

ABSTRACT

South Africa currently has the fastest growing HIV/AIDS pandemic in the world. Against this backdrop it is therefore not surprising to learn that 4 million children or about 10% of the entire South African population will be orphaned by the year 2015 (Davis, 2002:52; Whiteside & Sunter, 2000 in Madhavan, [2000:1]). These projections paint a clear picture of the challenges that lie ahead for accommodating and sustaining a prevailing family structure of households that are headed by children who are left behind by parents succumbing to the ravages of the HIV/AIDS pandemic. Because of their vulnerable age and laws and policies that do not fully cater for their needs, these children become victims of exploitation and abuse and forfeit their human rights enshrined in the Bill of Rights of the South African Constitution (1996). This study aims to unearth the plight of these children. In particular it will focus on the right of entitlement to family property when their parents die or are debilitated by HIV/AIDS related diseases. It concludes by challenging government and other stakeholders to review existing policies and to ensure that legislation is in place that mitigates against any form of violence, abuse, trauma or ostracism to which orphaned children are subjected to by unscrupulous caregivers.

Key words: Orphan, entitlement to family property, stigma, insecurity, vulnerability, extended family, trauma, HIV/AIDS, AIDS orphans and housing.