



REPORT OF THE SADC PF STANDING COMMITTEE ON HUMAN AND SOCIAL DEVELOPMENT AND SPECIAL PROGRAMMES (HSDSP) TO THE 55TH PLENARY ASSEMBLY HOSTED BY THE PARLIAMENT OF THE REPUBLIC OF ANGOLA FROM 1ST TO 7TH JULY 2024

THEME: “ADVANCING THE AU AGENDA 2040 FOR CHILDREN: STRENGTHENING PARLIAMENTARY ENGAGEMENT FOR CHILD-CENTERED LEGISLATION AND POLICIES”

Mr. President, I beg to move that the 55th Plenary Assembly do adopt the Report of the Standing Committee on Human and Social Development and Special Programmes (HSDSP) to the 55th Plenary Assembly Session of the SADC Parliamentary Forum, laid on the table on 3rd July 2024.

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1.0 COMPOSITION OF THE COMMITTEE

As at the dates of its meetings, the Committee consisted of the following Members:

1.	Hon. Kelly Samynadin	Seychelles (Chairperson)
2.	Hon. Kassim Hassan Haji	Tanzania (Vice Chairperson)
3.	Hon. Luisa P. F. Damiao Santos	Angola
4.	Hon. Tshoganetso Leuwe	Botswana
5.	Sen. Linda Nxumalo	Eswatini
6.	Hon. Mope Khati	Lesotho
7.	Hon. Fiarovana Lovanirina Célestin	Madagascar
8.	Hon. Rachel Zulu	Malawi
9.	Hon. Ashley Ittoo	Mauritius
10.	Hon. Jeronima Agostinho	Mozambique
11.	Hon. Agnes Kafula MP	Namibia
12.	Hon. Desmond Lawrence Moela	South Africa
13.	Hon. Julien Nyemba	Zambia
14.	Hon. Lynette Karenzi	Zimbabwe

At the time of the meeting, DRC had not yet designated Members to SADC PF following the general election.

2.0 TERMS OF REFERENCE

The Terms of Reference of the Standing Committee on Human and Social Development and Special Programmes (HSDSP) are articulated in Rule 42(e) of the SADC PF Rules of Procedure as follows: *To deal with human and social development issues pertaining to health and combating illicit drug trafficking, HIV/AIDS, human resource development, education, professional training, employment and labour, culture and sport, science and technology and humanitarian issues, among others.*

3.0 BACKGROUND

Recognizing the urgent imperative of fostering an Africa fit for Children, the African Union adopted Agenda 2040 as a framework towards achieving this vision, rooted in the belief that children are the future of Africa. To attain the overarching mission espoused in the AU Agenda 2063, it is critical to promote the rights and welfare of the child. Agenda 2040 remains the anchor framework for promoting the best interests of the child by establishing key principles for achieving this. At the regional level, the SADC Parliamentary Forum (SADC PF) has actively pursued and promoted children's rights through various normative frameworks such as the SADC Model Law on HIV/AIDS, Model Law on Eradicating Child Marriages, and Protecting those Already in Marriage, and the Model Law on Gender-Based Violence. Despite these efforts, challenges persist, including child marriages, sexual and gender-based violence, new HIV infections, and adolescent maternal mortality rates. To that end, the HSDSP Committee Session, was convened under the theme: *'Advancing the AU Agenda 2040 For Children: Strengthening Parliamentary Engagement for Child-Centered Legislation and Policies.'* This

theme encapsulated the goal of enhancing National Parliaments' role in promoting the best interests of the child.

4.0 SUMMARY OF PRESENTATIONS

The Committee received expert presentations from the following Resource Persons:

- i. Hon. Anne Musiwa from the African Committee of Experts on the Rights and Welfare of the Child (ACERWC);
- ii. Prof. Nkatha Murungi from the Centre for Human Rights;
- iii. Ms Sally Ncube from Equality Now;
- iv. Dr Elvis Fokala from the Centre for Human Rights; and
- v. Mr Nqobani Ncube from the Centre for Human Rights.

4.1 Overview of the AU Agenda 2040 and its Significance in Upholding Children's Rights in Africa

The Committee noted that the Agenda was a pivotal document which aligned with Agenda 2063, emphasizing children's critical role in Africa's development. It was further noted that it sets out ten aspirations to be achieved by 2040, focusing on effective frameworks for children's rights, child-friendly legislation, universal birth registration, health and nutrition, quality education, protection from violence, child-sensitive justice systems, protection in conflicts, and children's participation in decision-making. Further, the Agenda, it was affirmed, aimed to create comprehensive child-focused systems across governance, legal, health, and educational sectors. However, to ensure that Africa and indeed the region realise the gains from the Agenda, it was emphasized that robust monitoring and accountability mechanisms were crucial to advance children's rights in Africa.

Additionally, there was consensus that children, as human beings, were entitled to their rights including the right to play, learn and develop. The country experiences shared by the various SADC Member States (SMSs) revealed the remarkable legislative and other interventions to promote the rights of children. Nonetheless, various factors were identified as impeding the full promotion and protection of children's rights. These include several harmful norms, religious, traditional, and cultural practices affecting children in the SADC region. These included the prevalence of child marriages, violence against children including female genital mutilation, and the ritual killing of children with albinism. From at least five (5) SADC countries, it was noted that about 40% of children were married before 18 years.

4.1.1 Theory vs Practice of Children's Rights

It was observed that there was a significant gap between the theory and practice of promoting and protecting children's rights. For example, country experiences shared highlighted that despite policies mandating the establishment of early childhood education centres (ECCE) within existing primary schools, many ECD pupils had to walk over 5 kilometres to reach these centres, rendering the right to education largely inaccessible in practice. Furthermore, it was observed that despite the availability of various laws and policies outlawing child marriages, this practice remained pervasive in the

region. The persistence of child marriages was exacerbated by protracted delays and limited prosecution of perpetrators of child rights violations. Furthermore, it was noted that the limited financing for initiatives aimed at promoting and protecting the rights of children. Moreover, while most SADC Member States (SMSs) had ratified various international and regional frameworks such as the Tashkent Declaration, these had not translated to tangible outcomes in the promotion of the right to education for children in the region. Of concern, it was also pointed out that noted the imminent threat of climate change had militated against the full promotion, protection and enjoyment of the rights and welfare of children. For example, the floods in Malawi and Mozambique negatively affected, among other things, the right to education for children, as schools were destroyed or repurposed as shelters.

4.2 Key Children’s Rights Issues in the SADC Region

Doubtless, children in the region continue to face a myriad of challenges that affect their growth and development. It was highlighted that while the challenges were many, the most pressing challenges could be categorised into distinct groups:

- i. Harmful Religious and Cultural Practices
- ii. Sexual and Gender-Based Violence
- iii. Armed Conflict and Forced Displacement
- iv. Human and Orphan Trafficking

It was further noted that the region had progressed in formulating robust legal frameworks such as the African Children’s Charter and the SADC Model Law on Eradicating Child Marriages and these have been instrumental in addressing some challenges. However, these challenges have continued to persist because of legal exceptions and harmful religious and cultural practices. For example, it was noted that some countries had exceptions that allowed for marriage of children and other cultures still allowed and insisted that children, particularly adolescent girls, participated in marriage rites and practices which included female genital mutilation. Additionally, it was noted that due to the exigencies of climate change, armed conflicts and the rising levels of household poverty, there had been a significant increase in forced displacements and this had disproportionately affected children. Also, it was highlighted that although there was limited information, there had been an increase in orphan trafficking in the region. This was largely attributed to the gaps in legislative frameworks around adoption and kinship care. For example, it was mentioned that in most SADC countries, it was more difficult to adopt a child for a national than it was for a foreigner. Consequently, this practice opened avenues for trafficking of persons, particularly children, girls and women.

4.3 Regional Mechanisms for the Protection and Promotion of Children’s Rights

It was highlighted that the SADC region had robust mechanisms for the promotion and protection of the rights of children. These mechanisms were anchored the international human rights frameworks such as the UN conventions, and the Convention on the Rights of the Child. Additionally,

regional protections under the African Union, including the Banjul Protocol, Maputo Protocol, Disability Protocol, Refugee Convention, Youth Charter, and the African Children's Charter provided mechanisms to support the full growth and development of the African child. However, in the ensuing discussions, it was expressed that the limited adoption and domestication of these regional mechanisms had militated against the effective implementation of these mechanisms. Further, factors such as limited financing, weak monitoring and evaluation systems, and slow progress in domestication were noted as significant challenges hindering effective protection of children's rights.

4.4 Eradicating Female Genital Mutilation in the SADC Region through the CSO Lens

It was noted that an estimated 230 million girls and women globally had undergone FGM, and according to research conducted by Equality Now, FGM was reported in 92 countries. While the prevalence of FGM had declined among adolescent girls in some African countries, the total number of affected women and girls has risen from 140 million to 144 million due to population growth. In countries like Somalia, Mali, The Gambia, Guinea, and Senegal, progress in reducing FGM prevalence has been stagnant over the past 30 years. FGM was linked to other violations such as child marriage, teenage pregnancy, and child rape. In Tanzania, where FGM was criminalized in 1998, the prevalence decreased from 18% to 8%, with increased participation in alternative rites of passage and improved handling of cases by law enforcement. However, the SADC Model Law on Gender-Based Violence was noted as a progressive normative framework which defined and categorised FGM as gender-based violence and mandated SMSs to prevent it. However, it was noted that the limited data on FGM in Southern Africa, particularly among minority and migrant communities had left a lacuna which negatively affected the initiatives to eradicate this practice.

4.5 Taking Stock of The Adoption & Implementation of the SADC Model Law on Eradicating Child Marriages and Protecting Those Already In Marriage

It was reiterated that child marriage remained a significant problem in Southern Africa due to factors such as poverty, gender inequality, tradition, insecurity during conflicts, limited education, and inadequate legal frameworks. In at least five SADC countries, nearly 40% of children are married before the age of 18. Of concern, it was further noted that Malawi and Mozambique were among the top 10 countries globally with the highest rates of child marriage, with over 50% of children married before 18. In both Mozambique and Malawi, one in two girls is married before 18, while in Zambia and Madagascar, the prevalence exceeded 40%. Several factors were identified as key drivers of child marriages including;

- High incidences of poverty,
- Lack of harmonization of laws within countries which results in conflicting provisions on child marriage.
- Limited awareness of existing laws which contributes to the persistence of child marriage.

- Deeply rooted cultural and religious norms which undermine laws and perpetuate child marriages.

The model law was identified as a potential panacea to the scourge of child marriages in the region. However, despite notable strides, challenges still persisted in its domestication.

4.6 Climate Change and the Rights of Children

It was highlighted that climate change was the greatest threat facing the world's children, supported by scientific evidence and real-world observations from countries like Mozambique, Malawi, South Africa, South Sudan, Nigeria, and Argentina. It was emphasized that vulnerable groups, including children with disabilities, children on the move, poor children, separated children, indigenous children, and street children, were disproportionately impacted. Further to that, it was pointed out that climate change negatively affected children's mental health and threatened their rights to health, life, sanitation, education, housing, culture, and development. It was recommended that there is need to:

- Implement educational and consultative policies that engage children with issues related to climate change, the environment, and disaster risk reduction.
- Develop disaster risk reduction policies that protect children and ensure their participation in emergency response contexts.
- Pursue litigation aimed at promoting accountability for the negative impacts of climate change on the rights of children and future generations.
- Encourage engagement by child rights mechanisms on the issue of climate change and its impacts on children's rights.

4.7 The Role of Parliament in the Protection and Promotion of the Rights of Children

It was emphasized that Members of Parliament (MPs) were entrusted with a significant responsibility to uphold children's rights through their representative, oversight, legislative, and budgetary functions. It was observed that Parliamentarians needed to act as the voice of the children, ensuring their needs and rights were adequately represented in all parliamentary discussions and decisions. This involved engaging with children and youth, understanding their issues, and bringing these concerns to the forefront of the national agenda. The ensuing discussions further highlighted the importance of Parliament's oversight role in monitoring and evaluating the implementation of child rights policies and programs. MPs were encouraged to hold the executive accountable for fulfilling their commitments to children's rights as per national and international standards. Moreover, regular assessments, inquiries, and audits should be conducted to ensure that children's rights are being upheld effectively and any violations are promptly addressed. Furthermore, in their legislative capacity, Parliamentarians, must work to enact and amend laws that protect and promote the rights of children. This includes drafting legislation that aligns with international conventions such as the UN Convention on the Rights of

the Child (CRC) and ensuring that national laws are harmonized with these standards.

5.0 ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON OF THE HSDSP COMMITTEE (2024-2026)

The Committee was notified that the Chairpersons and Vice Chairpersons of Standing Committees, serving from 2022 to 2024, were completing their two-year terms and should step down by rotation. The Secretary General, as the Returning Officer, outlined the procedure for the elections with an emphasis on:

- Rule 39 which outlines the procedure for electing Chairpersons and Vice Chairpersons.
- Article 14(3) of the SADC PF Constitution which mandates rotation in these positions.
- Rule 43(2)(f) and (g) which prohibits re-election as Chairperson or Vice Chairperson before the rotation cycle is complete.
- Rule 38(5) which emphasises gender balance in the election process.

In that regard, Members unanimously nominated Hon. Mope Khati from Lesotho as the Chairperson and Hon. Lynette Karenyi from Zimbabwe as the Vice Chairperson. There being no other nominations, the Returning Officer duly declared Hon. Mope Khati, as the Chairperson and Hon. Lynette Karenyi as the Vice Chairperson of the HSDSP Committee (2024-2026).

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

Following deliberations on the above presentations, the Standing Committee on Human and Social Development and Special Programmes:

RECOGNISING the inalienable rights of children, emphasizing that every child is entitled to fundamental rights such as the right to life, education, health, and protection from exploitation and abuse.

NOTING that these rights are inherent and must be upheld regardless of the child's circumstances, ensuring their well-being and development.

AWARE that the recognition of these rights is embedded in various international and regional frameworks, including the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), both of which underscore the universal obligation to protect and promote children's rights.

HOWEVER, CONCERNED that children continue to face significant challenges in fully enjoying their rights, due to pervasive issues such as poverty, armed conflict, inadequate access to education and healthcare. Negative cultural practices and insufficient legal enforcement.

FURTHER CONCERNED that despite having a robust body of national and regional legislative and institutional mechanisms, there has been limited domestication and/or implementation by some SADC Member States,

AWARE that the COVID-19 pandemic has exacerbated many of these challenges, leading to increased vulnerability of children due to disruptions in education, healthcare services, and social protection systems.

RECOGNISING that children with disabilities face additional barriers in accessing their rights, requiring tailored interventions to ensure their inclusion and equal participation in society.

ACKNOWLEDGING the critical role of family and community support systems in safeguarding children's rights and promoting their holistic development.

NOW, THEREFORE, the Committee resolved to recommend that the 55th Plenary Assembly should:

URGE national Parliaments to expedite the domestication and implementation of international and regional child rights instruments, ensuring that national laws align with the Convention on the Rights of the Child and African Charter on the Rights and Welfare of Children.

URGE the SADC PF Secretariat to facilitate the review and harmonization of child protection laws across Member States, promoting good practices and consistency in legal frameworks. These laws must be aligned to regional frameworks including the AU Agenda 2040 for Children.

ENCOURAGE national Parliaments to advocate for increased budgetary allocations dedicated to child protection services, education, healthcare, and social protection programmes, ensuring transparent and effective use of funds. This must also extend to the protection of children's rights in emergency situations.

URGE the SADC PF Secretariat to develop a mechanism to monitor and evaluate the allocation and utilization of resources for child rights across Member States, providing guidance and support for efficient budget management.

URGE national Parliaments to support legislation and policies aimed at achieving universal access to quality education, particularly for marginalized and vulnerable children, and expand healthcare services to include comprehensive child health and mental health support.

ENCOURAGE national Parliaments to enact and enforce laws to eliminate harmful cultural practices such as child marriage and female genital mutilation, accompanied by public awareness campaigns and community engagement strategies.

SUPPORT the SADC PF Secretariat in coordinating regional efforts to address negative cultural practices, fostering collaboration and support among Member States to achieve cultural and social change.

URGE national Parliaments to establish and strengthen child-friendly legal and social services, ensuring they are accessible and responsive to children's needs, and provide training for law enforcement and judicial personnel on child rights and protection.

ENCOURAGE national Parliaments to formulate and monitor the implementation of specific measures to protect and rehabilitate children affected by armed conflict, including their safe return to education and normalcy, and prevent their recruitment into armed forces.

URGE national Parliaments to formulate or review legislation on adoption and human trafficking, emphasizing the promotion and prioritization of kinship care to ensure the best interests of the child are upheld.

CALL UPON the SADC PF Secretariat to conduct comprehensive research on orphan trafficking and female genital mutilation, aiming to develop effective strategies to combat these issues and protect vulnerable children.

7.0 CONCLUSION

The Standing Committee on Human and Social Development and Special Programmes emphasizes the urgent need for national Parliaments and the SADC Parliamentary Forum to address challenges facing children's rights in the SADC region. The Committee hopes that the recommendations that have put forward in this report will go a long way in addressing the challenges faced by children in the SADC region and thereby ensure their protection and development. In this regard, the Committee would like to urge the 55th Plenary Assembly to adopt its recommendations without any reservations.

Hon. Mope Khati
CHAIRPERSON

Mr Munashe TOFA
COMMITTEE SECRETARY

7.0 APPENDIX: LIST OF OFFICIALS

1.	Ms. Boemo Sekgoma	SADC PF Secretary General
2.	Ms. Paulina Kanguatjivi	SADC PF Secretariat
3.	Mr. Ronald Windwaai	SADC PF Secretariat
4.	Ms. Samueline Kauvee	SADC PF Secretariat
5.	Dr Moses Magadza	SADC PF Secretariat
6.	Mr Toivo Mwaala	SADC PF Secretariat
7.	Mr Unaro Mungendje	SADC PF Secretariat
8.	Mr Allan Bokosi	SADC PF Secretariat
9.	Mr Munashe Tofa	Committee Secretary
10.	Ms Anne Msiiwa	ACERWC
11.	Ms Sally Ncube	Equality Now
12.	Prof. Nkatha Murungi	Centre for Human Rights
13.	Dr. Dennis Fokala	Centre for Human Rights
14.	Mr Nqobani Nyathi	Centre for Human Rights