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CHILDREN'S RIGHTS RESEARCH & ADVOCACY PROJECT

COMMUNITY LAW CENTRE
University of the Western Cape

presents



**CHILDREN IN TROUBLE WITH THE LAW:
Seminar towards Legislation & National Action**

15-17 October 1993
Arthur's Seat Hotel
Cape Town, South Africa

*The Community Law Centre dedicates this seminar to victims of violence across
South Africa in memory of Amy Biehl, American Fullbright Scholar*

The Children's Charter Of South Africa

Adopted by the Children's Summit of South Africa on 1 June 1992

PREAMBLE

We, the delegates of the International Children's Summit held from 27 May to 1 June 1992, acting as representatives from the regions of Western Cape, Eastern Cape, Southern Cape, Northern Cape, Bolland, Border, Midlands, Southern Natal, Northern Natal, Namaqualand, PWV, Eastern Transvaal, Western Transvaal, Northern Transvaal, Northern Orange Free State, Southern Orange Free State, Transkei and on behalf of all the children of South Africa,

Realizing that,

all children are created equal and are entitled to basic human rights and freedoms and that all children deserve respect and special care and protection as they develop and grow and

Recognizing that,

within South Africa, children have not been treated with respect and dignity, but as a direct result of apartheid have been subjected

to discrimination, violence and racism that has destroyed families and communities and has disrupted education and social relationships and

Acknowledging that,

at the present time, children have not been placed on the agenda of any political party, or the existing government or within the CODESA negotiations and are not given the attention that they deserve,

Taking into consideration the cultural values, languages, and traditions of all the children and,

Recognizing the,

urgent need for attention to improving the life of children and protecting their rights in every region, in particular those regions which have been especially subjected to violence, political unrest and poverty,

Have agreed upon the following:

PART I

Article One

For the purposes of the charter, a child means any person under the age of 18 years old, unless otherwise stated.

Article Two

Children have been and continue to be abused, tortured, mistreated, neglected and abandoned by the people of South Africa. Children are not treated with the respect and dignity that every human being deserves, but instead are subjected to violence, poverty, racism, and the ignorance of adults. Children continue to suffer from the inequalities of apartheid, especially in the area of education. Children do not receive proper health and medical care and attention, yet do not have the right to demand treatment. Children are arrested, tried without lawyers and held in prisons. Children are beaten and abused by the police and by gangs and other adults. Children are the future leaders of tomorrow, but they are not given the right to participate in consultations or negotiations about their future. The government and other political parties have put children last, not first.

We therefore set forth that all children of South Africa are entitled to the following rights and protections:

PART II

Article One

1. All children have the right to the protections and guarantees of all the rights of the Charter and should not be discriminated against because of his/her or his/her parents' or family's colour, race, sex, language, religion, personal or political opinion, nationality, disability or for any other reason.
2. All political parties, the government, CODESA, the future government, communities, families, and parents should do everything possible to ensure that children are not discriminated against due to his/her or his/her parents' or family's colour, race, sex, language, religion, personal or political opinion, nationality, disability or for any other reason.

Article Two

All children have the right to a name and nationality as soon as they are born.

Article Three

1. All children have the right to express their own opinions and the right to be heard in all matters that affect his/her rights and protection and welfare.
2. All children have the right to be heard in courtrooms and hearings affecting their future rights and protection and welfare and to be treated with the special care and

consideration within those courtrooms and hearings which their age and maturity demands.

3. All children have the right to free legal representation if arrested.
4. All children have the right to participate in the government of the country and special attention should be given to consultations with children on their rights and situation.

Article Four

All children have the right to freedom to practice their own religion, culture or beliefs without fear.

Article Five

Violence

1. All children have the right to be protected from all types of violence including:

physical, emotional, verbal, psychological, sexual, state, political, gang, domestic, school, township and community, street, racial, self-destructive and all other forms of violence.
2. All children have the right to freedom from corporal punishment at school, from the police and in prisons, and at home.

3. All children have the right to be protected from neglect and abandonment.

4. All children have the right to be protected from township and political violence and to have "safe places" and to have community centres where they can go for help and safety from violence.

5. All children have the right to be educated about child abuse and the right to form youth groups to protect them from abuse.

6. All persons have the duty to report all violence against, abuse of and neglect of any child to the appropriate authorities.

7. Children should not be used as shields or tools by the perpetrators of violence.

8. Children have the right to say no to violence.

9. The media has the duty to prevent the exploitation of children who are victims of violence and should be prohibited from the promotion of violence.

10. All children have the right to be protected from violence by the police and in prisons.

11. Children should not be obligated or forced to follow adults in their political involvements.
12. All children have the right to be free from torture, detention or any other physical or emotional violence during apartheid or at times of unrest or war.
13. All children have the right to be protected from drug and alcohol abuse by their parents, families and others and to be educated about these forms of violence.
14. Children have the right to a special children's court and medical facilities to protect them from violence.
15. Special groups and organizations should be formed within the communities to protect and counsel victims of all types of violence.
16. No child should be held in prison or police cells at any time.
2. All children have the right to love and affection from their parents and family.
3. All children have the right to clothing, housing and a healthy diet.
4. All children have the right to clean water, sanitation and a clean living environment.
5. All children have the right to be protected from domestic violence.
6. All children who do not have a family should be provided with a safe and secure place to live and clothing and nutritious food within the community where they live.
7. Special protections should be given to children who are orphaned or abandoned as a result of violence or any other reason or are refugees or returning from exile and every effort should be made to place them within a safe and secure "family".

Article Six

Family Life

1. All children have the right to a safe, secure and nurturing family and the right to participate as a member of that family.

Article Seven

Health and Welfare

1. All children have the right to adequate health care and medical attention both before and after birth.

2. All children have the right to be protected from harmful and toxic substances such as cigarettes, drugs, and alcohol and to be educated about the effects on their health and environment.
3. All children have the right to free and comprehensive health services, especially in schools, including screening of diseases, treatment of diseases and physical and psychological treatment and services.
4. All children have the right to demand health and medical care without the permission of their parent or guardian.
5. All children have the right to be protected and educated about AIDS and to be given adequate health care and protection. Any child whose family is infected with AIDS should be given special care and protection.
6. Disabled children have the right to special health care and protections.
2. All children have a right to education which is in the interest of the child and to develop their talents through education, both formal and informal.
3. All teachers should be qualified and should treat children with patience, respect and dignity. All teachers should be evaluated and monitored to ensure that they are protecting the rights of the child.
4. Parents have the duty to become involved in their children's education and development and to participate in their children's education at school and at home.
5. All children have the right to play and to free and adequate sports and recreational facilities so that children can be children.
6. All children have the right to participate in the evaluation and upgrading of curriculum which respects all the traditions, cultures and values of children in South Africa.

Article Eight

Education

1. All children have the right to free and equal, non-racial, non-sexist and compulsory education within one department, as education is a right not a privilege.
7. All children have the right to education on issues such as sexuality, AIDS, human rights, history and background of South Africa and family life.
8. All children have the right to adequate educational facilities and the transportation to such facilities should be provided.

vided to children in difficult or violent situations.

ance of labour or employment from their parent or family.

Article Eight

Child Labour

1. All children have the right to be protected from child labour and any other economic exploitation which endangers a child's mental, physical, or psychological health and interferes with his/her education so that he/she can develop properly and enjoy childhood.
2. All children, especially in rural areas, should be protected from hard labour including farm, domestic or manual labour or any other type of labour.
3. All children have the right to be protected from prostitution and sexual exploitation such as pornography.
4. There should be a minimum age of employment and no child should be forced to leave school prior to the completion of matric for the purposes of employment.
5. There should be regulations and restrictions on the hours and types of work and penalties for those who violate these regulations.
6. All children have the right to be protected from child slavery and from the inherit-

Article Nine

Homeless Children

1. No child should be forced to live on the streets.
2. Homeless children have the right to be protected from harassment and abuse from police, security guards and all other persons and every person has the duty to report any abuse or violence against children.
3. Homeless children have the right to a decent place to live, clothing and a healthy diet.
4. Street children have the right to special attention in education and health care.
5. Communities and families have a duty to protect their children from becoming homeless and abandoned.
6. All persons should be made aware of the plight of homeless children and should participate in programmes which act to positively eradicate the problem of homeless children.

7. The government has a duty and responsibility for homeless children.

mestic and international, acknowledge, accept and support the Children's Charter in as many ways as possible.

RESOLUTIONS

We, the children of South Africa, therefore demand that:

1. The existing government, the African National Congress, the Pan Africanist Congress, Inkatha Freedom Party, CODESA, the National Party, the Democratic Party and all other parties presently involved in negotiations acknowledge, adopt and support the Children's Charter via the establishment of committees, working groups and commissions that will ensure that children's rights will no longer be ignored in South Africa and that children will be placed first on the agenda, not last. Also, that these groups act to support existing children's structures and organisations.
2. A children's representative or council of representatives should be placed on CODESA, and within the existing and future governments. Children have the right to participate in, and be consulted with, about government.
3. The future constitution and Bill of Rights includes special provisions for children's care, protection and development.
4. The National Children's Rights Committee (NCRC) and all other children's structures and organisations, both do-

5. That communities and regions act to acknowledge, adopt and support the Children's Charter and ensure that the needs of their children are addressed with urgency.

6. That the delegates of the Summit act to ensure that their regions, communities, schools, families, adults and peers are informed about the Children's Charter and that there is continuing evaluation about the way forward to a culture of children's rights.

Children will no longer remain silent about their rights, but will speak and even shout out about their needs and demands.

Approved on this the 1st day of June 1992.