

CHILDREN'S RIGHTS IN THE SOUTH AFRICAN CONSTITUTION

SUMMARY

Children were in many respects defenceless victims of discriminatory practices in 'apartheid South Africa'. In fact, discrimination on the basis of gender, race and other inequalities were inscribed in the social fabric of the previous constitutional dispensation. The constitutional dispensation that came into effect on the 27th April 1994 was therefore designed to innovate social, political and legal structures that would be radically different from those of the country's past history.

In this contribution the impact of the Constitution upon the rights of children are considered. In order to fathom the impact, a general overview of constitutional principles and provisions necessary for the comprehension of the rights of children is provided. Thereafter the rights of children expressly mentioned in the Constitution will be addressed. Attention is also paid to the equal protection and non-discrimination provisions of the Constitution, albeit only indirectly.