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**FIRST EXTRAORDINARY SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
07-11 OCTOBER 2014  
ADDIS-ABABA, ETHIOPIA**

**ACERWC/RPT (EX I)  
Original: English**

**DRAFT REPORT**

## **FIRST EXTRA ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

### **I. INTRODUCTION**

1. The First Extra Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child was held at the headquarters of the African Union Commission in Addis Ababa, Ethiopia, from 7 to 11 October 2014.

### **II. ATTENDANCE**

2. The meeting was attended by ten members of the ACERWC, Representatives of the Government of Ethiopia, Guinea, Kenya, Mozambique, South Africa, Representative of AU Peace and Security Department, Representatives of CSO of Ethiopia, Guinea, Madagascar, Kenya, Mozambique, South Africa, Zimbabwe, Representatives of UNICEF, UNOHCHR, Save the Children, Plan International, World Vision, ACPF, ECPAT International, ANPPCAN, ChildFund International, University of Pretoria, Retrak, Inter African Committee, Centre for Human Rights, Global Initiative to End All Corporal Punishment of Children, IHRDA.

### **ITEM 1: CONSIDERATION OF STATE PARTY REPORTS: ETHIOPIA REPORT**

3. The Federal Democratic Republic of Ethiopia's combined initial; first, second and third periodic report on the implementation of the African Charter on the Rights and Welfare of the Child was presented by H.E. Zenebu Tadesse, Minister of Women, Children and Youth Affairs.

4. She highlighted the legislative measures Ethiopia has undertaken to ensure the protection of children by particularly referring to the Constitution and also the revision of the Family Law, Criminal Law, and Labour Law; and the enactment of new legislation including Nationality Proclamation, adoption of Harmful Traditional Practices Strategy 2013 Public and private Pension Laws, Social Health Protection Proclamation, and Vital Events Registration Proclamation. Moreover, she indicated that the Government has developed a National Child Rights Policy, which is currently a draft document, and referred National plan on children, National plan of action against worst forms of child labour, National plan of action against sexual abuse and National plan of action on orphans and vulnerable children. Concerning institutional setups, she underscored that the main organ is the Ministry of Women, Children and Youths Affairs. There is also a standing committee within the House of People's Representatives which is an evaluating and monitoring body. The other institutional setups stated are the National Human Rights Commission and Ombudsman Office.

5. Following her presentation, the President of the Addis Ababa Child Model Parliament, Nadir Aman (15 years old), briefly presented on the establishment and role of the child Parliament in creating a suitable environment for Ethiopian children.

6. The Members of the Committee then raised questions among other things on the lack of a comprehensive child protection law, the definition of a child, the coordinating structure for

child protection, and budgetary allocation for issues pertaining to children, birth registration. Moreover, the Committee also requested for clarification regarding the criteria of selection of the members of the Child Parliament and its responsibilities; measures that the Government is undertaking to combat Female Genital mutilation, child marriage and other harmful traditional practices, as well as trafficking of children. Furthermore, the Committee members also brought up a number of other issues regarding the issues of children with disabilities, child friendly courts, the age of criminal responsibility, which is below the acceptable international standards, and the work and effectiveness of the National Human Rights Commission.

7. In responding to the Committee, the Delegation from Ethiopia said that despite the absence of a comprehensive child protection law, the Government remains convinced that the rights of children are being protected in the various laws. In relation to the definition of the child and issues related to age, the Delegation explained that the age of majority is 18. However, it was indicated that there are circumstances where emancipation could happen in order to enable the child to get married at the age of 16. Age of criminal responsibility is age of 9 and those beyond 15 are treated as adults in criminal cases.

8. On effectiveness of institutional capacity in protecting children's rights, the Delegation explained that the Ministry of Women, Children and Youth Affairs is in charge of child protection from the National level, up to the smallest administrative units called kebeles. The Minister cited the Community Women Groups at the grassroots who conduct door to door campaigns and also follow up on issues of pre natal and post natal care, immunization of children, school dropouts, children with disabilities to link them with health extension workers.

9. The Delegation mentioned that the issue of discrimination is addressed and that now girls and refugees are entitled to equal access to education. Refugees are provided with primary education and health care services.

10. The Delegation indicated that children are entitled to family environment and in absence of such there are alternative care mechanisms such as adoption and institutional care. In this regard, it was indicated that Ethiopia is in the process of ratifying the Hague Convention on Inter-Country Adoption and encourages local adoption. Inter –Country adoption is a last resort. There is also intensive follow up and monitoring of orphanages by an oversight body in the Ministry and in 2014, there was a decision to close fifty-six orphanages of which twenty-three have already been closed.

11. The rate of child morbidity and mortality has declined, enrolment in schools has increased. The Delegation also indicated that sexual abuse, FGM and trafficking are criminalized and that there are special prosecution teams in such cases in the federal Government. However, the Delegation indicated the lack of institutional settings and deep rooted harmful traditional practices as the main challenges in the protection and promotion of children's rights.

12. On the budgetary allocations to Ministries dealing with children issues it was indicated that there has been a progressive increase and in the 2013/2014 budget allocation for health was nearly 5.2 % of the whole budget.

13. On birth registration the Delegation said that children can be registered within 90 days however there is a window period of up to one year where children can be registered without being penalized.

14. The Delegation informed that the Children's Parliament consists of children from all over the Country who are elected for 2 terms. The Parliaments follow the model of the Country's National Assembly.

15. On the issue of children with disabilities, the Government has developed a National Plan of action for Persons with Disabilities and is expanding services through establishment of eighteen Orthopaedic and prosthesis centres as well as making education accessible for children with disabilities. Moreover, the Delegation mentioned that training on disability issues is found across various levels of tertiary education.

16. On administration of justice, the Delegation mentioned that children in conflict with the law are segregated from adults and their education and other needs are considered. Child friendly courts are available in all regions and are equipped with social workers and psychologists to assist the children. There is a juvenile rehabilitation centre in Addis Ababa and plans to gradually build more in the regions.

17. On the National Human Rights Commission, the Delegation informed that the Commission has a clearly defined mandate and is a major player in financing legal clinics, training on legal awareness and child issues too.

18. At the end of the session, the Chairperson thanked the Delegation for responding to questions and reaffirmed that the main reason for the consideration of State Party reports is to engage in meaningful dialogue on the achievements, challenges, gaps and way forward. He said that Ethiopia will be receiving the concluding observations and recommendations and later the Committee will conduct a visit to follow up the implementation of the Recommendations.

## **ITEM 2: CONSIDERATION OF STATE PARTY REPORTS: GUINEA REPORT**

19. The Initial Report of the Republic of Guinea on the implementation of the African Charter on the Rights and Welfare of the Child was presented by H.E Fatoumata Kaba-Sidibe, Ambassador, Permanent Representative to the African Union. She started her statement by sending an apology from the Minister in charge of children's issues who would have gladly led the Delegation but, in her capacity as Chair of response committee against Ebola, she couldn't make it.

20. She gave a brief overview of the reporting process, which involved all stakeholders. She then listed the legislative and administrative measures for child protection which are in place and under progress. She noted that institutional reforms initiated during the last four years have started to produce meaningful results with the adoption of the National Policy of Justice in July 2014 and the creation of the Ministry in charge of Human Rights. She highlighted the Child Code adopted in 2008 which includes all texts relating to the promotion and protection of child rights and provides all categories of children's guarantees of civil and criminal law .

21. On child survival, the Ambassador noted the decline in the infant mortality rate from 163 per thousand in 2005 to 123 per thousand in 2012. Regarding FGM, a National Strategic Plan 2012-2016 was adopted on the prohibition of the practice of FGM in public and private health facilities. However, the Ambassador indicated that the practice still persists on a large scale in the country with a rate of around 97%.

22. With regard to birth registration, Madam Ambassador alluded to the interest shown by the Government of Guinea to the sector with the establishment of the Civil Status section to a National Directorate of Civil Status with secondary centres. The holding of the National Forum of Civil Status has resulted in the development of a strategic plan on birth registration. These efforts have increased the birth registration rate from 43% in 2008 to 58% in 2013.

23. She finally noted that the Government of the Republic of Guinea is in the process of revision of the National Policy for the Promotion and Protection of the Rights and Welfare of the Child, the development of a framework for monitoring and evaluation, with the preliminary review of the national policy on children and the protection of the Act on the Code of the Child. However, challenges still lie ahead and that is why the Ministry for Children launched the program of community empowerment by adopting a network between community structures and specialized services to develop a comprehensive and integrated protection system based on the rights and welfare of the child.

24. Following the presentation of the Delegation of Guinea, the Committee raised many issues, among others, the harmonization of laws with the Charter, the law prevailing in case of conflict between the Children's Code and other domestic legislation especially customary law, minimum age of marriage, the issues of resources of the Children's parliament, and the progress of birth registration since the creation of the National Directorate for Civil Status in 2011 and the cost required to register births. Moreover, the Committee also requested for clarification on issues related to children in need of alternative care, access to health and education facilities for children with disabilities, children affected by the current outbreak of Ebola, poor hygienic facilities resulting in a low enrolment of girls, rehabilitation and protection of children in detention centres, child friendly justice system for child victims, children imprisoned with their mothers, practice of FGM, children on the street, corporal punishment in Qur'anic schools, and commemoration of Day of the African Child.

25. In responding to the Committee, the Delegation of Guinea mentioned that the Government is doing its best to combat abuse in the Qur'anic schools by sensitizing them in child right issues and that the current extent of abuse is not as severe as it is alleged to be. In addressing the issue of discrimination, the Delegation highlighted that the Civil Code is under revision to make it consistent with the basic principles of the Charter.

26. The rate of birth registration did not show increment as intended, but the Government of Guinea is still trying its best. In order to address the child victims of Ebola, the National Directorate has made an assessment and presented a plan of action in collaboration with partners; in addition, trainings are given at many levels.

27. The Delegation further mentioned that there is a court for children but it is not found in all areas of the country and that the Government is trying to decentralize. While the Delegation acknowledged that children should not be detained with adults, it mentioned that currently there are no separate detention centres for children. However, the Delegation brought the existence of different structures such as focal points for children and bureau for protection of children in police stations, and also rehabilitation activities in detention centres before the Committee.

28. In regard to FGM and other harmful cultural practices, the Delegation underscored that it is deep rooted in the culture of the society and the best way to tackle such problem is to sensitize and educate the society rather than adopting laws or prosecutions as it is practiced nearly by all members of the society. The Children's Parliament adopted a memorandum on FGM which is signed by the Prime Minister and the President. It was further stated that girls were not forced to marry the perpetrators of sexual violence and abuse, and that the National Directorate for Promotion of Gender is prosecuting such perpetrators.

29. In relation to monitoring child protection, the Delegation underlined that there is a Committee established in 1996 and the Government is trying to restructure it to adopt a new approach which enables participation of children and CSOs. There are also departments in different Ministries which cater for the rights of children such as in Ministry of Education and so forth.

30. In specifying the role of the Government apart from the CSOs, the Delegation emphasized that the Government acts as a guardian of protection of children. It enacts all the laws and creates the framework and coordinates the protection of children by different organs. The Government moreover provides for health and education by its own resource and now there are a number of public hospitals in the country.

31. The Delegation mentioned that the State celebrates the Day of the African Child on 16 June and in fact has devoted the whole month of June to child advocacy works.

32. At the end of the session, the Chairperson thanked the Delegation for responding to questions and addressing issues raised by the Committee. He asked all the participants to observe a minute of silence in remembrance of all the children who have died in recent months because of the Ebola virus in the three countries. He then congratulated the Government of Guinea for submitting the report and said that Guinea will be receiving the Committee's Concluding Observations and Recommendations.

### **ITEM 3: CONSIDERATION OF STATE PARTY REPORTS: KENYA REPORT**

33. Kenya's first periodic report on the implementation of the African Charter on the Rights and Welfare of the Child was presented by Mr Ali Noor Ismael, the Principal Secretary in the Ministry of Labour and Social Security Services.

34. The Principal Secretary highlighted the legislative measures adopted by the State Party among others, the Constitution, the Draft Child Act, Prohibition of Female Genital Mutilation Act, National Children Policy, National Plan of Action for Children 2008-2012 and Kenya

Vision 2030. The increment of the total budget for the Department of Children's Services, increment of the rate of birth registration, by making birth certificate a requirement for education and obtaining a national ID, immunization of children under one year age, the decline in child mortality rates, the implementation of the free primary and secondary education, and the declining rate of child labour were raised as progresses on the implementation of the Charter. The Delegation further brought to the attention of the Committee the challenges the State is facing some of which are cultural believes of the community causing child marriage and FGM, high incidences of poverty, and natural and man-made disasters. In addition, the Delegation shared its concern on issues of child marriage, and the prevalence of FGM and underscored that perpetrators are not reported.

35. Following the presentation by the Delegation, the Committee sought clarification on number of issues, inter alia, the adoption of the Child Act and many other draft laws, age of criminal responsibility, minimum age of employment, prosecution of perpetrators of sexual violence as well as forced marriage with perpetrators, birth registration particularly of the Nubian Descents, high mortality rate of children under the age of 5, malnutrition in arid areas, access to schools especially for children with disabilities, quality of education, administration of juvenile justice, pre-trial detention of children, the prevalent practice of child marriage and FGM, protection of children with albinism against rituals, the high rate of corruption, inter-country, international adoption and monitoring of Charitable Children Institutions and child participation and celebration of DAC.

36. Responding to the Committee, the Delegation indicated that the age of criminal responsibility is being reviewed to raise it from 8 to 12 years age. The Delegation stated that the State has established permanent board to tackle the issue of FGM. The State gives training on FGM in north of the country where the practice is predominant. The Government of Kenya has provided a free help line for children and has a rescue and counselling program for child victims. The Government is giving training to hotels and tourist guides to combat sexual exploitation, sex tourism and trafficking. With regard to trafficking, the State has adopted the Counter-trafficking Act. It was assessed that 40% of the perpetrators of sexual exploitation are domestic people.

37. In addressing the case on children of Nubian Descendants in Kenya, it was underlined that they are given equal opportunity as other communities to registration and that there is a registration program launched for children not registered so far. Children below the age of 8 and abandoned will be accorded Kenyan nationality immediately. Besides, the Delegation indicated that there are stringent requirements put in the registration of children of Nubian Descents due to security issues and that such requirements are also applicable to other communities in Kenya, not only for Nubian Descents. In this particular matter, the Committee informed the Delegation that it is considering taking the issue before the African Court of Human and Peoples' Rights in which case the issue will be before all the three Africa Union Human Rights treaty bodies. The Committee mentioned that security cannot be justification since it is a recent phenomenon and the Nubians live in Nairobi; and impelled the Government to adopt its Decision and also the Decision of the Commission on the Endorois case.

38.Children who are imprisoned are separated from adults, they undergo rehabilitation pertaining to the severity of the crime they committed, and they are entitled to education. Children in conflict with law may be subjected to pre-trial detention in remand homes.

39.Many children have access to school as Government provides free primary and secondary education. Autistic children are provided with different catering programs. Those children outside of schools are given the chance for alternative education. The Delegation emphasized that the State has established a National Council for Persons with Disabilities and adopted an act on disability in responding to the needs of children with disabilities. The State gives around 2000 Kenya shillings per month for families who have children with disabilities. It was indicated that the Government has conducted a study on children with albinism to set out the gap.

40.Children in Kenya participate in child parliaments which operate in all counties and prepare the DAC by themselves. These assemblies are effective and bring different memorandums to the concerned ministries.

41.Concerning adoption, the Government of Kenya tries to reduce the rate of international adoption and increase inter-country adoption and is sensitizing the society to this effect. It fosters synergy among the adoption committee, the adoption society and the Charitable Children Institutions. The Charitable Children Institutions are registered by the Government and children are committed to them by an order of Court. The Government monitors and regulates them, and even closes them when it is deemed necessary.

42.The Delegation in addressing the issue of child mortality and malnutrition specified its effort in ensuring skilled delivery of birth, finding resources to fight deadly diseases, providing vaccination, promoting breast feeding, and equipping health centres with the necessary facilities.

43.At the end of the Session, the Chairperson of the Committee thanked the Delegation of Kenya for the constructive dialogue and commended the progress on the implementation of the Charter by the State Party and said that Kenya will be receiving the Committee's Concluding Observations and Recommendations.

#### **ITEM 4: CONSIDERATION OF STATE PARTY REPORTS: MOZAMBIQUE REPORT**

44.The Initial Report of the Republic of Mozambique on the implementation of the African Charter on the Rights and Welfare of the Child was presented by H.E Manuel Goncalves, Ambassador of the Republic of Mozambique to the Federal Republic of Ethiopia, and Permanent Representative to the AU.

45.He informed that the preparation of the initial report was led by the Ministry of Women and Social Works in consultation with CSOs and children societies. The 2005 Constitution was stated as the major instrument that emphasizes on the rights and welfare of the child. Additionally, it was mentioned that the 2004 Family Law is another instrument that takes in to account the rights of children. There has been legal reform that aims to abolish harmful traditional and cultural practices. He further informed that according to the Constitution of the Republic of Mozambique, the Family Law and the Basic Law on Protection of the Child 7/2008, a child is one who is less than 18 years yet one achieves full capacity of rights at 21



years of age. There also is a National Strategy on Basic Security with the objective of guaranteeing the inclusion of the poor in the development of the country. The Government of Mozambique implemented its 1st Plan of Action of the child in the period 2006-2010 and now is implementing its 2nd National Plan of Action 2013-2019. The National Plans of Action are made according to goals set by the UN General Assembly and recognizes partnership with CSOs. To increase access to education of disabled children, the Government devised mechanisms which include capacity building of workers. However, lack of adequately skilled teachers and materials remains as the main challenge. The Delegation confirmed Mozambique's support of the African campaign to end child marriage and its effort to eliminate the practice. In relation to children participation, it was indicated that children are involved in the planning of national programs through school clubs, and children parliaments. In addition, the membership of Mozambique to the Geneva Conventions on the status of refugees and other similar international instruments was mentioned.

46. Following the delegate's presentation, the Committee raised questions on various matters including whether the growth in the economy of the country positively impacted on children, what the Government has been doing to curb the challenges of corruption particularly in sectors that directly affect children, and how children are being equipped to deal with climate change. The Committee further requested clarifications and explanations on issues of available social transfers to lift children from poverty, low child enrolment in schools, actions to ensure the best interest of the child, efforts by the Government to curb child marriage, whether corporal punishment is prohibited in schools, other children institutions and homes, and how child protection services are organized and collaborated. Furthermore, the Committee members raised a number of other issues regarding the problem of discrimination against children with disabilities including albinism, violence and abuse, malnutrition, certificate of poverty, National Human Rights institutions, budgetary allocation, decentralization and period of birth registration, child prostitution and sex tourism, juvenile justice system, trafficking of children, facilities for children with imprisoned mothers, impact of initiation rites, early childhood education, adoption and alternative care arrangements, children in conflict with the law, exclusive breast feeding, and on measures to improve transmissible diseases.

47. In response to questions raised by the Committee, the Delegation of Mozambique explained that due to the peace and stability within the country the budgetary allocation from internal sources has increased. In relation to environmental change the State acknowledges that children are the most vulnerable and informed that the Government is working with traditional leaders to protect children.

48. On the issue of child parliament, the Delegation clarified on election and eligibility age. The election is carried out in schools and those between the age of 10 and 16 can run for election.

49. In relation to education, the Delegation said progress has been made since the adoption of the ACRWC leading to 90% coverage of primary education. The delegates informed that the strategy of Mozambique on education is inclusive educational strategy with basic social protection for those that are vulnerable.

50. On the effort to combat early marriages, the Delegation alluded to the launching of the campaign to end child marriage in August 2014. The campaign includes sensitization of families and communities on the negative consequences of child marriage. In relation to harmful traditional practices the state is working on raising awareness at community level.

51. With regards to birth registration, the Delegation recognizes it as one of the challenges. This was attributed to the traditional practice which requires a ceremony that has cost implications to give a name to a children.

52. In relation to adoption, it was explained that adoption has to be mandated by a court and there are not any cases of foreign adoption. The Delegation remarked that Mozambique is considering adopting the Hague Convention on inter-country adoption.

53. On the issue of child labour, it was stated that the problem exist more in relation to the informal sector since for the formal sector there is a clear labour law specifying measures to be taken. To address the problem exists in the informal sector, a national plan to eliminate child labour has been adopted.

54. On exclusive breast feeding, the Delegation asserted that advertisement of substitute formulas is prohibited. And in relation to provision of water and sanitation, it was admitted that water provision of safe drinking water is still low though there is progress under the Country's Plan for Reduction of Poverty.

55. Sex tourism was indicated as not being a concern in Mozambique but the issue of child prostitution is a main area of alarm. Child prostitutes are considered as victims and measures are in place to help the children, families and communities.

56. On children with imprisoned mothers, it was indicated that there are cells in prisons that have adequate facilities like cribs and a place to interact with other children. For child offenders, the existence of rehabilitation centres was mentioned. While corporal punishment by the police is outlawed.

57. On issues of child trafficking the Delegation acknowledged the existence of complex problems due to the geographical location of the country and to address the problem the State adopted a law that punishes human trafficking.

58. At the end of the session, the Chairperson thanked the Delegation for responding to questions and also for Mozambique's support of the Committee. He also reaffirmed that the main reason for the consideration of State Party reports is to engage in meaningful dialogue on the achievements, challenges, gaps and way forward. He said that Mozambique will receive the Concluding Observations and recommendations and later the Committee would follow up on the implementation of the Recommendations.

#### **ITEM 5: CONSIDERATION OF STATE PARTY REPORTS: SOUTH AFRICA REPORT**

59. South Africa's Initial report on the implementation of the African Charter on the Rights and Welfare of the Child was presented by Her Excellency Hendrietta-Bogopane Zulu,

Deputy Minister of Social Development. She is accompanied by Her Excellency Makhotso Maggie Soty, the Deputy Minister of Police, who is co-leading the Delegation.

60. Her Excellency Hendrietta-Bogopane Zulu made a brief remark and mentioned that South Africa ratified the Charter in 2000 and the current report includes the initial and delayed periodic reports, which happened due to restructuring of the responsible Departments. She also mentioned the fact that among the rights entrenched in the bill of rights, the rights of the child is the only one which is not subject to the principle of progressive realization of rights. She stated how the South African Government is committed in terms of protection of children's rights. She specifically explained the success of the Government in the work of protection of the rights of children with disabilities including albinism. Besides, it was mentioned that the South African Government remain committed to break the cycle of child poverty, through providing free health care for pregnant women and children under 6, free education in no-fee schools, free school uniforms, school feeding schemes, etc. Despite all the successes, she indicated that the rights of the child with disabilities remain a paramount concern. She also mentioned how the Government of South Africa is concerned about the high level of crimes against children particularly sexual offences. She also pointed out that teenage pregnancy is amongst the challenges. The government is doing its best to address these challenges in collaboration with community leaders and other stakeholders. The Deputy Minister then handed over to the children representatives who made remarks on issues related to the right to participation of children. A video was then projected which consists of children's voices and explains the Government of South Africa's commitment to the protection of the rights and welfare of the child.

61. The Deputy Minister of Police, Her Excellency Makhotso Maggie Soty, from her side informed the Committee how the justice, crime prevention and family protection cluster is committed to protect the rights of the child in South Africa. She mentioned over 75 forensic social workers are working to assess child victims, provide court reports and provide expert evidence in court. She mentioned how this cluster helps children affected by sexual offences. She mentioned that child trafficking and child pornography remain a concern.

62. Following the opening remarks, the Committee commended the Government of South Africa for the number of achievements and raised a number of questions on whether the existence of sexual offences court and children's court is a mere duplication, on why the Government delayed the submission of the Report, and how corruption is affecting the rights of children in South Africa. Moreover, the members of the Committee have raised issues in relation to minimum of age of criminal responsibility, birth registration in relation to undocumented, rural and refugee children, costs of birth registration, and access to social services for undocumented children. The Committee also requested for explanation on: children with moderate disabilities, inclusive education, child and youth care centres, the implication of the Teddy Bear Clinic case, training the police and judges in the justice administration system, the very high prevalence of TB, exclusive breastfeeding, and on prevention of HIV. Additional issues were raised on the definition of the child and the various consent ages in relation to marriage, virginity testing, the age of consent to sexual intercourse, and consent to medical treatment, on children in the streets, on ratification of the Optional Protocol on the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights, on violence against children, budgetary allocations,

and parental guidance and parenting programmes. Clarification was also sought on what reasonable corporal punishment constitutes.

63. On the definition of the child, the Delegation indicated that the Children's Act defines the child as any person under the age of 18 and despite the various laws on ages, there is a general consensus on the age of majority in South Africa. South Africa has also established a task team with deadline in 2015 to harmonize all requirements in relation to age and the process will then be finalized and ready for adoption.

64. Regarding the Teddy Bear Clinic case, the Delegation mentioned that a draft amendment to the Sexual Offences Act has been circulated for comment and that this will be submitted to Parliament in due course.

65. With regard to birth registration, the Delegation stressed that no woman currently leaves hospital without getting the birth registered - all children are registered in maternity wards with no fee involved. For children born to foreigners, undocumented and unaccompanied minors, there are mechanisms in place to register their births after some process of verifications and order of the court. Refugee children are provided with their own IDs so that they can access social services.

66. On data systems, the delegation also indicated that the data collection and management, system called Ulwazi Ngabantwana has been put in place within the Directorate of Monitoring and Evaluation. On the role of the National Human Rights Commission, it was indicated that there is a specific commissioner and a committee to deal with issues relating children.

67. In responding to the Committee's questions for clarity on the participation of CSOs in the process of the preparation of the report, the Delegation mentioned that CSOs have indeed participated in the preparation of the report and the necessary steps have been complied with, which ensured participation of various stakeholders. The delegation, moreover, mentioned that the South African Government facilitated the support of the CSOs to compile the complementary report.

68. The Parliament allocates budget and does perform an oversight on budgetary allocations.

69. It was indicated that to improve the quality of education, an annual assessment plan was introduced. The delegation mentioned that inclusive education is a success and now sign language is an official language. It was mentioned that the coverage of the child support grant is 11.9 million children at March 2014, while care dependency grants are made to children with severe disability. In relation to school safety, school safety committees were established to deal with recruitment of children by criminals on school premises and bullying at schools.

70. On issues related to the girl child, the Government indicated that a Campaign to End Child Marriage will be launched in 01 November 2014. With regard to some traditional practices, including virginity testing, the Delegation emphasized that it is a traditional practice and the Government won't be outlawing the practice completely. However, this has

been outlawed in relation to children under the age of 16. Regarding traditional circumcision, Government is working with traditional leaders to appoint medically qualified persons to be involved in performing traditional circumcision, and is arranging pre-circumcision classes to educate boys about the practice and to ensure health screening before the circumcision takes place.

71. On corporal punishment, the Government reported that it is doing a lot of awareness raising programs and the abolishment of corporal punishment in the home is included in the revised amendment bill to the Children's Act. With regard to children on the street, family reunification programmes are in place and are being implemented in collaboration with NGOs.

72. The delegation informed the Committee that the international affairs portfolio committee in the parliament will follow up on the ratification of the Optional Protocol on the Convention against Torture.

73. On the need for training, it was mentioned that the police and judges are being trained on children's rights. Also, a technical assistance team is in place to improve data collection systems. Government confirmed that the data necessary for the review of the minimum age of criminal capacity will be available by 2015 as required by the Child Justice Act.

74. On sexual violence, it was indicated that the Government is charging and convicting perpetrators of criminal acts. In 2013/14 out of the 22,092 registered cases, 53% of finalized cases secured conviction.

75. On the issue of corruption, the Delegation mentioned that there are structures in place to deal with corruption. Each department has anti-corruption units.

76. On prevention of HIV, it was said that South Africa is revising its communication strategy and increased the budget for distribution of condoms.

77. At the end of the session, the Chairperson thanked the Delegation for responding to questions. He also reaffirmed that the main reason for the consideration of State Party reports is to engage in meaningful dialogue on the achievements, challenges, gaps and way forward. He said that South Africa will receive the Concluding Observations and Recommendations.

## **ITEM 6: CONSIDERATION OF DRAFT/ELEMENTS OF THE CONCLUDING OBSERVATIONS**

78. The Committee spent two (2) days duly considering and discussing the elements that should be included in the Concluding Observations and Recommendations to the Governments of Ethiopia, Guinea, Kenya, Mozambique, and South Africa. The Committee discussed the elements cluster by cluster and significantly debated on each of the reports.

**ITEM 8: CONSIDERATION AND ADOPTION OF ACERWC HARMONIZED COMMUNICATIONS GUIDELINES (CLOSED SESSION)**

79. The Committee discussed the Draft Harmonized communication guidelines and adopted them with amendments. They will come into force in January 2015.

**ITEM 9: PRESENTATION OF THE TOR AND APPOINTMENT OF A SPECIAL RAPPORTEUR ON CHILD MARRIAGE. (CLOSED SESSION)**

80. The Committee discussed the TOR for the Special Rapporteur on Child Marriage with Amb. Maiyegun I. Olawale, Director of Social Affairs, and Ms. Nena Thundu, Coordinator of the AU Campaign on Ending Child Marriage, and agreed on the modalities of appointment. The Director indicated that the Department of Social Affairs shall provide the office of the special rapporteur with administrative assistance and a budget for its operations. After the discussion in closed session the Committee appointed DrFatéma Sebaa to be the Special Rapporteur on Child Marriage.

**ITEM 10: PLANNING FOR THE 24<sup>TH</sup> ORDINARY SESSION**

81. The Committee discussed the possible dates for the 24 Ordinary Session and decided to hold the Session from 01-05 December. However, the Secretariat raised the challenge of conducting Sessions in the month of December as that contradicts the Executive Council's Decision. The Committee then suggested for the Secretariat to discuss the issue with the relevant bodies at the AUC considering the challenges of securing the availability of some of the Committee Members in the month of November.

**ITEM 12: ADOPTION OF DRAFT REPORT**

82. The report was adopted as amended.

**ITEM 13: CLOSING CEREMONY**

83. The Closing statement was made by the Chairperson of the Committee. The Chairperson started by thanking the colleagues in the Committee for the most productive session and their cordial operation. He thanked the State Parties who reported during the Session for submitting their report, the constructive dialogue as well as for bringing representatives from the highest level of governance. He recognized the discussion on the elements of the concluding observations and its fruitfulness.

84. He further thanked the Director of Social Affairs and Ms. Nena Thundu for the elaboration on the TOR for the appointment of a Special Rapporteur on child marriage and congratulated Dr. Fatima Delladj-Sebaa for her appointment assuring the support of the Committee. He thanked UNICEF for full support of the Extra Ordinary Session. He also thanked partners particularly ACPF and Save the Children for their continuous support. Finally he thanked the Secretariat for making the Extra Ordinary Session a possibility and supporting the Committee in its day to day activity. He then officially declared the Session closed.