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**NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 1427**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 22 APRIL 2022**

**INTERNAL QUESTION PAPER NUMBER: 14 - 2022**

**1427. Mrs G Opperman (DA) to ask the Minister of Social Development:**

(1) Whether, in light of the fact that baby savers and safe anonymous abandonment of babies are illegal in the Republic, she intends having haven laws promulgated in the Republic; if not, why not; if so, what are the relevant details;

(2) how does the absence of laws regarding havens affect the children’s right to life? NW1745E

**REPLY:**

1. The current legislative regime does not provide for the matter in question. There is no legal provision for baby savers The Department’s policy position does not support this option because are sufficient measures in place to mitigate abandoned of children. Temporary safe care is one of such measures in place that is regulated in terms of the Children’s Act (Act No. 38 of 2005).

Furthermore, as already indicated, child abandonment is a criminal offence as it puts the lives of children in danger if such children are not safely left with relatives or even given up for adoption. The spirit of the Children’s Act is to care and protect the child whilst upholding the child’s best interests. Abandonment of children already has long term negative impact on the child whether abandoned safely or not. Therefore, abandonment of children as in all categories of abuse, neglect and exploitation of children remains a criminal offence.

(2) The absence of laws regarding havens does not affect the children’s right to life whatsoever. Right to life should come naturally and in a legal way and not be forced by breaking existing laws to have it fulfilled. In fact, the systems and processes referred to in paragraph 1, such as offering a child for adoption are more protective of the right to life than havens do.