

Child rights in South Africa

Twenty years ago, South Africa was just beginning to loosen the grip of apartheid, and many children suffered rights violations – including assault, torture, detention without trial, and restricted access to health care, education and protection. Institutional segregation was dismantled through negotiations between 1990 and 1993, and a new constitution was instituted in 1996. On 22 April 2009, the country completed its fourth consecutive democratic election.

Child rights at the heart of the post-apartheid constitution

After ratifying the Convention on the Rights of the Child on 16 July 1995, the architects of the new South Africa embedded its precepts into their country's constitution. Section 28 of South Africa's Bill of Rights guarantees children's right to an identity, basic services, education and protection within the legal system. Other key legislation to protect the rights of children introduced during the post-apartheid era includes the Films and Publications Act, the Basic Conditions of Employment Act, the Domestic Violence Act, the Child Justice Act and the Sexual Offences Act.

The most comprehensive addition to the child rights framework is the 2005 Children's Act and Amendment, which reinforces provisions in the Bill of Rights and details the responsibilities of parents and guardians. Important provisions include the right of access to state grants for children over age 16 who head households, and greater access to health care for young people, including the right of consent to HIV testing and treatment.

The challenges of enacting child rights

This strong framework is necessary, but not sufficient, for ensuring that children are protected and have the scope to

participate as empowered citizens. Reversing decades of social problems fostered by apartheid is challenging, particularly in the face of widespread poverty, the recent global economic downturn, and the national and regional AIDS pandemic.

More than one quarter of the population is living on less than US\$1.25 per day, according to the most recent international estimates, and the country's income distribution is among the most unequal in the world. In 2007, around 18 per cent of adults aged 15–49 were HIV-positive. Among the country's youth, 4 per cent of males and 13 per cent of females aged 15–24 were living with HIV. An estimated 1.4 million children under 18, or 8 per cent of South Africa's children, have lost one or both parents to AIDS.

Confronting the task ahead

The Government of South Africa faces the challenge of accelerating progress on survival, development, protection and participation for the country's 18 million children. Some essential services have relatively high levels of coverage by international standards. For example, coverage of routine immunization as measured by three doses of diphtheria, pertussis and tetanus toxoid vaccine stands at 97 per cent, while 93 per cent of the population – and 100 per cent in urban areas – has access to improved drinking water.

In other areas, faster progress is required. The latest international estimates indicate that 14 per cent of primary-school-age children are not enrolled in the appropriate education level; at the secondary level, 30 per cent of adolescent boys and 25 per cent of girls from the typical age cohort for secondary education are not enrolled. Sanitation facilities are sorely lacking,

with more than one third of urban dwellers and more than half of rural residents still living without access to improved sanitation facilities.

Fighting the AIDS pandemic and alleviating the associated effects on children is another high priority. Substantial progress is being made, from prevention to treatment. But given the scale of the pandemic, with 5.7 million people living with HIV in 2007, greater efforts at all levels are urgently required. Violence against children remains at high levels, despite provisions embodied in the Children's Act. And around 22 per cent of South African children are not registered at birth. Birth registration facilitates children's access to basic services, including child support grants.

In South Africa, children have been energetic participants in defence of their rights. In 1992, for example, the Molo Songololo organization hosted a summit on child rights attended by hundreds of children. Their collective vision was adopted into the Children's Charter of South Africa. Children and young people also participated in the drafting of the 2005 Children's Act, which has child participation as one of its founding principles.

The South African Parliament and Government, at national and local levels, are working to raise children's and parents' awareness about their rights. And the rights of children and women are nationally recognized in a comprehensive framework that provides a firm foundation for their fulfilment. Bridging the gap between rights and meeting the obligations to realize them is the next step.

See References, pages 90–92.