



childline

☎ 08000 55 555

The Children's Act

Made simple



When South Africa became a democracy in 1994, the President at that time, President Nelson Mandela, signed the United Nations Convention on the Rights of the child. This Convention (International Law) describes all the rights that children should have.

Once the President had signed this, South Africa needed to write a new law for children. This law needed to make that government and South African citizens would protect these rights and promote (encourage) the development and protection of children.

This new law is called the “Children’s Act” and the aim of this Act is to make sure that children grow and develop well. It also means that if children are abused and neglected, that they will be protected and helped to recover from this.



The Children’s Act says that whenever decisions have to be made about children, the best interests of the child are most important. Best interests means that one has to think about what will be the best thing to do for that child. The Act also says that children must participate and get involved in decisions that affect their lives.

The Children’s Act also sees that family life is very important and that is why the Act says it is important to develop families and provide them with services. Often times parents need help to be the best parents they can be for their children. So, if a child has been abused and/or neglected by the family, the Children’s Act protects the child, sometimes even allowing children to be removed from the home.



However the Act also says that if this does happen, parents should participate in programmes to help them become better parents. When parents cannot care for their children at all, the Children’s Act allows for families to adopt or foster these children, or for the children to be cared for in child and youth care centres (Children’s Homes)

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The Children's Act also:

- Orders that all children's crèche's, pre-schools, after-school care places, drop in centres and child and youth care centres (children's homes) are registered and follow rules to make sure that children are safe in these places, and receive the services and education that they need.
- Gives the ages at which children can consent to medical care, having an operation, testing for HIV and AIDS, obtain contraception, and consent to their own adoption.
- Has rules for places of entertainment for children to make sure that children are safe.
- Does not allow child labour such as sex work, involving children in the making of pornography.
- Provides for a Child Protection Register (which has 2 parts)
Part A lists children who have been abused and neglected. This is to make sure that children receive protection and help.

Part B lists people who have abused or neglected children. This is to prevent these people from having children in their care or working with children so that they cannot cause any further harm.

Remember:

The Act also states **that children must have some responsibilities to their families, communities and country too** but that the age and maturity of the child must be considered.

