
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 404 OF 2021

MS SIVIWE GWARUBE, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL, THE CHILDREN'S AMENDMENT BILL, 2021

Ms Siviwe Gwarube, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Children's Amendment Bill, 2021, in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

Section 9 of the Constitution of the Republic of South Africa, 1996 ('Constitution'), provides that the state may not unfairly discriminate directly or indirectly against anyone based on their gender or sexual orientation.

South Africa has, since the dawn of democracy in our country, made huge progress in the legal protection of the LGBTIQ+ community in our country. Unfortunately, conversion therapy, a pseudo-science approach to 'curing' children of homosexuality is still rife in South Africa. A wide number of international institutions, health practitioners, activists, and religious leaders have underlined the severe impacts of conversion therapy on children including depression, risks of suicide, loss of self-esteem, and deep trauma. Moreover, international human rights law is guided by the fundamental principles of universality, equality and non-discrimination. Whereas, practices of conversion therapy target a specific group on an exclusive basis of sexual orientation and gender identity, and is therefore discriminatory in nature and contrary to international human rights standards.

The current legislative framework under the Children's Act, 2005 (Act No. 38 of 2005) ("the Act"), does not prohibited conversion therapy on children nor does it consider it an offence.

The Bill will therefore seek to—

- insert certain definitions;
- provide for the prohibition of conversion therapy on children;
- provide that conversion therapy on children is an offence in terms of the Act; and
- provide for matters connected therewith.

Interested parties and institutions are invited to submit written representations to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, PO Box 15, Cape Town, 8000; or emailed to speaker@parliament.gov.za and

copied to siviweg@da.org.za.

Copies of the Children's Amendment Bill, 2021, may, after introduction of the Bill, be obtained from:

Democratic Alliance
PO Box 15, Cape Town, 8000
Attention: Ms Siviwe Gwarube
Telephone: 068 113 0835
Email: siviweg@da.org.za