Children’s rights to health
From survival to optimal development
What is health?

The World Health Organisation defines health as:
“a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”
Children’s rights to health

The United Nations Committee on Economic, Social and Cultural Rights has interpreted the right to health **broadly** as:

“... an inclusive right extending not only to timely and appropriate health care, but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health related education and information, including on sexual and reproductive health. A further important aspect is the participation of the population in all health-related decision-making at the community, national and international levels.”
The international Bill of Rights

1948 – United Nations Declaration of Human Rights
1966 – International Covenant on Civil and Political Rights
  – International Covenant on Economic Social and Cultural Rights

**International child rights instruments**

1996 – South African Constitution and Bill of Rights
Children’s rights to health in the Constitution

- **International Covenant on Economic, Social and Cultural Rights (1966)**

**Constitution of the Republic of South Africa Act 108 of 1996**

**Children’s Act 38 of 2005 (as amended by the Children’s Amendment Act 41 of 2007)**

- Everyone is **equal** before the law and the State may not unfairly discriminate against anyone – sections 9(1) and (3).
- Everyone has inherent **dignity** and has the right to have their dignity respected and protected – section 10.
- Everyone has the **right to life** – section 11.
- Everyone has the right to freedom and security of the person, including the right to be free from all forms of **violence** – section 12(1)(c).
- Everyone has the right to an **environment** that is not harmful to their health or well-being – section 24(a).
- Everyone has the right to have access to adequate **housing** – section 26(1).
- Everyone has the right to have access to **health care services**, sufficient **food and water, and social security** (including social assistance) – section 27(1).
- Everyone has the right to **basic education** (including adult education) and further education – section 29(1).
- **Children** have the right to **family, parental or alternative care** – section 28(1)(b).
- **Children** have the right to basic **nutrition, shelter, basic health care services and social services** – section 28(1)(c).
- Children have the right to **protection** from maltreatment, neglect, abuse or degradation – section 28(1)(d).
- A child’s **best interests** are of paramount importance in every matter concerning the child – section 28(2).
- Every child that is of such an age, maturity and stage of development to be able to participate in any matter concerning that child has the **right to participate** in an appropriate way; views expressed by the child must be given due consideration – section 10.
# Laws, policies and programmes

<table>
<thead>
<tr>
<th>Right</th>
<th>Law</th>
<th>Key programmes</th>
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| Health care services                       | National Health Act 61 of 2003                                       | • Free primary health care for everyone  
• Free health care for pregnant women and children under six years  
• Free health care for social grant recipients  
• Integrated Management of Childhood Illnesses  
• Prevention of mother-to-child transmission of HIV (PMTCT) |
| Water (including basic sanitation)         | Water Services Act 108 of 1997 (and various local government laws and by-laws that regulate local government service delivery) | • Free basic water |
| Social assistance                          | Social Assistance Act 13 of 2004                                      | • Child Support Grant  
• Foster Child Grant  
• Care Dependency Grant  
• Old Age Pension  
• Disability Grant  
• Social Relief of Distress |
| Housing                                    | Housing Act 107 of 1997                                              | • Housing subsidies |
| Social services and protection from abuse and neglect | Children’s Act 38 of 2005 (as amended by the Children’s Amendment Act 41 of 2007) | • Crèches  
• Early childhood development  
• Parenting skills training  
• Child and family counselling  
• Home- and community-based care  
• Protection services  
• Foster care  
• Child and youth care centres |
| Food and nutrition                         | These rights do not have their own express legislative framework.    | • Social grants  
• National School Nutrition Programme  
• Vitamin A supplementation  
• Food fortification  
• Integrated Food Security and Nutrition Programme |
Children’s rights to health are interdependent
Factors influencing infant mortality

Infant deaths per 1,000 live births

<table>
<thead>
<tr>
<th>Wealth quintile</th>
<th>Maternal education</th>
<th>Rural / urban</th>
<th>Province</th>
<th>Race</th>
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<tbody>
<tr>
<td>Poorest</td>
<td>None</td>
<td>Rural</td>
<td>Eastern Cape</td>
<td>Black</td>
</tr>
<tr>
<td>richest</td>
<td>Matric +</td>
<td>Urban</td>
<td>Western Cape</td>
<td>White</td>
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What can we do to realise children’s rights and promote wellbeing?