



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third to sixth periodic reports of South Africa*

I. Introduction

1. The Committee considered the combined third to sixth periodic reports of South Africa¹ at its 2772nd and 2773rd meetings,² held on 24 and 25 January 2024, and adopted the present concluding observations at its 2786th meeting, held on 2 February 2024.

2. The Committee welcomes the submission of the combined third to sixth periodic reports of the State party and the written replies to the list of issues,³ which allowed for a better understanding of the situation of children's rights in the State party.⁴ The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the passing of the Child Justice Amendment Act in 2019, the Customary Initiation Act in 2021, the Criminal Law (Sexual Offences and Related Matters) Amendment Act and the Domestic Violence Amendment Act in 2022, and the Children's Amendment Act 17 in 2022, as well as the approval of the National Child Care and Protection Policy in 2019 and other institutional and policy measures related to children's rights since its last review.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 17), corporal punishment (para. 24), abuse and neglect, including sexual exploitation and abuse (para. 26), children with disabilities (para. 33), health (para. 35) and education (para. 41).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the**

* Adopted by the Committee at its ninety-fifth session (15 January–2 February 2024).

¹ [CRC/C/ZAF/3-6](#).

² See [CRC/C/SR.2772](#) and 2773.

³ [CRC/C/ZAF/RQ/3-6](#).

⁴ The term "children" encompasses anyone under the age of 18, including adolescents.



involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

6. The Committee recommends that the State party take all measures necessary for implementing its legislation in compliance with the Convention and its Optional Protocols, in particular by expediting the adoption of the second part of the Children's Amendment Bill and ensuring that the human, technical and financial resources for the implementation of legislation providing for the rights of children are adequate and sufficient.

Comprehensive policy and strategy

7. The Committee recommends that the State party start developing a new Medium-term Strategic Framework for 2024–2029 which puts children as a national priority, and ensure that the National Plan of Action for Children 2024–2029 sets clear actions, targets and indicators, linked to the Medium-term Strategic Framework and other sectoral plans, and that responsibilities for the implementation of the National Plan of Action for Children are clearly defined and supported by sufficient human, technical and financial resources.

Coordination

8. The Committee recommends that the State party implement the move of the Office of the Rights of the Child to the presidency as a permanent body, with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels, and provide it with the necessary human, technical and financial resources for its effective operation.

Allocation of resources

9. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, and taking note of target 16.5 of the Sustainable Development Goals, the Committee recalls its previous recommendations⁵ and recommends that the State party:

(a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights, in particular to the social sectors, and ensure that the sectors relevant for children's rights are not affected by inflation, budget cuts or adverse economic conditions;

(b) Ensure transparent and participatory budgeting with regard to public expenditure, in particular for various child-focused social grants, through public dialogue and measures to eradicate corruption for proper accountability of local authorities;

(c) Implement the findings of the Gender-responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework and the Child-responsive Budgeting Report as part of the budgeting process.

⁵ CRC/C/ZAF/CO/2, para. 12.

Data collection

10. Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Adopt a robust methodology, such as the United Nations Children's Fund (UNICEF) Multiple Indicator Cluster Surveys, to monitor the realization of children's rights, and to inform planning, monitoring and allocation of the resources for the National Plan of Action for Children;

(b) Expeditiously improve its data collection system and ensure that data collected on children's rights covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, in order to facilitate analysis of the situation of children, particularly children who are victims of crime, children with disabilities and children in street situations;

(c) Ensure that statistical data and indicators on children's rights are regularly collected and shared among the ministries and provincial and local authorities concerned, as well as civil society, and are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(d) Continue its technical cooperation with the specialized agencies of the United Nations system, including UNICEF.

Access to justice and remedies

11. The Committee recommends that the State party:

(a) Ensure that all children are able to access confidential, child-friendly and independent complaints mechanisms in all settings for reporting violations of their rights, and raise awareness among children of their right to file a complaint under the existing mechanisms;

(b) Ensure that all children are provided with the necessary social and legal support to carry out this right.

Independent monitoring

12. The Committee recommends that the State party:

(a) Increase the resources for the South African Human Rights Commission to enable its effective and independent discharge of its role and mandate in the promotion, protection and fulfilment of children's rights as well as to receive, investigate and address complaints raised by children regarding the violation of their rights;

(b) Strengthen the South African Human Rights Commission's Children's Rights Unit and mandate the Commission to appoint a national child rights commissioner that provides support for all nine provinces to follow suit.

Dissemination, awareness-raising and training

13. The Committee recommends that the State party:

(a) Ensure that awareness-raising programmes, including campaigns, are done in a coordinated, consistent and systematic manner in cooperation with civil society organizations, to ensure that the Convention and the Optional Protocols thereto are widely known by the general public, including by parents and by children themselves;

(b) Ensure the availability of the Convention, the Optional Protocols and the present concluding observations in all official languages of the country, including in child-friendly versions and in accessible formats for children with disabilities;

(c) Ensure that all professionals working with and for children, in particular social workers, law enforcement officials, health and mental health personnel, immigration and asylum officers, and professionals and staff working in all forms of alternative care, as well as in the other sectors, receive mandatory training on the rights of the child under the Convention and national law;

(d) Raise the awareness of the media on child rights, including through training programmes for media representatives.

Cooperation with civil society

14. The Committee recalls its previous recommendations⁶ that the State party systematically involve communities as well as civil society, including non-governmental organizations and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.

Children's rights and the business sector

15. While noting that there are various regulations on business practices to protect children, the Committee recalls its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, and the Guiding Principles on Business and Human Rights endorsed by the Human Rights Council in 2011, and recommends that the State party ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights. In particular, it recommends that the State party:

(a) Ensure effective implementation by companies, especially extractive industries, of international and national environmental and health standards, and effective monitoring of the implementation of these standards, and appropriately sanction and provide remedies when violations occur;

(b) Require companies to undertake assessments, consultations, and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

16. The Committee notes the State party's legislative and policy measures related to non-discrimination against children, such as the Protocol for the Prevention, Elimination and Management of Unfair Discrimination in Schools, the Intersectoral National Intervention Strategy for the Lesbian, Gay, Bisexual, Transgender and Intersex Sector and the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. However, it remains concerned that children are discriminated against in terms of equal and full access to basic protection, educational and health services, and to infrastructure, and in terms of their standard of living on the basis of prevailing social norms, race, language, social and economic status, and geography, with a disproportionate disadvantage for children living in rural areas and in poverty.

17. Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations⁷ and recommends that the State party:

(a) Invest adequate resources for and strengthen implementation of the existing legislation, policies, strategies and action plans related to non-discrimination against children;

⁶ Ibid., para. 18.

⁷ Ibid., para. 24.

(b) Strengthen its efforts to eliminate discrimination against children in disadvantaged situations, including children with disabilities, children in street situations, migrant, asylum-seeking and refugee children, children living in poverty, girls, children with albinism, children without ID, and lesbian, gay, bisexual, transgender and intersex children;

(c) Systematically conduct media campaigns to change social norms and behaviours that contribute to discrimination; raise public awareness regarding the prohibition of discrimination; and promote tolerance and respect for diversity.

Best interests of the child

18. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recalls its previous recommendations⁸ and recommends that the State party ensure that the right of children to have their best interests taken as a primary consideration is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes, projects and resource allocation, particularly at the provincial and local levels, that are relevant to and have an impact on children, including in the environmental, economic and administration sectors.

Right to life, survival and development

19. The Committee recalls its previous recommendations⁹ and recommends that the State party address underlying determinants of infant and child mortality, including living conditions, violence, accidents, child malnutrition, and social and economic deprivation and inequality.

Respect for the views of the child

20. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Promote meaningful and empowered participation of all children within the family, communities and schools, in the courts and in all relevant administrative and other processes concerning them, and include children in decision-making in all matters related to children, including environmental matters;

(b) Formally institutionalize the annual Nelson Mandela Children's Parliament as a regular event and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources and that its resolutions are formally communicated and followed up on by national, provincial and local authorities.

C. Civil and political rights (arts. 7, 8 and 13–17)

Birth registration, statelessness and nationality

21. The Committee notes the progress in birth registration over the past decade and the setting up of offices at major hospitals where birth certificates can be issued directly. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recalls its previous recommendations¹⁰ and recommends that the State party:

(a) Remove barriers to birth registration and adopt measures to ensure that all children are properly registered at birth, and in particular:

⁸ Ibid., para. 26.

⁹ Ibid., para. 28.

¹⁰ Ibid., para. 32.

- (i) Ensure that legislation, regulations, directives, circulars and standard operating procedures are brought in line with the court judgments;
 - (ii) Remove fees for late registration after 30 days after birth;
 - (iii) Withdraw the requirement for DNA paternity testing for children born to unmarried South African fathers and foreign, undocumented or deceased mothers;
 - (iv) Simplify the birth registration of orphaned and abandoned children by relatives and other caregivers;
 - (v) Increase the number and reach of the mobile registration units for children born in rural areas.
- (b) Address existing cases of blocked IDs, particularly those affecting children, and ensure that children whose parents' IDs have been blocked or have no ID are not stateless and their parents are able to register their birth;
- (c) Adopt regulations concerning the practical and administrative steps required for children to acquire citizenship under sections 2 (2) and 4 (3) of the Citizenship Act and ensure that regulations under section 4 (3) do not exclude foreign children with asylum-seeking or refugee parents and children of undocumented or irregular migrants;
- (d) Ensure that lack of birth registration does not hinder children's access to social and child protection services;
- (e) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

Access to appropriate information

22. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party continue to improve digital inclusion for children in disadvantaged situations, including children with disabilities and children in rural areas, by also implementing the National Digital and Future Skills Strategy and by means of accessible and affordable online services and connectivity and the availability of hotspots in schools, community libraries and parks.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37 (a) and 39 of the Convention, and the Optional Protocol on the sale of children, child prostitution and child pornography)

Corporal punishment

23. The Committee notes that corporal punishment has been expressly prohibited in all settings, as indicated by the National Child Care and Protection Policy in 2019 and confirmed by the Constitutional Court decision. The Committee is, however, deeply concerned about:

- (a) The weak implementation of the prohibition of corporal punishment in all settings and the high proportion of children who continue to experience corporal punishment;
- (b) Corporal punishment remaining socially acceptable.

24. Recalling its general comment No. 8 (2006), on corporal punishment, the Committee urges the State party:

- (a) To adopt effective measures for the prohibition of corporal punishment in practice, particularly in schools and in institutions, by promptly investigating and sanctioning the perpetrators and by providing children with safe and confidential complaints mechanisms that do not expose them to further victimization and contribute to underreporting;

(b) **To implement its legislation by enhancing awareness-raising campaigns and parenting education programmes, such as the Parental/Primary Caregiver Programme, including for professionals working with and for children, and to promote attitudinal change within the family and the community with a view to eradicating the practice of corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline.**

Abuse and neglect, including sexual exploitation and abuse

25. The Committee welcomes the operationalization of the Child Protection Register and the equipping of courts and police stations with child-friendly rooms. However, it remains deeply concerned about:

(a) The high prevalence of violence against children, particularly sexual exploitation and abuse, domestic violence, and attacks against children with albinism;

(b) The weak implementation of legislation, policy and programmes;

(c) The high prevalence of sexual and gender-based violence, particularly in schools and online;

(d) The lack of resources for the implementation of child protection programmes and services;

(e) The low levels of reporting and prosecution and the high level of impunity enjoyed by the perpetrators of violence, including sexual exploitation and abuse of children, particularly by teachers.

26. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party:**

(a) **To strengthen measures to eradicate all forms of violence against children, particularly sexual and gender-based violence, domestic violence and violence against children with albinism;**

(b) **To address the root causes of violence and abuse, such as social and gender norms, unequal allocation of resources between rural and urban areas and underfunding of protection programmes;**

(c) **To provide adequate resources for the implementation of the National Child Care and Protection Policy, the Gender-based Violence and Femicide National Strategic Plan 2020–2030, the National Integrated Prevention Strategy on Femicide Emergency Response Plan, the standard operating procedures for the Employers of Educators Protocol, and other programmes and initiatives aimed at protecting children from all forms of violence, abuse and neglect;**

(d) **To review and update the School Safety Framework and strictly investigate all cases of violence, including sexual and gender-based violence at schools, and ensure that perpetrators are duly sanctioned;**

(e) **To respond to all manifestations of child sexual exploitation and abuse online, including by strengthening professional capacity and software tools to detect and investigate such abuse, promoting training for parents and teachers about risks online and the risks associated with sexting, and ensuring and promoting accessible, confidential, child-friendly and effective channels for reporting all forms of sexual exploitation and abuse and encouraging children to make use thereof;**

(f) **To ensure that all cases of the abuse of children, including sexual abuse, are promptly reported and investigated, applying a child-friendly and multisectoral approach with the aim of avoiding the revictimization of the child, that perpetrators are prosecuted and duly sanctioned, and that reparations are provided to victims, as appropriate;**

(g) **To ensure the allocation of adequate human, technical and financial resources to strengthen the prevention and early intervention services, including**

community-based services for orphans and vulnerable children such as the Risiha programme.

Harmful practices

27. The Committee remains concerned about the harmful practices carried out on children in the State party, including the abduction of girls for the purpose of forced marriage (*ukuthwala*), child and forced marriage, so-called “virginity testing”, witchcraft, violent or harmful initiation rites, and female genital mutilation. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations¹¹ and urges the State party:

(a) To expedite the finalization and passing of the Marriage Amendment Bill and the Children’s Amendment Bill to remove all exceptions that allow marriage for those under 18 years of age, and to take all necessary measures to eliminate child marriages;

(b) To expedite the adoption of legislation that criminalizes harmful practices against girls, such as *ukuthwala*;

(c) To develop awareness-raising campaigns and programmes on the harmful effects of child and forced marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, and judges and prosecutors;

(d) To explicitly prohibit and eradicate virginity testing for girls, irrespective of their age, and design and implement effective education campaigns to combat traditional and family pressures on girls and women in favour of this practice;

(e) To strengthen the implementation of the regulation of male customary initiations, by stringent selection and accreditation or licensing criteria for initiation schools, pre-admission medical examinations for prospective initiates, strict enforcement of prescribed age limits for initiates, accurate recordkeeping on enrolled initiates from entry to completion, and compliance with strict monitoring and oversight requirements by authorized government agencies; and also to protect children from the vicarious effects of exposure to violence inflicted on animals such as during trophy hunting;

(f) To finalize and adopt the National Action Plan on Albinism, to demystify albinism and harmful practices linked to abuse of witchcraft and traditional practices, and to strengthen protection of children with albinism, particularly in rural and border towns, from bodily harm and other forms of violence, abduction, discrimination and stigmatization;

(g) To develop awareness-raising campaigns and programmes on the harmful effects of female genital mutilation, particularly targeting at-risk households, and religious and traditional leaders, and to establish protection, medical, psychological and rehabilitative services for girl victims of female genital mutilation;

(h) To ensure that intersex children are not subjected to early unnecessary medical or surgical treatment, and to provide adequate counselling to intersex children and their parents, in line with the rights of the child to bodily integrity, autonomy and self-determination as they reach the age and maturity to consent to interventions.

Follow-up to the recommendation relating to the Optional Protocol on the sale of children, child prostitution and child pornography

28. The Committee urges the State party to implement the recommendations by the South African Law Reform Commission in its 2022 report entitled

¹¹ Ibid., para. 40.

Sexual Offences: Pornography and Children to comprehensively criminalize all forms of sale and sexual exploitation of children as defined in articles 2 and 3 of the Optional Protocol, including all forms of sale and sexual exploitation of children online, and to recognize the acts of producing, distributing, disseminating, selling or possessing child sexual abuse material as a form of sexual exploitation and abuse.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

29. Drawing the State party's attention to the Guidelines for the Alternative Care of Children,¹² the Committee recommends that the State party:

(a) Phase out institutionalization and adopt, without delay, a national policy, strategy and action plan for deinstitutionalization, supported by adequate human, technical and financial resources for its implementation, and which includes comprehensive transformation care and protection systems;

(b) Ensure that the Children's Amendment Bill explicitly prohibits the institutionalization of children under 3 years of age;

(c) Ensure a comprehensive case management practice, and that every child in alternative care has a developed and regularly updated care plan, clearly outlining assessment-based interventions;

(d) Provide an adequate number and coverage of child and youth care centres, and adopt the policy provisions for kinship care arrangements and the regulatory framework for customary adoption;

(e) Ensure that policies and practices are guided by the principle that financial and material poverty – or conditions directly and uniquely attributable to such poverty – or disability, should never be the sole justification for removing a child from parental care to receive him or her into alternative care or for preventing a child's social reintegration;

(f) Develop and provide adequate resources for a robust family-based and community-based care system for children who cannot stay with their families, including by allocating sufficient financial resources for kinship and foster care;

(g) Regularly monitor the quality standards for all alternative care settings, particularly child and youth care centres, and adopt regulations for the monitoring of care facilities for fewer than five children; ensure complete intake data that enables the tracking of extended family; ensure periodic review of the placement of children in kinship and foster care, and monitor the quality of care therein; and provide accessible and safe channels for reporting, monitoring and remedying maltreatment of children in alternative care;

(h) Promptly investigate and sanction all reported cases of violence, abuse, neglect, sexual abuse including rape, corporal punishment, solitary confinement and forced medication of children, particularly children with disabilities, in institutional care, particularly in residential care and in child and youth care centres.

Adoption

30. The Committee recommends that the State party remove unnecessary systemic and practical barriers in order to speed up the adoption process and ensure that the best interests of the child are the paramount consideration in the adoption procedures for children of all ages, and that the right of adoptive children to know their biological parents is enforced effectively.

¹² General Assembly resolution 64/142, annex.

Children of incarcerated parents

31. The Committee recommends that the State party ensure that the best interests of the child are the primary consideration when sentencing the primary caregiver, and that alternatives to incarceration are considered and that children over 2 years of age can maintain personal relationships with their parents and have access to adequate services, accessible information and appropriate support, including of a social worker, and financial support for visits and remote contact.

F. Children with disabilities (art. 23)

32. The Committee notes the adoption of various policies for children with disabilities, including the policy for provision of quality education and support for children with severe to profound intellectual disabilities, the policy on screening, identification, assessment and support and the white paper on the rights of persons with disabilities. However, it remains concerned:

(a) That there is no comprehensive law and policy for the realization of the rights of children with disabilities;

(b) That children with disabilities do not enjoy the same services, particularly in relation to early childhood development, inclusive education, health care, play, and recreational, social and cultural activities, as other children, or equal fulfilment of their rights to survival and development;

(c) About the exposure to abuse and neglect of children with disabilities in schools, school hostels, and child and youth care centres;

(d) About the marginalization, stigmatization, exclusion and alienation of children with disabilities due to poverty and to harmful cultural and traditional beliefs.

33. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive law, policy and strategy for the inclusion of children with disabilities, and:

(a) **Implement effective early detection and intervention programmes, inclusive health care, play, recreational, social and cultural activities, and provide accessible public spaces, buildings, services and information for children with disabilities;**

(b) **Investigate and sanction all the reports of abuse and neglect of children with disabilities in schools, school hostels, and child and youth care centres, adequately fund and regularly monitor these institutions, and strengthen the capacity of professionals to work with families and support parents of children with disabilities;**

(c) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the marginalization, exclusion and stigmatization of, and prejudice against, children with disabilities, and promote a positive image of children with disabilities as rights holders.**

G. Health (arts. 6, 24 and 33)

Health and health services

34. The Committee welcomes the progress made in improving access to primary health-care services, and the adoption of the National Food and Nutrition Security Plan 2018–2023 and the Strategy for the Prevention and Management of Obesity in South Africa 2023–2028, the implementation of the National Health Insurance and the Health Patient Registration System, of the Centralized Chronic Medicines Dispensing and Distribution Programme and of the Integrated School Health Programme, and the development of the national strategy on breastfeeding, among others. The Committee is, however, concerned about:

- (a) Limited and inequitable access to universal health care for children, and infant and child mortality reflective of socioeconomic development and basic living conditions;
- (b) The persistently high rate of neonatal mortality;
- (c) The mortality of neonates, infants and children under 5 years of age resulting from preventable diseases and conditions such as influenza, pneumonia, intestinal infectious diseases and cardiovascular disorders; and the fact that the leading cause of death for adolescents is preventable diseases;
- (d) Insufficient immunization coverage;
- (e) The high rates of child hunger, undernutrition, including stunting, and overweight and obesity, and of malnutrition;
- (f) The high HIV prevalence rate, most specifically among adolescent girls.

35. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, and taking note of targets 2.2, 3.2, 3.3 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Expand the access, coverage and quality of universal health care for children equitably across the country, particularly among children with difficult socioeconomic backgrounds and living in poor living conditions, by providing adequate human, technical and financial resources and by strengthening the capacity of health professionals;**
- (b) **Strengthen measures to reduce the mortality rates of neonates, infants and children under 5 years of age resulting from preventable causes, including by introducing evidence-based and adequately resourced programmes for comprehensive newborn health interventions and early health care and applying the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach;**
- (c) **Provide sufficient resources to ensure the full immunization of all children;**
- (d) **Allocate adequate resources to address child hunger through the social assistance programme and the health service; address the underlying causes of undernutrition, malnutrition, stunting and obesity and strengthen preventive measures, including by raising awareness of nutrition issues and of proper feeding practices; and take additional measures to improve school food and nutrition;**
- (e) **Address as a matter of priority the high HIV prevalence rate, most specifically among adolescent girls; increase access to antiretroviral therapy by children and adolescents; and finalize and implement the national plan of action under the Global Alliance for Ending AIDS in Children.**

Mental health

36. **Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party substantially increase the number of facilities offering child and adolescent mental health services, and integrate mental health services into primary health care and schools; eliminate disparities in the distribution of child and adolescent mental health services between rural and urban provinces and districts; and scale up specialized training of child psychiatrists, child psychiatric nurses, psychologists and social workers, supported with adequate budget for the implementation of mental health services on the ground.**

Adolescent health

37. **The Committee notes the National Adolescent and Youth Health Policy (2017), the National Strategic Plan on HIV, Sexually Transmitted Infections and Tuberculosis 2017–2022, and a number of measures to create awareness on substance abuse. Recalling its general comment No. 4 (2003) on adolescent health and development in the**

context of the Convention and its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.4, 3.5, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Review the effectiveness of the comprehensive sexual reproductive health curriculum to ensure that all aspects of sexual and reproductive health education are part of the mandatory school curriculum and contribute to reducing the incidence of teenage pregnancy and sexually transmitted infections, especially HIV/AIDS;
- (b) Strengthen its efforts to eliminate lead causes of death for adolescents, particularly tuberculosis and HIV;
- (c) Ensure that all girls and boys, including those who are out of school and those in rural areas, have access to confidential and child-friendly family planning, sexual and reproductive health information and services, including the provision of contraceptives and abortion;
- (d) Protect the rights of pregnant teenage and adolescent mothers;
- (e) Revise the Prevention of and Treatment for Substance Abuse Act, address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information and life skills education on preventing substance abuse – including tobacco and alcohol – and develop accessible and youth-friendly drug dependence treatment.

H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))

38. Taking note of targets 1.1, 1.2 and 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Reduce the exclusion of infants from the Child Support Grant by prompting the issuance of birth certificates, and by allowing pregnant women to register a child for the Child Support Grant in the third trimester of pregnancy, and through the expeditious administration of applications for the grant;
- (b) Strengthen its efforts to ensure that children with a high risk of exclusion, such as children younger than 1 year, children with disabilities, children of adolescent mothers and refugees, children who have dropped out of school and children in street situations receive the Child Support Grant;
- (c) Ensure an increased uptake of the Care Dependency Grant for children with disabilities, while addressing barriers such as medical examinations, to enable parents of children with disabilities to apply for this grant;
- (d) Prioritize the equitable provision of drinking water and sanitation across the provinces, particularly in schools, as well as access to and the availability and affordability of food, and strengthen cooperation with UNICEF and the World Health Organization, among others, for assistance to address these issues.

I. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)

39. Recalling its general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, and targets 3.9, 13.1, 13.2 and 13.3 of the Sustainable Development Goals, and taking note of the environmental protection legislation of the State party, the Committee recommends that the State party:

- (a) Expedite the adoption of the Climate Change Bill, increase the visibility of children in climate, environmental and energy policies and strategies, strictly implement the "polluter pays principle", and ensure that any revisions of the national development, climate, environmental and energy policies and plans integrate the linkages with the needs and rights of children;

(b) **Strengthen climate change mitigation and adaptation measures in relation to droughts and floods, particularly in relation to children’s food, water and energy insecurity;**

(c) **Conduct an assessment of the effects of polluted air, water and soil from mining activities, power plants, urbanization, construction and unsustainable land management on children’s health as a basis for designing a well-resourced strategy to remedy the situation, and implement the regulations on the maximum concentrations of air and water pollutants;**

(d) **Ensure that health and mental health professionals receive training in diagnosing and treating health impacts related to environmental harm.**

J. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

40. The Committee is concerned about:

(a) The limited access to quality and inclusive education for children with disabilities, pregnant teenagers and adolescent mothers, asylum-seeking, refugee and migrant children, and children in disadvantaged socioeconomic situations;

(b) The high dropout rates at the end of the compulsory school phase, due to poverty, remoteness, disability or pregnancy;

(c) The low numeracy and literacy rates;

(d) The low quality of education, particularly in “no-fee schools”, and voluntary donations which contribute to school dropout;

(e) The insufficient availability of early childhood education and the lack of qualified staff.

41. **Taking note of targets 4.1, 4.2, 4.4, 4.5, 4.6 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all children, particularly pregnant teenagers and adolescent mothers, asylum-seeking, refugee and migrant children, and children in disadvantaged socioeconomic situations, have access to and complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes;**

(b) **Operationalize Education White Paper 6 on the inclusive education of children with disabilities and ensure the accessibility of schools and of early childhood education;**

(c) **Take measures with the resources required to significantly reduce the root causes of children dropping out of school overall, but in particular after Grade 9 and/or the age of 15 years;**

(d) **Develop and implement a national strategy that will address the challenges with respect to numeracy and literacy;**

(e) **Strengthen the quality of education, particularly in “no-fee schools”, and abolish donations, ensure the availability of qualified teachers, provide high-quality pre-service and in-service training of teachers, and ensure that schools are fully and safely accessible to all and are equipped with adequate infrastructure and educational technologies;**

(f) **Allocate sufficient financial resources for the expansion of early childhood education within the public sector, adopt the national standards on early childhood care and the qualifications of educators, and ensure that educators receive systematic and appropriate in-service training.**

K. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40 of the Convention, and the Optional Protocol on the involvement of children in armed conflict)

Asylum-seeking, refugee and migrant children

42. Recalling joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, and general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recalls its previous recommendations¹³ and recommends that the State party:

(a) Ensure asylum-seeking, refugee, migrant and unaccompanied children's rights to special protection, to an adequate standard of living and to access to education and health care, irrespective of their status;

(b) Improve the monitoring and enforcement of laws and policies protecting these children against all forms of exploitation, including child labour;

(c) Ensure the consistent adherence to and implementation of the High Court's judgment on upholding the right to education of undocumented children;

(d) Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Children belonging to minority or Indigenous groups

43. Recalling its general comment No. 11 (2009) on Indigenous children and their rights under the Convention, the Committee recalls its previous recommendations¹⁴ and recommends that the State party follow the Constitutional Court's decision and re-enact the Traditional and Khoi-San Leadership Act by reasonably facilitating public involvement, including of children, in different stages of the public participation in the preparation of the Act.

Economic exploitation, including child labour

44. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recalls its previous recommendations¹⁵ and recommends that the State party develop a National Action Plan on the Elimination of Child Labour, and ensure the monitoring and the implementation of the relevant legislation and the prosecution of offending employers, also by providing adequate resources for the system.

Children in street situations

45. Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party collect disaggregated data on children in street situations and revise the Strategy and Guidelines for Children Living and Working in the Street, in order to ensure that they have better protection and fulfilment of their rights, in particular education, health care, social services, intervention and prevention programmes and child protection, supported with an adequate budget.

Administration of child justice

46. Welcoming the raising of the age of criminal responsibility to 12 years, the Committee recalls its general comment No. 24 (2019) on children's rights in the child justice system, and with reference to the United Nations Global Study on Children

¹³ CRC/C/ZAF/CO/2, para. 62.

¹⁴ Ibid., para. 66.

¹⁵ Ibid., para. 68.

Deprived of Liberty, urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee recalls its previous recommendations¹⁶ and recommends that the State party:

- (a) Further raise the legal age of criminal responsibility to at least 14 years of age, and introduce supportive measures for children below the minimum age of criminal responsibility and their families;
- (b) Adopt a process for the early release of children in the child justice system, similar to the parole hearings for adults;
- (c) Promote non-judicial measures, such as diversion and mediation, for children alleged to have, accused of having or recognized as having infringed the penal law, wherever possible, and the use of non-custodial sentences for children, such as probation or community service;
- (d) Strictly monitor secure care centres and child and youth care centres and ensure that children are safe and that they receive all necessary care, and that the centres are implementing a non-punitive, educational and therapeutic approach;
- (e) Ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;
- (f) For the few situations where deprivation of liberty is justified as a measure of last resort, ensure that detention conditions are compliant with international standards, including with regard to access to education and health services;
- (g) Ensure that the national preventive mechanism is provided with sufficient human, financial and technical resources to allow it to fulfil its mandate concerning all children deprived of liberty, and act urgently to end strip-searching and solitary confinement in secure care facilities, as identified in the 2023 report of the national preventive mechanism.

Children in armed conflict

47. The Committee notes the measures adopted to facilitate the resolution of pending paternity/child maintenance claims related to South African military personnel in peacekeeping missions. However, the Committee is concerned that sexual exploitation and abuse continues to be perpetrated by South African military personnel in peacekeeping missions, often resulting in the birth of a child. The Committee recommends that the State party adopt effective measures to prevent and respond to these cases, to thoroughly investigate them and bring the perpetrators to justice, to resolve outstanding paternity claims and to provide full support to the victims to claim justice and compensation.

L. Ratification of the Optional Protocol on a communications procedure

48. The Committee recommends that the State party ratify the Optional Protocol on a communications procedure.

M. Ratification of international human rights instruments

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural

¹⁶ See CRC/C/ZAF/CO/2.

Rights and the International Convention for the Protection of all Persons from Enforced Disappearance.

50. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict, given that the related report has been overdue since 25 October 2011.

N. Cooperation with regional bodies

51. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

IV. Implementation and reporting

A. Follow-up and dissemination

52. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined third to sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

53. The Committee recommends that the State party strengthen the Inter-Departmental Committee on Compliance and ensure that it has the mandate and adequate human, technical and financial resources to effectively coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the South African Human Rights Commission and civil society.

C. Next report

54. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines¹⁷ and should not exceed 21,200 words.¹⁸ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

¹⁷ CRC/C/58/Rev.3.

¹⁸ General Assembly resolution 68/268, para. 16.