



**PORTFOLIO
COMMITTEE ON
WOMEN,
CHILDREN, AND
PERSONS WITH
DISABILITIES**

**OBSERVATIONS
ON DRAFT
UNCRC
COUNTRY
REPORT**

Contents

- **Introduction**
- **Observations on country report**
- **Overall observations**



Introduction

- Purpose of presentation is to highlight key observations by
 - Civil society organisations and
 - Research staff
- Based on contents of the draft UNCRC report
- Presentation will highlight observations by part areas



Observations: Part 1

<p>ECD services not universally acceptable</p>	<p>Para: 16(h) still not in full compliance</p>
<p>Limited collaboration with civil society on the NPAC</p>	<p>Amounts in budget should be converted to US dollars</p>
<p>Impact of M&E and other coordinating documents cannot be measured</p>	<p>Context on budgets should be given to ensure that amounts budgeted for are sufficient</p>
<p>Appointments to provincial steering committees on PPAC = concerning</p>	<p>Par: 25 = M&E framework for children – Differ to integrated M&E?</p>
<p>Budget increases in health, education and housing services for children, but decrease in child protection services</p>	<p>Departmental budgets on page 17 does not provide enough information on implementing services for children</p>



Observations: Part 2

<p>All the rights in the Bill of Rights (except the right to vote) applies to children, as well and not just sec. 28</p>	<p>Par. 49 addresses the age of emancipation without stating the legal authority where this is based on</p>
<p>The age of marriage, as mentioned at par. 42 is accurate, but very discriminatory. Plans need to be put in place to equalise it</p>	<p>Par. 53 speaks to a case, wherein judgment has been delivered on the constitutionality of consensual sexual behaviour</p>
	<p>Section 2.9 should be able to distinguish between “medical treatment” and “surgical operations” as addressed in section 129 of the Children’s Act.</p>



Observations: Part 3

<p>ON THE BEST INTEREST OF THE CHILD</p>	<p>ON THE BEST INTEREST OF THE CHILD</p>
<p>Mental health (as stated in paras 77 & 78 are not just limited to intellectual disabilities</p>	<p>On the best interest of the child principle – no mention is made of how the Children’s Act domesticates a better understanding of this principle – sections 7 & 9 of the CA</p>
<p>Infanticide is not understood fully in SA – Right to survival & development</p>	<p>Many further cases where the “best interest of the child” has been better explained than in <i>Matiso v Road Accident Fund</i> - which are not just family law based. <i>C & Another v DSD (Gauteng)</i></p>



Observations: Part 4

<p>Birth Registration systems are problematic – protracted length and duplication of ID numbers and repeated loss of documents</p>	<p>In relation to dress codes and religious freedom in schools, the case of MEC Education KZN v Pillay sets a stronger precedent for right to religious freedom</p>
<p>Milestone achieved with regards to no longer issuing abridged birth certificates – should be mentioned</p>	<p>Anomaly around implementation of White Paper on e-education of 2004 and the fact that in 2011, 77% of schools had no computer centres</p>
<p>Article 39 places too much focus on recovery and reintegration of child offenders and not child victims – does not mention lack accessible services on psychological healing</p>	



Observations: Part 5

<p>Chapter 3 of Children's Act gives effect to article 18 of the UNCRC – however, application is limited – social workers and courts need to be trained on application</p>	<p>Report does not contain CC judgment of C and other v DSD (Gauteng) on automatic review of decision to remove a child</p>
<p>Greater effort to be placed on responsible parenting in view of high incidences of GBV and stereotyping</p>	<p>Draft Green Paper on Families by DSD is not mentioned within DSD's plans for current financial year or medium term</p>
<p>Children's Act sets proper procedure for adoptions, yet implementation is not as smooth-time consuming</p>	<p>Funding constraints compromise work of CP NGOs</p>
<p>Periodic review of placements is in legislation, but not monitored</p>	<p>Efforts made to address particularly vulnerable children-like children with disabilities-are not evident</p>



Observations: Part 5 cont

- Budgeting for social welfare services
 - Provincial departments mostly fund welfare services for children
 - Provincial departments normally provide 40% of services and NGOs 60%
 - NGOs receive only partial funding to do this
 - Report does not highlight how State intends to address challenges of insufficient funding
 - Equitable share formula does not take into account the extra services that need to be provided for in terms of Children's Act
 - Report does not highlight how State intends to address NGO funding crises



Observations: Part 6

<p>State should continue to invest in expanding CSG to amount and reach</p>	<p>Information mentioned under child survival and development = outdated – refers to reports published in 2009</p>
<p>Report shows increase in FCG for 2002 – 2011, yet since 2010 = stagnation as foster care system fails to cope with demands</p>	<p>The Child Healthcare Problem Identification Programme website: www.childpip.org.za is outdated</p>
<p>Difficult to get court order to formalise FCG, when CSG is easier to obtain without such order. DSD agreed to extend CSG to relatives caring for orphans Report should reflect challenges and process of reforming grants</p>	<p>In terms of children imprisoned with mothers, the report does not provide any statistics about how many children are imprisoned with mothers and what the conditions of detention are for mothers and children</p>



Observations: Part 7

<p>Report could elaborate more on school infrastructure – R8.2 billion over 3 years settlement</p>	<p>This report mentions the amount of children with disabilities in schools based on survey (pg 103) and not excluded (as stated in para 279)</p>
<p>No norms and standards set for admission – within mandate of Min. of Basic Education</p>	<p>However, UNCPRD report states that over 480 000 children with disabilities are out of school</p>
<p>Lack of national policy of leaner pregnancies = schools setting own measures in place (unequal) – report says government is providing clear guidance on this – this is misleading.</p>	<p>Recommendations mentioned (pg 68 & 69) are not sufficient to address the implementation of White Paper 6 on Inclusive Education</p>
<p>Corporal punishment in schools is very high, despite it being abolished – see pg 97 of report</p>	



Observations: Part 8

<p>Report does not deal well with child victims and witnesses, despite progress made in this regard – UN Guidelines for Victims and Witnesses directly mentioned in case of DPP v Min. Of Justice (CC)</p> <p>No mention of special court procs, intermediaries, CCTV cameras, special waiting rooms and progress with regards to sexual offences courts</p> <p>Report can mention more on impact of CJA on children in prison. Far less number of children in prison now than before</p>	<p>Emphasise Parliament's role in reviewing minimum age of criminal capacity</p> <p>Statistics for children in justice system = problematic</p> <p>Report does not address unaccompanied foreign children in SA who are neither refugees, nor asylum seeking children</p>
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Overall Remarks

- Annexures – especially tables with presentations need to be marked more clearly
- Report covers all sections of the UNCRC
- Statistics are problematic as they are not disaggregated and no standard year format
- Some instances, statistics are missing
- The budget allocations mentioned are for the entire departments and not specifically allocated towards children – therefore disaggregation is needed



