Children

Every child has the right –

to a name and nationality from birth;

to family care or parental care, or to appropriate alternative care when removed from the family environment;

to basic nutrition, shelter, basic health care services and social services;

to be protected from maltreatment, neglect, abuse or degradation;

to be protected from exploitative labour practices;

not to be required or permitted to perform work or provide services that

are inappropriate for a person of that child’s age; or

place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development;

not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be –

kept separately from detained persons over the age of 18 years; and

treated in a manner, and kept in conditions, that take account of the child’s age;

to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and

not to be used directly in armed conflict, and to be protected in times of armed conflict.

A child’s best interests are of paramount importance in every matter concerning the child.

In this section ‘child’ means a person under the age of 18 years.

*From:* The Constitution of the Republic of South Africa, 1996, Chapter 2: Bill of Rights.