

Expert Opinion

Children's' Rights in South Africa: How are we doing?

By Jody Kollapen Chair, South Africa Human Rights Commission

(Excerpt from a statement at the children's rights celebration in the first decade of democracy, 16 June, Constitution Hill, Johannesburg)

Over time, South Africa has taken important steps in the path of building a democracy and one of the most significant measures, perhaps the most significant, is the agreement on a constitution – described as the birth certificate of the nation, it is

a contract between the State and its people as to how we will be governed, what the duties of the government are, what the duties of the citizen are and what the vision of the society is. In our case this is expressed most compellingly in the Preamble to the Constitution, which commits us to: "Healing the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights...and... Improve the quality of life of all citizens and free the potential of each person." Very few will thus argue with what the Constitution seeks to do, and it builds on this promise in the Bill of Rights, which continues a full and comprehensive list of all the human rights that are recognised internationally. These include the right to equality, to human dignity to freedom of expression amongst other rights. The provisions relating to the protection of the rights of children are also very extensive in Section 28, which states that a child's best interests are of paramount importance in every matter concerning the child.



South African children celebrated their rights in twelve stunning painted panels for the *1000 Wishes for the children of the world* project unveiled on 16 June on historic Constitution Hill, Johannesburg. UNICEF SA Photo by Cobus Bodenstein.

In this section, "child" means a person under the age of 18 years". However it is important to remind ourselves as we speak of rights that they come with responsibilities and it is this latter aspect that is often overlooked, as most people tend to demand their rights without accepting the responsibility to respect the rights of others. If I demand the right to express my views and opinions then I must accept the duty to listen to the views of others as well. Similarly if I want my teachers to respect my dignity I must respect theirs as well. Human rights are important – human responsibilities are just as important – they are two sides of the same coin and one cannot exist without the other.

Even though we have one of the most progressive Constitutions in the world the existing social and economic reality in our country raises many challenges and we

are confronted almost on daily basis by serious problems that present just not legal and human rights problems but problems that go to the very heart of our morality and our ethics as a nation.

Children who are the victims of sexual and other forms of abuse, children who experience extreme forms of poverty, children who live on the streets of our cities, the many children who find themselves behind bars in the prisons of our country, the children who as young as 10 years old have to assume the responsibility of caring for their siblings because of the death of their parents – all these situations challenge us , They all mean that the commitments in the Constitution and the Bill of Rights have still not materialised for those children. Of course I am mindful that some of these matters will take time to resolve – the history and the patterns of discrimination that existed for so long in our country will take a long time to reverse. On the other hand we must be outspoken in demanding an end to violence and abuse that children continue to experience.

Having said this I am mindful of the many changes and interventions we have seen over the past 10 years and we need to commend government, international agencies such as UNICEF, civil society organisations and independent structures for the work they have done in this regard. We have heard the voices of children; we have seen policies and programmes put in place to address the needs of children ranging from interventions in the area of education, criminal justice and social security to name but a few such areas.

So an occasion such as this must give us the time to celebrate where we have come from in achieving all that we have in the past 10 years. At the same time however it must be an opportunity to allow us to reflect on the unfinished business that lay ahead. If we are to free the potential of each person in our country we should logically start with the children who after all are the custodians of the future.

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