

**The development of a protocol to ensure the  
recognition of the rights of children during a legal  
process**

by

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**SUMMARY**

**The development of a protocol to ensure the recognition of the rights of  
children during a legal process**

**by**

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Children's rights are a world wide clarion call – yet, when it comes to implementing it in practice, the hearts of everybody starts racing because suddenly the issue is not just academic, it's personal. In practice it is evident that children's voices are not being heard or taken into consideration – while adults are solely responsible for making decisions that affects the lives children have to live. Children continue to suffer and are being traumatised due to the fact they have to live a life decided by adults who presumed to know the best.

The fact that there is no consistency when working with children, specifically during the legal process, has been experienced as a serious problem. Research

was undertaken to rectify the situation. The hypothesis for the intended study was formulated as follows:

***A protocol that can be followed by professional role-players can ensure that children's rights will be protected during a legal process.***

The key professional role-players involved with children during a legal process have been identified as social workers, commissioners of child welfare, lawyers, family advocates and judges.

In the qualitative study, a semi-structured schedule was utilized as guide for the personal interviews with each of the respondents. From this data, a protocol was developed and evaluated after implementation in order to determine whether such a protocol will enable the professional role-player to protect the rights of children during a legal process.

The quantitative results proofed that a protocol as a hands-on guideline, is a much needed tool for the professional role-player in practice.

From the study it was concluded that the existence of a protocol will enable the professional role-player to protect children's rights during a legal process.

Important recommendations included the following:

- Specific skill training of the professional role-players in working with children.
- The value of implementing a separate family court system, involving all the professional role-players.
- The different professional role-players should respect each other's profession, their abilities and skills and perform as a team to the benefit of the children in the legal process. Working against each other is to work ego-centered in stead of child-centered.

**Key concepts:**

- Rights
- Children's rights
- Legal process
- Protocol
- Professional role-player
- Child-Centered
- Voices of children
- Bill of Rights
- Family court
- Communication
- Skills

**OPSOMMING**

**Die ontwikkeling van 'n protokol ten einde te verseker dat die regte  
van die kind beskerm word gedurende 'n regsproses**

**deur**

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Kinderregte is 'n wêreld-wye wekroep maar wanneer dit by die toepassing daarvan in die praktyk kom, raak almal benoud want skielik is dit nie slegs akademies van aard nie maar persoonlik. In die praktyk is dit duidelik dat die stem van kinders nie gehoor of in aanmerking geneem word nie. Alleen volwassenes is verantwoordelik vir die neem van besluite wat 'n invloed het op die lewens van kinders. Kinders word dus voortdurend getraumatiseer deur die lewens te leef wat volwassenes besluit het in hul sogenaamde beste belang te wees.

Die inkonsekwentheid wanneer met kinders gewerk word, spesifiek met verwysing na die regsproses, is as 'n ernstige problem in die praktyk ervaar.

Navorsing is onderneem ten einde die problem die hoof te bied.

As hipotese is gestel:

***'n Protokol om deur professionele rol-spelers gevolg te word, kan verseker dat die regte van kinders beskerm word gedurende die regsproses.***

Die sleutelpersone in die regsproses betrokke met kinders, is geïdentifiseer as maatskaplike werkers, kommissarisse van kindersorg, prokureurs, gesinsadvokate en regters.

Deur middel van 'n kwalitatief-kwantitatiewe benadering, het die navorser eerstens bepaal watter faktore daartoe aanleiding gee dat die professionele rol-spelers nie die regte van kinders erken nie. Met behulp van 'n semi-gestruktureerde onderhoudskedule is die kwalitatiewe data versamel deur persoonlike onderhoude met respondente te voer. Vanuit hierdie data is 'n protokol ontwikkel en die waarde daarvan ge-evalueer na toepassing in die praktyk. Die respondente moes, as deel van die kwantitatiewe studie, bepaal of die protocol hul instaat sal stel om die regte van kinders gedurende 'n regsproses te beskerm. Die resultate het bewys dat 'n protokol as riglyn 'n broodnodige hulpmiddel vir die professionele rol-speler in die praktyk blyk te wees.



Vanuit die studie is tot die gevolgtrekking gekom dat die bestaan van 'n protokol wel die professionele rol-speler in staat sal stel om die regte van kinders gedurende 'n regsproses te beskerm. Belangrike aanbevelings was as volg:

- 'n Vaardigheids-opleiding vir professionele rol-spelers wie met kinders werk.
- Die belangrikheid om 'n aparte gesinshof-struktuur te implementeer waar al die professionele rol-spelers betrokke is.
- Die professionele rol-spelers moet die onderskeie professies se vermoëns en vaardighede respekteer en as 'n span funksioneer tot voordeel van die kinders in die regsproses. Om teen mekaar te werk is om ego-gesentreerd in stede van kind-gesentreerd te werk.

**Sleutelbegrippe:**

- Regte
- Kinderregte
- Regsproses
- Protokol
- Professionele rol-speler
- Kind-gesentreerd
- Kinderstemme
- Handves van Regte
- Gesinshof
- Kommunikasie
- Vaardighede

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