

AFRICAN UNION

*African Committee of Experts on the Rights  
and Welfare of the Child (ACERWC)*



UNION AFRICAINE

*Comité Africain d'Experts sur les Droits et le  
Bien-être de l'Enfant (CAEDBE)*

الاتحاد الأفريقي

*"An Africa Fit for Children"*

UNIÃO AFRICANA

---

P. O. Box 3243 Roosevelt Street (Old Airport Area), W21K19, Addis Ababa, Ethiopia  
Telephone: (+ 251 1) 551 3522 [Internet : http://acerwc.org](http://acerwc.org) Fax: (+ 251 1) 553 5716

---

**CONCLUDING RECOMMENDATIONS BY THE AFRICAN COMMITTEE OF  
EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC) ON THE  
REPUBLIC OF SOUTH AFRICA INITIAL REPORT ON THE STATUS OF  
IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE  
OF THE CHILD**

## **I. INTRODUCTION**

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) extends its compliments to the Government of South Africa and wishes to acknowledge with thanks receipt of the initial report in December 2013 on the status of implementation of the African Charter on the Rights and Welfare of the Child. The ACERWC, during in its 1<sup>st</sup> Extra Ordinary Session which was held on 6-11 October 2014, considered South Africa's initial report which was submitted in accordance with State Parties obligation under Article 43 of the African Charter on the Rights and Welfare of the Child.
2. The Committee takes note of the written replies to its list of issues and highly commends the State Party for its high level and multi-sectoral delegation led by Her Excellency Hendrietta Bogopane Zulu, Deputy Minister of Social Development and Her Excellency Makhotso Maggie Soty, the Deputy Minister of Police for the open and constructive dialogue
3. The Committee notes with appreciation that the State Party ratified the African Charter on the Rights and Welfare of the Child and took various initiatives to implement the rights and duties enshrined in the Charter. However, the Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Charter by South Africa for a significant number of years after the ratification.

## **II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER**

4. The Committee commends the State Party on a number of developments including;
  - a. The adoption of the Children's Act 38 of 2005 and the Child Justice Act 75 of 2008 which are predominantly in line with the African Charter on the Rights and Welfare of the Child.
  - b. The establishment of a number of institutions, such as the South African Human Rights Commission.
  - c. The development of new National Development Plan: Vision 2030 with the view of reducing poverty and inequality by 2030.
  - d. The ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Pornography (OPSC); the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC); and the ILO Convention on the Worst Forms of Child Labour.

- e. The development of the White Paper on Families to mainstream family issues into government-wide, policy-making initiatives with the view of fostering positive family well-being and overall socio-economic development.

### **III. AREAS OF CONCERN AND RECOMMENDATIONS**

#### **A. General measures of implementation**

5. The Committee commends the State Party for its comprehensive Constitution that expressly deals with human rights issues in general and children's rights in particular, and for the progressive interpretation and application of these rights by its judiciary.
6. Despite the fact that the State Party has a broad range of laws and policies which protect and promote the rights of children, the Committee is still concerned that the historical, cultural, social, and economic context of South Africa, particularly the prevalence of violence, corruption, poverty and inequality, and lack of adequate training for persons who work for and with children are affecting the full realization of these laws and policies for the benefit of children.
7. The Committee urges the State Party to undertake all legislative administrative and other necessary measures to expedite its efforts to address this gap through awareness raising of the general public and capacity building of those who work for and with children about its laws and policies, by allocating the necessary budget for the promotion and protection of children rights and ensuring its effective and efficient use, and by holding accountable officials that are involved in corruption.
8. Further, the Committee recommends that the State Party expedite its efforts to ratify international instruments including the International Convention on Economic, Social and Cultural Rights and the Optional Protocol to the UN Convention on the Rights of Persons with Disability.
9. The Committee congratulates the State Party for the economic growth it has attained and its actions aimed at poverty reduction. The Committee hopes that this growth will positively contribute to address major economic, and social challenges faced by children, and recommends that the State Party address the income equality that exists between races, as well as between urban and rural communities, in particular through a more effective pro-poor policies and child rights sensitive budgeting and expenditure.
10. The Committee further urges the State Party to put in place a comprehensive data collection system and to include a detailed and disaggregated statistical data in its next report to be submitted to the ACERWC.

11. The Committee takes note of the State Party's response on the List of Issues on the issue of coordination of children's rights as well as the information provided during the constructive dialogue emphasizing on the move from the President's Office to the establishment of the Department of Women, Children and People with Disabilities (DWCPD) to coordinate the general implementation of children's rights, which once again and more recently led to a decision to move coordination into the Department of Social Development.
12. While the state can exercise some level of margin of appreciation in establishing a "permanent" overall coordinating mechanism to strengthen implementation and monitoring of the rights of children and increase the visibility of children in government, it is the experience of the Committee that a coordination system that is not permanent, not stable, not effective, not high enough to decision making structure/office in a State, not participatory, and not adequately accountable stands a high chance of not contributing to the adequate realization of child rights standards in the Charter. As a result, the Committee recommends that the State Party should give these elements their due consideration in the establishment or designation of a new coordinating body, and ensure that such decisions are fully informed by research, the best interests of children, and taken with the objective of the better and full realization and monitoring of the rights and duties in the Charter.
13. The Committee notes the position of the government of South Africa towards CSOs and the efforts made to include them in policy dialogues. However the Committee is concerned on the limited involvement of the CSOs in the coordinated implementation of laws and policies of relevance to the Charter. The Committee recommends that the State Party devise a more inclusive and participatory process to involve CSOs in the development and implementation of policies, laws, budgets and programs, that affect the realization of children's rights.
14. The Committee commends the State Party for celebrating the Day of the African Child (DAC) dedicating a whole month as the "month of the child" and encourages the State Party to continue commemorating and celebrating the DAC with the objective of raising awareness and bringing about positive change in the lives of children. The Committee recommends that such celebrations should take into account the theme and concept note developed for the celebration every year by the Committee.
15. The Committee welcomes the information provided about the role of the South African Human Rights Commission and the designation of one of its Commissioners to be in charge of children's rights. However the Committee is concerned about the adequacy of such a measure, the extent to which the

processes in the Commission are known by the public and are made accessible to children.

16. The Committee recommends that the State Party give due consideration to various options, including the possibility and added value of establishing a Children's Ombudsperson, with a view to further strengthen the reach, accessibility, effectiveness and impact of the work of the SA Human Rights Commission in the promotion and protection of children's rights in the State Party.

## **B. Definition of child**

17. The Committee commends the State Party for its compliance with the standards set by the Charter in relation to the definition of a child; the minimum age for labour, the age of contracting and litigating, the minimum age for alcohol use and gambling, and the minimum age for defense force recruitment. However, the Committee is concerned about the absence of an explicit minimum age for customary marriage; different ages for marriage under civil law, common law and customary law; the minimum age of criminal responsibility which is at the age of 10 and the retaining of the *doli incapax* presumption for children between the ages of 10 to 14; and the age of medical consent under the 2012 Integrated School Health Policy (ISHP).
18. The Committee therefore strongly recommends that the Government of South Africa harmonize its civil, customary, and common law definition of the child in line with article 2 of the Charter and to ensure the effective implementation of article 21(2) of the Charter which prohibits child marriage and sets the minimum age of for all types of marriages to be 18.
19. The Committee also calls upon the State Party to expedite the amendment of section 15 and 16 of the Sexual Offence Act which has been ordered by the Constitutional Court in the matter of *Teddy Bear Clinic and RAPCAN v The Minister of Justice and Constitutional Development and another* [2013] with a view to promote the best interests of children in this age category.

## **C. General principles**

### ***Non-discrimination***

20. The Committee commends the Government for the progress made in addressing discrimination in the State Party. However, the Committee is still concerned about discrimination against specific group of children in law, policy and particularly in practice.

21. The Committee urges the State Party to improve the effective implementation of laws, policies, and practices through capacity building and training, that promote substantive equality of children in general and specific group of children such as girls, children with disability, children from rural places, children in the street, child victims and witnesses of crime, and children from other marginalized groups.
22. While appreciating the legislative measures taken by the State Party to accommodate the principle of non-discrimination in national laws and policies, and the very commendable refugee friendly laws and policies in the State Party, the Committee notes with concern that access to basic services by asylum seeking, migrant, and refugee children and their parents/care givers is mostly dependent on being in possession of valid refugee/asylum-seeker documentation issued by the Department of Home Affairs (DHA). Reported community xenophobia, and at times attack, is also a serious concern that needs a concerted and effective legislative, administrative and other appropriate response.
23. Thus the Committee urges the State Party to take all the necessary measures to ensure that these groups of children are not discriminated against, and in particular undertake measures to avoid unnecessary barriers to accessing basic education, healthcare, child protection services, and birth registration services, and guarantee among others the rights of asylum seeking, migrant, and refugee children.

### ***The Best Interests of the Child***

24. The Committee commends the State Party for all the measures, including its constitutional provision and very progressive court judgments especially from its Constitutional Court, to ensure the best interests of children. However, the Committee recommends that the State Party undertake further appropriate measures to respect and promote the principle of the best interest of the child not only in law, but also in practice, in policies, as well as in all settings including in the family and community settings.

### ***Life, Survival and Development***

25. The Committee notes various reports, some of which have been confirmed during the constructive dialogue, about child mortality as a result of the high rate of violence, malnutrition, prenatal conditions; childhood infections such as diarrhea, and lower respiratory infections, and injuries, death as a result of other preventable diseases, and road accidents.
26. Thus, the Committee recommends the State Party to put in place all the necessary measures in all settings to protect children from violence that affect their right to life, survival and development; to reduce child mortality and

malnutrition among others through effective de-worming campaigns and supply of nutritional supplements; and to address road accidents by setting in place rigorous safety standards on drivers as a way of protecting children's right to life.

### ***Child Participation***

27. The Committee appreciates the inclusion of the principle of child participation in various laws affecting children, the support for child parliament, and welcomes the presence of children representatives within South Africa's State delegation during the constructive dialogue. The Committee calls upon the government of South Africa to continue strengthening its effort to promote child participation; to give due consideration to children's view in making plans and policies in general and to children's parliament in particular by allocating the necessary budget and extending technical support for its effective functioning.
28. However the Committee is very concerned that statistics of cases where children participated in both civil as well as in the criminal justice system as victims and witnesses of crime as the information in the State Party report is mostly limited only to the preliminary inquiries. The absence of this information hinders the Committee from assessing the extent to which South Africa's obligation to respect child participation in civil and criminal court processes is being ensured.
29. Hence, the Committee recommends that the State Party should take all the necessary measures to keep record of cases in which children participated as victims and witnesses and to assure children's rights to express their opinion freely in all matters that affect them.

## **D. Civil Rights and Freedoms**

### ***Name, Nationality and Birth Registration***

30. The Committee appreciates the measures undertaken by the State Party in relation to the right to name, nationality and birth registration of children. However, the fact that a large number of foreign children born to undocumented migrant women and unaccompanied foreign children without asylum claims do not have birth certificates is a concern for the Committee as it may contribute in making the children stateless persons or create a situation whereby they are denied access to health care services, education, grants, protection services or alternative care.
31. Thus the Committee recommends that the State Party should avoid any barriers as well as address the complex checks and burdens of proof on care givers who do not necessarily fit the married nuclear family unit required to register births and, where in the best interests of a child requires, also to consider giving nationality to refugee and migrant children. Further the Committee would like to

recommend that the State Party should regularly monitor and ensure that the implementation of the Birth and Death Registration Act and Regulations of 1<sup>st</sup> March 2014 does not serve to be a hindrance for the registration of the births of children in South Africa including non-citizens.

32. The Committee also encourages the State Party to create a more accessible mechanism for fathers, including unmarried fathers, to add their particulars to the birth register as appropriate and other extended families that have custody of a child to make declaration have births registered.
33. Moreover, the Committee recommends the State Party should promote non-punitive mechanisms for late registration, including the possibility to remove fees and penalties attached to birth registration to make sure that birth registration is free. The State Party should also ensure that adequate training is provided to staff members involved in the implementation of the Law and its Regulations. The Committee also strongly urges the State party to take into account General Comment No.2 of the African Committee on Article 6 of the Charter for the implementation and full realization of children's right to name, nationality and birth registration.

### ***Protection of the Child against Abuse and Torture***

34. The Committee appreciates the measures undertaken by the State Party to prohibit corporal punishment in all spheres of the public life of the child. The Committee also takes note of the ongoing process to amend the Children's Act, among others, with a view to explicitly prohibit corporal punishment in the home setting.
35. The Committee recommends that the State Party expedite the process of amending the Children's Act to explicitly ban corporal punishment in all settings including in the home. The Committee also calls upon the State Party to promote positive disciplining, to support families through awareness raising, and to train those who are working for and with children such as teachers and care givers. Moreover, the Committee advises the Government of South Africa to harmonize its national laws such as the common law which entitle parents to reasonably punish their children.
36. The Committee also notes that, as indicated in the State Party Report, that South Africa has yet to fully harmonize its domestic laws in line with the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and to ratify the Optional Protocol on the Convention against Torture. The Committee urges the State Party to undertake all the necessary measures to realize the full domestication of the CAT, and also expedite its efforts to ratify its Optional Protocol.



## **E. Family Environment and Alternative Care**

37. The Committee would like to commend the State party for the various laws, policies, programmes, and court decisions, including from the Constitutional Court that are set in place to preserve family environments for children, and when impossible, to provide for suitable alternative care measures. However, the Committee is concerned that disaggregated data on family environment and alternative care measures which are critical for the development and monitoring of laws, policies and programmes are not adequate. As a result, the Committee recommends that the State Party systematically collect disaggregated data, among others on children in street situations, the number of children in Child and Youth Care Centres (CYCCs), in foster care, in corrective facilities, in any given year and for the first time, as well as the number of children removed from their families for the first time in a given year etc.
38. It has been reported that there are a number of children who live and work in the streets. The Committee urges the government of South Africa to provide adequate preventive as well as corrective measures to support the children in these situations with the necessary psychosocial and material support. Moreover, the Committee urges the State Party to develop and effectively implement norms and standards to cater for those that are deprived of family environment and to this effect call the State Party to use and implement the UN Guidelines for the Alternative Care of Children as appropriate.
39. The Committee also notes that due to lack of adequate family reunification programs, funding as well as shortage of time in part created by the huge case load that designated social workers have a number of children continue to live in CYCCs and other alternative care settings longer than necessary. It is also noted that while children should be placed in programmes that are “best suited” to their specific needs, and should have care plans and independent development plans, this is not always the case. The Committee recommends that the State Party should significantly address these shortcomings through adequate funding, training, monitoring and evaluations, and equally importantly through the effective implementations of laws, policies, and minimum standards.
40. The Committee is also concerned about unregistered CYCCs, children in both registered and unregistered CYCCs who do not have a court order placing them in care, the reported weak enforcement of minimum norms and standards aimed at the protection of children from violence, neglect, and abuse in CYCCs, and inadequate implementation and monitoring of Development Quality Assurance (DQA) processes. Thus the Committee recommends that the State Party to consider strengthening its implementation, enforcement and monitoring of the

relevant laws, policies, laws, regulations and standards including the use of independent oversight mechanisms and to take all the necessary measures to ensure the registration of unregistered CYCCs.

41. The Committee commends the State Party for the provision of the Child Support Grant and its expansion in reach over the years, as well as for the subsidies provided to CYCCs. However, the Committee notes that the subsidies paid by the government to registered CYCCs reportedly vary from province to province. The Committee recommends that consistency of the subsidies be ensured in all the provinces. The Committee further notes that the subsidies to the CYCCs and the Child Support Grant reportedly fall below the actual cost of providing the service. Thus the Committee recommends that, the State Party, within its available resources, and taking into account the global inflation and the cost of living vis-à-vis actual feeding and care services cost, should consider to progressively increase the amount of grant and the subsidy. In addition, the Committee recommends that the State Party to provide for care and dependency grants for children with disability.
42. The Committee appreciates the promulgation of laws that ensure the best interest of the child in the issuance of maintenance orders. However, the Committee recommends that the State Party should ensure the effective implementation of the relevant laws on maintenance orders granted by courts as a way of safeguarding the best interest of the child in practice.
43. The Committee commends the State Party for the various measures undertaken to improve domestic adoption. The Committee recommends that the State Party to use the Guidelines for Action on Inter-country Adoption in Africa in further strengthening its measures in relation to inter-country adoption.
44. The Committee would like to congratulate South Africa for various social protection measures including its Child Support Grant (CSG) and the Foster Care Grant (FCG). However, the Committee has noted a number of gaps in the law (particularly the Social Assistance Act) and related implementation challenges related to among others unnecessary barriers, training, coordination, discrimination and stigma, and lack of adequate information. The Committee recommends that measures to ensure the accessibility of these grants to all who qualify be ensured by eliminating barriers and by providing the necessary training and capacity building. In addition, in relation to the FCG, it is recommended that capacity to keep up with the procedural requirements for monitoring and renewing grants be addressed, and the necessary measures to prevent lapsing FCGs be undertaken including with a view to urgently come up with a durable policy solution.

## **F. Health and welfare**

45. While commending the various measures, such as the National School Nutrition Programme, the CSG, the ECD Subsidy, and decisions from the judiciary that help to reinforce the right to basic education for children, the Committee notes that poor access to food, undernutrition and malnutrition still continue as key contributing factors for child mortality and child morbidity. The Committee calls upon the State Party to safeguard and undertake all necessary measures to realize children's right to basic nutrition in its programs and actions. In addition the Committee advises the State Party to secure access to medical care to all children without any discrimination on the basis of, among others, the rural and urban divide and race.
46. The Committee commends various measures aimed at improving child health including the health Data Advisory Committee, the Child Health Care Problem Identification Programme, and the Integrated Management of Childhood Illness Guidelines. However, the Committee notes that a significant number of child deaths are preventable, and it is recommended that the State Party further strengthen and expand its frameworks, budgetary allocations, training, and quality and accessibility of related services with a view to address among others child mortality, morbidity and still births.
47. The Committee also commends the establishment of the National Committee on Confidential Enquiries into Maternal Deaths (CEMD). However the National Committee's report might not be comprehensive, as for instance, it only reports on maternal deaths in health care facilities. As the wellbeing and understanding of the cause of mothers' death is essential to the welfare of children, the Committee urges the State Party to extend the reach of the National Committee to all provinces and settings, and effectively implement the recommendations of the Committee.
48. The Committee urges the State Party to undertake all the necessary measures to promote exclusive breast feeding at least for the for the first six months of children's life as one mechanism of ensuring their healthy growth and development, and to effectively regulate and control the promotion of alternatives to breast milk.
49. The Committee notes that while there is some progress in addressing HIV and TB in the State Party, the multiple challenges posed by TB and HIV on the realization of children's rights continues. While commendable progress has been made on the treatment aspect of HIV AIDS, challenges in relation to prevention, age appropriate reproductive health education, as well as condom use remain prevalent. Even though there is a progress in the dissemination of anti-retro viral medications, there is a reported shortage of vaccines and anti-retroviral

treatments due to the stock out of the drugs as well as challenges related to effective and tolerable regimens for TB for both children and adults. It is recommended that the State Party address these and related matters and also address the stock outs to safeguard children's access to the right to the highest attainable standard of health and to take all the necessary prevention actions accompanied by effective campaigns.

50. The Committee applauds various measures such as the development and adoption of the National Health Act, Mental Health Care Act, National Integrated Disability Plan, and White Paper 6: Towards an Inclusive Education and Training System. However the Committee notes that there remain a number of challenges in the efforts to realize the rights of children with disabilities such as inadequate disaggregated data, barriers to access facilities and social services, the quality of some services such as rehabilitative services, the inadequate integration of the social model in various policies and practices, and limited monitoring frameworks and recommends to the government of South Africa to strengthen its efforts to realize the rights of children with disabilities in full in line with the provisions of the Charter and the Convention on the Rights of Persons with Disabilities..

## **G. Education, Leisure and Cultural Activities**

51. The Committee appreciates the efforts of the State Party takes to improve the quality and access to education and calls upon the State Party to strengthen and continue improving access and quality of education to all children. The Committee also recommends the State Party to ensure that no child is left uneducated by lifting barriers such as the requirement of documents for refugee and stateless children and guaranteeing access to education for pregnant girls. The Committee notes with a concern the inadequate number of schools and infrastructure, high level of school absenteeism, the poor capacity of school regulating bodies, the high cost of education, shortage of materials, and insufficiency of home language teachers as incumbent of children's right to education. Thus the Committee urges the government of South Africa to address the concern areas and through allocation of sufficient budget for the education sector, construction of schools and basic infrastructure in the rural areas, training of teachers and regulatory bodies, subsidizing the education system, provision of materials, and incorporation of home language training in teachers education.
52. The Committee commends the State Party for its effort to ensure migrant children's right to education. However there is constraint due to the requirement of documents, lack of education materials, and insufficient teachers. Thus the Committee recommends the State Party to facilitate migrant children's access to

education by lifting barriers related with submission of documents and provision of the necessary resources.

53. Moreover, the Committee recommends the State Party to ensure the realization of inclusive education by taking all the necessary measures. The manner and form of inclusive education must be dictated by the individual educational needs of the child. The State Party should not apply inclusive education by simply integrating children with disabilities into the regular system regardless of their challenges and needs. Rather it should cater for the children's' specific needs by re-evaluating its education curriculum to address challenges faced by children with disability, incorporating special needs education in teachers and other personnel involved in the education system trainings, and providing and improving basic infrastructures suitable to children with disability.
54. The Committee notes that there are reported instances where there is recruitment of children from and in schools to make them involved in gang and drug dealing activities. The Committee recommends that the State Party should combat this recruitment through close supervision and investigation around schools and by rolling out various measures and programmes that emphasis prevention and awareness raising.

## **H. Special Protection Measures**

### ***Refugee, Returnee and Displaced Children***

55. It has been reported that refugee children experience difficulties to access basic services due to stringent requirement of documents. The Committee recommends the government of South Africa to remove inessential document requirements and the implementation of the Refugee Act of 1998.
56. The Refugee Act does not provide for the issuance of identification cards to unaccompanied children and who cannot be returned to their country of origin. The Committee urges the State Party to take immediate legislative and administrative measures to address the issue.

### ***Children in the Justice System***

57. The Committee commends the State Party for the various measures, including the adoption of the Child Justice Act (No 75 of 2008), and decisions from the judiciary that promote the rights of child victims and witnesses, with a view to improve child justice. However, based on the State Party Report, and the constructive dialogue, the Committee is seriously concerned about, among others, the lack of adequate and disaggregated information about the implementation of the Child Justice Act, the detailed reasons for the reported drop in children that are diverted and their implications for the implementation of

the Charter, the low number of police officers and others who work for and with children that are trained on the Child Justice Act, and information on children that are used by adults for the commission of crimes. The Committee recommends that the State Party address these and other limitations in the implementation of the Act.

58. The Committee however notes that there is no comprehensive legal framework that addresses the rights of victims of child rights violations and therefore recommends that the State Party consider the possibility of coming up with a victim empowerment law to address, among others, the issue of trauma faced by victims in and after the incident of the violence.

59. The Committee notes that a number of services to victims of violence (psychosocial, counseling and referral services) are mostly provided by Non-profit Organizations sometimes with negative implications to access and quality, especially in instances where there are serious financial limitations. The Committee recommends that that State Party should address these shortcomings, among others, by allocating adequate financial, technical and human resources aimed at the provision of services to victims.

### ***Children of Imprisoned Mothers***

60. The Committee urges the State Party to consult General Comment No.1 of the ACERWC on article 30 of the African Charter on the Rights and Welfare of the Child and to extend special treatment for mothers taking into account the best interest of the child beginning from arrest, up to the ultimate conviction, sentencing, imprisonment and reintegration phase of the criminal justice system.

61. The Committee further recommends the State Party to build separate penitentiary for mothers and to provide basic facilities such as playing area, equipment's, and cribs for the holistic development of children.

### ***Protection from Substance Abuse***

62. The Committee commends the State Party for banning the advertising of alcohol, raise the legal drinking age, limit hours for alcohol sales, and lower the legal alcohol limit for drivers and advise the government of South Africa to continue its efforts through supervision of alcohol producers and sellers.

### ***Violence, sexual exploitation and sexual abuse***

63. The Committee notes with concern the high rate of violence in South Africa and the lack of evidence based planning to address the causes and consequences of the high level of violence. Thus, the Committee urges the State Party to undertake evidence based planning to tackle the high rate of violence and to

mitigate its long term effect of children. Further, the State Party should empower the police and build up child protection units in all provinces.

64. During the constructive dialogue between the State Party and the Committee it has been indicated that the rape of children under the age of seven has increased and perpetrators are not always brought to justice. The Committee recommends the State Party to entrench effective penalties and to establish a child friendly reporting mechanisms.

### ***Harmful traditional practices***

65. The Committee calls upon the Government of South Africa to take all the necessary measures to combat the practice of *ukuthwala* which subject girls to forced marriage. Further, the Committee recommends the State Party to address the issue of death and mutilation of boys as a result of botched circumcision. In addition the Committee recommends that the State Party undertake measures with a view to ban virginity testing of children.

### **I. Responsibility of the Child**

66. The Committee appreciates the State Party for adopting the Bill of Responsibilities and for encouraging children to carry out solidarity activities through Children's Parliament. With this, the Committee calls upon the State Party to continue its efforts in promoting the responsibility of the child as it contributes towards the provision of a forum of participation for children allowing them to be involved in matters which might affect their interests. Further the Committee recommends the State Party to provide for adults responsibility in line with children's responsibility.

### **J. Conclusion**

67. The African Committee of Experts on the Rights and Welfare of the Child appreciates with satisfaction the efforts invested by the Government South Africa and aspires for the implementation of these recommendations. The Committee would like to indicate that it will undertake a follow up Mission to ascertain the implementation of the recommendation in the foreseeable future. The Committee would also like to invite the State Party to submit its combined, First, Second, Third, Fourth and Fifth Periodic Reports by 21 January 2017 and every three years thereafter. The Committee invites the State party to include in the next periodic reports information about the implementation of the present concluding recommendations.
68. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of South Africa the assurances of its highest consideration.