth and less than 5 per cent at 18 months of age by 2016.
- To increase the percentage of infants requiring dual therapy for prevention of mother to child transmission (PMTCT) from 10 per cent to 60 per cent.
- To ensure that rights of children living with HIV and AIDS are protected and that functioning mechanisms for monitoring abuses and vindicating rights are established.
- To ensure that at least 80 per cent of children who are eligible for treatment for HIV access treatment and at least 70 per cent should be alive and still on treatment after 5 years.

### C. STRATEGIES

- Ongoing HIV testing and counselling.
- Implement prevention-of-mother-to-child transmission (PMTCT) treatment guidelines.
- Strengthen health care provider-initiated counselling and testing in health facilities, with a special focus on STI, TB, antenatal, IMCI, family planning and general curative services, with special provision and procedures for children and adolescents.
- Increase the proportion of pregnant women tested through health care provider-initiated counselling and testing for all pregnant women.
- Provide life skills education to children and adolescents and increase the implementation of child and adolescent friendly services.
- Scaling up condom distribution for both male and female condoms.
- Improve access to health institutions, especially primary care institutions.
- Enhance compliance with treatment guidelines, with special efforts and interventions for children.
- Integrate TB and HIV services (including provision of ART) for children and adolescents.
- Ongoing HIV awareness programmes.
- Increase antiretroviral therapy (ARV treatment programmes).
- Provide accessible and comprehensive HIV and AIDS treatment to the children eligible for the treatment.
- Fast track the roll out of home- and community-based care services.

<sup>61</sup> Department of Health (2012–2016)

<sup>62</sup> Ibid.

## D. NATIONAL INDICATORS

- Percentage of children eligible for ARV on treatment.
- Under 5 child mortality rate decrease to 50 deaths (or less) per 1,000 live births by 2014.
- Percentage of children receiving counselling and testing.
- Percentage of mother to child transmission of HIV at six weeks and 18 months.
- HIV rate among adolescents.
- Number of children that are living with HIV (HIV-positive).

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Health

Supporting departments

Department of Basic Education, Department of Social Development, Department of Correctional Services, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Health	<ul style="list-style-type: none"> <li>• Awareness programmes on HIV and AIDS.</li> <li>• Provision of treatment.</li> <li>• Ongoing counselling and testing.</li> <li>• Achieving universal access to comprehensive HIV prevention treatment, care and support.</li> <li>• Research to improve treatment modalities as well as prevention of infections.</li> <li>• Implementation of the National Health Insurance to promote the equitable service delivery.</li> <li>• Implement prevention of mother-to-child transmission (PMTCT) treatment guidelines.</li> <li>• Strengthen health care provider-initiated counselling and testing in health facilities, with a special focus on STI, TB, antenatal, IMCI, family planning and general curative services, with special provision and procedures for children and adolescents.</li> <li>• Increase the proportion of pregnant women tested through health care provider-initiated counselling and testing for all pregnant women.</li> <li>• Provide life skills education to children and adolescents and increase the implementation of child and adolescents' friendly services.</li> <li>• Scaling up distribution of both male and female condoms.</li> <li>• Improve access to health institutions, especially primary-care institutions.</li> <li>• Enhance compliance with treatment guidelines, with special efforts and interventions for children.</li> <li>• Integrate TB and HIV services (including provision of ART) for children and adolescents.</li> <li>• Ongoing HIV and AIDS awareness programmes.</li> <li>• Increase antiretroviral therapy (ARV treatment programme).</li> <li>• Ensure accessible comprehensive HIV and AIDS treatment to the children eligible for the treatment.</li> <li>• Fast track the roll-out of home- and community-based care services.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Identify children infected with HIV and AIDS.</li> <li>• Ensure that rights of children living with HIV and AIDS are protected and that functioning mechanisms for monitoring abuses and vindicating rights are established.</li> <li>• Awareness programmes on HIV and AIDS.</li> <li>• Support to needy children affected by and infected with HIV/AIDS.</li> <li>• Material assistance to the family of affected children.</li> <li>• Strengthen services of all intervention programmes for orphans and vulnerable children.</li> <li>• Increase efforts towards the promotion of the family model concept and encourage all South Africans to follow it.</li> <li>• Adopt orphaned children as it takes the community to raise the child.</li> <li>• Promote awareness and advocacy to prevent substance abuse.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Provide care and support for teachers and learners.</li> <li>• Promote school health services to children, including those children affected by and/or infected with HIV and AIDS.</li> <li>• Provide awareness programmes on HIV and AIDS.</li> <li>• Provide life skills education to children and adolescents and increase the implementation of child and adolescents' friendly services.</li> </ul>
Department of Correctional Services	<ul style="list-style-type: none"> <li>• Raise awareness programmes for children who are incarcerated, including for mothers incarcerated with their babies.</li> <li>• Facilitate treatment where necessary.</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Ensure that rights of children living with HIV and AIDS are protected.</li> <li>• In collaboration with other stakeholders, provide awareness programmes on HIV and AIDS.</li> </ul>
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Educational awareness through arts (visual arts, plays and drama performances).</li> </ul>
Department of Communications	<ul style="list-style-type: none"> <li>• Raise awareness through press and media on issues of HIV and AIDS.</li> </ul>

# PART B: CHILD DEVELOPMENT

## RELEVANT SECTIONS OF THE SOUTH AFRICAN CONSTITUTION

- Section 24: Right to safe environment
- Section 28(1)(b);(c);(d);(g): Rights of children
- Section 29: Right to education
- Section 30: Right to language and culture

## RELEVANT ARTICLES OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

- Article 4: Best interests of the child
- Article 11: Right to education
- Article 12: Right to play, rest and recreational activities
- Article 13: Rights of children with disabilities
- Article 21: Protection against harmful social and cultural practices
- Article 31: Responsibilities of children

## RELEVANT ARTICLES OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

- Article 3: Best interests of the child
- Article 4: State parties to ensure realisation of rights
- Article 23: Rights of children with disabilities
- Article 28: Right to education
- Article 30: Rights of ethnic, linguistic, cultural minorities
- Article 31: Right to play, leisure and recreational activities



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## B1: EARLY CHILDHOOD DEVELOPMENT

### A. GOALS FOR 2012–2017

- To ensure universal access to effective, integrated, quality early childhood development interventions responsive to the needs of the South African children from birth to school-going age.
- To ensure universal access to quality Grade R by all children in South African by 2015.

### B. OBJECTIVES

- To implement the policy and legislative provisions for early childhood development (ECD) interventions and programmes in the South Africa.
- To ensure that a variety of household-based and community-based quality ECD programmes are implemented.
- To ensure all partial care facilities that provide ECD programmes (ECD centres or facilities) are registered and meet the minimum standards.
- To provide policy and practice guidelines for child minding for day mothers who take fewer than six children.
- To ensure that adequate and sufficient resources are allocated in an equitable manner to the ECD services and programmes across government departments, inclusive of local government.
- To promote the establishment of mother and baby/child friendly workplace facilities.

- To implement the *National Early Learning and Development Standards* for all children from birth to 4 years in South Africa.

## C. STRATEGIES

- Develop national and provincial ECD strategies as contemplated in the Children's Act, 2005, as amended.
- Ensure the implementation of the National Parenting Programme for parents with children 5 years and younger in 80 per cent of municipalities by 2017.
- Improve access to ECD centres.
- Prioritise ECD interventions as part of the Social Sector Expanded Public Works Programme.
- Facilitate equitable distribution of ECD programmes across provinces, with a specific focus on the most deprived areas and those with the least resources.
- Facilitate a national training strategy for ECD educators and practitioners to ensure quality ECD programmes are delivered to all children.
- Implement the National Parenting Programme for parents with children 5 years and younger in municipalities.
- Implement non-centre-based ECD programmes in each municipality by 2017.
- Establish a national coordinating structure for ECD and young child development.
- Establish mother and baby/child friendly workplaces.
- Establish community-based outreach ECD services for children with disabilities.
- Provide early learning and development programmes and interventions for children two years and younger who are in correctional facilities with their mothers.

## D. NATIONAL INDICATORS

- Number of children per age interval of one year that access some form of early learning and development intervention or support, whether through their parents, community non-centre-based programmes or partial care facilities.
- Percentage of children that are on par with the *National Early Learning and Development Standards*.
- Number of children with disabilities accessing ECD programmes.
- Number of children accessing Grade R.
- Number of appropriately qualified ECD educators and practitioners.
- Performance of children in Grade 3 who have attended at least two years of ECD programmes, compared with their peers who did not attend.
- Number of children 2 years and younger in correctional facilities with their mothers.
- Number of children 2 years and younger in correctional facilities with their mothers receiving early learning and development programmes.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

Department of Basic Education, Department of Home Affairs, Department of Women, Children and People with Disabilities, Department of Health, Department of Home Affairs, Department of Correctional Services, Department of Communication, Department of Arts and Culture, Department of Human Settlement, Department of Public Service and Administration, Department of Performance Monitoring and Evaluation

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Registration and monitoring of ECD centres.</li> <li>• Provision of funding to ECD centres.</li> <li>• Development of policies, norms and standards for regulating the registration of ECD centres.</li> <li>• Develop national and provincial early ECD strategies.</li> <li>• Facilitate equitable distribution of ECD programmes across provinces, with a specific focus on the most-deprived and least-resourced areas.</li> <li>• Facilitate a national training strategy for ECD educators and practitioners who will ensure quality ECD programmes are delivered to all children.</li> <li>• Implement non-centre-based ECD programmes in each municipality by 2017.</li> <li>• Establish a national coordinating structure for early childhood development and young child development.</li> <li>• Establish mother and baby/child friendly workplaces.</li> <li>• Establish community-based outreach ECD services for children with disabilities.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Basic Education	<ul style="list-style-type: none"> <li>• Recruitment of practitioners according to the set norms and standards.</li> <li>• Provision of support to Grade R learners.</li> <li>• Provision of infrastructure, resources and programmes for learners.</li> <li>• Monitoring the implementation at spheres for quality service delivery.</li> <li>• Provide care and support for teachers and learners.</li> <li>• Promote school health services to children, including those children affected by and/or infected with HIV and AIDS.</li> <li>• Provide awareness programmes on HIV and AIDS.</li> <li>• Provide life skills education to children and adolescents and increase the implementation of child and adolescent friendly services.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provision of school health services as required by schools.</li> <li>• Continuation of the road-to-health programme.</li> <li>• Inspection of facilities for health compliance.</li> <li>• Provision of the immunisation programme.</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Issuing of requisite identification documents for registration at ECD centres.</li> </ul>
Department of Correctional Services	<ul style="list-style-type: none"> <li>• Early learning and stimulation to babies and young children (under 2 years) with their mothers in prison.</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Monitoring the departments in the implementation of the ECD programmes (service delivery agreements as well as responsive budgeting).</li> <li>• Mainstreaming the realisation of the rights of children at the ECD centres, including the rights of children with disabilities through responsive budgeting and planning.</li> <li>• Prioritise early childhood development interventions as part of the Social Sector Expanded Public Works Programme.</li> <li>• Implement the National Parenting Programme for parents with children 5 years and younger in municipalities.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Raise awareness about supporting ECD key departments.</li> </ul>
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Promote and provide art therapy both at prevention and curative level for ECD babies and children.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Human Settlements	<ul style="list-style-type: none"> <li>• Integrate ECD facilities within the current human settlement infrastructure.</li> </ul>
Department of Public Service and Administration	<ul style="list-style-type: none"> <li>• Encourage workplace policies and programmes that provide ECD services (child friendly services) to promote parent and child relations especially for the ECD age cohort to build a productive cadre of employees.</li> </ul>
Department of Performance Monitoring and Evaluation	<ul style="list-style-type: none"> <li>• Continual monitoring of government service delivery performance levels aimed at children.</li> <li>• Review existing integrated plans in line with the emerging issues.</li> </ul>

## B2: GENDER – THE GIRL CHILD AND BOY CHILD

### A. GOALS FOR 2012 TO 2017

- To develop and implement programmes that will ensure that girl and boy children are treated equally in an all-inclusive society where no one is discriminated against or unfairly treated.
- To develop and implement measures to ensure the establishment of societies that protect, promote and fulfil the rights of children.

### B. OBJECTIVES

- To develop and implement programmes that will negate all forms of discrimination against girls in society.
- To develop programmes that will mentor boy and girl children on gender equality.
- To develop promotion material to assist parents, caregivers and all professionals working with children on how to facilitate gender equality in the socialisation of their children.
- To ensure that all early ECD programmes promote gender equality.
- To ensure that all education curricula, programmes and materials are designed to facilitate and promote gender equality.
- To ensure that all public communication strategies promote gender equality and safeguard against gender stereotypes.
- To develop the capacity of traditional leaders, community leaders, religious leaders and their communities on child rights, gender sensitivity and responsible practices.
- To identify and address harmful social, cultural and religious practices that discriminate against girls and boys and ensure that their rights are addressed.

### C. STRATEGIES

- Develop strategy and protocol that will promote and ensure gender equality in the media and related public education targeting children.
- Develop gender strategies for primary and secondary schools.
- Provide children's clubs and child-led groups with guidance and information on gender equality and rights, e.g. Girl Guides and Boy's Scouts, girls' and boys' education movements.
- Encourage all sporting codes in schools and communities to be open for participation by boys and girls equally.

## D. NATIONAL INDICATORS

- Gender-sensitive workbooks and activities in primary school and high schools.
- Gender-sensitive programmes in ECD services.
- Number of boys and girls participating in the different sporting codes.
- Number and type of gender-insensitive cultural and religious practices identified and addressed.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Women, Children and People with Disabilities

Supporting departments

Department of Social Development, Department of Women, Children and People with Disabilities, Department of Basic Education, Department of Health, Department of Home Affairs, Department of Communication, Department of Cooperative Government and Traditional Affairs, Chapter 9 Institutions.

Lead department	Roles and responsibilities
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Mainstream children's rights into government policies, programmes and governance processes.</li> <li>• Coordination of key strategic programmes and projects for the government in collaboration with other stakeholders: <i>ukuthwala</i>, child friendly cities' model, sanitary dignity campaign, etc.</li> <li>• Commission to undertake overarching national research initiatives relating to atrocities directed at children to inform interventions provided by stakeholders.</li> <li>• Monitor and evaluate policies, programmes, strategies and services provided to children within the children's rights sector.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Partner other departments to identify all social issues affecting the rights of children adversely.</li> <li>• Develop parenting programmes to promote the family concept model.</li> <li>• Provide services to children at primary level (prevention services), secondary level (treatment services), statutory level (court processes) and at continuum level (institutional as part of the provision of aftercare services to protect the rights of children).</li> <li>• Research and policy formulation dealing with emerging issues affecting children and gender.</li> <li>• Develop national policies to guide service provision at prevention level, early interventions, tertiary level and aftercare services for both girl and boy children.</li> <li>• Encourage communities and in particular service providers, as well as traditional leaders, against harmful traditional practices and educate the community on the laws governing the promotion, protection and the fulfilment of the rights of children.</li> <li>• Advocate, educate and support raising awareness on existing social norms and laws protecting children.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provide health services to children who are victims of criminal activities.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Basic Education	<ul style="list-style-type: none"> <li>• Produce and provide educational programmes for children.</li> <li>• Support services to children.</li> <li>• Create recreational opportunities for children.</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Help to identify children coming of age and issuing identification documents.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Promote good parenting through e-parenting.</li> <li>• Communicate messages of gender sensitivity to children of different age groups, using appropriate techniques.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Raise awareness programmes for children.</li> <li>• Provide services through inclusive activities to break up the gender divide.</li> <li>• Form structures and create platforms for children to engage on gender-related debates and discussions.</li> </ul>
Chapter 9 institutions (SAHRC, Commission for Gender Equality, etc.)	<ul style="list-style-type: none"> <li>• Mobilise stakeholders to promote gender equality.</li> <li>• Monitor institutions on violation of gender rights.</li> <li>• Advocate to mainstream the previously marginalised (public) education.</li> <li>• Commission appropriate research for policy and intervention/programmes.</li> <li>• Make recommendations for policy/legislative reforms.</li> </ul>

## B3: ADOLESCENT DEVELOPMENT

### A. GOALS FOR 2012–2017

- To ensure that adolescent girls and boys in South Africa have access to quality services, programmes and opportunities that will support them to realise their rights and responsibilities.

### B. OBJECTIVES

- To ensure that all adolescent boys and girls have access to socio-economic services that will provide them with ample opportunities in the future.
- To ensure that adolescents are exposed to civic education programmes through the national school curriculum.
- To implement national adolescent mental health policy into all communities.
- To educate and create awareness for all adolescents, in school and out of school, on healthy lifestyles, and to prevent the use of illegal drugs, alcohol and substance abuse.
- To inform and educate all adolescents on sexuality and sexual responsibility, including HIV prevention and protection against HIV and AIDS.
- To develop and implement specific and targeted life skills programmes for adolescent girls and boys.
- To provide occupational or related skills programmes for adolescent girls and boys that are out of school or at risk of being out of school to prepare them for sustainable and economically viable livelihoods.
- To develop an early identification and intervention system for adolescents at risk of engaging in anti-social behaviour.

## C. NATIONAL STRATEGIES

- Integrate youth development strategy to enable young people to benefit from the variety of opportunities designed to enhance their development.
- Implementation of the Integrated School Health Programme in schools.
- Promotion of young people's participation in programmes that address their specific vulnerability, e.g. in the crime prevention strategy.
- Engagement of adolescents on the youth development strategies led by National Youth Development Agency (NYDA) intended at provision of skills for economic and personal development.

## D. NATIONAL INDICATORS

- Number of out-of-school adolescents gainfully engaged in self development programmes.
- Number of adolescents in GEM/BEM movement increased.
- Teenage birth rate (13–18 years).
- Adolescent risk behaviour (13–18 years).

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Health

Supporting departments

Department of Basic Education, Department of Social Development, Department of Arts and Culture, Department of Sport and Recreation, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Health	<ul style="list-style-type: none"> <li>• Conduct risk behaviour surveys.</li> <li>• Provide adolescent sex and reproductive health services.</li> <li>• Provide curative services and prevention services (contraceptives).</li> </ul>
Supporting departments	Roles and responsibilities
Department of Basic Education	<ul style="list-style-type: none"> <li>• Provide educational programmes to adolescents, including those in correctional facilities.</li> <li>• Optimise girl and boy education movements to effect positive changes to the lives of children (GEM/BEM movement).</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Provide psychosocial services to adolescents.</li> <li>• Support adolescents exposed to substances abuse.</li> <li>• Provide services to all adolescents, including support to orphans and other vulnerable children (OVCs).</li> <li>• Monitor the diversion programmes to ensure that children are diverted from the criminal justice system.</li> </ul>
Department of Sports and Recreation	<ul style="list-style-type: none"> <li>• Facilitate a wide range of sporting codes for schools and at the municipalities to contribute to the physical and psychosocial stimulation of children.</li> </ul>
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Provide programmes for adolescents that are intended to restore heritage and the historical memory of the country through art works.</li> <li>• Provide programmes that promote cultural practices designed and instituted/implemented for adolescents.</li> </ul>

Supporting departments	Roles and responsibilities
National Youth Development Agency	<ul style="list-style-type: none"> <li>• Raise awareness on skills development.</li> <li>• Provide programmes that promote the engagement of young people in economic programmes.</li> <li>• Fund youth programmes, even for those young children out of school.</li> </ul>
Department of Tourism	<ul style="list-style-type: none"> <li>• Create opportunities to expose children to careers in tourism.</li> </ul>
Department of Correctional Services	<ul style="list-style-type: none"> <li>• Provide substance abuse programmes, especially on prevention and treatment.</li> </ul>
Department of Economic Development	<ul style="list-style-type: none"> <li>• Raise awareness and expose adolescents to entrepreneurial skills</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Lead, oversee and monitor the implementation of the key objectives and strategies for adolescent development.</li> <li>• Coordinate the implementation of the Sanitary Dignity Campaign intended to improve the life of girls in the rural areas.</li> </ul>
Department of Justice	<ul style="list-style-type: none"> <li>• Provide legal administrative services for diversion programmes, care and protection of children in conflict with the law.</li> <li>• Provide child friendly services within the criminal system.</li> <li>• Provide family court services.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Provide victim friendly services.</li> <li>• Provide protection services ensuring that adolescents engage and live in protected areas.</li> <li>• Provide substance-abuse prevention programmes (e.g. Adopt a Cop, etc.) and young commissioner's programmes.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Share substance-abuse prevention programmes/material.</li> <li>• Raise awareness in the effects of illegal substances.</li> </ul>

## B4: CHILDREN WITH DISABILITIES

### A. GOALS FOR 2012–2017

- To ensure all national and provincial government departments, municipalities and civil society organisations formulate and implement policies that are disability and child friendly.
- To ensure that all policies, programmes and services facilitate the full inclusion and participation of children with disabilities.
- To develop and implement programmes to ensure that all children are treated fairly and are equally empowered.

### B. OBJECTIVES

- To create an enabling environment where children with disabilities can function optimally.
- To ensure that all parents/caregivers of children with disabilities receive knowledge, skills and support on how to stimulate, support and enhance their children's abilities and rights.
- To ensure that data collected in the country includes childhood impairment and disability and is age and gender specific (disaggregated).
- To ensure that all public facilities are accessible for children with disabilities and children with disabilities are mobile in their communities.
- To ensure that children with disabilities have access to information on their rights, services and policies that affect them as children, in a manner that they can understand and engage with.
- To ensure that children with disabilities have equal opportunities to participate in matters affecting them and can express their views freely.

- To ensure that all children with disabilities have access to educational and learning/development opportunities.
- To ensure the implementation of early screening of all children to identify, intervene and address preventable disabilities.
- To ensure that all early learning and development programmes include children with disabilities.

## C. NATIONAL STRATEGIES

- Integrate services for children with disabilities in all relevant government departments.
- Set minimum standards for all public facilities at national, provincial and local level to be accessible and supportive of children with disabilities' needs.
- Amend the Integrated National Disability Strategy (INDS) process to cover the rights and needs of children with disabilities.
- Ensure departmental strategies reflect and integrate disability policy and intervention matters.
- Implement the guidelines of the Universal Access to Education for Children with Disabilities.

## D. NATIONAL INDICATORS

- Data segregated by age, gender and type of disability for all official data collection in South Africa.
- Decrease in preventable childhood disabilities.
- Responsive budgeting and planning for children with disabilities by each department.
- Number of children with disabilities enrolled for ECD programmes.
- Number of children with disabilities accessing education in full-service schools.
- Number of children with disabilities in ordinary public schools.
- Number of schools with a barrier-free environment for children with disabilities.
- Number of public facilities and play areas in municipalities that are accessible and safe for children with disabilities.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department for Women, Children and People with Disabilities

Supporting departments

Department of Social Development, Department of Health, Treasury Department, Department of Cooperative Governance and Traditional Affairs, Department of Justice and Constitutional Development, South African Police Service, Department of Home Affairs, Department of Correctional Services

Lead department	Roles and responsibilities
Department for Women, Children and People with Disabilities (DWCPD)	<ul style="list-style-type: none"> <li>• Advocate and mainstream the realisation of the rights of all children, including children with disabilities, into policies and programmes and governance.</li> <li>• Ensure issues of disability reflect and are integrated into all departmental strategies.</li> <li>• Take responsibility for the coordination of services to children with disabilities.</li> <li>• Facilitate the development of the disaggregated data base of children with disabilities in the country.</li> <li>• Monitor and evaluate of access to basic services by children with disabilities from various departments within their respective communities.</li> <li>• Design and set norms and standards for accessibility of services to children with disabilities.</li> <li>• Development and implement the strategy to address the needs of children with disabilities holistically in conjunction with other departments.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Provide social security grants to children with disabilities; and in particular care dependency grants in line with the needs of the beneficiaries.</li> <li>• Facilitate access to specialised services by children with disabilities.</li> <li>• Align policies in consideration of the needs of children with disabilities.</li> <li>• Provide support to parents and caregivers of children with disabilities.</li> <li>• Provide social services to children with disabilities and, where applicable, place children in foster care and other forms of substitute care.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provide primary health care services for all needy children with disabilities.</li> <li>• Provide specialist and rehabilitation services to children with disabilities, including respite care services.</li> <li>• Provide immunisation for preventable disabilities caused by diseases.</li> <li>• Provide early detection and identification of disabilities.</li> </ul>
Treasury Department	<ul style="list-style-type: none"> <li>• Draw up a responsive budget allocation to various departments to ensure service provision to children with disabilities.</li> <li>• Monitor the effective use of funds that benefit children with disabilities.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Raise awareness against traditional myths and stereotypes.</li> <li>• Promote access to services for children with disabilities.</li> </ul>
Department of Justice	<ul style="list-style-type: none"> <li>• Dedicate courts for children with disabilities.</li> <li>• Provide support services during court processes.</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Issue births certificates and identity documents.</li> <li>• Raise awareness on disabilities and promote a disability friendly environment.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Ensure children with disabilities live in safe and secured communities and that their rights are not violated in any way.</li> <li>• Develop service delivery standards for the South African Police Service for the provision of services to children with disabilities.</li> <li>• Support services to crime victims with special needs.</li> <li>• Make provision for children with disabilities with a child friendly environment.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Provide inclusive education for children with disabilities.</li> <li>• Adjust the curriculum to respond to the educational needs of children with disabilities.</li> <li>• Provide educational-assistive devices for children with disabilities.</li> <li>• Provide support services for children with disabilities.</li> <li>• Use the requisite legislative framework, policies and strategies for the educational needs of children with disabilities.</li> </ul>
Department of Sports and Recreation	<ul style="list-style-type: none"> <li>• Develop norms and standards for relevant sporting codes.</li> <li>• Include sporting codes and required guidelines for children with disabilities.</li> <li>• Use disability friendly recreational facilities.</li> <li>• Legislation, policies and strategies must include children with disabilities.</li> </ul>

Supporting departments	Roles and responsibilities
Stats SA	<ul style="list-style-type: none"> <li>• Disaggregate data to reflect information pertaining to children with disabilities.</li> <li>• Make use of general surveys and data collection on children with disabilities that ensure access to different services.</li> <li>• Use application of disability friendly tools during data collection to involve children with disabilities.</li> </ul>
Department of Tourism	<ul style="list-style-type: none"> <li>• Ensure there are disability friendly tourism facilities.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Raise awareness raising on the different categories of disabilities.</li> <li>• Promote access to services for children with disabilities.</li> <li>• Involve children with disabilities in different programmes intended for child participation.</li> </ul>
Department of Transport	<ul style="list-style-type: none"> <li>• Develop friendly legislation, policies and strategies.</li> <li>• Conduct research on the transport needs of children with disabilities.</li> <li>• Provide a disability friendly transport medium.</li> <li>• Ensure responsive planning and budgeting for school disability friendly transport.</li> </ul>
Department of Human Settlement	<ul style="list-style-type: none"> <li>• Provide requisite services provision for children with disabilities.</li> <li>• Ensure legislation, policies and strategies to address the housing needs of children with disabilities.</li> </ul>
Department of Public Works	<ul style="list-style-type: none"> <li>• Adapt public facilities to be disability friendly for children.</li> <li>• Ensure legislation, policies and strategies are responsive to the needs of children with disabilities.</li> <li>• Raise awareness on the capacity development of officials on disability.</li> </ul>
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Ensure legislation, policies and strategies that are responsive to the needs of children with disabilities.</li> <li>• Raise awareness and capacity development of officials on disability issues.</li> </ul>
Department of Labour	<ul style="list-style-type: none"> <li>• Ensure legislation, policies and strategies protect children with disabilities.</li> </ul>

## B5: CHILDREN AND THE ENVIRONMENT

### A. GOALS FOR 2012–2017

- To work towards having an environment where natural resources and assets are well protected and continually enhanced for the benefit of children.
- To ensure that all climate change policies and actions consider the impact on children at all levels of society.

### B. OBJECTIVES

- To ensure that children participate at all levels in discussion and policy dialogues and the development of plans for the mitigation and adaptation to climate change.
- To develop educational materials that inform and educate children on the environment and climate change.
- To mainstream the implications of climate change across the work of all government departments and spheres of government.
- To ensure that all investment and development in South Africa includes climate screening and standard assessment criteria on the impact on children.

- To ensure the creation of an environment for children that is free from health and social hazards (disaster prone) as a result of climate change.
- To ensure the environment is clean, safe and sustainable, whether in the inner city or remote rural areas.

## C. STRATEGIES

- Monitor the implementation of national adaptation plans flowing from the sector plans of 2012 to ensure they include children's rights and issues.
- Develop and implement the national strategy for safe cities and communities.
- Ensure that the development of the National Strategy on Sustainable Development and Action Plan 2010–2014 includes children's rights and issues.
- Ensure that the recycling strategy/programme by the Department of Environmental Affairs to prevent environmental pollution includes children's rights and issues.
- Ensure the implementation of child friendly cities/communities models in all municipalities (Clean and Safe Cities Model).
- Develop and implement adaptation strategies that include lifestyle changes, alternative livelihoods and supplement livelihoods as conceptualised in schools and based, inter alia, on consultations with children.
- Ensure the scaling up of nature conservation programmes, clean surroundings, especially schools and play parks and re-cycling projects run by children's institutions.

## D. NATIONAL INDICATORS

- Number of national policies and plans on the environment and climate change that involved children and considered their views.
- Number of schools with recycling programmes.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Environmental Affairs

Supporting departments

Department of Agriculture, Forestry and Fisheries, Department of Women, Children and Persons with Disabilities, Department of Basic Education, Department of Cooperative Governance and Traditional Affairs, Department of Social Development

Lead department	Roles and responsibilities
Department of Environmental Affairs (DEA)	<ul style="list-style-type: none"> <li>• Facilitate and coordinate campaigns and programmes on good behaviour towards environment, cleanliness and preservation by children and communities.</li> <li>• Hold annual advocacy campaigns on climate change incorporating child-specific needs into governmental plans, policies and priorities.</li> <li>• Raise awareness programmes on the effect of climate change on the environment and advocate for adaptation strategies.</li> <li>• Develop mitigation programmes for recycling and reuse of waste materials.</li> <li>• Develop sector plans (women, children etc.) by 2013 to be included in the National Adaptation Plan.</li> <li>• Develop eco-school programmes to create awareness among young people about the environment, and help the local community to reduce littering and waste as well as programmes intended to save water and energy.</li> </ul>

Lead department	Roles and responsibilities
Department of Environmental Affairs (DEA)	<ul style="list-style-type: none"> <li>• Ensure that the development of the National Strategy on Sustainable Development and Action plan 2010-2014 includes children's rights and issues.</li> <li>• Ensure that the recycling strategy/programme by the Department of Environmental Affairs helps to prevent environmental pollution and includes children's rights and issues.</li> <li>• Develop and implement adaptation strategies including lifestyle changes, alternative livelihoods and supplement livelihoods as conceptualised in schools should be based, inter alia, on consultations with children.</li> <li>• Coordinate advocacy campaigns and celebrations related to water including the following:               <ul style="list-style-type: none"> <li>• World Water Day (28/03);</li> <li>• World Water Week in August; and</li> <li>• World Environment Day (05/06).</li> </ul> </li> </ul>
Supporting departments	Roles and responsibilities
Department of Basic Education	<ul style="list-style-type: none"> <li>• Develop a compulsory school curriculum on "climate change" to try to mainstream climate change in child-related issues.</li> <li>• Communicating the issues of climate change adequately across the curriculum.</li> </ul>
Department of Agriculture, Forestry and Fisheries (DAFF)	<ul style="list-style-type: none"> <li>• Facilitate and coordinate programmes on the preservation of vegetation and encourage children and communities to plant trees.</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Mainstream climate change issues into government processes to ensure the voices of children are heard.</li> <li>• Coordinate governmental high-priority initiatives with special focus on climate change and children.</li> </ul>
Department of Corporate Governance and Traditional Affairs (COGTA)	<ul style="list-style-type: none"> <li>• Facilitate the implementation of the child friendly cities/communities model in all municipalities.</li> <li>• Monitor municipalities on the norms and standards that relate to the preservation of a friendly environment suitable for all.</li> <li>• Encourage local government to develop adaptation plans informed by sectoral plans by 2014.</li> <li>• Take the safety of children into account during disaster management programmes.</li> </ul>
Department of Tourism	<ul style="list-style-type: none"> <li>• Protect resources so that they benefit children and future generations.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Create a safe environment, teaching children about clean cities/communities, as well as dwellings that are exposed to environmental diseases.</li> <li>• Ensure malaria and hazard-free environments.</li> </ul>

## B6: QUALITY EDUCATION

### A. GOALS FOR 2012–2017

- To ensure the improved quality of education in all schools in South Africa through the timely implementation of Action Plan to 2014: Towards the Realisation of Schooling 2025.
- To ensure that every school is rights-based and inclusive; effective and provides quality education; safe, protective and supportive; gender sensitive, promoting equity and equality; health; and is building linkages and partnerships with the community.

## B. OBJECTIVES<sup>63</sup>

- To increase the number of learners in Grade 3 who by the end of the year have mastered the minimum language and numeracy competencies for Grade 3.
- To increase the number of learners in Grade 6 who by the end of the year have mastered the minimum language and mathematics competencies for Grade 6.
- To increase the number of learners in Grade 9 who by the end of the year have mastered the minimum language and mathematics competencies for Grade 9.
- To increase the number of Grade 12 learners who are eligible for a Bachelor's programme at a university.
- To increase the number of Grade 12 learners who pass *mathematics*.
- To increase the number of Grade 12 learners who pass *physical science*.
- To improve the average performance in *languages* of Grade 6 learners.
- To improve the average performance in *mathematics* of Grade 6 learners.
- To improve the average performance in *mathematics* of Grade 8 learners.
- To ensure that all children remain effectively enrolled in school up to the year in which they turn 15.
- To improve the grade promotion of learners through the Grades 1 to 9 phases of school.
- To improve the access of youth to Further Education and Training beyond Grade 9.
- To ensure the availability and use of teachers is such that excessively large classes are avoided.
- To improve the professionalism, teaching skills, subject knowledge and computer literacy of teachers throughout their entire careers.
- To ensure that learners cover all the topics and skills areas that they should cover within their current school year.
- To ensure that every learner has access to the minimum set of textbooks and workbooks required, according to national policy.
- To increase learners' access to a wide range of media, including computers that will enrich their education.
- To ensure that the basic annual management processes occur across all schools in the country in a way that contributes towards a functional school environment.
- To improve parent and community participation in the governance of schools, partly by improving access to important information via the e-Education strategy.
- To ensure that all schools are funded at least at the minimum per learner levels determined nationally and that funds are used transparently and effectively.
- To ensure that the physical infrastructure and environment of every school inspires learners to want to come to school and learn and teachers to teach.
- Use the school as a location to promote access among children to the full range of public health and poverty reduction interventions.
- Increase the number of schools that implement the inclusive education policy effectively and have access to centres that offer specialist services.
- Improve the frequency and quality of monitoring and support services provided by district offices to schools, partly through better use of e-Education.

## C. STRATEGIES

- Leadership in the construction and implementation of a South African Education and Training system for the children of South Africa.
- National Integrated Literacy and Numeracy Strategy.

<sup>63</sup> Department of Basic Education (2011)

- Improve teacher content and conceptual knowledge, strengthen methodology, and strengthen the implementation of the curriculum.
- National Strategy for Learner Attainment.
- Target teachers and classrooms to support the interventions aimed at improving learning.
- Mathematics, Science and Technology Strategy: setting the requirements for the subject and improving the participation of girl learners in these subjects.
- Continued professional teachers' development and planning aimed at on-the-job development of teachers to help make them to be more effective.
- Use the Annual National Assessment (ANA) to allow the department to use the lessons learned to establish a world-class assessment. Through the ANA, the department can track the performance of learners over several years to monitor progress.

## D. NATIONAL INDICATORS

- Gross enrolment rate per education band.
- Net enrolment rate per education band.
- Average class size per education band.
- Number of learners who, by the end of the year, have mastered the minimum language and numeracy competencies for Grade 3.
- Number of learners who, by the end of the year, have mastered the minimum language and mathematics competencies for Grade 6.
- Number of learners who, by the end of the year, have mastered the minimum language and mathematics competencies for Grade 9.
- Number of Grade 12 learners who become eligible for a Bachelor's programme at a university.
- Number of Grade 12 learners who pass *mathematics*.
- Number of Grade 12 learners who pass *physical science*.
- Average performance in *languages* of Grade 6 learners.
- Average performance in *mathematics* of Grade 6 learners.
- Average performance in *mathematics* of Grade 8 learners.
- Number of Grade 1 learners who are still enrolled in school at Grade 9.
- Numbers of learners who have access to the minimum set of textbooks and workbooks required according to national policy in the beginning of each year.
- Number of children with disabilities in ordinary public schools.
- Number of children within a 3 km radius of the school (within catchment area).
- Number of learners with access to a wide range of media, including computers that enrich their education.
- Number of parents, per school, participating in the governance of schools.
- Number of children, in accordance with the South African Statistical Association, who participate in the governance of schools.
- Percentage and number of schools with a suitable, safe and learning-enabling physical infrastructure and environment that is accessible to all children (including children with disabilities).
- Frequency and quality of the monitoring and support services provided by district offices to schools, partly through better use of e-Education.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Basic Education

Supporting departments

Department of Social Development, Department of Health, Department of Home Affairs, Department of Public Works, Department of Transport, Department of Cooperative Governance and Traditional Affairs, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Basic Education	<ul style="list-style-type: none"> <li>• Compliance with the obligations of South Africa's Constitution, the African Union, the United Nations Convention on Rights of the Child and the Millennium Development Goals relating to education.</li> <li>• Awareness on career opportunities for children.</li> <li>• Consultations with parents and children on relevant educational initiatives.</li> <li>• Development of requisite policies and programmes in line with educational needs of children.</li> <li>• Collaboration with the other departments to ensure the attainment of the outcome of: "Access to Education for all."</li> <li>• National Strategy for Learner Attainment: targeting teachers and classrooms to support interventions aimed at improving learning.</li> <li>• Mathematics, Science and Technology Strategy: setting the requirements for the subject and improving the participation of girl learners in these subjects.</li> <li>• Continued Professional Teachers' Development and Training aimed at on-the-job development for effective teaching.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Ensure proper implementation of the ECD programme.</li> <li>• Make social grants available to deserving children to enable them to access necessities for school.</li> <li>• Provide social services to schools.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Ensure that learners receive the correct nutrition.</li> <li>• Provide health services to schools.</li> <li>• Raise awareness on a choice of healthy lifestyles for families.</li> </ul>
Department of Home Affairs (DHA)	<ul style="list-style-type: none"> <li>• Register all children, especially late registrations by children of school-going age.</li> <li>• Provide birth certificates and identity documents when required for admission to schools and access to social grants.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Provide better services at local government level for schools to access electricity and water.</li> <li>• Make land available to build schools within reasonable radius from where children stay.</li> <li>• Ensure that all routes used by children to schools are safe and easily accessible.</li> </ul>
Department of Public Works (DPW)	<ul style="list-style-type: none"> <li>• Build schools with appropriate infrastructure for accessibility to children of all backgrounds.</li> </ul>
Department of Transport (DOT)	<ul style="list-style-type: none"> <li>• Promote and raise awareness among children of road safety.</li> <li>• Promote career awareness across various modes of transport, ensuring safety for children.</li> <li>• Enforce road ordinances and laws.</li> <li>• Develop child friendly legislation, policies and strategies.</li> </ul>
Department of Science and Technology	<ul style="list-style-type: none"> <li>• Mentor and expose children to careers in science and technology (job-shadowing and exchange programmes).</li> <li>• Raise awareness among children to educational programmes.</li> <li>• Create opportunities for learnerships and bursaries.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Raise public awareness about science and technology.</li> </ul>

## B7: PARENTAL CARE AND SUPPORT

### A. GOALS FOR 2012–2017

- To ensure that all children in South Africa are connected to a family life that is stable, supportive, safe, protective and free of all forms of violence.

### B. OBJECTIVES

- To ensure that children are provided with a nurturing family life to allow them a chance to enjoy healthy, physical, mental and psychological well-being.
- To implement the National Green Paper on Families.
- To develop and implement a national strategy and programme that supports parents in positive parenting and discipline in raising their children.
- To accelerate law reform to prohibit all corporal punishment of children in South Africa.
- To develop a national action plan or strategy to achieve the prohibition and elimination of all corporal punishment.
- To ensure that children entitled to maintenance receive such maintenance.
- Children are not exposed to domestic violence in their homes.
- To ensure that families receive early intervention services that provide support for the unity and optimal functioning of the family.

### C. NATIONAL STRATEGIES

- Ensure the development and implementation of programmes that will address domestic violence in all communities.
- Ensure the development of programmes that will provide information and support to parents on positive discipline in the raising of children.
- Ensure broad-based parenting support and strengthening programmes.
- Create public awareness on different types and forms of family in South Africa.
- Family preservation programmes for families at risk, including prevention and early intervention services.
- Include a parenting skills development module in the Life Orientation Curriculum of South African Schools.
- Include a child maintenance recovery strategy (Justice).
- Scale up family preservation and reunification programmes.

### D. NATIONAL INDICATORS

- Number of children cared for by both primary caregivers.
- Number of children cared for by mother only.
- Number of children cared for by father only.
- Number of children in family reunification programmes.
- Number of children not exposed to any form of corporal punishment in the family.

### E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

Department of Basic Education, Department of Home Affairs, Department of Justice and Constitutional Development

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Promote the family model and community model in the socialisation and raising of children.</li> <li>• Provide an integrated, human development-based system for social development services for a better life for all, especially for the poor, vulnerable and excluded within South African society.</li> <li>• Lead legislative reform on corporal punishment.</li> <li>• Provide ECD services to children.</li> <li>• Ensure the development and implementation of programmes that will address domestic violence in all communities.</li> <li>• Ensure the development of programmes that will provide information and support to parents on positive discipline in raising children.</li> <li>• Broad-based parenting support and strengthening programmes.</li> <li>• Public awareness on different types and forms of families in South Africa.</li> <li>• Family preservation programmes that include prevention and early intervention services for those at risk.</li> <li>• Scale up family reunification programmes.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Basic Education	<ul style="list-style-type: none"> <li>• Provide children with the necessary information and skills using the Life Orientation Curriculum of South African Schools.</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Provide birth certificates and identity documents.</li> </ul>
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>• Include a child maintenance recovery strategy.</li> <li>• Raise awareness on applicable legislation and policies relating to maintenance.</li> <li>• Provide child friendly services when the department interfaces with children and families.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Ensure law enforcement on the protection and care of children.</li> <li>• Provide support services to children who are vulnerable.</li> <li>• Remove children when parental care and protection is compromised.</li> <li>• Educate and raise public awareness of child protection.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Raise broad awareness on the rights of children.</li> <li>• In collaboration with the other stakeholders, promote educational programmes on rights and responsibilities of both children and parents.</li> </ul>
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Develop social-cohesion programmes.</li> <li>• Raise awareness on the promotion of rights of children.</li> </ul>
Department of Cooperative Government and Traditional Affairs (COGTA)	<ul style="list-style-type: none"> <li>• Provide support services to children in distress.</li> <li>• Ensure legislation, policies and strategies address child support, care and protection.</li> <li>• Strengthen families and structures to provide care and protection to children.</li> </ul>
Statistics South Africa	<ul style="list-style-type: none"> <li>• Collect data on vulnerable children in need of care and protection.</li> <li>• Collect data on the prevalence and nature of risk factors affecting children.</li> </ul>

## B8: CHILDREN LIVING IN RURAL AND URBAN AREAS

### A. GOALS FOR 2012 TO 2017

- To ensure that children have equal access to quality basic services, no matter where they live in South Africa.
- To ensure standardised service delivery to all children living in rural areas.
- To develop and implement programmes that will encourage the positive development of children.

### B. OBJECTIVES

- To undertake a situation analyses of children living in urban areas in an attempt to better understand their circumstances in terms of poverty, risks and exclusion.
- To ensure that urban and rural planning, infrastructure development, service delivery and broader efforts to reduce poverty and inequality meet the particular needs and priorities of children.
- To promote partnership between the different levels of government and the urban and rural poor – especially children and young people.
- To pool the resources and energies of international, national, municipal and community actors in support of efforts to ensure that marginalised and impoverished children enjoy their full rights.
- To ensure that mechanisms are in place to facilitate access to services for rural children, in particular early learning and development, education, health and recreation services.

### C. STRATEGIES

- Facilitation of a well coordinated system of government in provinces and municipalities to ensure delivery on relevant Constitutional, AU and UN mandates.
- Participation of children in the planning and implementation of services in rural and urban areas.
- Segregation of all data and information in terms of rural and urban areas dynamics affecting services to children for the purposes on national and provincial planning.

### D. NATIONAL INDICATORS

- Number of children living in rural, peri-urban and urban areas disaggregated by age, sex, location, population group and income.
- Number of policies on service delivery on rural development implemented by all government departments.
- Increase of the number of children accessing services, compared with the baseline at the review of the NPAC.
- Number of policies on service delivery in rural development implemented by all government departments.
- Segregate all data and information in terms of rural and urban children for the purposes on national and provincial planning.

### E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Cooperative Governance and Traditional Affairs

## Supporting departments

Department of Women, Children and People with Disabilities, Department of Social Development, Department of Human Settlements, Department of Rural Development and Land Reform, Department of Health, Department of Basic Education, Department of Communication, Department of Sports and Recreation, Department of Energy, Department of Water Affairs, South African Police Service

Lead department	Roles and responsibilities
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Develop a profile of all children in different municipalities.</li> <li>• Mainstream the best interests of the child in line with departmental guidelines for districts and local government.</li> <li>• Create awareness and career programmes for children.</li> <li>• Hold consultations with parents and children on initiatives that have potential to affect family life.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Facilitate a well coordinated system of governance in provinces and municipalities to ensure delivery of relevant Constitutional, AU and UN mandates.</li> <li>• Mainstream child participation in the planning and implementation of services in rural and urban areas.</li> <li>• Design developmental programmes for children living in rural areas.</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Allocate social workers who are dedicated to rural areas and provide deserving children with child-support grants.</li> <li>• Provide developmental programmes that are relevant to children of all ages living in rural areas.</li> <li>• Provide rural communities with ECD programmes and train home-based mothers on the programme.</li> </ul>
Department of Human Settlements	<ul style="list-style-type: none"> <li>• Make proper accommodation available for families living in rural areas.</li> <li>• Develop programmes for families living in rural areas.</li> </ul>
Rural Development (DHSRD)	<ul style="list-style-type: none"> <li>• Institute child friendly developmental programmes, strategies and policies.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Establish fully resourced health clinics/mobile clinics in rural areas that provide services on a regular basis within a reasonable radius from where people stay.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Restructure education in the rural areas by providing schools with teachers based on the number of learning areas, not on the teacher-learner ratio.</li> <li>• Revamp schools and ensure proper infrastructure is used to build schools in rural areas.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Promote development, protection and care programmes and policies for children.</li> </ul>
Department of Sports and Recreation	<ul style="list-style-type: none"> <li>• Promote sports and recreation in rural areas for children.</li> <li>• Nurture sporting talent in rural areas.</li> </ul>
Department of Energy	<ul style="list-style-type: none"> <li>• Provide electricity to rural areas to improve the living conditions of children.</li> </ul>
Department of Water Affairs	<ul style="list-style-type: none"> <li>• Promote access to clean tap water for children in rural areas.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Create a safe environment for children.</li> </ul>

## B9: PLAY, SPORT AND LEISURE

### A. GOALS FOR 2012–2017

Play is part of ECD programmes and the school curriculum and children are aware of its importance in their lives.

#### i. School Sport<sup>64</sup>

- To organise inclusive and integrated school sports programmes for abled and differently abled learners that are learner-centred and learner-paced and that promote healthy life practices, mutual respect and career opportunities.
- To mobilise communities to strengthen the culture of learning and teaching in schools through their direct roles in school sport activities.
- To promote physical education, as well as recreational and extramural school sports activities.
- To prepare and monitor the application of codes of conduct and ethics applicable to school sports programmes.

### B. OBJECTIVES

#### i. Play and Leisure

- To ensure that ECD programmes play as an integral part for the early learning and development of babies and young children.
- To encourage and resource play activities for children and adolescents through the national school curriculum.
- To ensure that each community has safe and well-kept play areas for children.
- To develop a code that will encourage the manufacturing of toys that are safe for all children (non-toxic) and reflect the diversity of South Africa's children.
- To encourage community sports and leisure groups for children.

#### ii. School Sport<sup>65</sup>

- To accelerate the transformation of society by instilling and practising the principles of non-racialism, non-sexism, equity, redress, access and affirmative action to address the past imbalances through quality school sport programmes.
- To foster pride, honour and patriotism in our school-going youth through properly organised, managed and coordinated school sport programmes.
- To use school sports to turn schools into stable, functional and vibrant institutions of learning centres of community life.
- To ensure and increase access and accessibility to facilities and school sports programmes through coordinated, optimal use of all human, physical and financial resources available.
- To build and continually develop the capacity of:
  - All learners to participate in school sports programmes;
  - Educators, coaches and community volunteers to deliver quality school sports programmes that will lead to lifelong participation in sport;
  - Schools to offer school sports programmes as part of their integrated curriculum;
  - School sport managers and community volunteers to plan, rehabilitate, maintain and manage infrastructure for school sports activities; and

<sup>64</sup> Adapted from the *Draft School Sport Policy for Public Schools in South Africa*, 2009. Department of Basic Education and Department of Sport and Recreation.

<sup>65</sup> Department of Basic Education and Department of Sports and Recreation (2009)

- School governing bodies to enable them to execute section 21 functions of the South African Schools Act, 1996, especially as these functions relate to “extramural” activities or school enrichment programmes.

## C. STRATEGIES

### i. Play and Leisure

- Promote the play of indigenous games among all children.
- Maintain and develop safe play parks for children in each community.
- Encourage town planners in local governments to ensure that safe parks for play and leisure by children are part of all special developments in the municipality, including inner cities.
- Facilitate parent education and capacity development programmes on the importance of play.

### ii. School Sport<sup>66</sup>

- The use of school sports programmes as a vehicle to entrench the democratic value system, based on the principles enshrined in the Constitution of the Republic of South Africa, 1996.
- Competitive sport forms part of the enrichment and extramural programmes offered by a school and, as such, provide continual learning opportunities that engage learners in activities that support and transfer applied competence from the curriculum context to the sustainable development of self and communities.
- In the implementation of the framework, the foundation of physical education is recognised as the responsibility of the Department of Basic Education, covering intra-curriculum activities, intra-school, extracurricular, extramural and co-curricular activities, interschool programmes and inter-district activities.
- The school sports continuum provides advancement from fundamental movement skills in physical education through mass participation to competitive sport. Each school plans and implements a school sports programme as part of the extracurricular activities offered by the school, including sessions dedicated to league activity.

## D. NATIONAL INDICATORS

- Numbers of safe and clean play parks for children per ward in each municipality.
- Number of boys and girls participating in sport and physical education in schools, per sporting code.
- National Code on South African Toys developed.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Sports and Recreation

Supporting departments

Department of Social Development, Department of Health, Department of Basic Education, Department of Cooperative Governance and Traditional Affairs, Department of Arts and Culture

Lead department	Roles and responsibilities
Department of Sport and Recreation	<ul style="list-style-type: none"> <li>• Should work with schools to make available most sporting codes so that all children at schools are accommodated.</li> <li>• Provide sporting tournaments during holidays.</li> <li>• Design fitness programmes for children of all ages.</li> </ul>

<sup>66</sup> Departments of Basic Education and Sport and Recreation. (2009)

Supporting departments	Roles and responsibilities
Department of Basic Education	<ul style="list-style-type: none"> <li>• Infuse learning through play and show the importance of play in the curriculum for all grades and levels of school.</li> <li>• Approve, review and amend the school sports policy and the implement guidelines.</li> <li>• Organise and manage national events.</li> <li>• Monitor and support school sports activities.</li> <li>• Coordinate school sports within the national sports calendar.</li> </ul>
Department of Arts and Culture (DAC)	<ul style="list-style-type: none"> <li>• Develop cultural programmes to schools and communities.</li> <li>• Promote different kinds of art and talent in schools and communities.</li> <li>• Promote the play of indigenous games among all children.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Create awareness of the physiological benefits of play to children.</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Provide parent education and capacity development programmes on the importance of play.</li> <li>• Include programmes that encourage children to play more for their psychological and emotional development.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Provide game festivals and tournaments for children in different municipalities.</li> <li>• Develop and maintain safe play parks for children in each community.</li> <li>• Town planners of local governments shall ensure that safe parks for play and leisure by children are part of all special developments in the municipality, including inner cities.</li> </ul>
Statistics South Africa	<ul style="list-style-type: none"> <li>• Provide data collection, analysis and disaggregation relating to sports participation.</li> <li>• Include geographic data analysis regarding children.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Promote safe and secured sporting environments for children.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Raise awareness on sporting opportunities for children.</li> </ul>

## B10: ARTS, CULTURE AND HERITAGE

### A. GOALS FOR 2012–2017

- Ensure that access is created for children to participate in South African arts, culture and heritage.
- Ensure that children's development, education, skills enhancement, entertainment/edutainment, interpretation of identity, world-view, talent and imagination is shaped by arts, culture and heritage.
- Create, develop and implement programmes that enhance capacity to participate in the arts, culture and heritage.
- Contribute to a society of creative children, who are confident, understand, respect, celebrate and embrace cultural diversity.

### B. OBJECTIVES

- To develop public education materials on culture and heritage for children in South Africa.
- To ensure that educators, public leaders, community development workers and other professionals working with children are trained in diversity principles that embrace cultural diversity.

- To identify harmful cultural practices and establish mechanisms to protect children from such practices.
- Contribute and strengthen the school curriculum in relation to the competency of children in culture and heritage.
- To encourage children to be creative and to engage in imaginative arts in the communities where they live.
- To encourage and promote children's integration into society, where their participation results in their parents' social cohesion and nation building.
- Make arts, culture and heritage accessible, enjoyable and a right for the development of healthy children.
- To build and upgrade the arts, culture and heritage infrastructure that will benefit children.

## C. STRATEGIES

- Link national and international days with local culture and heritage facts and celebrations and showcase children's cultural programmes.
- Develop strategies and programmes that will educate and involve traditional leaders on children's rights and how they can educate children in their communities about culture and heritage.
- Encourage schools to implement cultural and heritage celebrations within the school community in line with the National Curriculum Statement.
- Strengthen and restore culture and heritage through the involvement and participation of children.
- Develop strategies and programmes to strengthen and support families and communities on the rights of children.
- Develop strategies to strengthen the community art centres.
- Develop partnerships with civil society and the private sector, towards meeting the needs of children in arts, culture and heritage.

## D. NATIONAL INDICATORS

- Number of public education materials available on culture and heritage.
- Number of public education programmes available on culture and heritage.
- Number of traditional leaders trained in children's rights and culture.
- Number of people trained in diversity principles.
- Number of art practitioners attached to schools.
- Number of programmes that create opportunities for children to participate in arts, culture and heritage.
- Number of children participating in community art centre programmes.
- Number of children participating in the arts, culture and heritage programmes.
- Number of programmes targeting children at museums and heritage sites.
- Number of programmes targeting children at performance theatres.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Arts and Culture

Supporting departments

Department of Women, Children and People with Disabilities, Department of Basic Education, Department of Arts and Culture

Lead department	Roles and responsibilities
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Raise awareness of national days, international days, events and campaigns – that promote rights of children – for the benefit of children.</li> <li>• Develop policies and strategies to promote, protect and preserve arts, culture and heritage.</li> <li>• Ensure that resources are available to support children's objectives (these as stated above).</li> <li>• Participate in joint planning committees on children's rights.</li> <li>• Encourage schools, community arts centres, Department of Arts and Culture entities, private sector, provincial departments and civil society to host arts, culture and heritage events, activities and programmes that target children.</li> <li>• Use the arts culture and heritage as an instrument towards nation building, national identity and social cohesion.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Basic Education Department of Women, Children and People with Disabilities Department of Social Development Film and Publication Board	<ul style="list-style-type: none"> <li>• Play supportive role, partner and coordinate programmes, with the Department of Arts and Culture on the responsibilities listed above.</li> <li>• Dedicate resources (human, financial and infrastructure) towards supporting the programmes for children.</li> <li>• Craft legislation that promotes the rights of children to arts and culture.</li> <li>• Create campaigns and activities that raise awareness of children's rights.</li> <li>• Protect children against harmful cultural practices.</li> </ul>



## PART C: CHILD CARE AND PROTECTION

### RELEVANT SECTIONS OF THE SOUTH AFRICAN CONSTITUTION

- Section 13: Right not to be subjected to forced labour
- Section 27: Right to social security
- Section 28 (1)(a) – (g): Right to be protected
- Section 34: Right of access to court

### RELEVANT ARTICLES OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

- Article 5: Right to survival and development
- Article 6: Right to a name and nationality
- Article 15: Protection from child labour activities
- Article 16: Protection against abuse and torture
- Article 17: Administration of juvenile justice
- Article 18: Protection of the family
- Article 20: Parental responsibilities
- Article 23: Rights of refugee children
- Article 24: Governs legal adoptions
- Article 25: Special protection measures for children removed from parents/families
- Article 27: Protection from sexual abuse
- Article 28: Protection from the use of narcotics
- Article 29: Measures to prevent trafficking in children

### RELEVANT SECTIONS OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

- Article 6: Right to survival and development
- Article 7: Right to a name/birth registration
- Article 9: Right not to be separated from parents
- Article 10: Right to be re-unified with family
- Article 11: Prohibits illegal transfer of children abroad
- Article 12: Right to be heard/child participation
- Article 18: Responsibilities of parents
- Article 19: Protection from violence, abuse and neglect
- Article 20: Special protection measures for children removed from families/parents
- Article 21: Governs legal adoptions
- Article 22: Rights of refugee children
- Article 26: Right to social security

## C1: CHILD ABUSE AND NEGLECT

### A. GOALS FOR 2012–2017

- To create and sustain a safe, supportive, protective and caring environment for all children in their homes, communities, schools and within institutions.

### B. OBJECTIVES

- To protect children against all forms of crime and violence in their homes, at schools and in communities and in institutions where children are accommodated.
- To protect children against sexual, physical and emotional abuse and neglect.
- To protect children against maltreatment, torture and degrading treatment.
- To ensure that the national integrated child-protection system is effective, accountable and responsive.
- To provide victim support to children who are abused and neglected.

### C. STRATEGIES<sup>67</sup>

- Ensure the establishment of processes that will monitor and enhance a national child protection strategy and system.
- Ensure an equitable spread of child protection programmes and intersectoral collaboration.
- Ensure that child-protection services are rendered in accordance with the legislative framework and strategy.
- Review and maintain child protection records (database) and the National Child Protection Register.
- Designate mechanisms for child-protection service delivery.
- Undertake quality assurance of all designated child-protection services provided by an organ of the State or designated child-protection organisations.
- Conduct assessments on children at risk of being in need of care and protection.
- Facilitate national coordinated awareness and public education programmes to prevent child abuse and neglect.
- Address the skills deficit in the social welfare sector.
- Develop protocols on the support of child victims of abuse and neglect.

### D. NATIONAL INDICATORS

- Number of child abuse cases (disaggregated data by age, sex, location and type of abuse).
- Number of children found in need of care and protection as contemplated in the Children's Act (38 of 2005).
- Number of children found in need of care and protection brought before the children's court within the prescribed time frame.
- National child protection strategy in place and operational.
- National Child Protection Register operational.
- A coordinated child protection system.
- Response time, case management and success rate of reports of any form of reported child-abuse incidents.
- Number of child victims of violent crimes, by type of crime.

<sup>67</sup> Department of Social Development (2010)

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

### Lead department

Department of Social Development

### Supporting departments

South African Police Service, Department of Labour, Department of Basic Education, Department of Health, Department of Justice and Constitutional Development, Department of Women, Children and People with Disabilities, Statistics South Africa, Department of Communication

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Develop policies, strategies and guidelines and monitor implementation.</li> <li>• Ensure that child-protection services are rendered in accordance with the legislative framework and strategy.</li> <li>• Render generic and specialised services based on the prevention, early intervention, statutory services and reunification service model.</li> <li>• Capacity building and training of various professionals dealing with the issues of children on the applicable legislation.</li> <li>• Advocate and lobby for the protection of the rights of children.</li> <li>• Management of the child protection register.</li> <li>• Screen caregivers and those working with children.</li> <li>• Ensure the establishment of processes that will monitor and enhance a national child protection strategy and system.</li> <li>• Ensure an equitable spread of child-protection programmes and intersectoral collaboration.</li> <li>• Review and maintain child-protection records.</li> <li>• Quality assure all designated child-protection services provided by an organ of State or a designated child-protection organisation.</li> <li>• Coordinated awareness and public education programmes to prevent child abuse and neglect.</li> <li>• Address the skills deficit in the social welfare sector.</li> </ul>
Supporting departments	Roles and responsibilities
South African Police Service	<ul style="list-style-type: none"> <li>• Provide crime prevention services.</li> <li>• Provide intervention services, including the arrest of perpetrators, and law enforcement for legislative compliance.</li> <li>• Provision of specialised services.</li> </ul>
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>• Ensure that children's courts are child friendly.</li> <li>• Build the capacity of justice staff on applicable child friendly legislation.</li> <li>• Provide child friendly victim support services.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Raise awareness on child abuse, neglect and exploitation.</li> <li>• Train staff on early identification and referral of children to relevant professionals.</li> <li>• Implement referrals for children needing specialised services.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provide health care services to abused children.</li> <li>• Provide forensic evidence for abused children.</li> </ul>
Department of Labour	<ul style="list-style-type: none"> <li>• Monitor, report and refer child labour cases for investigation.</li> <li>• Raise awareness and educate communities on child labour.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Provide online child-protection services.</li> <li>• Raise awareness and educate the community on child protection.</li> </ul>

## C2: SEXUAL EXPLOITATION OF CHILDREN, CHILD TRAFFICKING AND CHILD PORNOGRAPHY

### A. GOALS FOR 2012–2017

- To protect all children from all forms of sexual abuse and exploitation.

### B. OBJECTIVES

- To ensure the safety, protection and security of all child victims of sexual exploitation.
- To ensure the provision of services to child victims of sexual exploitation that assist with their recovery and healing.
- To implement prevention and early-intervention strategies to counter and address the sexual exploitation and trafficking of children.
- To ensure a high level of digital awareness and safety among all children.

### C. STRATEGIES

- Review, develop and ensure the implementation of national protocols on the management of child pornography, sexual exploitation and child trafficking, which include police, justice personnel, social workers, teachers.
- Oversee the implementation of preventative, protective and rehabilitative strategies and services for children who are victims of trafficking.
- Review, establish and implement programmes that ensure the safety, protection and security of all child victims of trafficking.
- Facilitate the implementation of programmes that will educate children about online and digital safety, cyber bullying and related safety on new technologies.
- Ensure the establishment and maintenance of management information systems on the incidences of child pornography, sexual exploitation and child trafficking.
- Ensure that legislative frameworks are in place to protect children from exposure to pornography, which include the manner in which pornography is discarded.
- Make education programmes available to parents about online and digital safety for their children.
- Ensure the availability of programmes that will educate children about sex-ting (cyber).
- Ensure the inclusion of aspects of cyber and online safety in the national school curriculum.

#### Primary Level of Prevention<sup>68</sup>

- Ensure the availability of material that will inform/educate children, parents and community members about the risk factors by means of community dialogues, talk shows, media, pamphlets, posters, youth programmes, peer education, life skills and parenting programmes.
- Produce programmes to target vulnerable groups and strengthen social cohesion and protection, encouraging the spirit of *ubuntu*.
- Publish relevant legislation, policies and programmes to prevent the exploitation of children.
- Publish the charter on moral values.
- Ensure the education of children about primary and secondary levels of prevention, initiate gender- and culture-sensitive information campaigns to raise awareness and educate all involved about child rights and exploitation.

<sup>68</sup> Department of Social Development (2012)

### Secondary Level of Prevention<sup>69</sup>

- Develop, strengthen and implement relevant legislation, policies and programmes to prevent the exploitation of children.
- Collaborate with relevant stakeholders about child exploitation matters.
- Strengthen support and services to exploited children to prevent reoccurrences of exploitation.
- Continue to encourage child participation.
- Strengthen family structures and assess the needs of affected families to enable the re-integration of victims of child exploitation, Assist with appropriate interventions as per identified needs.
- Advocate minimising the risk factors within the home and the community, in collaboration with relevant stakeholders.
- Implement programmes aimed at preventing the reoccurrence of exploitation of children. The programmes need to cater for the physical, psychosocial, spiritual and medical needs of victims of child exploitation. Special considerations will be needed for children with disabilities and other special needs. The programmes should also focus on the child's resilience and provide appropriate life skills training.
- Develop and implement peer education programmes and monitoring networks to prevent the reoccurrence of child exploitation.
- Mobilise the business sector, including the tourism and agricultural industries, to become aware of and combat child exploitation.
- Encourage the media to provide information of the highest quality and reliability concerning all aspects of child exploitation.

## D. NATIONAL INDICATORS

- Number of children who were victims of sexual exploitation (by sex, location, and age).
- Number and type of services available to children who are victims of sexual exploitation and trafficking.
- Number of children who are victims of human trafficking exploitation (by sex, age, location).
- Number of prevention and early-intervention programmes to address the sexual exploitation and trafficking of children per province.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

South African Police Service, Department of Labour, Department of Basic Education, Department of Justice and Constitutional Development, Child Protection Organisations, Human Rights Commission, Gender Commission, Film and Publications Board, Department of Home Affairs, Department of International Relations and Cooperation, International Social Services, National Prosecuting Authority, Department of Women, Children and People with Disabilities

<sup>69</sup> Department of Social Development (2012)

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Implement preventative, protective and rehabilitative strategies and services for children who are victims of trafficking.</li> <li>• Review, establish and implement programmes that ensure the safety, protection and security of all child victims of trafficking.</li> <li>• Develop and maintain the management information systems on the incidences of child pornography, sexual exploitation and child trafficking.</li> <li>• Provide prevention and early-intervention services, including counselling, support, identification and reporting.</li> <li>• Provide statutory social work services to children, as prescribed by the Children's Act (No 38 of 2005), including the investigation of child abuse, neglect and exploitation cases.</li> <li>• Liaise with other government and non-governmental organisations for referral and follow-up services.</li> <li>• Provide support to victims of crime and violence through the Victim Empowerment Programme (VEP).</li> <li>• Establish one-stop centres for women and children who are victims of abuse, especially domestic violence.</li> <li>• Support processes related to the repatriation of a trafficked child.</li> </ul>
Supporting departments	Roles and responsibilities
South African Police Service	<ul style="list-style-type: none"> <li>• Provide crime prevention (including police crime prevention actions and crime prevention awareness/education programmes).</li> <li>• Provide community service centres that offer victim support.</li> <li>• Assist and protect children from abuse and exploitation.</li> <li>• Manage reported cases of child abuse, neglect and exploitation.</li> </ul>
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>• Implement the Sexual Offences, First Responders Learning Programme.</li> <li>• Through its Directorate of Priority Crime Investigation, take responsibility for the investigation of all organised crime-related cases, including human trafficking.</li> <li>• Investigate all organised crime-related cases, including human trafficking.</li> <li>• Provide support to victims of domestic violence, child abuse, neglect, exploitation and sexual offences through its Family Violence, Child Protection and Sexual Offences (FCS) units.</li> </ul>
Film and Publications Board (FPB)	<ul style="list-style-type: none"> <li>• Implement programmes that will educate children about online and digital safety, cyber bullying and related safety on new technologies.</li> <li>• Implement campaigns to equip teachers, parents and learners with the necessary skills to identify and respond appropriately to the risks posed to them by information and communication technology.</li> <li>• Ensure that all electronic media, television series and big-screen movies are rated in terms of age-appropriate viewing.</li> <li>• Monitor anti-child-pornography websites.</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Issue birth and death registrations of children and their parents and for awarding refugee status to foreign children.</li> <li>• Assist with the provision of travel documents to children that have been repatriated.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Health	<ul style="list-style-type: none"> <li>• Undertake medical examinations of children who have been abused and exploited.</li> <li>• Provide antiretroviral treatment to children who have been sexually assaulted.</li> <li>• Provide child friendly victim support services that are health related.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Ensure the inclusion of aspects of cyber and online safety in the national school curriculum.</li> <li>• Train teachers to recognise and report suspected instances of abuse and enable them to identify children at risk of exploitation.</li> <li>• Ensure that Life Orientation programmes in schools incorporate the care and protection of children.</li> <li>• Empower children as they learn about their rights, child exploitation and the services available to exploited children, as well as information on where and how to report cases.</li> </ul>
Department of Labour	<ul style="list-style-type: none"> <li>• Regulate child labour by conducting workplace inspections and prosecuting employers who employ children.</li> <li>• Coordinate interdepartmental processes relating to child labour through the new Child Labour Programme of Action (CLPA).</li> </ul>
Department of International Relations and Cooperation	<ul style="list-style-type: none"> <li>• Assist repatriating trafficked children through concluded bilateral agreements and in partnership with DSD's International Social Services.</li> </ul>

## C3: REFUGEE CHILDREN

### A. GOALS FOR 2012 TO 2017

- To ensure that the rights of refugee children are protected within the ambit of the provisions of national and international laws.
- To ensure that all unaccompanied minors receive protection and support within the ambit of the provisions of national and international laws.

### B. OBJECTIVES

#### i. Refugee Children

- To ensure that refugee children's rights are protected as safeguarded in the South African Constitution, domestic legislation and international instruments.
- To ensure that refugee children are cared for and supported by their parents and/or guardians.
- To ensure that all refugee children have access to learning, education, health care and other basic social services.
- To implement programmes that will assist refugee children and their families to integrate into society and to mitigate social isolation.

#### ii. Unaccompanied Minors

- To ensure that mechanisms are developed and implemented to protect, assist and support unaccompanied minors in South Africa.
- To conduct research on unaccompanied minors living in and outside urban centres and their access to basic rights, unaccompanied minors in border areas, the labour practices of migrant children, the experiences of children left behind when parents migrate, particularly their access to nutrition, education and health.
- To ensure that labour courts monitor any exploitative labour conditions of children.

- To ensure that the Department of Social Development and the Department of Home Affairs establish a working agreement on the procedures for dealing with child migrants.
- To ensure that the Department of Education issues a memorandum clarifying that no child, regardless of documentation status, should be excluded from education.
- To prevent the illegal deportation of children.
- To develop a national action plan for unaccompanied minors.
- To train police and social workers on the rights of migrant children.

## C. STRATEGIES

- Intersectoral coordinated strategies to support unaccompanied or refugee children and their families.
- Ensure that a national protocol is developed that will assist safeguarding the rights of refugee children and facilitate access to services in the country.

## D. NATIONAL INDICATORS

- Number of refugee children per year, by age and sex, disability and country of origin.
- Number of unaccompanied minors, by age and sex and disability.
- Number of children reintegrated with their parents and/or communities of origin.
- Number of asylum-seeking children per year, by age and sex and country of origin.
- Number of separated children, by age and sex.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Home Affairs

Supporting departments

South African Police Service, Department of Justice and Constitutional Development, Department of Social Development, Department of International Relations and Cooperation, Film and Publications Board, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Provide intersectoral coordinated strategies to support unaccompanied or refugee children and their families.</li> <li>• Ensure that a national protocol is developed to help safeguard the rights of refugee children and facilitate access to services in the country.</li> <li>• Develop and implement legislation that will provide protection of the rights of refugee children and unaccompanied minors.</li> <li>• Issue birth and death registrations of children and their parents and award refugee status to foreign children.</li> <li>• Take responsibility for the repatriation of trafficked children by assisting with travel documents and movement.</li> </ul>
Supporting departments	Roles and responsibilities
South African Police Service	<ul style="list-style-type: none"> <li>• Establish systems to provide temporary measures to protect refugee children and unaccompanied minors.</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Provide social services (care and protection services) to refugee children and unaccompanied minors while they are still in the country and ensure there are realistic plans for their return to their home countries.</li> <li>• Support processes related to the repatriation of refugee children and unaccompanied minors.</li> <li>• Put children in temporary placements if they are in need of care.</li> </ul>

Supporting departments	Roles and responsibilities
Department of International Relations and Cooperation	<ul style="list-style-type: none"> <li>• Help to repatriate refugee children and unaccompanied minors to their country of origin.</li> </ul>
Department of Women and Children, and People with Disabilities	<ul style="list-style-type: none"> <li>• Advocate and raise awareness about the rights of unaccompanied minors.</li> <li>• Conduct research on thematic issues affecting unaccompanied minors and refugee children.</li> </ul>

## C4: CHILD LABOUR

### A. GOALS FOR 2012–2017

- To eliminate all forms of child labour in South Africa by 2015.
- To ensure that sectoral determinations on categories of child work that are allowed adhere to the highest standards of protection and development and do not place children's well-being, education, physical or mental health, or spiritual, moral or social development at risk.

### B. OBJECTIVES

- To revise the Child Labour Programme of Action (CLPA) and ensure implementation thereof (3rd phase).
- To review the implementation of programmes related to poverty, employment and other related social matters.
- To encourage the development of new legislative measures against the worst forms of child labour.
- To strengthen national capacity to enforce legislative measures against child labour.
- To increase public awareness and social mobilisation against the worst forms of child labour.
- To establish and implement an information management system on the incidents of child labour.

### C. STRATEGIES

- Ongoing public awareness programmes through the commemoration of the National Day against Child Labour and other activities.
- Ongoing monitoring of the Child Labour Programme of Action as South Africa's roadmap to the prevention, reduction and eventual elimination of child labour.

### D. NATIONAL INDICATORS

- Number of children involved in child labour per year, per category of labour, by age and sex.
- Number of children involved in the worst forms of child labour per year, per category of labour, by age and sex.
- Number of investigations into child labour done by the Department of Labour.
- National Child Labour Action Plan in place.
- Number of children used by adults to commit crimes.

### E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Labour

### Supporting departments

South African Police Service, Department of Justice and Constitutional Development, Department of Social Development, National Prosecutions Authority, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Labour	<ul style="list-style-type: none"> <li>• Ensure the Child Labour Programme of Action is implemented.</li> <li>• Ongoing public awareness programmes through the commemoration of the National Day Against Child Labour and other activities.</li> <li>• Ongoing monitoring of the Child Labour Programme of Action as South Africa's roadmap to the prevention, reduction and eventual elimination of child labour.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Implement programmes related to poverty, employment and other related social matters.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Facilitate the provision of subsidies for housing and free water.</li> <li>• Protection of children against harmful child labour practices.</li> <li>• Raise awareness on harmful child labour practices.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provide free health care.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Facilitate non-payment of school fees.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Assist with investigations where needed.</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Monitor child rights.</li> </ul>

## C5: ORPHANS AND VULNERABLE CHILDREN (INCLUDING CHILDREN AFFECTED BY HIV AND AIDS)

### A. GOALS FOR 2012–2017

- To ensure that legislation, policy, strategies and programmes are in place and implemented to protect vulnerable children.
- To strengthen mechanisms to drive and support the implementation of the National Action Plan for Orphans and Vulnerable Children.

### B. OBJECTIVES

- To strengthen and support the capacity of families to protect and care for orphans and vulnerable children (OVC).
- To mobilise and strengthen community-based responses for the care, support and protection of OVC.
- To ensure the establishment and expansion of kinship/alternative family models.
- To ensure access of OVC to essential services.
- To raise awareness and advocate for the creation of a supportive environment for OVC.
- To ensure early identification of families, orphans and other vulnerable children.

- To ensure increased delivery of psychosocial support to OVC and their families.
- To ensure early identification of child-headed households and interventions to address their needs.
- To ensure access to treatment, care and support for those who live with AIDS, for their sense of well-being and to live their lives with dignity.
- To increase participation of local authorities in the care and support of OVC.

## C. STRATEGIES

- Strengthen and support the capacity of families to protect and care for OVC.
- Mobilise and strengthen community-based responses for the care, support and protection of OVC.
- Strengthen intersectoral collaboration.
- Ensure that legislation, policy, strategies and programmes are in place to protect the most vulnerable children and orphans.
- Ensure access of OVC to essential services.
- Raise awareness and advocate for the creation of a supportive environment for OVC.
- Strengthen mechanisms to drive and support the implementation of the National Action Plan.
- Reduce the number of children living outside family care.
- Increase external support for OVC.
- Enhance comprehensive legal protection of OVC through policy and legislation.
- Increase access to essential services for OVC.
- Increase the number of OVCs with birth certificates.
- Enhanced awareness of the right of OVC at every level of society.
- Mitigate the impact of HIV, STIs and TB on orphans, vulnerable children and youths.
- Address sexual abuse and improve services for survivors of sexual assault.
- Ensure that systems and services remain responsive to the needs of children living with HIV and TB.
- Implement specific interventions as a primary prevention for HIV among orphans and other vulnerable children and youth.
- Mitigate the impact and try to break the cycle of ongoing vulnerability and infection.

## D. NATIONAL INDICATORS

- Number of double orphans by age, sex, population group and location.
- Number of maternal orphans by age, sex, population group and location.
- Number of paternal orphans by age, sex, population group and location.

Strengthen and support the capacity of families to protect and care for OVC

- Number of OVC, child- and youth-headed households benefiting from support as a per cent of total registered.
- Number of training recipients in receipt of accredited psychosocial support (PSS) training.
- Number of existing training programmes that have mainstreamed PSS.
- Number of OVCs benefiting from PSS.
- Number of children benefiting from the school nutrition programme.
- Number of OVCs benefiting from the food security projects.
- Number of households benefiting from the sustainable livelihood and food security programmes.
- Number of service providers trained in succession planning.
- Number of families and OVCs benefiting from the succession planning programme.
- Number of young carers participating in the young carers' programme.
- Number of households benefiting from the capacity-building programmes.
- Number of caregivers in receipt of care and support services.

Mobilise and strengthen community-based responses for the care, support and protection of OVC

- Number of OVCs placed in alternative care.
- Number of organisations capacitated to provide care and support services to OVCs and their families.
- Number of community caregivers that complete accredited training programmes.
- Number of existing child care forums strengthened.
- Number of new child care forums established within the municipal boundary.
- Number of child care forums that in receipt of support continue to be functional.
- Number of local municipalities that have mainstreamed children affected by and infected with HIV and AIDS.
- Number of municipalities with functional databases (registration of service providers, children infected with and affected by HIV and AIDS in receipt of support services).
- Completion of the policy review process by target date.

Ensure that legislation, policy, strategies and programmes are in place to protect orphans and the most vulnerable children

- Completion of the universal access policy by target date.
- Completion of the guidelines for OVC programmes by target date.
- Completion of the policy guidelines for universal access by target date.
- Number of stakeholders who receive policies and guidelines.
- Number of memorandums of understanding signed with strategic partners to implement programmes supporting OVCs and their families.
- Number of partners reporting on programmes supporting OVCs and their families.
- Mapping of service provision by need and by target date.
- Percentage of use of database when developing the implementation strategies.
- Number of OVCs reached through provincial programmes.

Ensure access of OVC to essential services

- Conduct a review of existing essential services for OVC.
- Implement a strategy to increase OVC access to essential services.
- Percentage of implementing agencies capacitated to provide basic services.
- Number of teachers and other community structures on treatment literacy.
- Number of children who complete treatment literacy.
- Ratio of OVC school attendance in primary and secondary schools.
- Percentage of schools with functional support system for OVC.
- Number of OVC dropouts from school.

Raise awareness and advocate for the creation of a supportive environment for OVC

- Number of organisations reached.
- Number of communities participating in awareness campaigns.
- Number of communities reached.
- Percentage of implementation of the Southern Africa Development Community's orphans and vulnerable children and youth strategic planning in terms of activities related to OVCs.

Strengthen mechanisms to drive and support the implementation of the National Action Plan

- Number of organisations captured onto the database that continue to be operational.
- Number of provincial and local coordination structures with requisite capacity.
- Number of provinces with completed action plans for the implementation of the national action plan.

- Number of stakeholders reached through the national action plan's capacity-building programmes.
- Human relations strategy for optimal implementation of the national action plan developed by target date.
- National Action Plan's costed operational plan developed by target date.
- Communication strategy developed by target date.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

Department of Women, Children and People with Disabilities, Department of Health, Department of Home Affairs, Department of Justice and Constitutional Development, Department of Basic Education, Department of Agriculture, Department of Housing, Department of Cooperative Governance and Traditional Affairs, Department of Public Works, Department of Correctional Services, Department of Trade and Industry, Department of Labour, Department of Sports and Recreation, Department of Transport, Department of Water Affairs, Department of Intergovernmental Relations and Cooperation, South African Police Service, Department of Transport, Department of Water Affairs, Department of Intergovernmental Relations and Cooperation

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Facilitate the coordination of service delivery for fulfilment of the rights of orphans and other children made vulnerable by HIV and AIDS.</li> <li>• Provide psychosocial support and material assistance to vulnerable children and their families.</li> <li>• Mobilise communities to protect, care and support children.</li> <li>• Mobilise and distribute resources.</li> <li>• Establish child-care forums at community level.</li> <li>• Provide alternative care options.</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Establish and support poverty-alleviation programmes.</li> <li>• Register of non-profit organisations (NPOs).</li> <li>• Establish and maintain partnership with key stakeholders.</li> <li>• Establish and strengthen home- and community-based care and support programmes.</li> <li>• Build capacity of families, caregivers, community members, volunteers and other service providers.</li> <li>• Develop legislation, policies and programmes for the protection of orphans and other children made vulnerable by HIV and AIDS.</li> <li>• Establish and strengthen early childhood development programmes that cater for the needs of orphans and other children made vulnerable by HIV and AIDS. Provide social assistance to vulnerable groups.</li> <li>• Implement policy framework for the prevention and management of child abuse, neglect and exploitation.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Facilitate developing a national framework (as well as provincial and local government frameworks) for the advancement and coordination of children's rights delivery.</li> <li>• Mainstream a child-centred approach to policy, planning, programming, communication and funding processes in government.</li> <li>• Facilitate mainstreaming capacity-building for children's rights focal points in government.</li> <li>• Advocate for children's rights delivery in government.</li> <li>• Monitor and evaluate children's rights delivery in government.</li> <li>• Coordinate an integrated children's rights policy implementation in government.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Identify the various roles of the supporting departments.</li> <li>• Provide a comprehensive treatment, care and support programme for the management of HIV and AIDS.</li> <li>• Provide a comprehensive Primary Health Care Service Package.</li> <li>• Implement the Integrated Management of Childhood Illnesses (IMCI) protocol.</li> <li>• Implement the Protein Energy Malnutrition Programme (PEM), which provides food supplements to children who are malnourished.</li> <li>• Implement of the Expanded Programme for Immunisation, which provides routine administration of vaccines against measles, TB, diphtheria and influenza.</li> <li>• Implement prevention-of-mother-to-child transmission programmes aimed at administration of antiretroviral therapy to HIV-infected mothers before, during and after labour and to the new-born baby.</li> <li>• Monitor and evaluate health programmes to support children.</li> <li>• Coordinate and facilitate access of all communities to all health services.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Educate learners about HIV and AIDS to reduce stigma and discrimination.</li> <li>• Develop mechanisms for school-based support systems.</li> <li>• Provide academic support for orphans and other children made vulnerable by HIV and AIDS.</li> <li>• Develop capacity-building programmes for educators to enable them to respond holistically to the needs of orphans and other children made vulnerable by HIV and AIDS.</li> <li>• Provide education for all as a priority and coordinate mechanisms to protect orphans and other children made vulnerable by HIV and AIDS, while promoting opportunities for these children.</li> <li>• Develop and ensure that referral systems to other relevant service providers (e.g. social workers, nurses) are in place.</li> <li>• Develop and implement appropriate life skills programmes for orphans and other children made vulnerable by HIV and AIDS.</li> <li>• Provide primary school nutrition programmes and food fortification.</li> <li>• Develop and implement ECD programmes.</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Promote, facilitate and provide birth, death, marriage and identity documents.</li> <li>• Provide mobile units in communities, for registration purposes, to ensure that services are more accessible to the community members.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>• Ensure that the rights of orphans and other children made vulnerable by HIV and AIDS are protected through the judiciary system.</li> <li>• Ensure uniform interpretation and implementation of the Children's Act (38 of 2005) is based on the child's-rights approach and in the best interests of the child.</li> <li>• Train commissioners on the integrated approach to effectively address the plight of orphans and other children made vulnerable by HIV and AIDS.</li> <li>• Provide legal representation.</li> <li>• Enforce parental responsibility through maintenance laws.</li> <li>• Protect the inheritance rights of orphans and other children made vulnerable by HIV and AIDS.</li> </ul>
Department of Agriculture	<ul style="list-style-type: none"> <li>• Promote and facilitate food security among households for OVC.</li> <li>• Provide grants for farming to poor communities.</li> <li>• Provide training to child-headed households and community members on food production.</li> <li>• Ensure sustainability through strengthening community cooperatives.</li> </ul>
Department of Human Settlements and Rural Development	<ul style="list-style-type: none"> <li>• Ensure the housing needs of households affected by HIV and AIDS are addressed through low-cost housing schemes.</li> <li>• Support initiatives of other government departments.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Provide infrastructure, e.g. ECD centres, land, sports and recreation facilities etc.</li> <li>• Support the initiatives of NGOs, community-based organisations and faith-based organisations, civil society and traditional leaders.</li> <li>• Provide free basic services to the poorest households (means tested).</li> </ul>
Department of Public Works	<ul style="list-style-type: none"> <li>• Provide and maintain infrastructure.</li> </ul>
Department of Correctional Services	<ul style="list-style-type: none"> <li>• Protect the rights awaiting-trial orphans and other children made vulnerable by HIV and AIDS.</li> <li>• Build the capacity of personnel regarding treating HIV and AIDS.</li> </ul>
Department of Trade and Industry	<ul style="list-style-type: none"> <li>• Develop entrepreneurship skills of child-headed households.</li> </ul>
Department of Labour	<ul style="list-style-type: none"> <li>• Protect the rights of orphans and other children made vulnerable by HIV and AIDS by enforcing legislation related to children e.g. child labour.</li> <li>• Develop the skills of youths.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Investigate crimes against children.</li> <li>• Develop prevention and awareness services relating to crimes against children.</li> <li>• Refer children "in need of care" to the Department of Social Development, to places of safety or, where possible, refer children "in conflict with the law" to secure care facilities.</li> <li>• Ensure that children are detained as a measure of last resort and in conditions that are consistent with human dignity (adequate accommodation, nutrition and reading materials, and exercise in accordance with section 35(2) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).</li> <li>• Ensure that injured or sick children in the custody of the South African Police Service receive medical treatment, including hospitalisation where necessary.</li> </ul>
Department of Sports and Recreation	<ul style="list-style-type: none"> <li>• Provide safe, child friendly recreational facilities within communities, including disability friendly facilities.</li> </ul>
Department of Transport	<ul style="list-style-type: none"> <li>• Provide safe, affordable and adequate transport.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Water Affairs	<ul style="list-style-type: none"> <li>• Provide safe water to households.</li> </ul>
Department of International Relations and Cooperation	<ul style="list-style-type: none"> <li>• Ensure good relations with other countries regarding issues of children and HIV and AIDS.</li> </ul>

## C6: CHILD-HEADED HOUSEHOLDS

### A. GOAL

- To ensure that the rights of children living in child-headed households are protected.

### B. OBJECTIVES<sup>70</sup>

- To ensure official birth registration of all children in child-headed households.
- To ensure access to social grants, such as the child support grant.
- To ensure that all child-headed households have access to social and community services.
- To ensure that all children in a child-headed household have access to early learning, education and development of skills programmes.
- To ensure the maintenance and preservation of property belonging to child-headed households.
- To prevent exposure to harm and protect children from community risk factors.
- To ensure that the special needs of children living in child-headed households are attended to (including disability, chronic illnesses or other vulnerability issues, such as obtaining special grants).
- To ensure the participation of the children living in the household in all matters affecting the functioning of the household.
- To ensure that child-headed households are monitored and supervised by a responsible and designated adult on a regular basis.
- To ensure that the siblings in a household should, as far as possible and practical, remain together.

### C. NATIONAL STRATEGIES

- Ensure the establishment and implementation of an information management system in respect of child-headed families.
- Develop a national strategy developed to protect the rights of child-headed households.

### D. NATIONAL INDICATORS

- Number of child-headed households (head of household younger than 18 years) per municipality.
- Number and proportion of child-headed households supervised per province.
- Number of child-headed households receiving basic services.
- Number of children in child-headed household's accessing early learning and/or education.
- Number of children per child-headed household receiving social grants.
- Number of child-headed households recognised and registered on the database/indigent register of municipalities.

### E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

<sup>70</sup> Department of Social Development (2010)

## Supporting departments

Department of Health, Department of Home Affairs, Department of Justice and Constitutional Development, Department of Human Settlements, Department of Cooperative Governance and Traditional Affairs, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Provide material assistance to child-headed households.</li> <li>• Provide psychosocial support to vulnerable children and their families.</li> <li>• Provide social services to children in child-headed households.</li> <li>• Mobilise communities to protect, care for and support children.</li> <li>• Provide alternative care options.</li> <li>• Register non-profit organisations (NPOs).</li> <li>• Establish and strengthen home- and community-based care and support programmes.</li> <li>• Develop legislation, policies and programmes that protect child-headed households.</li> <li>• Provide social assistance to vulnerable groups, including child-headed households.</li> <li>• Implement policy frameworks for the prevention and management of child abuse, neglect and exploitation.</li> <li>• Monitor and evaluate.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Health	<ul style="list-style-type: none"> <li>• Provide health services to children in child-headed households.</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Facilitate coordination of service delivery for the fulfilment of the rights of child-headed households.</li> <li>• Support and facilitate engagement between sector departments to implement programmes.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Provide schooling for child-headed households.</li> <li>• Develop capacity-building programmes for educators to enable them to respond holistically to the needs of child-headed households.</li> <li>• Provide education for all as a priority and coordinate key mechanisms for protecting child-headed households, while promoting opportunities for these children.</li> <li>• Develop and ensure early identification of children in need of care and ensure referral systems to other relevant service providers e.g. social workers, nurses, etc. are in place.</li> <li>• Develop and implement appropriate life skills programmes for child-headed households.</li> <li>• Provide primary school nutrition programme and food fortification.</li> <li>• Provide ECD programmes (Grade R).</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Promote, facilitate and provide birth and identity documents.</li> <li>• Provide mobile units in communities for registration purposes to ensure that services are more accessible to community members, etc.</li> </ul>
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>• Issue orders for child-headed households.</li> <li>• Protect the rights of children.</li> <li>• Conduct criminal proceedings on behalf of children in child-headed households.</li> <li>• Find children in child-headed households in need of care and protection.</li> <li>• Administer the Guardianship Fund.</li> <li>• Appoint guardians (High Court).</li> <li>• Provide legal aid to child-headed households.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Human Settlements and Rural Affairs	<ul style="list-style-type: none"> <li>• Ensure that the housing needs of child-headed households are addressed through low-cost housing schemes.</li> <li>• Provide housing, including shelter, to vulnerable children.</li> <li>• Support initiatives of other government departments.</li> </ul>
Department of Cooperative Governance and Traditional Affairs (COGTA)	<ul style="list-style-type: none"> <li>• Ensure that municipalities understand and fulfill their responsibilities towards children, especially orphans and vulnerable children.</li> <li>• Develop and implement policies and plans to mainstream issues pertaining to child-headed households.</li> <li>• Identify municipal focal points to represent children's issues in programme management committees.</li> <li>• Use existing municipal structures and officials (ward forums; community development workers) to identify and refer children from child-headed households to services.</li> <li>• As part of the implementation of the Municipal Indigent Policy, include child-headed households in indigent registers so that they access free basic services.</li> <li>• Make land, buildings and other facilities available for use in programme delivery.</li> <li>• Provide infrastructure, e.g. ECD centres, land, sports and recreation facilities, etc.</li> <li>• Create safe spaces for vulnerable children (e.g. safe parks, safe streets, safe halls).</li> </ul>
Statistics South Africa	<ul style="list-style-type: none"> <li>• Collect data.</li> </ul>

## C7: CHILDREN LIVING AND WORKING ON THE STREETS

### A. GOALS FOR 2012–2017

- To protect the rights of children living and working on the street through accessible, integrated and coordinated services focusing on primary, secondary and tertiary prevention.<sup>71</sup>

### B. OBJECTIVES

- To reduce the number of children living and working on streets by 80 per cent by 2017 through appropriate programmes and interventions.
- To establish comprehensive intervention and support programmes that aim to address the rights and needs of children living and working on the street, including early intervention, care and support.
- To ensure the reintegration of children living and working on the streets into their families and/or communities as soon as is feasible and possibly based on each child's individual needs and circumstances.

### C. STRATEGIES<sup>72</sup>

#### Key Strategy 1: Prevention

- Undertake studies to measure the extent of children living on the streets and provide disaggregated data by geographical areas, including districts.
- Create awareness of the phenomenon of children working and living on the streets, and mobilise the community to become involved.

<sup>71</sup> Department of Social Development (2011)

<sup>72</sup> Ibid.

- Develop and strengthen the programmes and structures to address and minimise identified family conditions, such as family disintegration, substance abuse, child abuse, neglect, exploitation, HIV/AIDS, child-headed households and poverty, thus minimising circumstances that give rise to children leaving their homes.
- Strengthen the capacity of families to protect and care for vulnerable children by providing economic, psychosocial and other support.
- Improve the economic capacity of households through short-term interventions, such as conditional cash transfers, direct subsidies and material assistance, as well as longer-term interventions, such as improving agricultural efficiency and facilitating access to financial services offered by microfinance institutions.
- Strengthen and support child-care capacities by improving the quality and reach of government-promoted efforts to support caregivers through schools, pre-schools and social welfare services, as well as to scale up community-based efforts to strengthen support.
- Strengthen and expand existing adoption and foster care mechanisms and support measures to ensure rapid family placement of abandoned infants.
- Strengthen young people's life and survival skills through formal and non-formal education, vocational training and apprenticeships.
- Equip young people's social and interpersonal skills, enabling them to make informed decisions and develop coping and self-management mechanisms.
- Place preventative initiatives in areas where children living and working in the street are most likely to come from, such as areas of concentrated poverty.
- Raise awareness in communities to help sensitise community members to the special requirements of vulnerable children and avoid stigmatising former children living and working in the street.

#### Key Strategy 2: Early Intervention

- Conduct a situational analysis to acquire a common understanding of the factors that fuel the phenomenon and identify opportunities for mitigation.
- Make contact with children living and working in the street and assess them through street educators, or street-based social workers; each child must be individually assessed.
- Offer children living and working in the street flexible alternatives that combine their own perspectives with the professional assessment of their needs.
- Encourage the formation of organisations of street and working children to serve as a forum through which children can express their problems and suggest solutions.
- Provide drop-in centres and temporary child and youth care centres. These can serve as a first step to leaving the street without compromising the children's independence.
- Provide appropriate diversion programmes for children living and working in the streets that are in conflict with the law, where appropriate, linking them to drop-in centres.

#### Key Strategy 3: Protection

- Offer health education for improving hygiene and nutrition and for protection from accidents, illnesses, sexually transmitted infections, HIV and AIDS and substance abuse.
- Many children living and working in the street require professional counselling and emotional support. Make therapeutic services easily accessible to the children.
- Facilitate the provision of identity documents to children living and working in the street because these are essential for access to health and other services, as well as employment.
- All service providers should adhere to intersectoral protocols at all levels of government and organisations for children living and working on the streets.
- Provide suitable education and skills development programmes for children living and working in the street.
- Child and youth care centres should provide for the needs of children living and working in the street, including counselling, education and reintegration.

#### Key Strategy 4: Reintegration

- Implement appropriate protocols for reintegration and reunification of children.
- Provide capacity building and empowerment to parents and families to help them deal with and handle challenging behaviour.
- Provide ongoing aftercare services.
- Where reintegration into formal schooling is not feasible or desirable for the children, vocational training combined with literacy, numeracy and life skills may be considered.

## D. NATIONAL INDICATORS

- Number of children, by age and sex, living and working on the street.
- Number of children living and working in the streets integrated back into their families and or society.
- Number of programmes aimed at children living and working in the streets per municipality.
- Number of registered drop-in centres.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

Department of Health, Department of Home Affairs, Department of Cooperative Governance and Traditional Affairs, Department of Women, Children and People with Disabilities, Department of Basic Education, South African Police Service, Department of Justice, Department of Labour

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Develop and facilitate the implementation of intersectoral protocols.</li> <li>• Ensure that an effective and holistic service delivery system, including prevention, early intervention, statutory intervention, reunification/aftercare services and programmes, is developed and maintained.</li> <li>• Support and strengthen intervention programmes, including the provision of statutory care (child and youth care centres), aftercare services, home visits.</li> <li>• Monitor and evaluate the implementation of the policy for children living and working in the street.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Develop and implement programmes, policies and services that address the mental and physical health needs of families and children.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Coordinate integrated children's rights policy implementation in government.</li> <li>• Mainstream a child-centred approach to policy, planning, programming, communication and the funding process in government.</li> <li>• Advocate for children's rights delivery in government.</li> <li>• Monitor and evaluate children's rights delivery in government.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Responsible for the education of children.</li> <li>• Ensure the effective implementation of the Inclusive Education Policy.</li> <li>• Ensure that teachers are aware of and execute this duty.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Issue birth certificates, death certificates, identity documents and passports to South African children and relevant documents to refugee children.</li> </ul>
Department of Justice	<ul style="list-style-type: none"> <li>• Ensure that children are placed through court orders in relevant child and youth care centres that have programmes to address the needs of the child.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Responsibly investigate crimes against children.</li> <li>• Train police officers on effective interaction with vulnerable children, including children living and working in the street.</li> <li>• Liaise with the Department of Social Development to provide early warning information regarding reported domestic violence cases in which children are involved.</li> </ul>
Department of Labour	<ul style="list-style-type: none"> <li>• Monitor the implementation of the Basic Conditions of Employment Act, which prohibits the employment of children between the ages of 15 and 18 years and provide for children working in performing arts.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Issue health certificates for child-care facilities.</li> <li>• Develop and maintain recreational facilities.</li> <li>• Facilitate the provision of housing to indigent families.</li> </ul>

## C8: CHILDREN AND SUBSTANCE ABUSE

### A. GOAL

- To prevent the use and abuse of illicit drugs and other illicit substances, including alcohol by children.

### B. OBJECTIVES

- To develop and implement national prevention programmes targeting children through life skills education.
- To ensure that children who are victims of drug and substance abuse are dealt with in a manner that protects, promotes and fulfills their rights.
- To ensure that there are drug and substance abuse programmes for children that promote their rights, well-being and optimal rehabilitation and aftercare.

### C. STRATEGIES

- Encourage the training and sensitisation of social workers, child and youth care workers, police officials and the judiciary on dealing in an appropriate manner with children who are victims of drug and substance abuse.
- Facilitate the implementation of the national strategy for combating drug and substance abuse among children.
- Oversee the implementation of the national strategy that prevents and addresses the early onset of smoking and alcohol use by children.

### D. NATIONAL INDICATORS

- Number of children using and abusing alcohol, by sex and age.
- Number of children smoking, by sex and age.

- Number of children using illegal drugs, per type of drug, sex and age.
- Number of children in drug and alcohol rehabilitation programmes.
- Number and type of alcohol and drug rehabilitation programmes available per province for children.
- Number of child and youth care centres that provide drug and alcohol rehabilitation programmes.
- Number of children in conflict with the law in respect of drug-related crimes.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

Department of Health, South African Police Service, Department of Home Affairs, Department of Justice and Constitutional Development, Department of Basic Education, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Raise awareness of substance abuse.</li> <li>• Develop and render preventative programmes.</li> <li>• Refer children to child and youth care centres with suitable substance abuse programmes.</li> <li>• Apply the requisite policies, programmes and strategies.</li> <li>• Liaise with the development of suitable legislation.</li> <li>• Use the central drug authority.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Health	<ul style="list-style-type: none"> <li>• Develop and render preventative and life skills programmes.</li> <li>• Provide medical treatment at health centres.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Provide life skills education at schools.</li> <li>• Celebrate "Say No to Drug Abuse" days.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• Provide drug awareness programmes (illicit and licit drugs).</li> <li>• Adopt child friendly protocols for search and seizure in schools and other environments.</li> <li>• Ensure the procedures are child friendly.</li> </ul>
Department of Justice	<ul style="list-style-type: none"> <li>• Ensure that children are referred by court order to a relevant facility that provides suitable substance abuse programmes.</li> </ul>
Department of Correctional Services	<ul style="list-style-type: none"> <li>• Provide substance abuse programmes for children in correctional facilities and those under correctional supervision.</li> <li>• Raise awareness on substance abuse to children and correctional officials responsible for service provision to children.</li> </ul>
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Provide anti-drugs arts programmes.</li> <li>• Raise awareness and educate the public through arts performances, emphasising the effects and symptoms of substance abuse.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Raise awareness of drugs and alcohol abuse.</li> <li>• To protect children, set standards for the public broadcaster on advertisements about alcohol, tobacco and other substances.</li> </ul>
Government Communication and Information System.	<ul style="list-style-type: none"> <li>• Provide assistance on radio and television campaigns.</li> </ul>

## C9: BIRTH REGISTRATION

### A. GOALS FOR 2012–2017

- By 2014, ensure that all children in South Africa have a birth certificate within one month of their birth.
- Ensure that all children 15 years and older have an identity document.

### B. OBJECTIVES

- To educate all pregnant women and families on the importance of birth registration.
- To register every child within 30 days after birth.
- To eliminate all late birth registrations by 2017.
- To register all unregistered children by 31 December 2013, as provided for in terms of late birth registrations.

### C. STRATEGIES

- Develop and implement a national strategy for timely registration of all births.
- Apply the national strategy on issuing of IDs to all pregnant women who do not have such documents and are entitled to them.
- Apply the national strategy for the registration of birth in hospitals immediately after birth where possible and feasible.
- Decentralise strategy for issuing birth certificates.
- Align birth registration processes with traditional child-naming practices.

### D. NATIONAL INDICATORS

- Number of children registered within 30 days of birth.
- Number of children registered within one year after birth or, better still, after 30 days of birth.
- Number of late registrations of birth (after one year of birth).
- Number of birth registrations in health care facilities immediately after birth.
- Number of children younger than 18 years with birth certificates or identity documents compared with the total child population.

### E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Home Affairs

Supporting departments

Department of Health, Department of Social Development, Department of Cooperative Governance and Traditional Affairs, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Ensure that children are provided with the relevant documents relating to birth registration, identification documents, and repatriation documents.</li> <li>• Raise awareness through campaigns.</li> </ul>

Supporting departments	Roles and responsibilities
Department of Health	<ul style="list-style-type: none"> <li>• Encouraging birth registration in all health care facilities.</li> <li>• Raise awareness among pregnant women.</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Help clients to obtain relevant documents for birth registration and to access social security.</li> <li>• Facilitate birth registration of orphans and vulnerable children.</li> </ul>
Local Government	<ul style="list-style-type: none"> <li>• Encourage communities to ensure that children are registered at birth.</li> </ul>
Statistics South Africa	<ul style="list-style-type: none"> <li>• Collect vital statistics on the births and deaths register.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Promote birth registration among traditional leaders and in rural areas.</li> </ul>

## C10: CHILDREN IN ALTERNATIVE CARE

### A. GOAL

- To ensure that all children in alternative care are legally placed, well supported and have development plans in accordance with their specific needs and situation.

### B. OBJECTIVES<sup>73</sup>

- To ensure that children remain with their families and/or legal guardians as far as possible and appropriate.
- To ensure that children placed in alternative care are returned to their families as soon as is feasible and possible or, if not possible, to find another appropriate and permanent solution.
- To ensure that when children are placed in alternative care the most suitable, least restrictive and most empowering alternative care is identified and provided, under conditions that promote the child's full development.
- To ensure that the government fully promotes and protects the rights of children in alternative care through resourcing, as they are wards of the state.

### C. STRATEGIES

- Apply the national strategy for the adoption of children.
- Apply the national strategy for family preservation and reunification.

### D. NATIONAL INDICATORS

- Number of children adopted per year, age and sex, including intercountry adoptions.
- Number of children in foster care placements.
- Number of children in cluster foster care.
- Number of children in registered child and youth care centres, per type of centre and reason for admission (Children's Act or Child Justice Act).
- Number of children in registered shelters.
- Number of foster parents recruited and trained.
- Number of children discharged and reunited with their families.

<sup>73</sup> United Nations (2010)

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

Department of Justice and Constitutional Development, Department of Basic Education, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>Implement and monitor the legislative and policy requirements of children placed in alternative care.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>Ensure that children are placed appropriately through the court systems.</li> <li>Review placements regularly.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>Ensure that all children in alternative care have access to basic education.</li> </ul>
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>Monitoring facilities, resources and service provision to children in alternative care facilities.</li> </ul>

## C11: CHILDREN IN CONFLICT WITH THE LAW

### A. GOALS FOR 2012–2017

- To prevent children from engaging in criminal activities.
- To ensure that all children in conflict with the law are dealt with as provided for in the Child Justice Act (75 of 2008) and other relevant legislation.

### B. OBJECTIVES

- To ensure that all role players in the implementation of child justice in the country are appropriately trained and sensitised in the provisions of the Child Justice Act (75 of 2008).
- To ensure that all children are aware of their rights when they are in conflict with law.
- To ensure that all children in conflict with the law are assessed as contemplated in the Criminal Procedures Act and Child Justice Act.
- To establish two one-stop child justice centres in each province that will provide integrated services to children in conflict with the law.
- To ensure that children have access to appropriate diversion and alternative sentence options.
- To ensure that all cases that involve children in conflict with the law are dealt with expeditiously and with the minimum delays.
- To ensure that children are detained in police cells or any correctional facility as a last resort and for the minimum time and that every child is monitored while in custody.
- To ensure that all children in conflict with the law who need to await trial in a custodial facility, await trial in an appropriate and secure child and youth care facility.
- To ensure that all children who are in conflict with the law while awaiting trial and are sentenced are exposed to an appropriate development and treatment programme in accordance with his or her needs and age.

- To ensure that an information management system on children in conflict with the law is in place when data is collected systematically and regularly across the criminal justice system.
- To ensure that all children in conflict with the law and in correctional facilities/centres are safe and protected against all forms of abuse and exploitation.

## C. STRATEGIES

- Disseminate information on the Child Justice Act (75 of 2008) to all relevant departments and the public.
- On the implementation of the Child Justice Act (75 of 2008), national training strategies are provided for the judiciary, police officers, probation officers, social workers, civil society organisations and other stakeholders.
- Develop and implement programmes aimed at the development and support of children in conflict with the law and their reintegration into society.
- Establish additional one-stop child justice centres in all provinces to increase accessibility for families and communities.
- Develop a national strategy as part of their sentence for the care, protection and safety of children in conflict with the law while they are in correctional facilities.

## D. NATIONAL INDICATORS

- Number of one-stop child justice centres established per province.
- Number of children in conflict with the law arrested.
- Number of children in conflict with the law per municipality by age and sex.
- Number of children in conflict with the law that had legal representation.
- Number of children in conflict with the law that were diverted from the criminal justice system.
- Number and type of diversion programmes available per magisterial district.
- Number of children who attended diversion programmes that stopped committing crimes for a period of one year after the completion of the diversion programme.
- Number of children in conflict with the law sentenced, per type of sentence, age and sex.
- Number of children in conflict with the law who were held in custody in police cells, by magisterial district, age, sex and length of detention.
- Average duration of trials that involve children in conflict with the law.
- Number of children in conflict with the law awaiting trial in child and youth care facilities.
- Number of children who died while awaiting trial and in detention by type of detention facility.
- Number of children who sustain injuries when arrested and/or while awaiting trial by type of injury.
- Number of children in conflict with the law sentenced to imprisonment.
- Number of children held in custody/detention in contravention with the Child Justice Act.
- Number of children 14 years and younger, but older than 10 years, who have been found to have/not have criminal capacity.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Justice and Constitutional Development

Supporting departments

South African Police Service, Department of Health, Department of Social Development, National Prosecutions Authority, Correctional Services, Department of Basic Education, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>• Disseminate information on the Child Justice Act (75 of 2008) to all relevant departments and the public.</li> <li>• Apply a national training strategy for the judiciary, police officers, probation officers, social workers, civil society organisations and other stakeholders on the implementation of the Child Justice Act (75 of 2008).</li> <li>• Establish additional one-stop child justice centres in provinces to increase accessibility for communities.</li> <li>• Develop monitoring and evaluation systems for data capturing.</li> <li>• Establish provincial child justice forums for implementation in the provinces.</li> </ul>
Supporting departments	Roles and responsibilities
South African Police Service	<ul style="list-style-type: none"> <li>• Provide child friendly services during the arrest and charging of children in conflict with the law 10 years and older and in accordance with the Child Justice Act.</li> <li>• Refer cases to probation officers for assessment purposes and diversion.</li> <li>• Protect children in conflict with the law who are in police custody.</li> </ul>
Department of Social Development	<ul style="list-style-type: none"> <li>• Assessments of children awaiting trial to be finalised by probation officers.</li> <li>• Provide additional secure care centres.</li> <li>• Develop an accreditation framework for service providers to provide diversion services.</li> <li>• Finalising pre-sentence reports and victim impact assessments reports.</li> <li>• Monitor children placed at secure care centres while awaiting trial.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provide health professionals to do criminal capacity assessments, age determinations.</li> <li>• Provide health services.</li> </ul>
Department of Correctional Services	<ul style="list-style-type: none"> <li>• Provide care, protection and development.</li> <li>• Deal with sentenced children in accordance with the highest international and national standards and ensure that they receive services and are kept separate from adults at all times.</li> <li>• Have specialised programmes for children with disabilities that are sentenced.</li> <li>• Provide education and social service programmes to children in conflict with the law in correctional facility centres.</li> <li>• Provide care, protection and development services to children under correctional supervision.</li> <li>• Keep children in conflict with law (under 18s) separate from adults (18 and older) at all times.</li> </ul>

# PART D: STANDARD OF LIVING

## RELEVANT SECTIONS OF THE SOUTH AFRICAN CONSTITUTION

- Section 26: Right to Housing
- Section 28(1)(b);(c);(d);(g): Rights of children

## RELEVANT ARTICLES OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

- Article 1: Obligation of state to enforce rights of children
- Article 4: Best interests of the child

## RELEVANT ARTICLES OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

- Article 3: Best interests of the child
- Article 4: Obligation of state parties to enforce rights of children
- Article 12: Right to be heard/child participation
- Article 26: Right to social security
- Article 27: Right to standard of living



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## D1: CHILD POVERTY

### A. GOALS FOR 2012–2017

- To alleviate child poverty by 2017.
- To achieve MDG1 on the reduction of poverty and hunger by 2015.

### B. OBJECTIVES

- To ensure that all children in South Africa affected by poverty have access to and receive social grants and other social services.
- To ensure that all primary caregivers of children living in income poverty are prioritised for local employment, job creation schemes and public works programmes.
- To ensure that children living in poverty have access to ECD programmes, basic education, health care and other social services.
- To ensure that children living in poverty are not exposed to child labour practices in their community or through migration to other communities.

### C. STRATEGIES

- Develop a national strategy that will address child poverty in South Africa.
- Develop a strategy to enhance the accessibility and optimal use of the child support grant.
- War on Poverty Room to include children.

### D. NATIONAL INDICATORS

- Number and percentage of children living in income poverty.
- Number of children living in households where no adult is employed.
- Number and percentage of eligible children receiving the child support grant.
- Number of caregivers of children living in poverty exposed to public works programmes and other government-initiated programmes.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development

Supporting departments

Department of Economic Development, Department of Labour, Department of Public Works, Department of Social Development, Department of Cooperative Governance and Traditional Affairs, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Implement programmes related to poverty, employment and other related social matters.</li> <li>• Develop and implement a national strategy that will address child poverty in South Africa.</li> <li>• Enhance the accessibility and optimal use of the child support grant.</li> <li>• Provide other social grants where needed.</li> <li>• Provide social services and community development programmes.</li> <li>• Provide material aid.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Economic Development	<ul style="list-style-type: none"> <li>• Facilitate job-creation and employment opportunities for poor households.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Facilitate the provision of subsidies for basic housing and the access to free water.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provide free health care services.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Facilitate and raise awareness of the non-payment of school fees in respect of those children who access social security grants.</li> </ul>
Department of Human Settlements	<ul style="list-style-type: none"> <li>• Prioritise adequate housing for families who are poor.</li> </ul>
Department of Labour	<ul style="list-style-type: none"> <li>• Provide prevention services and respond to children involved in child labour activities.</li> </ul>
Department of Public Works	<ul style="list-style-type: none"> <li>• Prioritise disadvantaged and poor families with children in public works programmes.</li> </ul>
Department of Rural Development	<ul style="list-style-type: none"> <li>• Develop the capacity and material support related to food security programmes.</li> </ul>
Department of Planning, Monitoring and Evaluation	<ul style="list-style-type: none"> <li>• Monitor the implementation of national anti-poverty and poverty eradication programmes.</li> </ul>

## D2: HOUSING, WATER AND SANITATION

### A. GOALS FOR 2012–2017

- To ensure that all children live in safe houses with basic services, have access to safe drinking water and safe sanitation facilities.

### B. OBJECTIVES

- To ensure that public housing developments and schemes target households with children as a first priority, including children with disabilities.
- To increase access to safe water to 100 per cent of all children.
- To increase access to adequate and safe sanitation facilities to 100 per cent of all children.
- To educate children and their families on the safe use of water and water preservation strategies.

### C. NATIONAL STRATEGIES

- Prioritise accommodation to children, including children with disabilities.
- Promote awareness programmes on safe water and sanitation in rural and informal settlements.
- Use the national strategy to raise awareness on water use and preservation.

### D. NATIONAL INDICATORS

- Number of children having access to safe water.
- Number of children having access to piped water.
- Number of children living in formal dwellings that are safe.
- Number of children having access to safe sanitation facilities.
- Number of children having access to electricity.

### E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Human Settlements and Rural Affairs

Supporting departments

Department of Water Affairs, Department of Cooperative Governance and Traditional Affairs

Lead department	Roles and responsibilities
Department of Human Settlements and Rural Affairs	<ul style="list-style-type: none"> <li>• Provide effective housing and policies.</li> <li>• Provide effective sanitation policies and strategies.</li> </ul>
Supporting departments	Roles and responsibilities
Local municipalities	<ul style="list-style-type: none"> <li>• Provide basic housing, access to safe drinking water and safe sanitation facilities.</li> </ul>
Statistics South Africa	<ul style="list-style-type: none"> <li>• Collect data on the standard of living of children.</li> </ul>
Department of Water Affairs	<ul style="list-style-type: none"> <li>• Ensure that the provision of clean and safe water is prioritised for children.</li> </ul>
Department of Cooperative Governance and Traditional Affairs	<ul style="list-style-type: none"> <li>• Apply the policy considerations of municipalities on the provision of housing and water and sanitation to households with children.</li> </ul>

## D3: SOCIAL SECURITY

### A. GOALS FOR 2012 TO 2017

- To ensure that all eligible children have access to social security.

### B. OBJECTIVES

- To ensure that all eligible children are able to receive the child support grant.
- To ensure that all eligible children receive the care dependency grant.
- To ensure all children and families are supported while they await the first payment of their grant.
- To ensure that all children and their families who receive grants receive support to access other free government services.
- To educate caregivers and children on the purpose and optimal use of the child support and the care dependency grant.

### C. STRATEGIES

- National strategy to identify whether children eligible for the child support and care dependency grants are receiving them.
- National strategy to ensure that eligible children receive the child support grant within one month of their birth.
- National strategy that will increase the uptake of the child support grant to 100 per cent of eligible children under the age of 1.

### D. NATIONAL INDICATORS

- Number of children per age interval of one year receiving the child support grant.
- Number of children per quintile receiving the child support grants.
- Number of children receiving the care dependency grant.
- Number of children receiving the child support grant within a month of their birth.

### E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Social Development/South African Social Security Agency (SASSA)

Supporting departments

Department of Health, Department of Home Affairs, Department of Women, Children and People with Disabilities

Lead department	Roles and responsibilities
Department of Social Development/SASSA	<ul style="list-style-type: none"> <li>• Ensure that children and families are able to access assistance easily through social security.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Health	<ul style="list-style-type: none"> <li>• Identify children in need of care dependency grants.</li> </ul>
Department of Home Affairs	<ul style="list-style-type: none"> <li>• Ensure children in need of social assistance are helped by the provision of identification documents.</li> </ul>

# PART E: CHILD PARTICIPATION

## RELEVANT SECTIONS OF THE SOUTH AFRICAN CONSTITUTION

- Section 9: Right to equality
- Section 15: Freedom of religion, belief and opinion
- Section 17: Freedom of expression
- Section 18: Freedom of association
- Section 19: Political rights
- Section 28: Children's rights
- Section 32: Access to information
- Section 35: Accused person's rights

## RELEVANT ARTICLES OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

- Article 4: Best interests of the child
- Article 7: Freedom of expression
- Article 8: Freedom of association and assembly
- Article 9: Freedom of thought
- Article 12: Participation in cultural rights
- Article 13: Right of children with disabilities to participate in society
- Article 17: Participation in judicial processes

## RELEVANT ARTICLES OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

- Article 3: Best interests of the child
- Article 9: Participation in proceedings when separated from parents
- Article 12: Express views on matters affecting them
- Article 13: Freedom of expression
- Article 14: Freedom of thought and conscience
- Article 15: Freedom of association and assembly
- Article 17: Access to information
- Article 18: Right of children with disabilities to participate in society
- Article 31: Participation in cultural life
- Article 40: Participation in judicial processes



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A child's right to participate in any decision that affects his or her life is not only highlighted in the new Children's Legislation, but also outlined in both the UN Convention on the Rights of the Child and the African Children's Charter.

The core purpose of children's participation is to empower children as individuals and members of civil society. Empowerment gives them the opportunity to exercise their citizenship rights and to influence the actions and decisions that affect their daily lives.

Children's participation should be seen as an ongoing process of children's active involvement in decision-making (at different levels) in matters that affect and concern them. Effective and meaningful participation requires information-sharing and dialogue between children and adults, which is based on mutual respect and trust.<sup>74</sup>

The quality of children's participation and their ability to benefit from it will be strongly influenced by the efforts adults make to provide an enabling environment in which children and young people feel able to participate fully and actively in all aspects of the proceedings. Children

74 Save the Children (2003)

need to feel that their views are valued. More importantly, the participation of children in issues of governance is essential to the recognition of their rights.

## PRINCIPLES OF CHILDREN'S PARTICIPATION

The following Minimum Standards are based on the five principles of participation and should be taken into account when engaging with children.<sup>75</sup>

### Transparency, honesty and accountability

Adults involved in consultations with children should follow ethical and participatory practices and place the best interests of children first.

### A child friendly environment

The quality of children's participation and their ability to benefit from the experience will be greatly influenced if they experience a safe, welcoming and encouraging environment.

### Equality of opportunity

Participatory work should include vulnerable groups of children who are often excluded from activities.

### Safety and protection of children

Involvement in a consultation must not expose any young child to threats or actual harm. A child's safety and health should be considered in every possible way and be protected. This includes both physical and emotional well-being.

### Commitment and competency of adults

Adults working with children should be committed to the aim of consulting children and should be trained and skilled to encourage genuine participation from children. Adults working with children should be subjected to screening as required by the Children's Act (38 of 2005).

Some of the challenges experienced with engaging children in a meaningful manner can be ascribed to the attitudes of decision-makers towards children, as well as the time and resources needed to build the capacity of children and adults to engage with each other in a meaningful manner.<sup>76</sup>

## A. GOALS FOR 2012–2017

- Children's right to be heard and to express their opinions is protected and advanced.
- Children's right to access information is promoted, protected and implemented.

## B. OBJECTIVES

- To ensure that all public information developed by government is supported by child friendly versions accessible and understandable by children of all ages.
- To develop the capacity of government officials to facilitate authentic, appropriate and ethical children's participation.
- To ensure that children participate in the development of all policies, legislations and related regulatory frameworks.
- To ensure that children participate in the development and the design of all programmes that have an impact on their survival, protection and development.
- To ensure that legislative and policy provisions for the participation of children are adhered to.

<sup>75</sup> Inter-Agency Working Group (2007)

<sup>76</sup> Jamieson L et al (2011)

- Introduce legislative, procedural and administrative measures to ensure that all children can be heard.
- To ensure that children participate in an authentic, appropriate and ethical manner in governance of schools, child and youth care centres and other programmes that intend to serve children.
- To develop the capacity of public office bearers to consult children on matters that affect them.
- To develop the capacity of parents and caregivers to encourage the participation of children in households and communities.
- To ensure that children are provided with the opportunity to be heard in all legal and administrative proceedings, either directly or through a representative.

## C. STRATEGIES

- Encourage all government departments and public entities to have a link for children on their websites which provides them with child friendly information on policies, legislation and programmes.
- Encourage all government departments and public entities to publish information on their policies, legislation, programmes, annual and other reports, budgets in child friendly formats.
- Facilitate civic education on the right of children to access information and to participate.
- Inform the media to provide children with child friendly information and encourage children's participation.
- Encourage social dialogues that will facilitate the equal participation of children and adults in issues of local, provincial and national interest.
- Develop national guidelines on children's participation and access to information.
- Assist local, provincial and national networks to support and promote children's participation.

## D. NATIONAL INDICATORS

- Number of policies and legislation available in child friendly versions.
- Number of children that participate in SGBs.
- Number of government departments that have website links for children on the specific department.
- National guideline on the participation of children.
- Number of policies and legislation developed that actively involved and considered the views of children.
- Number of children whose views were asked about matters pertaining to their neighbourhood.

## E. RESPONSIBLE LEAD AND SUPPORTING DEPARTMENTS

Lead department

Department of Women, Children and People with Disabilities

Supporting departments

All Departments rendering services to children directly and indirectly

Lead department	Roles and responsibilities
Department of Women, Children and People with Disabilities	<ul style="list-style-type: none"> <li>• Facilitate the development and implementation of a child participation strategy that will include:</li> <li>• All government departments and public entities to have a link for children on their websites to provide child friendly information on policies, legislation and programmes;</li> <li>• All government departments and public entities to publish information on their policies, legislation, programmes, annual and other reports, budgets in child friendly formats; and</li> <li>• Educate children on the right of access to information and to participate.</li> <li>• Encourage the media to provide children with child friendly information and encourage children's participation.</li> <li>• Facilitate processes allowing children to participate in the development of all policies, legislations and related regulatory frameworks.</li> <li>• Coordinate training programmes to develop the capacity of public office bearers to consult with children on matters that affect them.</li> <li>• Facilitate parliamentary sessions with and for children.</li> </ul>
Supporting departments	Roles and responsibilities
Department of Social Development	<ul style="list-style-type: none"> <li>• Develop the capacity of parents and caregivers to encourage the participation of children in their households and communities.</li> </ul>
Department of Basic Education	<ul style="list-style-type: none"> <li>• Facilitate dialogue between teachers and children.</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Provide annual open days for children to be part of service delivery and management processes at certain health facilities.</li> </ul>
Department of Trade and Industry	<ul style="list-style-type: none"> <li>• Encourage businesses to revive and actively participate in the "take a girl and/or boy child to work" day.</li> </ul>
South African Police Service	<ul style="list-style-type: none"> <li>• To encourage child and police interactive programmes.</li> <li>• Educate children on security and allow them to participate in securing a safe environment.</li> </ul>
Department of Communication	<ul style="list-style-type: none"> <li>• Ensure national policy that facilitates access to information for children.</li> </ul>
DIRCO	<ul style="list-style-type: none"> <li>• Ensure that government meets the international standards on children's rights to participation and access to information.</li> </ul>
Department of Arts and Culture	<ul style="list-style-type: none"> <li>• Implement programmes in which children have an equal opportunity to express themselves.</li> </ul>
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> <li>• Encourage legal implementation of children's right to information and participation in the civil and criminal justice systems.</li> </ul>

# SECTION 5

## 5. INSTITUTIONAL ARRANGEMENTS

### 5.1 LEADERSHIP

The success of the National Plan of Action for Children (NPAC) is dependent on committed national leadership by Government. The plan will be coordinated from the office of the Minister of Women, Children and People with Disabilities. The mandate of the Department is to emphasise the need of equity and access to development opportunities for vulnerable groups in society.

The role of Cabinet will be to oversee the translation of the NPAC into sectoral policies and programmes.

Each Minister will need to ensure that children's rights are mainstreamed as envisaged in the NPAC in his or her Department and that it forms an integral part of the National Planning Commission and the Monitoring and Evaluation Unit in the Presidency.

The Ministers will engage Provincial Premiers and Mayors of respective metropolitan and local municipalities to ensure their political leadership in the implementation of the National Plan of Action for Children in South Africa.

### 5.2 COORDINATION

Coordination and mainstreaming are regarded as key elements of the NPAC. A well-coordinated approach will ensure synergy in the implementation of the NPAC and the advancement of a holistic children's rights agenda for the country.

The primary responsibility for the coordination of the NPAC lies with the Department of Women, Children and People with Disabilities as it needs to ensure that the necessary mechanisms for participation, coordination, mainstreaming, capacity development, monitoring and evaluation are functional and in place.

The Minister of Women, Children and People with Disabilities shall establish the Advisory Council on Children, which will comprise experts and representatives of the different sectors dealing with children's issues.

The Department shall establish the National Steering Committee (NPASC) under its leadership to coordinate and oversee the NPAC. The National Steering Committee shall be chaired by the Director-General of the Department or a senior official designated by her/him to chair on his or her behalf.

The members of the National Steering Committee shall consist of representatives from all government departments appointed by their respective Directors General to represent their specific Departments.

The Steering Committee will operate on clearly outlined terms of reference (TOR) that shall include but not be limited to the following:

- Membership and attendance
- Frequency of meetings
- Roles and responsibilities
- Planning
- Fostering of participation of children
- Involvement of civil society organisations
- Consultation and broader participation
- Sub-committees
- Reporting and accountability



- Communication
- Partnerships
- Disbandment

The Department shall, through its monitoring and evaluation section, monitor the institutions that have committed to deliver services to children in accordance with the NPAC and periodically provide reports to the Ministerial Committee for decision-making and corrective measures where critical.

The involvement of and coordination of civil society organisations is a vital component in the successful coordination and implementation of the NPAC. As such, the National Steering Committee will develop mechanisms to ensure the participation of civil society organisations at national and provincial levels.

The Provincial Offices on the Status of Women, Children and People with Disabilities will establish the Provincial Plan of Action for Children (PPAC) Steering Committees in each of the nine provinces. The role of the PPAC Steering Committees will be to serve as mechanisms for coordinating, facilitating and monitoring the broad framework of the PPAC. The PPAC process is based on a partnership between government and civil society and is regarded as the implementation arm of the National Steering Committee (NPASC). Membership on the PPASC shall consist of government departments and civil society.

### 5.3 ROLE OF NATIONAL AND PROVINCIAL GOVERNMENT DEPARTMENTS

Government departments have an obligation to deliver services to children to promote, protect and fulfil the rights of the children. The advent of laws intended to promote and protect the rights of children requires that policy makers, service planners, administrators and all officials involved in service delivery to children, have a full understanding of the context of children's rights, as well as the State's constitutional and international obligations.

### 5.4 ROLE OF LOCAL GOVERNMENT

Local municipalities are the primary location in which children find themselves. Provincial and national government, organisations in civil society and the community create an environment that either directly or indirectly affects children. Local authorities have a key role to play to ensure that children's rights, as embodied in the UN Convention on the Rights of the Child, the AU Charter on the Rights and Welfare of the African Child and the South African Constitution are made a reality for children.

Local municipalities make important decisions that affect the lives of the people that stay within the municipality boundaries. The planning and decision-making of local municipalities affect the lives of children. Municipalities can, inter alia, ensure that:

- Child rights are considered in all decisions that are taken;
- All relevant bylaws are reviewed against child rights principles;
- "The best interests of the child" is the central principle in all decisions and actions of the municipality;
- Children and their families are consulted in a meaningful manner on all matters that affect them; and
- All local developments are assessed in terms of the impact on children.

### 5.5 ROLE OF STATE INSTITUTIONS SUPPORTING CONSTITUTIONAL DEMOCRACY

Chapter 9 of the South African Constitution establishes the following State institutions to strengthen constitutional democracy in South Africa, namely:

- (a) The Public Protector
- (b) The South African Human Rights Commission
- (c) The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

- (d) The Commission for Gender Equality
- (e) The Auditor-General
- (f) The Electoral Commission

The Constitution clearly states that “these institutions are independent and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice”.

Each institution in its unique way and within its mandate plays an important role to ensure that children in the country receive the full benefit of their rights and, as such, have a part to play in overseeing the implementation of the National Plan of Action for Children in the country. It is neither the place nor the mandate of the NPAC to indicate to these institutions their roles and functions in relation to the NPAC.

Thus, the NPAC lead will engage these institutions at the advent of the NPAC and establish sound working relationships in terms of the NPAC.

## 5.6 INVOLVEMENT OF CIVIL SOCIETY ORGANISATIONS

South Africa has a host of civil society organisations that are actively involved in the promotion, protection and fulfilment of children’s rights. These organisations vary from large national non-governmental organisations in urban settings to networks and small community-based organisations in rural communities.

Civil society organisations play an important role in the South African children’s rights arena and are considered an important partner in the implementation of the NPAC.

The most important level of participation in the advancement of children’s rights is at a sectoral or departmental level, where specific issues pertaining to children’s rights are dealt with. Government departments are thus encouraged to ensure the participation of civil society organisations at all levels. Civil society organisations are also responsible for seeking opportunities to engage with respective government departments on matters pertaining to children.

The National Steering Committee under the guidance of the Minister of Women, Children and People with Disabilities will determine the involvement of civil society organisations at a national level in the National Steering Committee and its sub-structures.

## 5.7 PARTICIPATION OF CHILDREN

Children’s entitlement to participation in any social dialogue is protected by a set of rights that are outlined in the United Nations Convention on the Rights of the Child, the African Charter, the South African Constitution, as well as national legislative frameworks.

The State thus has an obligation to ensure that the voices of children are heard.

Children’s participation should be core in the National Plan of Action for Children (NPAC). Benefits linked to involving children in the development of the NPAC are listed as follows:

- It facilitates the NPAC that addresses the real needs of children;
- Children are directly involved in shaping the national response to addressing their rights;
- Children can relate to the NPAC in all areas;
- Children will continue to be involved in the implementation of the NPAC; and
- Children will monitor the implementation of the NPAC.

Children should be consulted in the development and finalisation of the National Plan of Action in a meaningful and appropriate manner.

The plan will safeguard children’s right to participate in matters affecting them as a core principle in the implementation of all parts of the NPAC. This will require from line government departments assurance that mechanisms are in place to facilitate the process of child participation.

The Department of Women, Children and People with Disabilities will create opportunities and provide capacity development and support to ensure that children’s voices are heard.

A National Framework for the enhancement of children's participation in all spheres of government will be developed by the Department.

The National Steering Committee will consult children regularly and take the views of children into account during its deliberations and decisions. It shall also establish mechanisms to provide regular feedback to children on the progress made by the NPAC.

### 5.8 INVOLVEMENT OF THE PUBLIC

The NPAC consolidates South Africa's commitments to its children in a framework that needs to be shared with all the country's citizens. In the spirit of Article 42 of the United Nations Convention on the Rights of the Child, which requires that State parties make the principles and provisions of the Convention widely known, the NPAC should ensure that:

- The public is involved in the development, revision and implementation of the NPAC;
- The content of the NPAC is published and accessible to the public;
- The public remains informed of progress made by the implementation of the NPAC; and
- The public is involved in the monitoring and evaluation of the NPAC.

### 5.9 MONITORING, EVALUATION AND RESEARCH

It is of paramount importance that the NPAC is designed in such a manner that it measures the progress made by the implementation of children's rights in South Africa and the manner in which the State meets its obligations. Each priority area of the NPAC will include national indicators related to the objectives and strategies identified. The indicators will be identified from existing government plans, strategies and commitments and, where gaps are identified, additional indicators will be developed in consultation with the lead and supporting departments.

The monitoring and evaluation of the NPAC will be synergised and closely linked to the Monitoring and Evaluation Divisions in relevant Departments so as to ensure synergy with government-wide monitoring and evaluation systems.

Opportunities will be created for children and adults from the public to contribute to the monitoring and evaluation of the NPAC.

The National Steering Committee will, based on the priorities identified in the NPAC, develop a national child rights research agenda in collaboration with the Department of Science and Technology and the Department of Women, Children and People with Disabilities. This research agenda will be accessible to all academic institutions, as well as the public.

### 5.10 CAPACITY DEVELOPMENT

The successful implementation of the National Plan of Action for Children is dependent on the capacity of all government departments in all spheres of government to understand, mainstream and implement children's rights. However, it is acknowledged that capacity within government varies between departments and the different spheres of government. Similarly, there will be varied capacity in civil society organisations towards the implementation of the NPAC.

The National Steering Committee, in close collaboration with the Department of Women, Children and People with Disabilities will develop a national capacity development and institutional support programme that will, among others ensure that capacity is enhanced in terms of:

- The understanding of children's rights within the South African and international context.
- The understanding of the South African Policy and Legislative environment as far as it pertains to children.
- An understanding and ability to mainstream children's rights within all government departments and spheres of government.
- The monitoring and evaluation of children's rights implementation.

### 5.11 ADVOCACY

The Department of Women, Children and People with Disabilities will develop an advocacy and mainstreaming strategy to ensure the protection, promotion and fulfilment of children's rights in South Africa. The strategy will focus on the following, namely:

- Children's rights in general;
- Specific rights of children, especially those who are vulnerable, at risk, marginalised or left behind; and
- Contemporary issues emerging from the agenda of government relating to children.



## SECTION 6

**T**he National Steering Committee shall submit an annual report on the progress made with the implementation of the NPAC to the Minister of Women, Children and People with Disabilities for presentation to Cabinet.

This report will be made available to the public and available in a child friendly version that can be easily accessed by children of different ages.

The National Steering Committee shall establish a mechanism to ensure that reports by the different departments and spheres of government are submitted timeously.



## SECTION 7

### REGULAR REVIEW OF THE NPAC

**T**he National Plan of Action for Children shall be reviewed regularly in line with the changing situation of children in the country, as well as government priorities. In this regard, the NPAC Steering Committee shall ensure that the structure:

- Is reviewed at least every five years to align it with policy changes and government commitments.
- Undergoes a comprehensive midterm review in 2015 for realignment and prioritisation against national developments.

# CONCLUSION

South Africa has made significant progress in fulfilling the rights of children. The country has one of the most progressive constitutions in the world, including a system of laws and programmes to ensure the realisation of children's rights and the delivery of services to children.

Despite the gains that have been made in expanding services to all groups of society, inequities in accessing these services still exist. This has a negative impact on how children are able to access the opportunities for the fulfilment of their rights.

The income situation of a child's family, race, location and to a lesser degree gender, determines the extent of inequities in the fulfilment of children's rights. Accelerating the reduction of inequities in the fulfilment of children's rights is both a moral imperative and necessary condition for the total development of the country.

As is evident from the content of this discussion document, the situation of those vulnerable groups of children left behind in South Africa requires policy makers to prioritise and have a child-centred approach when planning and developing government programmes, budgets and monitoring systems. There is a need for policy makers to double the effort to redress inequities of the past as well as tackle the substantial barriers that many children still face today.

South Africa's children deserve nothing less!



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# ANNEXURES

## ANNEXURE A: NATIONAL LEGISLATIVE AND POLICY FRAMEWORK

### NATIONAL LEGISLATION IMPACTING ON CHILDREN

- Admission Policy for Ordinary Schools Act (No 27 of 1996)
- Allied Health Professions Act (No 63 of 1982)
- Births and Deaths Registration Act (No 51 of 1992) as amended in 2010
- The Basic Conditions of Employment Act (No 75 of 1997) as amended by the Basic Conditions of Employment Act, 2002
- Child Justice Act (No 27 of 2008)
- Children's Act (No 38 of 2005)
- Choice on Termination of Pregnancy Act (No 92 of 1996)
- Commission on Gender Equality Act (No 39 of 1996)
- Constitution of the Republic of South Africa, Act (No 108 of 1996)
- Correctional Services Act (No 111 of 1998)
- Criminal Law (Sexual and related Matters) Amendment Act) (No 32 of 2007)
- Criminal Procedure Act (No 51 of 1977)
- Domestic Violence Act (No 116 of 1998)
- Education Laws Amendment Act, (No 24 of 2005)
- Films and Publications Act (No 3 of 2009)
- Health Professions Act (No 56 of 1974)
- The Housing Act (No 107 of 1997)
- Identification Amendment Act (No 47 of 1995) and accompanying Regulations
- The Immigration Act (No 13 of 2002) and accompanying Regulations
- Liquor Act (No 59 of 2003)
- Maintenance Act (No 99 of 1998)
- Marriage Act (No 25 of 1961) and Regulations promulgated in terms of the Act
- Mental Health Care Act (No 17 of 2002)
- National Education Policy Act (No 27 of 1996)
- National Environmental Management Act (No 107 of 1998)
- National Health Act (No 61 of 2003)
- National Education Policy Act (No 27 of 1996)
- National Prosecuting Authority Act (No 32 of 1998)
- National Sport and Recreation Act (No 110 of 1998)
- National Youth Commission Act (No 19 of 1996)
- Nursing Act (No 33 of 2005)
- Pharmacy Act (No 53 of 1974)
- Prevention of and Treatment for Substance Abuse Act (No 70 of 2008)
- Probation Services Amendment Act (No 35 of 2002)
- Promotion of Access to Information Act (No 2 of 2000)
- Promotion of Equality and Prevention of Unfair Discrimination Act (No 4 of 2000)
- Recognition of Customary Marriages Act (No 120 of 1998) and Regulations promulgated in terms of the Act
- Refugees Act (No 130 of 1998)
- The Sexual Offences Act (No 12 of 2009)
- Social Assistance Amendment Act (No 6 of 2008)
- South African Citizenship Act<sup>12</sup> (No 88 of 1995) as amended and accompanying Regulations
- South African Social Security Agency Act (No 9 of 2004)
- Tobacco Products Control Act (No 83 of 1993)
- The Abolition of Corporal Punishment Act (No 33 of 1997)
- The Exemption of Parents from the Payment of School Fees Regulations, 1998
- The Firearms Control Act (No 60 of 2000)
- Unemployment Insurance Fund Act (No 63 of 2001) as amended by the Unemployment Insurance Amendment Act (No 32 of 2003)
- Welfare Law Amendment Act (No 106 of 1997)
- Witness Protection Act (No 112 of 1998)

## NATIONAL LEGISLATION IMPACTING ON CHILDREN

- Admission Policy for Ordinary Schools Act, (No 27 of 1996)
- Allied Health Professions Act (No 63 of 1982)
- Births and Deaths Registration Act (No 51 of 1992) as amended in 2010
- The Basic Conditions of Employment Act, (No 75 of 1997) as amended by the Basic Conditions of Employment Act, 2002
- Child Justice Act (No 27 of 2008)
- Children's Act (No 38 of 2005)
- Choice on Termination of Pregnancy Act (No 92 of 1996)
- Commission on Gender Equality Act (No 39 of 1996)
- Constitution of the Republic of South Africa, Act (No 108 of 1996)
- Correctional Services Act (No 111 of 1998)
- Criminal Law (Sexual and related Matters) Amendment Act (No 32 of 2007)
- Criminal Procedure Act (No 51 of 1977)
- Domestic Violence Act (No 116 of 1998)
- Education Laws Amendment Act, (No 24 of 2005)
- Films and Publications Act (No 3 of 2009)
- Health Professions Act (No 56 of 1974)
- The Housing Act, (No 107 of 1997)
- Identification Amendment Act (No 47 of 1995) and accompanying Regulations
- The Immigration Act (No 13 of 2002) and accompanying Regulations
- Liquor Act (No 59 of 2003)
- Maintenance Act (No 99 of 1998)
- Marriage Act (No 25 of 1961) and Regulations promulgated in terms of the Act
- Mental Health Care Act (No 17 of 2002)
- National Education Policy Act (No 27 of 1996)
- National Environmental Management Act (No 107 of 1998)
- National Health Act (No 61 of 2003)
- National Education Policy Act, (No 27 of 1996)
- National Prosecuting Authority Act, (No 32 of 1998)
- National Sport and Recreation Act (No 110 of 1998)
- National Youth Commission Act (No 19 of 1996)
- Nursing Act (No 33 of 2005)
- Pharmacy Act (No 53 of 1974)
- Prevention of and Treatment for Substance Abuse Act, (No 70 of 2008)
- Probation Services Amendment Act (No 35 of 2002)
- Promotion of Access to Information Act (No 2 of 2000)
- Promotion of Equality and Prevention of Unfair Discrimination Act, (No 4 of 2000)
- Recognition of Customary Marriages Act (No 120 of 1998) and Regulations promulgated in terms of the Act
- Refugees Act (No 130 of 1998)
- The Sexual Offences Act (No 12 of 2009)
- Social Assistance Amendment Act (No 6 of 2008)
- South African Citizenship Act<sup>12</sup> (No 88 of 1995) as amended and accompanying Regulations
- South African Social Security Agency Act (No 9 of 2004)
- Tobacco Products Control Act (No 83 of 1993)
- The Abolition of Corporal Punishment Act (No 33 of 1997)
- The Exemption of Parents from the Payment of School Fees Regulations, 1998
- The Firearms Control Act (No 60 of 2000)
- Unemployment Insurance Fund Act (No 63 of 2001) as amended by the Unemployment Insurance Amendment Act (No 32 of 2003)
- Welfare Law Amendment Act (No 106 of 1997)
- Witness Protection Act (No 112 of 1998)

## NATIONAL POLICIES IMPACTING ON CHILDREN

### DEPARTMENT OF HEALTH

- Policy Framework on Orphans and other Children Made Vulnerable by HIV and AIDS South Africa, 2005
- The National Action Plan for Orphans and Other Children Made Vulnerable by HIV and AIDS, 2009–2012
- The HIV and AIDS and STI National Strategic Plan, 2007–2011
- White Paper for the Transformation of the Health System in South Africa, 1997
- Patient Rights Charter, 1999
- Free Health Care Policy, 1994
- Free Primary Health Care Policy, 1996
- Breastfeeding Guidelines for Health Workers, 2000
- Policy Guidelines for the Management and Prevention of Genetic Disorders, Birth Defects and Disabilities, 2001
- Strategy for the Implementation of the Baby Friendly Hospital Initiative, 2001
- Integrated Food Security and Nutrition Programme, 2002
- Integrated Food Security Strategy for South Africa, 2002
- The Primary Health Care Package for South Africa, 2002
- Comprehensive HIV and AIDS Care, Management and Treatment Plan, 2003
- The Assistive Devices Policy, 2003
- The Standardisation of Provision of Assistive Devices in South Africa, 2003
- Free Health Care for Disabled People at Hospital Level, 2003
- The National Adolescent Friendly Clinic Initiative, 2003
- School Health Policy and Implementation Guidelines, Department of Health, 2003

- Policy Guidelines on Child and Youth Mental Health Services, 2004
- Guidelines for the Management of HIV-infected Children, 2005
- Policy Framework on Orphans and Other Children Made Vulnerable by HIV and AIDS South Africa, 2005
- Infant and Young Child Feeding Policy, 2007
- South African National Guidelines on Nutrition for People Living with HIV, AIDS, TB and other Chronic Debilitating Conditions, 2007
- The HIV and AIDS and STI National Strategic Plan, 2007–2011
- Policy Guidelines – Child and Adolescent Mental Health, 2007
- Policy and Guidelines for the Implementation of the PMTCT Programme, 2008
- The National Action Plan for Orphans and Other Children Made Vulnerable by HIV and AIDS South Africa, 2009–2012
- The Expanded Programme on Immunisation – Revised National Immunisation Schedule as at 1 April 2009
- Strategic Plan 2010/11–2012/13, National Department of Health
- Policy Guidelines for HIV Counseling and Testing, National Department of Health, 2009
- Clinical Guidelines: PMTCT (Prevention of Mother-to-Child Transmission) 2010, National Department of Health, South African National Aids Council
- Guidelines for the Management of HIV in Children, 2nd Edition, 2010, National Department of Health, 2010, National Department of Health and SANAC
- Clinical Guidelines for the Management of HIV and AIDS in Adults and Adolescents, 2010, National Department of Health and SANAC
- The South African Antiretroviral Treatment Guidelines, 2010, National Department of Health and SANAC

## DEPARTMENT OF SOCIAL DEVELOPMENT

- White Paper on Social Welfare, 1997
- Integrated Food Security Strategy, 2002
- National Guidelines for Social Services to Children Infected and Affected by HIV/AIDS, 2002
- Policy Framework on Orphans and Other Children Made Vulnerable by HIV and AIDS South Africa, 2005
- The Service Delivery Model, 2006
- National Integrated Plan for Early Childhood Development in South Africa, 2005–2010
- HIV and AIDS and STI National Strategic Plan, 2007–2011
- Strategic Plan 2010–2015, Department of Social Development
- The National Action Plan for Orphans and Other Children Made Vulnerable by HIV and AIDS South Africa, 2009–2012

- The National Action Plan for Orphans and Other Children Made Vulnerable by HIV and AIDS South Africa, 2009–2012
- Policy on Financial Awards to Service Providers

## DEPARTMENT OF EDUCATION

- Education and Training White Paper, 1995
- Language in Education Policy, 1996
- National Policy on HIV/AIDS for Learners, Educators in Public Schools, and Students in Further Education and Training Institutions, 1999
- Education White Paper 6: Special Needs Education – Building an Inclusive Education and Training System, 2001
- Education White Paper 5 on Early Childhood Education, 2001
- School Health Policy, 2003
- Policy Framework on Orphans and other Children Made Vulnerable by HIV and AIDS South Africa, 2005
- National Guidelines on School Uniforms, 2006
- National Norms and Standards for Grade R Funding, 2008
- Strategic Plan 2009–2013 and Operational Plans for 2009–2010, Department of
- Education I National School Nutrition Programme – A Guide for Secondary Schools, 2009
- Measures for the Prevention and Management of Learner Pregnancy, 2007, Department of Education
- National Policy for an Equitable Provision of an Enabling School Physical Teaching and Learning Environment, 2008
- Policy for the Registration of Learners for Home Education (in terms of the National Education Policy Act, 1996)
- Policy on Learner Attendance, May 2010, Department of Education

## DEPARTMENT OF LABOUR

- International Labour Organisation Minimum Age Convention, 1973
- International Labour Organisation Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999
- The National Child Labour Programme of Action for South Africa: Phase 2: 2008 to 2012, Department of Labour

## DEPARTMENT OF HUMAN SETTLEMENTS

- Housing White Paper, 1994
- National Housing Code, 2000
- Comprehensive Plan for the Development of Sustainable Human Settlements, 2004

## DEPARTMENT OF PUBLIC WORKS

- Expanded Public Works Programme

# ANNEXURE B: INTERNATIONAL CHILD RIGHTS INSTRUMENTS

## B1: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

Entry into force 2 September 1990, in accordance with article 49

Ratified by South Africa on 16 June 1995

### PREAMBLE

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs

special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

### PART I

#### ARTICLE 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

#### ARTICLE 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### ARTICLE 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account

the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### ARTICLE 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

#### ARTICLE 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### ARTICLE 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### ARTICLE 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

#### ARTICLE 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### ARTICLE 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### ARTICLE 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

#### ARTICLE 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

#### ARTICLE 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### ARTICLE 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

#### ARTICLE 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### ARTICLE 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

#### ARTICLE 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, or to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

#### ARTICLE 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### ARTICLE 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### ARTICLE 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### ARTICLE 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, *inter alia*, foster placement, *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

#### ARTICLE 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

#### ARTICLE 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

#### ARTICLE 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### ARTICLE 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  - (a) To diminish infant and child mortality;
  - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
  - (d) To ensure appropriate pre-natal and post-natal health care for mothers;

- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### ARTICLE 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### ARTICLE 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### ARTICLE 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

#### ARTICLE 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;
  - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

#### ARTICLE 29

1. States Parties agree that the education of the child shall be directed to:
- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### ARTICLE 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

#### ARTICLE 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### ARTICLE 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

#### ARTICLE 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

#### ARTICLE 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

#### ARTICLE 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

#### ARTICLE 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### ARTICLE 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

## ARTICLE 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

## ARTICLE 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

## ARTICLE 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
  - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
  - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
    - (i) To be presumed innocent until proven guilty according to law;
    - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
    - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
    - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
    - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
  - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
  - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

## ARTICLE 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

## PART II

## ARTICLE 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

## ARTICLE 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention<sup>77</sup>. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

<sup>77</sup> The General Assembly, in its resolution 50/155 of 21 December 1995, approved the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, replacing the word "ten" with the word "eighteen". The amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of the States parties (128 out of 191).

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
  6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
  7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
  8. The Committee shall establish its own rules of procedure.
  9. The Committee shall elect its officers for a period of two years.
  10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
  11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
  12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.
- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
  - (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
  - (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
  - (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

#### ARTICLE 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
  - (a) Within two years of the entry into force of the Convention for the State Party concerned;
  - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

#### ARTICLE 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

#### PART III

#### ARTICLE 46

The present Convention shall be open for signature by all States.

#### ARTICLE 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### ARTICLE 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### ARTICLE 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### ARTICLE 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### ARTICLE 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the

date on which it is received by the Secretary-General.

#### ARTICLE 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### ARTICLE 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### ARTICLE 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

## B1.1: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD OPTIONAL PROTOCOL PROHIBITING THE SALE OF CHILDREN, CHILD PROSTITUTION AND PORNOGRAPHY

Entry into force on 18 January 2001

Ratified by South Africa on 30 June 2003

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet, held in Vienna in 1999, in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach,

addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children,

Believing also that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and believing further in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Have agreed as follows:

#### ARTICLE 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

#### ARTICLE 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

#### ARTICLE 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:
  - (a) In the context of sale of children as defined in article 2:
    - (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
      - a. Sexual exploitation of the child;
      - b. Transfer of organs of the child for profit;
      - c. Engagement of the child in forced labour;
    - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
  - (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
  - (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.
2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.
3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.
4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.
5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

#### ARTICLE 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.
2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

- (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
  - (b) When the victim is a national of that State.
3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.
  4. The present Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### ARTICLE 5

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.
2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the present Protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.
3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.
5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

#### ARTICLE 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

#### ARTICLE 7

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
  - (i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;
  - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

## ARTICLE 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
  - (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
  - (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
  - (d) Providing appropriate support services to child victims throughout the legal process;
  - (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
  - (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
  - (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.
2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.
3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.
4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.
5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.
6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

## ARTICLE 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.
2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.
3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.
4. States Parties shall ensure that all child victims of the offences

described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

## ARTICLE 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.
2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.
3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.
4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

## ARTICLE 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

## ARTICLE 12

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.
2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the present Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

## ARTICLE 13

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

## ARTICLE 14

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after

its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

#### ARTICLE 15

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

#### ARTICLE 16

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and

voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

#### ARTICLE 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

## B1.2: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD OPTIONAL PROTOCOL ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Entry into force on 12 February 2002

Ratified by South Africa on 24 September 2009

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court, in particular, the inclusion therein as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflict,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, *inter alia*, that parties to conflict take every feasible step to ensure that children below the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, *inter alia*, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that the present Protocol is without prejudice to the purposes

and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflict and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to the present Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflict,

Convinced of the need to strengthen international cooperation in the implementation of the present Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

#### ARTICLE 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

#### ARTICLE 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

#### ARTICLE 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.
2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:
  - (a) Such recruitment is genuinely voluntary;
  - (b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;
  - (c) Such persons are fully informed of the duties involved in such military service;
  - (d) Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
5. The requirement to raise the age in paragraph 1 of the present article

does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

#### ARTICLE 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article shall not affect the legal status of any party to an armed conflict.

#### ARTICLE 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

#### ARTICLE 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

#### ARTICLE 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

#### ARTICLE 8

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.
2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

## ARTICLE 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 3.

## ARTICLE 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

## ARTICLE 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any

way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

## ARTICLE 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

## ARTICLE 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

## B2: AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

OAU Doc. CAB/LEG/24.9/49 (1990), *entered into force* 29 November 1999

Ratified by South Africa on 7 January 2000

## PREAMBLE

The African Member States of the Organization of African Unity, Parties to the present Charter entitled 'African Charter on the Rights and Welfare of the Child',

CONSIDERING that the Charter of the Organization of African Unity recognizes the paramountcy of Human Rights and the African Charter on Human and People's Rights proclaimed and agreed that everyone is entitled to all the rights and freedoms recognized and guaranteed therein, without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status,

RECALLING the Declaration on the Rights and Welfare of the African Child (AHG/ST.4 Rev.I) adopted by the Assembly of Heads of State and Government of the Organization of African Unity, at its Sixteenth Ordinary Session in Monrovia, Liberia, from 17 to 20 July 1979, recognized the need to take appropriate measures to promote and protect the rights and welfare of the African Child,

NOTING WITH CONCERN that the situation of most African children, remains critical due to the unique factors of their socio-economic,

cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child's physical and mental immaturity he/she needs special safeguards and care,

RECOGNIZING that the child occupies a unique and privileged position in the African society and that for the full and harmonious development of his personality, the child should grow up in a family environment in an atmosphere of happiness, love and understanding,

RECOGNIZING that the child, due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security,

TAKING INTO CONSIDERATION the virtues of their cultural heritage, historical background and the values of the African civilization which should inspire and characterize their reflection on the concept of the rights and welfare of the child,

CONSIDERING that the promotion and protection of the rights and welfare of the child also implies the performance of duties on the part of everyone,

REAFFIRMING ADHERENCE to the principles of the rights and welfare of the child contained in the declaration, conventions and other instruments of the Organization of African Unity and in the United Nations and in particular the United Nations Convention on the Rights of the Child; and the OAU Heads of State and Government's Declaration on the Rights and Welfare of the African Child.

Have agreed as follows:

## PART 1: RIGHTS AND DUTIES

### CHAPTER ONE: RIGHTS AND WELFARE OF THE CHILD

#### ARTICLE 1: OBLIGATION OF STATES PARTIES

1. Member States of the Organization of African Unity Parties to the present Charter shall recognize the rights, freedoms and duties enshrined in this Charter and shall undertake to the necessary steps, in accordance with their Constitutional processes and with the provisions of the present Charter, to adopt such legislative or other measures as may be necessary to give effect to the provisions of this Charter.
2. Nothing in this Charter shall affect any provisions that are more conducive to the realization of the rights and welfare of the child contained in the law of a State Party or in any other international Convention or agreement in force in that State.
3. Any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the present Charter shall to the extent of such inconsistency be discouraged.

#### ARTICLE 2: DEFINITION OF A CHILD

For the purposes of this Charter, a child means every human being below the age of 18 years.

#### ARTICLE 3: NON-DISCRIMINATION

Every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter irrespective of the child's or his/her parents' or legal guardians' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.

#### ARTICLE 4: BEST INTERESTS OF THE CHILD

1. In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration.
2. In all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, and opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law.

#### ARTICLE 5: SURVIVAL AND DEVELOPMENT

1. Every child has an inherent right to life. This right shall be protected by law.
2. States Parties to the present Charter shall ensure, to the maximum extent possible, the survival, protection and development of the child.
3. Death sentence shall not be pronounced for crimes committed by children.

#### ARTICLE 6: NAME AND NATIONALITY

1. Every child shall have the right from his birth to a name.
2. Every child shall be registered immediately after birth.
3. Every child has the right to acquire a nationality.
4. States Parties to the present Charter shall undertake to ensure that

their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

#### ARTICLE 7: FREEDOM OF EXPRESSION

Every child who is capable of communicating his or her own views shall be assured the rights to express his opinions freely in all matters and to disseminate his opinions subject to such restrictions as are prescribed by laws.

#### ARTICLE 8: FREEDOM OF ASSOCIATION

Every child shall have the right to free association and freedom of peaceful assembly in conformity with the law.

#### ARTICLE 9: FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

1. Every child shall have the right to freedom of thought conscience and religion.
2. Parents and, where applicable, legal guardians shall have a duty to provide guidance and direction in the exercise of these rights, having regard to the evolving capacities and best interests of the child.
3. States Parties shall respect the duty of parents and where applicable, legal guardians to provide guidance and direction in the enjoyment of these rights subject to the national laws and policies.

#### ARTICLE 10: PROTECTION OF PRIVACY

No child shall be subject to arbitrary or unlawful interference with his privacy, family home or correspondence, or to the attacks upon his honour or reputation, provided that parents or legal guardians shall have the right to exercise reasonable supervision over the conduct of their children. The child has the right to the protection of the law against such interference or attacks.

#### ARTICLE 11: EDUCATION

1. Every child shall have the right to an education.
2. The education of the child shall be directed to:
  - (a) the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) fostering respect for human rights and fundamental freedoms with particular reference to those set out in the provisions of various African instruments on human and peoples' rights and international human rights declarations and conventions;
  - (c) the preservation and strengthening of positive African morals, traditional values and cultures;
  - (d) the preparation of the child for responsible life in a free society, in the spirit of understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic, tribal and religious groups;
  - (e) the preservation of national independence and territorial integrity;
  - (f) the promotion and achievements of African Unity and Solidarity;
  - (g) the development of respect for the environment and natural resources;
  - (h) the promotion of the child's understanding of primary health care.
3. States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular:
  - (a) provide free and compulsory basic education;
  - (b) encourage the development of secondary education in its different forms and to progressively make it free and accessible to all;
  - (c) make the higher education accessible to all on the basis of capacity and ability by every appropriate means;

- (d) take measures to encourage regular attendance at schools and the reduction of drop-out rates;
- (e) take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.
- 4. States Parties to the present Charter shall respect the rights and duties of parents, and where applicable, of legal guardians to choose for their children's schools, other than those established by public authorities, which conform to such minimum standards may be approved by the State, to ensure the religious and moral education of the child in a manner with the evolving capacities of the child.
- 5. States Parties to the present Charter shall take all appropriate measures to ensure that a child who is subjected to schools or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter.
- 6. States Parties to the present Charter shall have all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability.
- 7. No part of this Article shall be construed as to interfere with the liberty of individuals and bodies to establish and direct educational institutions subject to the observance of the principles set out in paragraph 1 of this Article and the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the States.

#### ARTICLE 12: LEISURE, RECREATION AND CULTURAL ACTIVITIES

- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2. States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### ARTICLE 13: HANDICAPPED CHILDREN

- 1. Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his dignity; promote his self-reliance and active participation in the community.
- 2. States Parties to the present Charter shall ensure, subject to available resources, to a disabled child and to those responsible for his care, of assistance for which application is made and which is appropriate to the child's condition and in particular shall ensure that the disabled child has effective access to training, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration, individual development and his cultural and moral development.
- 3. The States Parties to the present Charter shall use their available resources with a view to achieving progressively the full convenience of the mentally and physically disabled person to movement and access to public highway buildings and other places to which the disabled may legitimately want to have access to.

#### ARTICLE 14: HEALTH AND HEALTH SERVICES

- 1. Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.
- 2. States Parties to the present Charter shall undertake to pursue the full implementation of this right and in particular shall take measures:
  - (a) to reduce infant and child mortality rate;
  - (b) to ensure the provision of necessary medical assistance and health

care to all children with emphasis on the development of primary health care;

- (c) to ensure the provision of adequate nutrition and safe drinking water;
- (d) to combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;
- (e) to ensure appropriate health care for expectant and nursing mothers;
- (f) to develop preventive health care and family life education and provision of service;
- (g) to integrate basic health service programmes in national development plans;
- (h) to ensure that all sectors of the society, in particular, parents, children, community leaders and community workers are informed and supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of domestic and other accidents;
- (i) to ensure the meaningful participation of non-governmental organizations, local communities and the beneficiary population in the planning and management of a basic service programme for children;
- (j) to support through technical and financial means, the mobilization of local community resources in the development of primary health care for children.

#### ARTICLE 15: CHILD LABOUR

- 1. Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.
- 2. States Parties to the present Charter take all appropriate legislative and administrative measures to ensure the full implementation of this Article which covers both the formal and informal sectors of employment and having regard to the relevant provisions of the International Labour Organization's instruments relating to children, States Parties shall in particular:
  - (a) provide through legislation, minimum wages for admission to every employment;
  - (b) provide for appropriate regulation of hours and conditions of employment;
  - (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this Article;
  - (d) promote the dissemination of information on the hazards of child labour to all sectors of the community.

#### ARTICLE 16: PROTECTION AGAINST CHILD ABUSE AND TORTURE

- 1. States Parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.
- 2. Protective measures under this Article shall include effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for identification, reporting referral investigation, treatment, and follow-up of instances of child abuse and neglect.

#### ARTICLE 17: ADMINISTRATION OF JUVENILE JUSTICE

- 1. Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent

with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others.

2. States Parties to the present Charter shall in particular:
  - (a) ensure that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment;
  - (b) ensure that children are separated from adults in their place of detention or imprisonment;
  - (c) ensure that every child accused in infringing the penal law:
    - (i) shall be presumed innocent until duly recognized guilty;
    - (ii) shall be informed promptly in a language that he understands and in detail of the charge against him, and shall be entitled to the assistance of an interpreter if he or she cannot understand the language used;
    - (iii) shall be afforded legal and other appropriate assistance in the preparation and presentation of his defence;
    - (iv) shall have the matter determined as speedily as possible by an impartial tribunal and if found guilty, be entitled to an appeal by a higher tribunal;
  - (d) prohibit the press and the public from trial.
3. The essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, re-integration into his or her family and social rehabilitation.
4. There shall be a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.

#### ARTICLE 18: PROTECTION OF THE FAMILY

1. The family shall be the natural unit and basis of society. It shall enjoy the protection and support of the State for its establishment and development.
2. States Parties to the present Charter shall take appropriate steps to ensure equality of rights and responsibilities of spouses with regard to children during marriage and in the event of its dissolution. In case of the dissolution, provision shall be made for the necessary protection of the child.
3. No child shall be deprived of maintenance by reference to the parents' marital status.

#### ARTICLE 19: PARENT CARE AND PROTECTION

1. Every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents. No child shall be separated from his parents against his will, except when a judicial authority determines in accordance with the appropriate law that such separation is in the best interest of the child.
2. Every child who is separated from one or both parents shall have the right to maintain personal relations and direct contact with both parents on a regular basis.
3. Where separation results from the action of a State Party, the State Party shall provide the child, or if appropriate, another member of the family with essential information concerning the whereabouts of the absent member or members of the family. States Parties shall also ensure that the submission of such a request shall not entail any adverse consequences for the person or persons in whose respect it is made.
4. Where a child is apprehended by a State Party, his parents or guardians shall, as soon as possible, be notified of such apprehension by that State Party.

#### ARTICLE 20: PARENTAL RESPONSIBILITIES

1. Parents or other persons responsible for the child shall have the primary responsibility of the upbringing and development the child and shall have the duty:
  - (a) to ensure that the best interests of the child are their basic concern at all times-
  - (b) to secure, within their abilities and financial capacities, conditions of living necessary to the child's development; and
  - (c) to ensure that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child.
2. States Parties to the present Charter shall in accordance with their means and national conditions the all appropriate measures;
  - (a) to assist parents and other persons responsible for the child and in case of need provide material assistance and support programmes particularly with regard to nutrition, health, education, clothing and housing;
  - (b) to assist parents and others responsible for the child in the performance of child-rearing and ensure the development of institutions responsible for providing care of children; and
  - (c) to ensure that the children of working parents are provided with care services and facilities.

#### ARTICLE 21: PROTECTION AGAINST HARMFUL SOCIAL AND CULTURAL PRACTICES

1. States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:
  - (a) those customs and practices prejudicial to the health or life of the child; and
  - (b) those customs and practices discriminatory to the child on the grounds of sex or other status.
2. Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

#### ARTICLE 22: ARMED CONFLICTS

1. States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child.
2. States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.
3. States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situations of internal armed conflicts, tension and strife.

#### ARTICLE 23: REFUGEE CHILDREN

1. States Parties to the present Charter shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law shall, whether unaccompanied or accompanied by parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties.
2. States Parties shall undertake to cooperate with existing international

organizations which protect and assist refugees in their efforts to protect and assist such a child and to trace the parents or other close relatives or an unaccompanied refugee child in order to obtain information necessary for reunification with the family.

3. Where no parents, legal guardians or close relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason.
4. The provisions of this Article apply mutatis mutandis to internally displaced children whether through natural disaster, internal armed conflicts, civil strife, breakdown of economic and social order or howsoever caused.

#### ARTICLE 24: ADOPTION

States Parties which recognize the system of adoption shall ensure that the best interest of the child shall be the paramount consideration and they shall:

- (a) establish competent authorities to determine matters of adoption and ensure that the adoption is carried out in conformity with applicable laws and procedures and on the basis of all relevant and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and guardians and that, if necessary, the appropriate persons concerned have given their informed consent to the adoption on the basis of appropriate counselling;
- (b) recognize that inter-country adoption in those States who have ratified or adhered to the International Convention on the Rights of the Child or this Charter, may, as the last resort, be considered as an alternative means of a child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) ensure that the child affected by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) take all appropriate measures to ensure that in inter-country adoption, the placement does not result in trafficking or improper financial gain for those who try to adopt a child;
- (e) promote, where appropriate, the objectives of this Article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework to ensure that the placement of the child in another country is carried out by competent authorities or organs;
- (f) establish a machinery to monitor the well-being of the adopted child.

#### ARTICLE 25: SEPARATION FROM PARENTS

1. Any child who is permanently or temporarily deprived of his family environment for any reason shall be entitled to special protection and assistance;
2. States Parties to the present Charter:
  - (a) shall ensure that a child who is parentless, or who is temporarily or permanently deprived of his or her family environment, or who in his or her best interest cannot be brought up or allowed to remain in that environment shall be provided with alternative family care, which could include, among others, foster placement, or placement in suitable institutions for the care of children;
  - (b) shall take all necessary measures to trace and re-unite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters.
3. When considering alternative family care of the child and the best interests of the child, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious or linguistic background.

#### ARTICLE 26: PROTECTION AGAINST APARTHEID AND DISCRIMINATION

1. States Parties to the present Charter shall individually and collectively undertake to accord the highest priority to the special needs of children living under Apartheid and in States subject to military destabilization by the Apartheid regime.
2. States Parties to the present Charter shall individually and collectively undertake to accord the highest priority to the special needs of children living under regimes practising racial, ethnic, religious or other forms of discrimination as well as in States subject to military destabilization.
3. States Parties shall undertake to provide whenever possible, material assistance to such children and to direct their efforts towards the elimination of all forms of discrimination and Apartheid on the African Continent.

#### ARTICLE 27: SEXUAL EXPLOITATION

1. States Parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent:
  - (a) the inducement, coercion or encouragement of a child to engage in any sexual activity;
  - (b) the use of children in prostitution or other sexual practices;
  - (c) the use of children in pornographic activities, performances and materials.

#### ARTICLE 28: DRUG ABUSE

States Parties to the present Charter shall take all appropriate measures to protect the child from the use of narcotics and illicit use of psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the production and trafficking of such substances.

#### ARTICLE 29: SALE, TRAFFICKING AND ABDUCTION

States Parties to the present Charter shall take appropriate measures to prevent:

- (a) the abduction, the sale of, or traffic of children for any purpose or in any form, by any person including parents or legal guardians of the child;
- (b) the use of children in all forms of begging.

#### ARTICLE 30: CHILDREN OF IMPRISONED MOTHERS

1. States Parties to the present Charter shall undertake to provide special treatment to expectant mothers and to mothers of infants and young children who have been accused or found guilty of infringing the penal law and shall in particular:
  - (a) ensure that a non-custodial sentence will always be first considered when sentencing such mothers;
  - (b) establish and promote measures alternative to institutional confinement for the treatment of such mothers;
  - (c) establish special alternative institutions for holding such mothers;
  - (d) ensure that a mother shall not be imprisoned with her child;
  - (e) ensure that a death sentence shall not be imposed on such mothers;
  - (f) the essential aim of the penitentiary system will be the reformation, the integration of the mother to the family and social rehabilitation.

#### ARTICLE 31: RESPONSIBILITY OF THE CHILD

Every child shall have responsibilities towards his family and society, the State and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty;

- (a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;
- (b) to serve his national community by placing his physical and intellectual abilities at its service;
- (c) to preserve and strengthen social and national solidarity;
- (d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;
- (e) to preserve and strengthen the independence and the integrity of his country;
- (f) to contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African Unity.

## PART II

### CHAPTER TWO: ESTABLISHMENT AND ORGANIZATION OF THE COMMITTEE ON THE RIGHTS AND WELFARE OF THE CHILD

#### ARTICLE 32: THE COMMITTEE

An African Committee of Experts on the Rights and Welfare of the Child hereinafter called 'the Committee' shall be established within the Organization of African Unity to promote and protect the rights and welfare of the child.

#### ARTICLE 33: COMPOSITION

1. The Committee shall consist of 11 members of high moral standing, integrity, impartiality and competence in matters of the rights and welfare of the child.
2. The members of the Committee shall serve in their personal capacity.
3. The Committee shall not include more than one national of the same State.

#### ARTICLE 34: ELECTION

As soon as this Charter shall enter into force the members of the Committee shall be elected by secret ballot by the Assembly of Heads of State and Government from a list of persons nominated by the States Parties to the present Charter.

#### ARTICLE 35: CANDIDATES

Each State Party to the present Charter may nominate not more than two candidates. The candidates must have one of the nationalities of the States Parties to the present Charter. When two candidates are nominated by a State, one of them shall not be a national of that State.

#### ARTICLE 36

1. The Secretary-General of the Organization of African Unity shall invite States Parties to the present Charter to nominate candidates at least six months before the elections.
2. The Secretary-General of the Organization of African Unity shall draw up in alphabetical order, a list of persons nominated to communicate it to the Heads of State and Government at least two months before the elections.

#### ARTICLE 37: TERM OF OFFICE

1. The members of the Committee shall be elected for a 10 of five years and may not be re-elected, however, the term of four of the members elected at the first election shall expire after two years and the term of six others, after four years.
2. Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to determine the names of those members referred to in sub-paragraph 1 of this Article.
3. The Secretary-General of the Organization of African Unity shall

convene the first meeting of Committee at the Headquarters of the Organization within six months of the election of the members of the Committee, and thereafter the Committee shall be convened by its Chairman whenever necessary, at least once a year.

#### ARTICLE 38: BUREAU

1. The Committee shall establish its own Rules of Procedure.
2. The Committee shall elect its officers for a period of two years.
3. Seven Committee members shall form the quorum.
4. In case of an equality of votes, the Chairman shall have a casting vote.
5. The working languages of the Committee shall be the official languages of the OAU.

#### ARTICLE 39: VACANCY

If a member of the Committee vacates his office for any reason other than the normal expiration of a term, the State which nominated that member shall appoint another member from among its nationals to serve for the remainder of the term – subject to the approval of the Assembly.

#### ARTICLE 40: SECRETARIAT

The Secretary-General of the Organization of African Unity shall appoint a Secretary for the Committee.

#### ARTICLE 41: PRIVILEGES AND IMMUNITIES

In discharging their duties, members of the Committee shall enjoy the privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.

### CHAPTER THREE: MANDATE AND PROCEDURE OF THE COMMITTEE

#### ARTICLE 42: MANDATE

The functions of the Committee shall be:

- (a) To promote and protect the rights enshrined in this Charter and in particular to:
  - (i) collect and document information, commission inter-disciplinary assessment of situations on African problems in the fields of the rights and welfare of the child, organize meetings, encourage national and local institutions concerned with the rights and welfare of the child, and where necessary give its views and make recommendations to Governments;
  - (ii) formulate and lay down principles and rules aimed at protecting the rights and welfare of children in Africa;
  - (iii) cooperate with other African, international and regional Institutions and organizations concerned with the promotion and protection of the rights and welfare of the child.
- (b) To monitor the implementation and ensure protection of the rights enshrined in this Charter.
- (c) To interpret the provisions of the present Charter at the request of a State Party, an Institution of the Organization of African Unity or any other person or Institution recognized by the Organization of African Unity, or any State Party.
- (d) Perform such other task as may be entrusted to it by the Assembly of Heads of State and Government, Secretary-General of the OAU and any other organs of the OAU or the United Nations.

#### ARTICLE 43: REPORTING PROCEDURE

1. Every State Party to the present Charter shall undertake to submit to the Committee through the Secretary-General of the Organization of African Unity, reports on the measures they have adopted which

give effect to the provisions of this Charter and on the progress made in the enjoyment of these rights:

- (a) within two years of the entry into force of the Charter for the State Party concerned; and
  - (b) and thereafter, every three years.
2. Every report made under this Article shall:
- (a) contain sufficient information on the implementation of the present Charter to provide the Committee with comprehensive understanding of the implementation of the Charter in the relevant country; and
  - (b) shall indicate factors and difficulties, if any, affecting the fulfilment of the obligations contained in the Charter.
3. A State Party which has submitted a comprehensive first report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (a) of this Article, repeat the basic information previously provided.

#### ARTICLE 44: COMMUNICATIONS

1. The Committee may receive communication, from any person, group or nongovernmental organization recognized by the Organization of African Unity, by a Member State, or the United Nations relating to any matter covered by this Charter.
2. Every communication to the Committee shall contain the name and address of the author and shall be treated in confidence.

#### ARTICLE 45: INVESTIGATIONS BY THE COMMITTEE

1. The Committee may, resort to any appropriate method of investigating any matter falling within the ambit of the present Charter, request from the States Parties any information relevant to the implementation of the Charter and may also resort to any appropriate method of investigating the measures the State Party has adopted to implement the Charter.
2. The Committee shall submit to each Ordinary Session of the Assembly of Heads of State and Government every two years, a report on its activities and on any communication made under Article [44] of this Charter.
3. The Committee shall publish its report after it has been considered

by the Assembly of Heads of State and Government.

4. States Parties shall make the Committee's reports widely available to the public in their own countries.

#### CHAPTER FOUR: MISCELLANEOUS PROVISIONS

##### ARTICLE 46: SOURCES OF INSPIRATION

The Committee shall draw inspiration from International Law on Human Rights, particularly from the provisions of the African Charter on Human and

Peoples' Rights, the Charter of the Organization of African Unity, the Universal Declaration on Human Rights, the International Convention on the Rights of the Child, and other instruments adopted by the United Nations and by African countries in the field of human rights, and from African values and traditions.

##### ARTICLE 47: SIGNATURE, RATIFICATION OR ADHERENCE

1. The present Charter shall be open to signature by all the Member States of the Organization of African Unity.
2. The present Charter shall be subject to ratification or adherence by Member States of the Organization of African Unity. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary-General of the Organization of African Unity.
3. The present Charter shall come into force 30 days after the reception by the Secretary-General of the Organization of African Unity of the instruments of ratification or adherence of 15 Member States of the Organization of African Unity.

##### ARTICLE 48: AMENDMENT AND REVISION OF THE CHARTER

1. The present Charter may be amended or revised if any State Party makes a written request to that effect to the Secretary-General of the Organization of African Unity, provided that the proposed amendment is not submitted to the Assembly of Heads of State and Government for consideration until all the States Parties have been duly notified of it and the Committee has given its opinion on the amendment.
2. An amendment shall be approved by a simple majority of the States Parties

## B3: UNITED NATIONS ON CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Ratified by South Africa on 30 November 2007

#### PREAMBLE

The States Parties to the present Convention,

- a. Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
- b. Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- c. Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- d. Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- e. Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
- f. Recognizing the importance of the principles and policy guidelines contained in the World Programme of Action concerning

Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

- g. Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,
- h. Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
- i. Recognizing further the diversity of persons with disabilities,
- j. Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- k. Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
- l. Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- m. Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
- n. Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- o. Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
- p. Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
- q. Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- r. Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
- s. Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
- t. Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
- u. Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

- v. Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
- w. Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,
- x. Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,
- y. Convinced that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

#### ARTICLE 1 – PURPOSE

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

#### ARTICLE 2 – DEFINITIONS

For the purposes of the present Convention:

- “Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;
- “Language” includes spoken and signed languages and other forms of non-spoken languages;
- “Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;
- “Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;
- “Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

#### ARTICLE 3 – GENERAL PRINCIPLES

The principles of the present Convention shall be:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

#### ARTICLE 4 – GENERAL OBLIGATIONS

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
  - a. To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
  - b. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
  - c. To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
  - d. To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
  - e. To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
  - f. To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
  - g. To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
  - h. To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
  - i. To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.
2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
3. In the development and implementation of legislation and policies

to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.
5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

#### ARTICLE 5 – EQUALITY AND NON-DISCRIMINATION

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

#### ARTICLE 6 – WOMEN WITH DISABILITIES

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

#### ARTICLE 7 – CHILDREN WITH DISABILITIES

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

#### ARTICLE 8 – AWARENESS-RAISING

1. States Parties undertake to adopt immediate, effective and appropriate measures:
  - a. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
  - b. To combat stereotypes, prejudices and harmful practices relating to

persons with disabilities, including those based on sex and age, in all areas of life;

- c. To promote awareness of the capabilities and contributions of persons with disabilities.

Measures to this end include:

- a. Initiating and maintaining effective public awareness campaigns designed:
  - i. To nurture receptiveness to the rights of persons with disabilities;
  - ii. To promote positive perceptions and greater social awareness towards persons with disabilities;
  - iii. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- b. Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- c. Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- d. Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

#### ARTICLE 9 – ACCESSIBILITY

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
  - a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - b. Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
  - a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
  - c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
  - d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
  - e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
  - f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
  - g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
  - h. Promote the design, development, production and distribution

of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

#### ARTICLE 10 – RIGHT TO LIFE

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

#### ARTICLE 11 – SITUATIONS OF RISK AND HUMANITARIAN EMERGENCIES

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

#### ARTICLE 12 – EQUAL RECOGNITION BEFORE THE LAW

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

#### ARTICLE 13 – ACCESS TO JUSTICE

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

#### ARTICLE 14 – LIBERTY AND SECURITY OF THE PERSON

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:
  - a. Enjoy the right to liberty and security of person;
  - b. Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

#### ARTICLE 15 – FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

#### ARTICLE 16 – FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

#### ARTICLE 17 – PROTECTING THE INTEGRITY OF THE PERSON

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

#### ARTICLE 18 – LIBERTY OF MOVEMENT AND NATIONALITY

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:
  - a. Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
  - b. Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such

as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

- c. Are free to leave any country, including their own;
- d. Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.
2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

#### ARTICLE 19 – LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

#### ARTICLE 20 – PERSONAL MOBILITY

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- a. Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- b. Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- c. Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- d. Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

#### ARTICLE 21 – FREEDOM OF EXPRESSION AND OPINION, AND ACCESS TO INFORMATION

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a. Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b. Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

- c. Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d. Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e. Recognizing and promoting the use of sign languages.

#### ARTICLE 22 – RESPECT FOR PRIVACY

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.
2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

#### ARTICLE 23 – RESPECT FOR HOME AND THE FAMILY

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
  - a. The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
  - b. The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
  - c. Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

#### ARTICLE 24 – EDUCATION

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an

inclusive education system at all levels and life long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
  - b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
  - c. Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
    - a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
    - b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
    - c. Reasonable accommodation of the individual's requirements is provided;
    - d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
    - e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
  3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
    - a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
    - b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
    - c. Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
  4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
  5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

#### ARTICLE 25 – HEALTH

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- a. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- b. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- c. Provide these health services as close as possible to people's own communities, including in rural areas;
- d. Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, *inter alia*, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- e. Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- f. Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

#### ARTICLE 26 – HABILITATION AND REHABILITATION

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:
  - a. Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
  - b. Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

#### ARTICLE 27 – WORK AND EMPLOYMENT

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, *inter alia*:
  - a. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
  - b. Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value,

safe and healthy working conditions, including protection from harassment, and the redress of grievances;

- c. Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
  - d. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
  - e. Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
  - f. Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
  - g. Employ persons with disabilities in the public sector;
  - h. Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
  - i. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - j. Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - k. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

#### ARTICLE 28 – ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
  - a. To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
  - b. To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
  - c. To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
  - d. To ensure access by persons with disabilities to public housing programmes;
  - e. To ensure equal access by persons with disabilities to retirement benefits and programmes.

#### ARTICLE 29 – PARTICIPATION IN POLITICAL AND PUBLIC LIFE

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right

and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- b. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
- i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

#### ARTICLE 30 – PARTICIPATION IN CULTURAL LIFE, RECREATION, LEISURE AND SPORT

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
  - a. Enjoy access to cultural materials in accessible formats;
  - b. Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
  - c. Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.
4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
  - a. To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
  - b. To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
  - c. To ensure that persons with disabilities have access to sporting,

recreational and tourism venues;

- d. To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
- e. To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

#### ARTICLE 31 – STATISTICS AND DATA COLLECTION

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
  - a. Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
  - b. Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

#### ARTICLE 32 – INTERNATIONAL COOPERATION

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:
  - a. Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
  - b. Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
  - c. Facilitating cooperation in research and access to scientific and technical knowledge;
  - d. Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

#### ARTICLE 33 – NATIONAL IMPLEMENTATION AND MONITORING

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.
2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms,

as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

#### ARTICLE 34 – COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.
8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.
10. The Committee shall establish its own rules of procedure.
11. The Secretary-General of the United Nations shall provide the

necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee’s responsibilities.
13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

#### ARTICLE 35 – REPORTS BY STATES PARTIES

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.
5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

#### ARTICLE 36 – CONSIDERATION OF REPORTS

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.
2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.
3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee’s observations and recommendations, if any, on these requests or indications.

**ARTICLE 37 – COOPERATION BETWEEN STATES PARTIES AND THE COMMITTEE**

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

**ARTICLE 38 – RELATIONSHIP OF THE COMMITTEE WITH OTHER BODIES**

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- a. The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- b. The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

**ARTICLE 39 – REPORT OF THE COMMITTEE**

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

**ARTICLE 40 – CONFERENCE OF STATES PARTIES**

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

**ARTICLE 41 – DEPOSITARY**

The Secretary-General of the United Nations shall be the depositary of the present Convention.

**ARTICLE 42 – SIGNATURE**

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

**ARTICLE 43 – CONSENT TO BE BOUND**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

**ARTICLE 44 – REGIONAL INTEGRATION ORGANIZATIONS**

1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

**ARTICLE 45 – ENTRY INTO FORCE**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

**ARTICLE 46 – RESERVATIONS**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

**ARTICLE 47 – AMENDMENTS**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

## ARTICLE 48 – DENUNCIATION

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

## ARTICLE 49 – ACCESSIBLE FORMAT

The text of the present Convention shall be made available in accessible formats.

## ARTICLE 50 – AUTHENTIC TEXTS

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

## B4: CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Ratified by South Africa on 15 December 1995

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination

and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## PART I

## ARTICLE 1

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

## ARTICLE 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

#### ARTICLE 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

#### ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

#### ARTICLE 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

### PART II

#### ARTICLE 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the

implementation thereof and to hold public office and perform all public functions at all levels of government;

- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

#### ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### PART III

#### ARTICLE 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

#### ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - (a) The right to work as an inalienable right of all human beings;

- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
  - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
  - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
  - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
  - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
  - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
  - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### ARTICLE 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

#### ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in

the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - (a) To participate in the elaboration and implementation of development planning at all levels;
  - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
  - (c) To benefit directly from social security programmes;
  - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
  - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
  - (f) To participate in all community activities;
  - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
  - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

#### PART IV

##### ARTICLE 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

##### ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## PART V

### ARTICLE 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has

ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### ARTICLE 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
  - (a) Within one year after the entry into force for the State concerned;
  - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

### ARTICLE 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

### ARTICLE 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (Amendment, status of ratification)

### ARTICLE 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

### ARTICLE 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

## PART VI

### ARTICLE 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

## ARTICLE 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

## ARTICLE 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

## ARTICLE 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

## ARTICLE 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

## ARTICLE 28

1. The Secretary-General of the United Nations shall receive and

circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

## ARTICLE 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

## ARTICLE 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

## ANNEXURE C: MILLENNIUM DEVELOPMENT GOALS

The MDGs were developed out of the eight chapters of the Millennium Declaration, signed in September 2000. There are eight goals with 21 targets, and a series of measurable indicators for each target.

### GOAL 1: ERADICATE EXTREME POVERTY AND HUNGER

*Target 1A: Halve the proportion of people living on less than \$1 a day*

- Proportion of population below \$1 per day (PPP values)
- Poverty gap ratio [incidence x depth of poverty]
- Share of poorest quintile in national consumption

*Target 1B: Achieve Decent Employment for Women, Men, and Young People*

- GDP Growth per Employed Person
- Employment Rate
  - Proportion of employed population below \$1 per day (PPP values)
  - Proportion of family-based workers in employed population

*Target 1C: Halve the proportion of people who suffer from hunger*

- Prevalence of underweight children under 5 years of age
- Proportion of population below minimum level of dietary energy consumption

### GOAL 2: ACHIEVE UNIVERSAL PRIMARY EDUCATION

*Target 2A: By 2015, all children can complete a full course of primary schooling, girls and boys*

- Enrolment in primary education
- Completion of primary education
- Everyone will get into school

### GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN

*Target 3A: Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015*

- Ratios of girls to boys in primary, secondary and tertiary education
- Share of women in wage employment in the non-agricultural sector
- Proportion of seats held by women in national parliament
- For girls in some regions, education remains elusive
- Poverty is a major barrier to education, especially among older girls
- In every developing region except the CIS, men outnumber women in paid employment
- Women are largely relegated to more vulnerable forms of employment
- Women are over-represented in informal employment, with its lack of benefits and security
- Top-level jobs still go to men — to an overwhelming degree
- Women are slowly rising to political power, but mainly when boosted by quotas and other special measures

### GOAL 4: REDUCE CHILD MORTALITY RATES

*Target 4A: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate*

- Under-five mortality rate
- Infant (under 1) mortality rate
- Proportion of 1-year-old children immunized against measles

## GOAL 5: IMPROVE MATERNAL HEALTH

*Target 5A: Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio*

- Maternal mortality ratio
- Proportion of births attended by skilled health personnel

*Target 5B: Achieve, by 2015, universal access to reproductive health*

- Contraceptive prevalence rate
- Adolescent birth rate
- Antenatal care coverage
- Unmet need for family planning

## GOAL 6: COMBAT HIV/AIDS, MALARIA, AND OTHER DISEASES

*Target 6A: Have halted by 2015 and begun to reverse the spread of HIV/AIDS*

- HIV prevalence among population aged 15–24 years
- Condom use at last high-risk sex
- Proportion of population aged 15–24 years with comprehensive correct knowledge of HIV/AIDS

*Target 6B: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it*

- Proportion of population with advanced HIV infection with access to antiretroviral drugs

*Target 6C: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases*

- Prevalence and death rates associated with malaria
- Proportion of children under 5 sleeping under insecticide-treated bed nets
- Proportion of children under 5 with fever who are treated with appropriate anti-malarial drugs
- Incidence, prevalence and death rates associated with tuberculosis
- Proportion of tuberculosis cases detected and cured under DOTS (Directly Observed Treatment Short Course)

## GOAL 7: ENSURE ENVIRONMENTAL SUSTAINABILITY

*Target 7A: Integrate the principles of sustainable development into country policies and programs; reverse loss of environmental resources*

*Target 7B: Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss*

- Proportion of land area covered by forest
- CO<sub>2</sub> emissions, total, per capita and per \$1 GDP (PPP)
- Consumption of ozone-depleting substances
- Proportion of fish stocks within safe biological limits
- Proportion of total water resources used
- Proportion of terrestrial and marine areas protected
- Proportion of species threatened with extinction

*Target 7C: Halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation (for more information see the entry on water supply)*

- Proportion of population with sustainable access to an improved water source, urban and rural
- Proportion of urban population with access to improved sanitation

*Target 7D: By 2020, to have achieved a significant improvement in the lives of at least 100 million slum-dwellers*

- Proportion of urban population living in slums

## GOAL 8: DEVELOP A GLOBAL PARTNERSHIP FOR DEVELOPMENT

*Target 8A: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system*

- Includes a commitment to good governance, development, and poverty reduction – both nationally and internationally

*Target 8B: Address the special needs of the least developed countries (LDC)*

- Includes: tariff and quota free access for LDC exports; enhanced programme of debt relief for HIPC and cancellation of official bilateral debt; and more generous ODA (Official Development Assistance) for countries committed to poverty reduction

*Target 8C: Address the special needs of landlocked developing countries and small island developing states*

- Through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly

*Target 8D: Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term*

- Some of the indicators listed below are monitored separately for the least developed countries (LDCs), Africa, landlocked developing countries and small island developing states.
- Official development assistance (ODA):
  - Net ODA, total and to LDCs, as percentage of OECD/DAC donors' GNI
  - Proportion of total sector-allocable ODA of OECD/DAC donors to basic social services (basic education, primary health care, nutrition, safe water and sanitation)
  - Proportion of bilateral ODA of OECD/DAC donors that is untied
  - ODA received in landlocked countries as proportion of their GNIs
  - ODA received in small island developing states as proportion of their GNIs
- Market access:
  - Proportion of total developed country imports (by value and excluding arms) from developing countries and from LDCs, admitted free of duty
  - Average tariffs imposed by developed countries on agricultural products and textiles and clothing from developing countries
  - Agricultural support estimate for OECD countries as percentage of their GDP
  - Proportion of ODA provided to help build trade capacity
- Debt sustainability:
  - Total number of countries that have reached their HIPC decision points and number that have reached their HIPC completion points (cumulative)
  - Debt relief committed under HIPC initiative, US\$
  - Debt service as a percentage of exports of goods and services

*Target 8E: In co-operation with pharmaceutical companies, provide access to affordable, essential drugs in developing countries*

- Proportion of population with access to affordable essential drugs on a sustainable basis

*Target 8F: In co-operation with the private sector, make available the benefits of new technologies, especially information and communications*

- Telephone lines and cellular subscribers per 100 population
- Personal computers in use per 100 population
- Internet users per 100 Population

## ANNEXURE D: SUMMARY OF GOVERNMENT OUTCOME DOCUMENTS AND DELIVERY AGREEMENTS

The Cabinet *lekgotla* (which is a regular executive planning session) held from 20 to 22 January 2010 adopted the following 12 Outcomes:

- Outcome 1: Improved quality of basic education.
- Outcome 2: A long and healthy life for all South Africans.
- Outcome 3: All people in South Africa are and feel safe.
- Outcome 4: Decent employment through inclusive economic growth.
- Outcome 5: A skilled and capable workforce to support an inclusive growth path.
- Outcome 6: An efficient, competitive and responsive economic infrastructure network.
- Outcome 7: Vibrant, equitable and sustainable rural communities with food security for all.
- Outcome 8: Sustainable human settlements and improved quality of household life.
- Outcome 9: A responsive, accountable, effective and efficient local government system.
- Outcome 10: Environmental assets and natural resources that are well protected and continually enhanced.
- Outcome 11: Create a better South Africa and contribute to a better and safer Africa and world.
- Outcome 12: An efficient, effective and development oriented public service and an empowered, fair and inclusive citizenship.

The President has signed performance agreements with all 34 Cabinet Ministers. In these performance agreements, Ministers were requested to establish an Implementation Forum for each of the twelve outcomes. In each implementation forum Ministers and all other parties responsible for delivering on an outcome, will develop a Delivery Agreement. All departments, agencies and spheres of government involved in the direct delivery process required to achieve an output, should be party to the agreement.

The Delivery Agreement will refine and provide more detail to the outputs, targets, indicators and key activities for each outcome, and identify required inputs and clarify roles and responsibilities. It will spell out who will do what, by when and with what resources.

Delivery Agreements will further unpack each outcome and each output and the requirements to reach the targets. Aspects that will be described in detail include the legislative and regulatory regime, the institutional environment and decision-making processes and rights, the resources needed and re-allocation of resources where appropriate.



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