

**CoRMSA Presentation to  
the Portfolio Committee on Social Development  
Public Hearings on Children's Amendment Bill  
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# Introduction:

- **Consortium** for Refugees and Migrants in South Africa (CoRMSA) welcomes and is pleased to make this oral submission to the Portfolio Committee on Social Development re: CHILDREN'S AMENDMENT BILL [B 18—2020].
- **CoRMSA** is a national network with the current number of twenty-six (26) member organisations in good standing whose main objectives and mission are the promotion and protection of the human rights of asylum seekers, refugees and other international migrants in ways that promote the well-being of all in South Africa, the region and



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# CoRMSA's Work and Members:

- **CoRMSA's Work:** Involves engaging in advocacy and lobbying, including policy submissions; coordination and network building; capacity building; community engagement and dialogue; rights awareness and information sharing.
- **CoRMSA Members:** Include legal practitioners, community-based refugee- and migrant-led organisations, advice offices, academic institutions, and social service providers amongst others.



# Recommendations



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- CoRMSA recommends that the following Acts and Policies should be taken into consideration when engaging this Bill.
- Constitution of South Africa: Bill of Rights especially (sec 28) on rights of the child.
- The Refugee Act No 38 of 1998: on Refugee dependants
- The Immigration Act No 13 of 2002: on Economic Migrants dependants.
- Convention on the Rights of the Child; OHCHR. Article 49.
- African Charter on the Rights and Welfare of the Child – AU
- The Children's Charter of South Africa - Cape Town Summit in 1992.
- Child Justice Act 75 of 2008.
- The Births and Deaths Registration Amendment Act 18 of 2010. etc.

# Categories of Children in South Africa

- CoRMSA submits that, in South Africa we have the following categories of children to consider when engaging the Bill: A child's best interests are of paramount importance in every matter concerning the child.
  - Unaccompanied and Separated Migrant Children.
  - Refugee and Asylum Seekers' dependants.
  - Economic Migrants' dependants and Stateless Children.
  - Undocumented Children both Migrant or South African.
  - Orphans and adopted children etc.

# CoRMSA Submission/Recommendations:

- **Section 1. (b) (a)**
- CoRMSA recommend the inclusion of “***care-giver***” on this subsection to read: counselling of a parent, guardian or care-giver of the child and, where applicable, the child;
- The Act must be consistent in using the three parties (a parent, care-giver and legal guardian) concerned on the affairs for effective practical application of this Act.

# Submission/recommendations continues..

- Section 1. (b) (h) CoRMSA recommends the inclusion of the '*Département of social Development*' on the définition. (See CoRMSA submission).
- Section 1 (b) (k). CoRMSA proposes the inclusion of “religious” on this subsection.
- Section 1 (b) (v). CoRMSA submits that subsection (v) be reviewed to include “valid registration certificate”. (See CoRMSA Submission).
- Section 7 (2). CoRMSA recommends the inclusion of “living” and “or special needs” for this section.



# Submission/recommendations continues..

- Section 10 (a) (e). (1A) A family advocate or “magistrate” may, in the prescribed manner, issue a certificate..
- Section 14. CoRMSA submits that the insertion and the use of “or regional court” be consistent throughout this amendment.
- Section 21 (4). CoRMSA submits that “domestic partner” be defined or explained and included on section 1
- Section 24 (c). CoRMSA propose the revision of this subsection and insertion of these proposed categories of children to read as follow in order to include all categories of children in need of care and protection



# Submission/recommendations continues..

- Section 78 of Act 38 of 2005, as inserted by section 4 of Act 41 of 2007. Section 35 (c). CoRMSA submits that this section be reviewed or rephrased taking into account the powers that are being vested upon the MEC solely. We propose the MEC to consult with stakeholders before funds are allocated.
- Amendment of section 150 of the Act Section 82 (d) (j). CoRMSA recommend the insertion of “*separated*” for this section to read: is an unaccompanied or separated migrant child from another country;....

# Submission/recommendations continues..

- Section 98 (b) CoRMSA submits that this subsection be reviewed to read as follows in order to accommodate all children within the republic: “access to rehabilitation services for children living with disabilities or special needs;”
- Section 107 (d). CoRMSA recommend the inclusion of “religious” this subsection. To read: cognitive, religious and spiritual ..
- Section 140 (b) (d). CoRMSA submits that “ordinarily resident” be defined or explained for effective application of this Amendment Act.

# Thank You. Ndi a Livhuwa!

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