

The South African Constitution (1996)

Section 28 – Bill of Child Rights

The South African government signed the South African Constitution in 1996 clearly outlining its commitment to the child rights section 28.

It reads as follows:

1. Every child has the right -
 - a. to a name and a nationality from birth
 - b. to family care or parental care, or to appropriate alternative care when removed from their family environment
 - c. to basic nutrition, shelter, basic health care services and social services
 - d. to be protected from maltreatment, neglect, abuse or degradation
 - e. to be protected from exploitative labour practices
 - f. not to be required or permitted to perform work or provide services that
 - i. are inappropriate for a person of the child's age; or
 - ii. place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development
 - g. not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under section 12 and 35 (relating to freedom and security of the person and rights of arrested, detained and accused persons), the child may be detained only for the shortest appropriate period of time, and has the right to
 - i. kept separately from detained persons over the age of 18 years
 - ii. treated in a manner, and kept in conditions, that take account of the child's age
 - h. to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial in justice would otherwise result; and
 - i. not to be used directly in armed conflict, and to be protected in times of armed conflict
2. A Child's best interests are of paramount importance in every matter concerning the child
3. In this section "child" means a person under the age of 18 years.