

The Constitutional Rights of a Child to a Clean and Healthy Environment: A Case Study in the Vaal Triangle Region

Authors : Christiena Van Der Bank, Marjone Van Der Bank, Ronelle Prinsloo

Abstract : The constitutional right to a healthy environment and the constitutional duty imposed on the state actively to protect the environment fulfill the specific duties to prevent pollution and ecological degradation and to promote conservation. The aim of this paper is to draw attention to the relationship between child rights and the environment. The focus is to analyse government's responses as mandated with section 24 of the Bill of Rights for ensuring the right to a clean and healthy environment. The principle of sustainability of the environment encompasses the notion of equity and the harm to the environment affects the present as well as future generations. Section 24 obliges the state to ensure that the legacy of future generations is protected, an obligation that has been said to be part of the common law. The environment is an elusive and wide concept that can mean different things to different people depending on the context in which it is used for example clean drinking water or safe food. An extensive interpretation of the term environment would include almost everything that may positively or negatively influence the quality of human life. The analysis will include assessing policy measures, legislation, budgetary measures and other measures taken by the government in order to progressively meet its constitutional obligation. The opportunity of the child to grow up in a healthy and safe environment is extremely unjustly distributed. Without a realignment of political, legal and economic conditions this situation will not fundamentally change. South Africa as a developing country that needs to meet the demand of social transformation and economic growth whilst at the same time expediting its ability to compete in global markets, the country will inevitably embark on developmental programmes as a measure for sustainable development. The courts would have to inquire into the reasonableness of those measures. Environmental threats to children's rights must be identified, taking into account children's specific needs and vulnerabilities, their dependence and marginalisation. Obligations of states and violations of rights must be made more visible to the general public.

Keywords : environment, children rights, pollution, healthy, violation

Conference Title : ICGE 2018 : International Conference on Geography and Environment

Conference Location : Cape Town, South Africa

Conference Dates : November 15-16, 2018