

CHILD PROTECTION KEY SYSTEMS & LEGISLATION



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The Constitution: Section 28 of the Bill of Rights affirms children's rights to protection from maltreatment, neglect, abuse or degradation, and to be protected from exploitative labour practices.

New Children's Act became law in March 2008. It includes the provision for :

- Mandatory reporting of physical and sexual abuse and deliberate neglect.
- A child protection register of all mandatory reports and tracking responses; and an offender register aimed at preventing perpetrators from working with children and causing further harm.
- Identification, reporting and referral of children in need to social service professionals for investigation, assessment, referral and support services.
- Children's Courts where children in need of care and protection and their families, social workers, and magistrates sit down together to work out the best solution for the child.
- Prevention and early intervention services aimed at supporting families and responding to situations of risk before the child falls into the statutory care system.

New Sexual Offences Act, which has broadened the definition of rape and is inclusive of a wide range of crimes that commonly occur against children (sexual grooming, sexual exploitation, use of and exposure to pornography)

The Child Justice Bill establishes a criminal justice process for those children accused of committing offenses, and includes a focus on procedures for individualized assessment and preliminary inquiry, diversion and restorative justice.

**No violence against children is acceptable.
All violence against children is preventable.**



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Sexual Offences Courts are being rolled out across the country, which reduce further traumatising of victims. They employ victim-friendly practices and include a monitoring and reporting system. Many child welfare social workers have been trained as intermediaries to assist children during court proceedings, and they also work closely with the social worker involved in the investigation of the case to further minimise the traumatic process for the child victim. However, the Sexual Offences Courts are under-resourced, which often results in delays and inadequate preparation of children for the criminal proceedings. Intermediaries are not always available, and not all courts have child-friendly procedures in place.

Thuthuzela Care Centres are being rolled out across the country, which aim to provide woman and child victims of sexual offenses with better, humane treatment by reducing secondary victimization (i.e, the additional distress experienced by the survivor due to insensitivity or intrusiveness in service provision or in the conduct of prosecutorial investigations), reducing the time to finalization of a case from 18-24 months to 5-6 months, and improving the conviction rate (only around 7% of reported rapes end with a conviction). Some 60%-80% of clients are children.

Film and Publications Act. South African law offers strong protection and exceeds international standards for banning the creation, possession and distribution of child pornographic images. South Africa is one of the few countries that prohibit the possession of child pornography, regulates Internet Service Providers and requires them to take measures to prevent access to child pornography. The law also contains broad definitions of child pornography and the various media by which child pornographic images can be created and distributed.

The South African Schools Act of 1996, section 10, outlaws corporal punishment at schools.

Basic Conditions of Employment Act prohibits the employment of children below the age of 15

Establishment of Family Violence, Child Protection and Sexual Offences Units of the Police, and specialised individuals policing crimes against children