

---

# *Children's Rights in the Context of HIV/AIDS in Southern Africa*

Gisela H. van Rensburg, D Litt et Phil  
Sarie P. Human, D Cur

*Children in Southern Africa are living under extreme, difficult circumstances because of the spread of HIV/AIDS. Protecting and enhancing the rights of children can be regarded as an investment in the future. The principles identified in the World Fit for Children document from the United Nations International Children's Emergency Fund, within the context of HIV/AIDS, were used as a theoretical framework for a study conducted in one of the provinces of South Africa. A survey was conducted as a collaborative research project to map out critical trends regarding the fulfillment of children's rights, patterns, and structures of services available and the identification of capacity gaps. Right holders and duty bearers were interviewed, area surveys were conducted, and field observations were performed to determine data. Recommendations were made to raise the awareness of children's rights and to mobilize the community into action. To realize children's rights, emphasis must be placed on physical survival, development, and protection. Duty bearers should recognize and accept their responsibilities to establish, facilitate, manage, and/or control plans of action to address the devastating consequences of HIV/AIDS. Children should be empowered with knowledge, skills, and awareness to engage in and claim their rights.*

**Key words:** *HIV/AIDS, children's rights, voluntary testing and counseling, disclosure, orphaned children, health services access, social identity, child abuse*

Emphasis on the rights of children has gained momentum during the past decade, especially since the International Conference on Population and Development conducted in Cairo, Egypt, in 1994. This conference concluded with a plan of action that indicated how the rights of children, especially girls, in developing settings, needed to be protected.

In Africa, there is growing public concern about the situation of children who are living under extreme, difficult circumstances due the spread of HIV/AIDS-related illnesses and deaths (UNICEF, 2002a). Given the estimated figure of 28,500,000 people living with HIV/AIDS in the sub-Saharan region and the increasing level of social pathologies that include sexual assault, rape of infants and school-aged children, the increasing number of refugee children, malnutrition, poverty, the use of child labor, and juvenile delinquency, it becomes clear that protecting the rights of children involves every area of government policy, legislation, and service provision (UNAIDS, 2002b).

In view of the previously noted concerns, a study that focused on children's rights was conducted in one area of South Africa that is representative of a large proportion of southern African communities.

*Gisela H. van Rensburg, D Litt et Phil, is in the Department of Health Studies at the University of South Africa. Sarie P. Human, D Cur, is at Rand Afrikaans University.*

## Literature Review

Human rights fall into the realm of the discipline of ethics, which deals with normative values such as safety, good health, and quality lives (Department of Social Development, n. d., p. 11). Such rights are as relevant to children as to any other member of society. Protecting and enhancing the rights of children throughout the world is regarded as an investment in the future. United Nations International Children's Emergency Fund (UNICEF), an organization specifically targeting the rights of children throughout the world, was set up to facilitate the respect and nurture of children (UNICEF, 2002b) Other national and international trends and processes relevant to the protection of children's rights are the Convention of the Rights of the Child, the African Charter on the Rights and Welfare of the Child, the South African Constitution, and the National Program of Action for Children (UNICEF, 2001, p. 16).

It should be realized, however, that all rights are counterbalanced by obligations and responsibilities. Right holders, in this instance children, also have a responsibility toward themselves in realizing their own basic human rights by living a healthy, balanced life and making use of available services and resources. If they are still too young to accept these responsibilities, their parents or significant others (caregiving adults/duty bearers), should accept this responsibility on their behalf. It is acknowledged that the development of children is influenced by physical, cognitive, social, emotional, spiritual, and environmental factors. According to UNICEF (2001, p. 8), the first 2 to 3 years of a child's life are of crucial relevance for further development in human life. This places a further obligation on all duty bearers to empower children, at the earliest age, with the necessary knowledge and skills to accept the obligations related to their rights.

In view of the devastating growth of the HIV/AIDS pandemic, it is vital that the circumstances in which children live and grow be continuously under scrutiny. Contributing toward a healthy environment for children, the South African Department of Social Development provided *National Guidelines for Social Service to Children Infected and Affected by HIV/AIDS* (Department of Social Development,

n.d.). These guidelines are based on the assumption that most children who are vulnerable should be cared for within the context of their immediate environment, which is the family and community (p. 11). The document addresses the rights of children, such as protection from maltreatment, neglect, and all forms of exploitation; development issues including provision of food, health care, education and social security; the right to participate in all matters concerning them; the right to nondiscrimination; and access to a range of differentiated services as well as protection against further losses, such as of their homes when they are orphaned. Intervention strategies include strengthening the capacity of families and community-based responses, ensuring access to essential services to children, building the capacity of children within an enabling environment to support themselves and participate in community and social life.

## Aims and Objectives of the Study

The aim of the research was to ensure effective service delivery by strengthening the capacity of families, strengthening community-based responses, ensuring that government protects the most vulnerable children through the provision of essential services, building the capacity of children to support them and encourage their participation at all levels of service, and creating an enabling environment for affected children and families (Whiteside and Sunter, 2002).

The main objectives of the study were to:

1. Identify and map out critical trends regarding the fulfillment of children's rights in a selected community
2. Map out the pattern of duty bearers as well as the structure for right-holders and identify capacity gaps
3. Identify and propose recommendations relevant to addressing the capacity gaps, raising awareness of the rights of children and the obligations of duty bearers in the process of realizing these rights, mobilizing communities into action, and facilitating a local plan of action to protect children's rights. Duty bearers were defined as adults with a responsibility to

Download English Version:

<https://daneshyari.com/en/article/9927044>

Download Persian Version:

<https://daneshyari.com/article/9927044>

[Daneshyari.com](https://daneshyari.com)