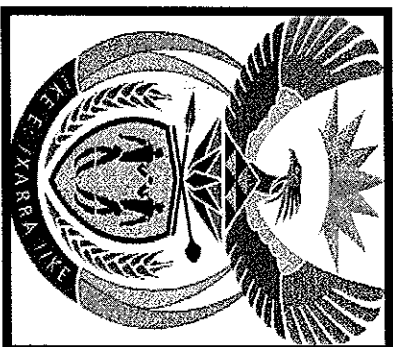

DEPARTMENT OF HOME AFFAIRS



PRESENTATION ON CONVENTION ON THE RIGHTS OF CHILDREN COUNTRY REPORT TO THE PORTFOLIO COMMITTEE FOR WOMEN CHILDREN AND PEOPLE WITH DISABILITY

13 MARCH 2013

PRESENTATION OUTLAY

- Introduction
- Mandate
- Legislation administered by Home Affairs
- Relevant Articles
- Definition of the child (art. 1 of the Convention)
- General principles (arts 2,3,6 and 12)
- Civil rights and freedoms (arts. 7, 8, 13-17, 28, para. 2, 37 (a) and 39)
- Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 19-21, 25, 27 (para. 4) and 39)
- Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)
- Education, leisure and cultural activities (arts. 28, 29, 30 and 31)
- Special protection measures (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40)
- Challenges
- Progress made by Home Affairs

INTRODUCTION

- South Africa consists of nine provinces, namely:
 - Limpopo
 - Mpumalanga
 - Gauteng
 - Northwest
 - Free State
 - Eastern Cape
 - Western Cape
 - Northern Cape &
 - Kwazulu-Natal
- The total population in South Africa is 52million
- Registration of Children is critical as it informs envisaged population both number of children born and the number of deaths registered
- South Africa subscribes to rule of Law therefore the RSA Constitution is above all laws in the country
- Departments are mandated among other to prevent and protect the rights of the children

MANDATE

- The management of the national population register (Births, Marriages & Deaths including records)
- The management of issuing of enabling documents
- To facilitate and manage movement of people

LEGISLATION ADMINISTERED BY HOME AFFAIRS

- The Births & Deaths Registration Act, 1992 (Act No 51 of 1992) as amended
- The Marriage Act, 1961 (Act No 25 of 1961)
- Recognition of Customary Marriages Act, 1998 (Act No 120 of 1998)
- The Civil Union Act, 2006 (Act No 17 of 2006)
- The South African Citizenship Act, 1995 (Act No 88 of 1995) as amended
- Identification Act, 1997 (Act No 68 of 1997)
(Regulations promulgated in terms of the above Acts)
- Immigration Act, 2002 (Act No 13 of 2002)
- Refugees Act, 1998 (Act No 130 of 1998)

DEFINITION OF THE CHILD – DEPARTMENT OF HOME AFFAIRS

Definition:

- 0 – 18 years
- Identity document: 16yrs
- Marriage: 18yrs and above

GENERAL PRINCIPLES (arts. 2,3,6 and 12)

- a) Non-discrimination (art. 2);
 - Bill of Rights – Section 28
- b) Best interests of the child (art. 3);
 - Children's Act
- c) The right to life, survival and development (art. 6);
- d) Respect for the views of the child (art. 12).
- e) **Civil rights and freedoms (arts. 7,8,13-17,28, para. 2,37 (a) and 39)**
 - Birth and death registrations for children are performed in terms of *the Birth and Death Registration Act, 1992 (Act No 51 of 1992)*;
 - The registration of a child's birth - 30 days of birth;
 - Registration of birth after 30 days: late registration of birth.
 - Implementation and advocacy:
 - National Population Registration Campaign;
 - Registration of birth after 30 days: late registration of birth.
 - Aim of the Campaign is to:
 - Eradicate the late registration of birth
 - Ensure that all children are registered within 31 days
 - Provide all children at the age of 16yrs with identity documents

- Foot-Print
 - 410 Offices
 - 235 Hospitals / health online birth registrations
- Partnership
 - Established: 254 stakeholder for across the country
- Aims of the stakeholder are to:
 - Work with the Department to identify gaps in service delivery
 - Help monitor the quality of services rendered in different offices
- Constituted by:
 - Government provincial and local levels
 - Community based organisation and NGO's
 - Local municipalities
 - Youth
 - Women
 - Faith-based
 - Traditional Leaders
 - People with Disabilities and Departments

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- Babies born at home:
 - Babies are seldom picked up by the Health System without been registered
 - Home Affairs use mobile trucks to reach the communities in rural areas clinic cards; and
 - Farm workers, by their nature, nomadic, seldom take cognizance of registering the birth of their children, let alone within thirty days after birth.
 - Children of the Asylum Seekers most are born at home and not able to access services – children not registered
 - Mother without Identity Document
 - Mothers without birth certificate – not able to apply for ID's
 - Apply for ID through LRB

- f) Family environment and alternative care (arts. 5,9-11,18 (para.1 and 2),19-21,25,27 (para.4) and 39**
- Family reunification (art. 10);
 - Manage status of parents and children
 - Manage status of parents and children
 - Coordinating structure – DSD, DOJ&CD, SAPS, DHA, IOM, Local Municipal and NGO's
 - International partnership – ISS, UNHRC, Red Cross, UNICEF
 - Children kept in safe places until family traced
 - Red cross and UNHRC provide transport for children
 - DSD facilitate through ISS to reunify children with their parents
 - The same process applies with the spousal reunification
 - Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39).
 - The issuance of Sec 24 (Refugee status) enables refugees to integrate into their communities

Offices as per Provinces

DHA FOOTPRINT TO SUPPORT

Province	Thusong	Small	Medium	Large	Local Offices
E. Cape	6	24	24	6	60
Free State	5	11	9	3	28
Gauteng	26	4	23	8	61
KZN	16	32	17	8	73
Limpopo	21	24	19	5	69
Mpum	12	13	21	3	49
N. Cape	3	3	7	3	16
N. West	10	1	13	3	27
w. Cape	10	1	11	5	27
Total	109	113	144	44	410

Table 2: Figures for Birth Registration 2011-2012

Province	0-30 days	31 days - 1 year	2 - 14 years	Sub-Total
Eastern Cape	78,319	54,441	11,029	143,789
Free State	37,789	15,896	4,731	58,416
Gauteng	153,208	65,926	15,089	234,223
Limpopo	57,432	74,643	7,192	139,267
KZN	97,887	104,600	25,802	228,289
Mpumalanga	30,276	45,068	7,202	153,842
North West	32,535	33,292	5,469	71,296
Northern Cape	15,546	8,352	1,394	25,292
Western Cape	71,200	33,235	4,814	109,249
Total	574,192	435,453	82,722	1,163,663
Percentages	51%	39%	9%	100%

Late Birth Registration Performance – 2010/11 and 2011/12

Month	Performance Rgs	Month	Performance
Apr-10	6,358	Apr-11	12,425
May-10	23,833	May-11	11,865
Jun-10	32,906	Jun-11	9,478
Jul-10	29,953	Jul-11	11,055
Aug-10	15,918	Aug-11	12,390
Sep-10	11,472	Sep-11	1,200
Oct-10	11,228	Oct-11	4,831
Nov-10	12,728	Nov-11	6,727
Dec-10	7,101	Dec-11	1,200
Jan-11	10,065	Jan-12	6,131
Feb-11	13,369	Feb-12	10,636
Mar-11	15,160	Mar-12	10,895
TOTAL	190,091	TOTAL	98,833

- g) Disability, basic health and welfare (arts.6,18 (para.3),23,24,26,27 (paras.1-3) and 33)**
 - Health and health services, in particular primary healthcare (art. 24):
 - The Refugees Act:
 - children born from asylum seekers and refugees - necessary documentation
 - free basic education and health services to refugees at the same rate as South African citizens
 - Social security and childcare services and facilities (arts. 26 and 18, para. 3):
 - provide required documentation to access social security grants

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- h) Education, leisure and cultural activities (arts.28,29,30 and 31)**
- The right to education, including vocational training and guidance (art. 28)
 - Refugee children:
 - access to basic social and health services
 - services are been escalated to refugee children when necessary
 - Education on human rights and civic education
 - Refugee children:
 - human rights contemplated in the Bill of Rights except the right to vote. By provision of

i) Special protection measures (arts.22,30,32-36,37 (b)-(d),38,39 and 40

- Children outside their country of origin seeking refugee protection (art. 22), unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration:
 - responsible for protecting and ensuring the rights of all children
 - Refugee Act, 1998:
 - Provide children seeking asylum with refugee status
 - Legislative protection in line with international conventions
 - Developed standard operation procedures for dealing with unaccompanied asylum-seeking children at Refugee Reception Offices
 - Immigrant, migrant, refugee, unaccompanied foreign children and those affected by migration – provided same protection services
 - Constitution of the Republic of South Africa – Bill of Rights
 - The Refugee Act, 1998:
 - Protection services of asylum seekers and refugees
 - The Immigration Act, 2002:
 - Immigration control should be performed within the
 - Apply in highest applicable standards of human rights protection

- Children in situations of exploitation, including physical and psychological recovery and social reintegration:
 - Economic exploitation, including child labour, (art. 32) with specific reference to applicable minimum ages
- Legislations administered by Home affairs are in line with ILO Convention on employment of minors as citizens or foreigners
- Sale, trafficking and abduction (art. 35):
 - Home Affairs in the process of amending Immigration Act to cover trafficking of persons in line with the Trafficking of Persons B
- States parties to the Optional Protocol on the sale of children, child prostitution and child pornography should provide information on:
 - Implementation of previous concluding observations under the Optional Protocol
 - Any major developments concerning legal and policy measures undertaken for the implementation of the Optional Protocol, including whether all acts defined under arts. 2 and 3 have been incorporated in the criminal legislation and whether extraterritorial jurisdiction over such crimes has been exercised
- The RSA participated in the drafting and signing of the International Convention on Cyber Crime in 2001

The Convention stipulates:

- Basic rules that will assist police to investigate computer related crimes e.g. production, dissemination and possession of child pornography

- Films and Publications Amendment Act, 2004, restrict:
 - any image of a person under the age of 18 who is depicted or described;
 - engaged or assisting another person to participate in sexual conduct;
 - show or describe parts the body in a manner which amounts to sexual exploitation;
 - As espoused in item 1.6 above, the country is fully upholds measures to eradicate child prostitution as well as child pornography.

- Measures to establish liability of legal persons for offenses under the Optional Protocol:
 - The Films and Publications Amendment Act, 2004;
 - seeks to crack down on child pornography;
 - Failure to report knowledge or suspicion of the commission of any child pornography offence is deemed as a criminal offence.

- Prevention measures and promotion of awareness of the harmful effects of the offenses under the Optional Protocol:
 - Home Affairs conducts campaign against child pornography through the Film and Publication Board (FPB)
 - aimed at combating unregulated sale of pornographic material. During 2007/08 budget observed that “more than 20 000 images of child pornography are posted online every week;
 - approximately 20% of all Internet pornography involves children and there are approximately 100 000 websites that offer illegal child pornography.

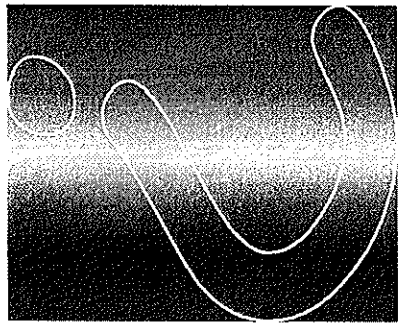
CHALLENGES

- Fraud and Corruption
- Capacity
- Infrastructure problem
- Outdated equipment (system)
- High Volumes of manual records which is not digitized
- Hard to reach population:
 - Orphans
 - Child headed households
 - Abandoned children
 - Children residing on farms
 - Children born out of health facilities
 - Aged
- Undocumented citizens residing in deep rural areas

THE DEPARTMENT OF HOME AFFAIRS HAS MADE PROGRESS IN ADDRESSING BARRIERS

- The rate of early birth registration has increased significantly over the last ten years.
 - In 2003, 68% of births were registered within one year;
 - In 2010, increased to 83% and
 - Jumped to 87% by 2011.
- The number of births registered within the prescribed thirty days increased to 45% in 2010, and has increased further to 51% in 2011.
- The numbers of very late birth registrations have dropped by more than 50% between 2010 and 2011

QUESTIONS / COMMENTS ? ? ?



THANK YOU

