

The Ethics of Child Participation

by

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I dedicate this study to the children of the world and hope that it contributes to ensuring that their voices are heard in the most authentic and powerful way possible, as they can help to shape a better world for all today.

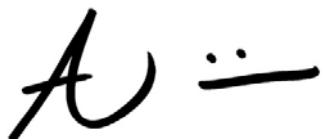
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I declare that this research report is my own, original work. All secondary material used was acknowledged and referenced in accordance with the university requirements.



9 August 2010

Signature

Date

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Abstract

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By

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DEPARTMENT: Social Work and Criminology

DEGREE: Master in Social Work

Child participation is one of the fundamental principles of the *United Nations Convention on the Rights of the Child* (1989), which South Africa ratified in 1995, together with (a) the best interest of the child; (b) survival, protection and development; and (c) non-discrimination (Hodgkin & Newell, 2002:17). It can be viewed as one of the cornerstones of child rights (and also human rights) as far as the Convention is concerned. The strongest foundations for children's right to participation in society can be found in universally agreed upon human rights treaties as well as domestic laws. These provide, either directly or by interpretation, for the right of children to participate in claiming their civil and political rights (first order rights) as well as their social, economic and cultural rights (second order rights). It is apparent that the construction of childhood by the adult portion of society directly affects children's ability to claim and execute their right to participation as citizens. These constructions of childhood are largely determined

by the large differences in power between children and adults, where adults hold the power and decide when and how much power will be given to children, and by children's perceived status as "lesser" than adults and, as such, needing to behave and respond in certain ways. Both these perceptions influence the meaningful participation of children.

Despite progression being made globally on the importance and value of children's participation, there remains a tension between children's right to participation and society's construct of children and childhood. While this tension prevails, it is important that mechanisms be found that will ensure that children's right to participation is executed in a way that will ensure that society's perceptions of childhood do not influence the quality of meaningful participation.

Authentic and meaningful participation can be safeguarded by ensuring that participation occurs within a framework that spells out the ethical principles to which child participation should adhere.

Research was undertaken to explore the foundations of child participation as a fundamental right, and to develop ethical principles for child participation for use in practice. As part of a qualitative study, semi-structured interviews were conducted with adult experts in child participation, and focus group discussions were held with children involved in child participation. From the study it was concluded that ethical principles for child participation are important to ensure that children are enabled to

participate in an authentic and meaningful manner in all matters that affect them and their communities. Based on the findings and the conclusion, a framework for the ethical principles of child participation was developed.

Recommendations included the following:

- Publishing and dissemination of the framework for the ethical principles of child participation.
- Monitoring of child participation to ensure that it is ethical.
- Training in ethical child participation for all role players.

Key concepts/terms:

- Child
- Rights
- Children's rights
- Child participation
- Ethics
- Principles
- Power relations
- Framework
- Human rights
- Participation

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CHAPTER 1

GENERAL INTRODUCTION AND ORIENTATION TO THE RESEARCH STUDY

1.1 Introduction

Child participation has become the buzzword in child rights in the late 90s and the start of the millennium. It has become fashion in many processes and organisations to have children participate in “matters affecting them”. The researcher, based on his observation and experience in child participation, has the following perspectives on this matter, which are not exclusive of one another. Firstly, it is acknowledged that there is a recognition that children’s voices should be heard and there is a general “willingness” to do this amongst policy formulators, service providers and children’s rights activists across the globe. Secondly, there are concerns about the ways in which child participation is facilitated and whether it really serves the best interest of children. Thirdly, the question is whether the majority of the policy formulators, service providers and children’s rights activists who facilitate or engage in child participation really know what they are doing and whether they know how to deal with the complexity of appropriate and meaningful child participation. All of these perceptions require an ethical framework that can ensure that child participation is facilitated in a manner consistent with the rights of children.

Child participation is one of the fundamental principles of the *United Nations Convention on the Rights of the Child* (United Nations, 1989), which South Africa ratified in 1995, together with (a) the best interest of the child; (b) survival, protection and development; and (c) non-discrimination (Hodgkin & Newell, 2002:17). It can be viewed as one of the cornerstones of child rights (and also human rights) as far as the Convention is concerned. The United Nations Children's Fund (UNICEF) argues that meaningful participation of children is important to ensure their growth and development, and emphasises that the involvement of children can make a difference in communities and enhance democracy (UNICEF, 2002a:9). Hodgkin and Newell (2002:159–160) indicate that “the Committee on the Rights of the Child asserted early on the status of Article 12 [considering the views of the child] as a general principle of fundamental importance relevant to all aspects of implementation of the *Convention on the Rights of the Child* and the interpretation of all other articles”, and that Article 12 requires that children express their views freely and that due weight is given to these views. This will be discussed in more depth in Chapter 2.

Within South African society, the primary source for human (child) rights principles is the Bill of Rights in the South African Constitution Act No 108 of 1996 (Republic of South Africa (RSA), 1996a). Though the Constitution does not explicitly provide for children’s rights to participation, it does underpin the principles common to a democracy such as equality (section 9), freedom of expression (section 16); freedom of opinion (section 15) and the best interest of

the child (section 28).

The researcher is of the opinion that the aforementioned paragraphs form the foundation of ethical decisions and processes in child participation, as the latter requires a weighing of the child's rights to participation against the meaning of such participation as being in the best interest of a specific child and the child population as a whole. De Waal, Currie and Erasmus (2001:457) argue in the same line and indicate that children's right to self-determination [participation] is difficult and complex to resolve and requires "a balance to be struck between the interests of children, parents and the state". Flekkoy and Kaufman (1997:65–66) indicate that the best interest of the child and the child's evolving capacities are the guiding principles and, based on knowledge of the actual competence of children, one should understand the principle of protecting children in participation processes without overprotecting them.

Though participation of children in matters affecting them is fundamental to their rights, the reality in many instances seems to be different. Johnson, Ivan-Smith, Gordon, Pridmore, and Scott (1998:xvi) argue that the appreciation of the potential of child participation is taking time, and that mindsets about children, like those about gender roles, are socially constructed and reproduced through power relations. Chambers (in Johnson *et al.*, 1998:xvii), explores this statement further, indicating that with gender awareness those affected, mainly women, were able and willing to speak out for themselves and others, whereas with

children this is rarely possible. This impossibility is mainly ascribed to cultures of adult power where children are perceived in a certain manner. Flekkoy and Kaufman (1997:23) have a similar view on the perceptions of childhood, stating that “even when they [children] are considered ‘equal’, they may still not get the same attention and respect for their dignity and integrity which is accorded to adults”. Karl Eric Knutsson in his book *Children: Noble Causes or Worthy Citizens* (1997) argues that the perceptions we (adults in society) have about children and childhood influence and shape our assumptions, preferences and choices concerning children.

It is clear from the views of the above authors that children's right to participation is linked to the way society, in particular adults, perceives children as participating members, and to the power relations between adults and children. The latter can be seen as a core factor in addressing children's right to participation. In this regard valuable lessons can be learned from the feminist movement in taking up this challenge to change perceptions based on stereotypes, culture and biological predispositions that are used as a basis for discrimination. The feminist movement challenges the perceptions of women and girls and strives to achieve equal human rights for women as for men (Stearman, 2003:4). The feminist movement in essence focuses on ending sexism, sexist exploitation and oppression (Hooks, 2000:12). Flekkoy and Kaufman (1997:49) argue that many adults dread relinquishing their own authority, especially as far as it concerns the equality of children and particularly

child participation. Cashmore (2002:837–839), in the same spirit, indicates that child participation “demands a shift from a paternalistic approach to one where children are seen as stakeholders in decisions with a right to have the same input rather than merely being the object of concern or the subject of the decision”. This supports the close link between the child rights movement and the feminist movement.

The feminist movement systematically and progressively tackled the issue of perceptual discrimination (against women) and can thus provide valuable lessons and theoretical arguments towards changing the perceptions regarding children’s right to participation in a non-discriminatory context. Although feminist theories such as liberal feminism, radical feminism, socialist feminism and postal feminism, amongst others, cannot be directly applied to children’s right to participation, the strength and foundation to these feminist theories and approaches can provide a valuable foundation to the argument of children’s right to participation rights beyond tokenism. These arguments are explored further and in more depth in Chapter 2.

In promoting the right to participation of children, care should always be taken that participation is based on sound ethical principles, which neither deprive children of their dignity nor compromise meaningful and empowering participation principles. Many participatory practices for children are often characterised by token participation, “window-dressing” involvement and other superficial methods

that “use” children to promote artificial goals of participation (UNICEF, 2001:17).

These ethical principles will be reviewed more comprehensively in Chapter 3.

Linked to children’s right to participate is their right to be appropriately prepared to participate. The intention of preparing children for their participation is an enabling as well as a protective one. The researcher is of the opinion that preparation should be done in a manner that is consistent with the rights of the child and that those who prepare children for participatory processes should be able to do so in an appropriate manner. Incorrect preparation can hamper or even downscale the quality of child participation, as children can either be inadequately prepared or be “over prepared” (and become, as is so often seen, “mini-adults”) and say what they think adults wish to hear (Save the Children, 2004:6–7). Hence, the principle of preparation for participation of children in matters affecting them should start with the adults, since they are the custodians of children and drive policy formulations and practice interventions. This implies that adults should first be prepared regarding how to engage with children and how to facilitate child participation before they can call on children to participate. The premise is that if adults are adequately prepared regarding how to engage children in their life-space and daily activities, the quality of participation is increased (Viviers, 2003:3). It is critical and essential that adults know exactly what they are doing in child participation processes and create an environment that is conducive for the participation of children, and that they have the knowledge and skills to deal with the complexities intrinsic to the participation of

children (cf. Save the Children, 2004:7; 21–22). At the same time, preparing children to engage in participatory processes where their views and opinions are given due consideration requires in-depth ethical considerations and weighing a serious of aspects, which include the best interest of the child; the protection of the child; methodology that promotes participation of children and takes into account evolving capacities; power and relationships between children and adults; and cultural and socio-economic contexts, to mention a few.

Ethical considerations related to children's right to participation are fundamental to all the arguments presented by the researcher thus far. UNICEF (2003:3) indicates that the area of human rights can be placed within the discipline of ethics, as it deals, in the same way as ethics, with the normative values that ought to be complied with. However, human rights are not merely ethical statements, but refer to inalienable entitlements that every human being should enjoy. UNICEF (2002c:1–5) indicates that ethical issues in child participation are complex and that there are no straightforward guidelines on the ethics of child participation (see Chapter 3).

The researcher is employed at the United Nations Children's Fund (UNICEF) and has over the years observed several child participatory events at both a policy and practice level in South Africa. In most instances, the participation of children did not go beyond token participation, where children were merely present to indicate that policy makers or practitioners did involve children in their activities.

This, more often than not, involved the reading of poems or pre-prepared statements to large adult audiences where the audience saw this as entertaining rather than influential. Such participation is empowering for neither the children nor the adults (policy makers/practitioners) who are soliciting the views of children, as the children are merely appreciated for their entertainment value. On the rare occasions where the child participation was meaningful and empowering, the researcher observed that the adult facilitators were the ones who were the best prepared to engage with children on their level in a more natural manner.

The researcher has had personal interviews with several experts in child rights and child participation over the past two years, who confirmed the need for research in the field of child participation. Misrak Elias, former UNICEF Country Representative to South Africa, emphasised (November 2004) that child participation should be based on principles identified in the *United Nations Convention on the Rights of the Child* (United Nations, 1989) and indicated that there is a general lack amongst adults in understanding their need to be educated in child participation methodologies. Bharat Kristan's (April 2004) international experience in working with organisations, governments and individuals working in the child rights field indicated that there is a major gap in understanding the true meaning of engaging children through a participatory process in matters affecting them and their communities. Sibeso Luswata (July 2005) added that some of the major concerns in child participatory processes are

the lack of knowledge regarding the concept of child participation; the prevalence of inappropriate and token participation; the fact that many child participation facilitators lack the capacity and skills to facilitate meaningful child participation; and a general lack of ethics when children are involved in participatory processes.

When starting out, it was envisaged that this study would explore and refine the ethics that underpin appropriate and meaningful participation of children in matters affecting them and the societies in which they live as equal and worthy citizens. It would also explore in depth the complex ethical issues and considerations that are fundamental to child participation so as to ensure that not only the best interests of every child who participates are served, but also the best interests of the broader child community.

1.2 Problem Formulation

Leedy and Ormrod (2005:43) indicate that the research problem is the centre of the research process and that it should be expressed with the utmost precision. They also indicate that it should be further divided into more manageable sub-problems as this will clarify the goals and direction of the research project (cf. Bless & Higson-Smith, 2000:16–17). After an introduction, the research problem will be presented in five subsections.

As indicated in 1.1 children have the right to participation in all matters affecting them at different levels impacting on their lives and society (cf. the *United Nations Convention on the Rights of the Child* (United Nations, 1989), the African Union *Charter on the Rights and Welfare of the African Child* (African Union, 1990), and the South African Constitution Act No 108 of 1996 (RSA, 1996a)). This right, however, poses a range of challenges as described in the introduction, which can be categorised as follows:

1.2.1 Non-recognition of the Importance of Child Participation

Johnson *et al.* (1998:xvi) state that participation and inclusion have become the core elements in development, but that children as a group with the right to participate in development have either been marginalized or excluded. Knutsson (1997:107) agrees that children should be included in overall strategies and policies for development, and indicates (1997:63) that true development is found in obtaining observations and insights from children. Children are most often ignored in development work and thus not recognised as full contributors to developments in their households, communities and societies at large. This is, more often than not, due to perceptions that are held with regards to children, namely doing for children and not with children, as well as the lack of capacity of those leading development work to involve children appropriately, meaningful and ethically.

1.2.2 Limited Understanding of Participation

Child participation is a complex matter that needs to be undertaken with care and consideration, especially in view of the rights of children. It requires a high level of understanding of the nature and extent of children's rights (Viviers, 2003:4). Smith (2002:74–75) argues that in order to understand child participation, the concept of participation should be understood, and indicates that participation "means involvement in activities, which are influenced considerably by roles, expectations and relationships within society at a particular time". She indicates that the participation rights of children are largely influenced by their civil and political status, in other words "respect for the personhood and citizenship of the child". UNICEF (2001:11) indicates that participation is fundamentally about the exercise of power and that there are different approaches and contexts for child participation as a right for all. Ennew and Hastadewi (2004:vii) indicate that child participation and the evaluation of the meaning thereof are in their infancy and that there is a need for much more exploration and understanding.

1.2.3 Lack of Social Power of Children

Ackerman, Feeny, Hart, and Newman (2003:8–9) indicate that there is a relative powerlessness of children to protect and serve their own interests in comparison with adults, and that this can compromise children's right to participation.

Children are generally not regarded as persons with power and are in many instances disregarded by adults. This leads to children being disadvantaged and discriminated against as a result of age and their rights and destiny being mainly controlled by adult factors in their lives. They further indicate that the response of adults to children and their rights is, in most instances, influenced by their socially constructed perceptions of childhood – which are most often embedded in perceiving children as less capable of having the ability to participate in matters affecting them.

1.2.4 Perceptions of Childhood

Viviers (2003:2–3) indicates that the capacity of childhood – or rather of children – is an important factor within the implementation and understanding of children's rights and that children are often regarded as lacking the capacity to do, to understand, or to participate in something, which often results in them being excluded. Viviers (2003) also indicates that the major shift in thinking should be to understand and accept that children do not lack capacity, but that their capacity is different from that of adults. Hence, lack of capacity should be regarded as a myth which is only used for exclusion. Johnson *et al.* (1998:151) place this within a cultural context and indicate that many cultures have specific perceptions of children that either exclude or hamper children's right to participation, such as "children should be seen and not heard". Johnson *et al.* further state that the cultural contextualisation of children's participation has been

a neglected area of study and that it is important not to use culture as an excuse to avoid challenging cultural norms.

1.2.5 Ethical Considerations in Child Participation

Although there is literature on the importance, principles and processes that underpin child participation (cf. Lansdown, 1995; Save the Children, 2004 and UNICEF, 2002c), research that explicitly addresses the ethical considerations and principles that underpin child participation is limited. As ethics set the moral conduct and rules for specific actions and interventions (*Concise Oxford Dictionary*, 1996:463), it is important that clear ethical principles for child participation are crystallised.

In support of the above arguments, Lansdown (1995:20) argues that children are still treated as “ill-informed, irrational, irresponsible, amusing or cute” by a substantial proportion of the adult population, and that this results in no serious recognition being given to the views of children, especially when they coincide with those of adults. Johnson *et al.* (1998:153) add a further important dimension to the argument and indicate that “to facilitate child participation we need to actively raise the status of minors within the community and increase their credibility as development workers.”

The researcher observed that there is, in general, a lack of understanding by

policy makers, politicians, social service and health professionals, and other practitioners as to the importance of having children participating in the matters that affect them, whether at a micro-, meso- or macro-level, and that children have a significant contribution to make. The researcher holds the opinion that there is a need amongst the aforementioned categories of people for a more in-depth understanding of the need to recognise children's role in and contribution to development from a human (children's) rights perspective, and that the participation of children is critical in all matters affecting them.

In summary, children have the right to participate in matters that affect them at all levels of their lives. However, there is no clear ethical framework for child participation that provides guidance on the conduct of the role-players involved in processes that require the participation of children. This research study is intended to fill the gaps in this regard by:

- Identifying principles that underpin and guide meaningful and ethical child participation at all levels;
- Investigating the preparation of children for participation vis-à-vis preparing adults to facilitate child participation in a natural way; and
- Determining the factors that influence the understanding and implementation of meaningful and ethical child participation.

1.3 Goal and Objectives of Research Study

The goal and objective of the study are as follows:

1.3.1 Goal of the Study

The goal of this research study is to explore the foundation of child participation as a fundamental right and to develop ethical principles for child participation for use in practice.

1.3.2 Objectives

Objectives refer to the smaller steps that need to be taken in order to achieve the goal set out by the researcher (Fouché, 2002a:107). The objectives of this study are as follows:

- To theoretically conceptualise and contextualise child participation as a fundamental human right.
- To identify principles that underpin and guide meaningful and ethical child participation.
- To determine the factors that influence the understanding and

implementation of meaningful and ethical child participation.

- Based on the research findings, to develop a framework that consists of clear ethical principles that will enhance and safeguard children's right to meaningful participation.
- To make recommendations on the implementation of the proposed ethical standards framework for child participation

1.4 Research Question/ Statement

Leedy and Ormrod (2005:134) indicate that in qualitative research, researchers only formulate general research questions about the phenomenon of their study. Mouton (2001:53) adds that research problems are formulated as questions, as this helps in focusing the research.

The research is exploratory and aims to both gain insight into the concept of child participation and develop ethical principles for child participation for use in practice (cf. Fouché, 2002a:109, and Bless & Higson-Smith, 2000:37).

The following research questions guided the researcher to explore the research topic 'Ethics of Child Participation':

1. What is the theoretical and philosophical basis that underpins child participation as a fundamental right?
2. Which factors contribute to and which factors hamper meaningful child

- participation?
3. What are the ethical considerations for meaningful and appropriate child participation?

1.5 Research Methodology

In this section a brief overview will be provided on the research methodology. For a more comprehensive discussion see Chapter 4.

As the terrain of ethics and ethical standards in child participation is a research field that has enjoyed limited exploration and is thus relatively undefined, a qualitative approach was most suitable for this study (Leedy & Ormrod, 2005:94). This research can be described as applied research as it aims to solve a particular policy problem on ethical standards in meaningful child participation (Fouché, 2002a:108–109; Bless & Higson-Smith, 2000:38–39; Neuman, 2003:22).

The research strategy for this study was an instrumental case study. This method was particularly suitable for this study, as it allowed the researcher to gain a better understanding of the theories underpinning child participation as a social issue and the ethical considerations that are paramount in child participation processes. This was gained from the literature study as well as from interviews with respondents who were able to share their personal experiences on child

participation (Fouché, 2002b:276).

In view of the fact that in South Africa experts directly involved in child participation and organisations/projects that have quality child participatory processes is limited, the researcher used purposive or judgemental sampling to ensure that those who are knowledgeable, experienced and possessed of skills in child participation were selected for the study (Bless & Higson-Smith, 2000:92; Strydom & Delport, 2002:334; and Neuman, 2003:213).

As this study included child respondents, due consideration was given to all relevant ethical aspects for the study (Strydom, 2002:64–73). A pilot study was carried out prior to the main study, which also tested the effectiveness of the data collection tools with both respondent groups (Bless & Higson-Smith, 2000:155).

The sample included seven (7) adults who are professional experts in child participation (two senior government officials; three recognised child rights activists and two practitioners in private consultancies) and 75 South African children in the age group nine (9) to 17 years who have been involved in processes or projects that involved child participation during the past 2 years. One of the criteria that applied to both the adult expert group and the child respondents group was that they must have been involved in child participation. The child respondents comprised males and females from urban and rural communities.

Data was collected through one-on-one semi-structured interviews with the seven (7) adult experts and eight semi-structured focus group discussions with the 75 child respondents (Babbie, 2005:316; and Greeff, 2002:398). The data was analysed through a systematic analysis of the transcripts of the one-on-one interviews and focus group discussions in order to identify themes and patterns in the data (De Vos, 2002:340; and Babbie, 2005:388). This resulted in the development of a working hypothesis (De Vos, 2002:342; and Mouton, 2001:109).

1.6 Definition of Key Concepts

The following key concepts are applicable in this research study:

1.6.1 Child

The definition of a child in this study has a global, regional and local context, which are all similar in defining a child, i.e. a person under the age of 18 years. (cf. Article 1 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989), Article 2 of the African Union *Charter on the Rights and Welfare of the African Child* (African Union, 1990), and section 28(3) of the South African Constitution Act No 108 of 1996 (RSA, 1996a)).

1.6.2 Child Participation

Child Participation is defined by Lansdown (1995:17) as “the process of sharing in decisions which affect one’s life and the life of the community in which one lives” (cf. UNICEF, 2001:4). The Canadian Mental Health Association (1995:3) defines child participation as the process that “involves recognising and nurturing the strengths, interests, and abilities of young people [children] through the provision of real opportunities for youth [children] to become involved in decisions that affect them at individual and systemic level”. Save the Children ([sa]:1) defines child participation as the process of involving children in decisions that affect them and the communities they live in.

For the purposes of this research ‘child participation’ is defined as a process that recognises the strengths, abilities and capacities of children to contribute to and share in decisions that affect their lives and the communities they live in at a household, community, service provision, policy (national) and global level.

1.6.3 Ethics

Thomas and Pierson (1995:140) assert that ethics can be seen as guiding principles to set a standard for good practice, while the *New Dictionary of Social*

Work (1995:61) regards ethics as principles, standards and expectations resulting from accepted values and norms that determine conduct. The *Concise Oxford Dictionary* (1996:463) defines ethics as the “science of morals in human conduct.” Accordingly, Loewenberg and Dolgoff (1992:5) indicate that ethics deals with the question of what action is morally right and with how things ought to be.

For the purpose of this research ‘ethics’ refers to the standards and expectations of conduct in the practice of child participation, based on accepted values and norms.

1.7 Contents of the Research Report

The contents of the research report have been divided into the following 5 chapters:

- Chapter 1: General introduction and orientation to the research study
- Chapter 2: Literature Study: The foundations of child participation
- Chapter 3: Literature Study: Ethical considerations for child involvement and participation
- Chapter 4: Research Methodology, findings and interpretation of the empirical study
- Chapter 5: Summary, conclusions and recommendations

CHAPTER 2

THE FOUNDATIONS OF CHILD PARTICIPATION

2.1 Introduction

In order to clearly understand and define the ethics of child participation, it is critical to analyse and understand the concept of child participation and its importance for children. In this chapter, the researcher explores the foundations of child participation as a fundamental right of all children.

The recognition of children as competent and able human beings is an essential foundation for child participation. Holt (1975:69) indicates that adults underestimate the competence and drive for competence in children. Holt (1975:85) also indicates that adults should stop seeing children as cute, and respond to the qualities that children possess. In support of Holt, 30 years later, Fattore, Mason and Sidoti (2005:20) state that children should be seen as important and that children are not “the future”, but are entitled to be seen and to be responded to as important players in their own right as children and not just as “prospective adults”. Hammarberg (1997:28) further emphasises this and indicates that it is important that childhood no longer be seen only as a preparatory period for adulthood, but that it has a value in itself. These authors clearly indicate that the departing principle is that children are competent human beings capable of participating in and influencing matters that affect them. This viewpoint forms the premise for the researcher’s arguments on the fundamentals

of child participation.

The most widely acknowledged historical turning point in South Africa's history and the struggle against apartheid was the 1976 student uprising against the system and, along with that, the claim to quality education (Moses, 2006:4). This historic event shows the important role that children's voices can play in changing their own destiny, while at the same time asserting their ability to claim their rights as well as 'political power'.

Fattore *et al.* (2005:19) indicate that the 2002 United Nations General Assembly Special Session (UNGASS) on Children played a significant role in changing the current adult-child relationship, and globally recognised children's rights and ability to be active in their communities. UNICEF (2002a:1) underscored the importance of this UNGASS by stating that it helped world leaders to acknowledge their responsibility to children. This is a clear example of a global movement and initiative, through the United Nations, where child participation had a global influence (cf. UNICEF, 2002a:2). The UNGASS on Children can be regarded as a watershed moment in valuing child participation across the globe.

Badham (1999:5) states that ensuring the participation of children and young people in their communities on matters that affect them is not an option, but is essential because it is a fundamental right. Chambers (1998:xvi) adds to this discourse, indicating that participation, and especially the participation of children

as a previously excluded or marginalised group, has entered the mainstream vocabulary of development and needs to be responded too in a constructive manner. It is important to note that the momentum of child participation is one that would be difficult to stop, though there is still a long way to go to ensure full participation of children in matters concerning them. UNICEF (2002a:43) indicates that “the journey from where we are today to a world where children’s opinions are routinely sought cannot be made overnight. Like all intellectual journeys, it is a process that depends on acquiring new knowledge, increasing understanding and overcoming fear and resistance.”

This chapter discusses the foundations for child participation through a review of:

- International treaties, instruments and guidelines that direct child rights.
- Regional treaties and instruments that guide child rights.
- National legislation and policies that direct the implementation of child rights.
- The importance of the understanding of power and relationships between adults and children in the understanding of a child’s right to participation

2.2 Foundations for Child Participation

Children’s right to participation is afforded and supported by a variety of global, continental and local human (child) rights instruments and institutions. These form the foundations for child participation and are described below. The

researcher starts with the global instruments supported through the United Nations system, followed by the African Union's provisions and moves lastly to the key provisions provided for in South Africa. The researcher deals with each component of the system and subsequent treaties (and laws) separately so as to give a clear indication of the provisions at different levels. There are, however, comparative similarities between all the levels, especially on the rights of children, and therefore a synopsis of interrelatedness and similarity is also provided.

2.2.1 The United Nations

The United Nations is the custodian of human rights and, for that matter, also the rights of children. It has an obligation through its treaties and mechanisms to ensure that human rights are both promoted and protected. This section explores the key instruments and mechanisms that the UN employs to facilitate the promotion and protection of children's right to participation.

2.2.1.1 The United Nations Convention on the Rights of the Child

The *United Nations Convention on the Rights of the Child* (United Nations, 1989) is based on four (4) main interrelated principles, namely:

- Non-discrimination
- Best interest of the child

- The rights to survival and development
- The view of the child (child participation)

(cf. Ivan-Smith, 1998b:311; Save the Children, 2005a:15–17; Newell, 2000:40 and Hamilton, 1999:20.).

The researcher's focus is mainly on the principle (and right) of child participation as described in the *United Nations Convention on the Rights of the Child* (United Nations, 1989); however, the other principles form the context within which this principle is explored. Black (2004:11) indicates that the *United Nations Convention on the Rights of the Child* is the most proper basis for the interpretation of the term 'child participation'. Black further indicates that the *United Nations Convention on the Rights of the Child* affirms the right for children to have their own space in society and provides them with adequate opportunities to contribute, exchange ideas and be consulted.

Article 12 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989) is the main departure point on child participation and is described as the lynchpin of the Convention (Smith, 2002:74). Viviers (2005:15) supports this and indicates that the participation principle holds the rights of children as described in the Convention together. Flekkoy and Kaufman (1997:32) further indicate that article 12 is the heart of the participatory provisions of the Convention.

Smith (2002:74) indicates that child participation is also one of the most violated and disregarded child rights articles in every sphere of children's lives. Ivan-Smith (1998b:311) describes article 12 as the "most provocative and crucial principle" of the Convention. Newell (2000:18) adds that despite the participation principle in article 12, children's views are not respected, while Parkinson (2001:259) states that "despite a widespread acceptance of this principle [participation], it is perhaps easier to state than to apply". It is evident from the observations of these four authors that the principle of child participation is generally not respected and that there is some cynicism about the application of this principle.

Article 12 cannot, however, be interpreted on its own and should be considered in concert with a number of other participation-related articles if one is to completely understand the *United Nations Convention on the Rights of the Child*'s principle of child participation and the controversy, difficulty and practicality that underpins it (cf. Viviers, 2005:15; Ivan-Smith, 1998b:311–312; Cook, Blanchet-Cohen & Hart, 2004:1,5; UNICEF, 2002a:24–25; Save the Children, 2005a:15–17; Byrne, 1998:21–24; Lansdown, 2001:1 and Flekkoy & Kaufman, 1997:32–35). The different participation-related articles of the Convention are indicated and described below.

(a) **Article 3** deals with the best interest of the child being in all applications the primary concern (cf. Hodgkin & Newell, 2002:39; United Nations, 1989;

Committee on the Rights of the Child, 2006a; Save the Children, 2005a:17). The best interest right and principle should be a primary consideration in child participation. It forms an essential determinant in ethical considerations of child participation as is discussed in detail in Chapter 3.

(b) **Article 5** provides for parents or other primary caregivers to provide guidance and direction to children in accordance with their evolving capacities to exercise their rights as safeguarded in the *United Nations Convention on the Rights of the Child* (cf. UNICEF, 2002a:24; United Nations, 1989; Lansdown, 2001:1 and Esperanza & Espinosa, 1997:281). This article clearly gives a responsibility to parents in terms of child participation in that it requires that direction and guidance be given to children to exercise their rights, which include the rights indicated in the paragraphs to follow. It is evident to the researcher that child participation is not a right that happens in isolation from parental guidance and support. Article 5 should be read together with article 18 to fully understand the framework for the relationship between the child, his or her parents and family, and the State (Hodgkin & Newell, 2002:85).

(c) **Article 9** requires that where a child is separated from his or her parents, all interested parties, including the child, shall be given the opportunity to participate in proceedings and give their views (cf. UNICEF, 2002a:24; United Nations, 1989; Byrne, 1998:21–24; Lansdown, 2001:1; Committee on the Rights of the Child, 2006a; and Flekkoy & Kaufman, 1997:32). This article is one of few that

isolates unique circumstances that afford children their right to participation, in this instance in the case where a child is being or has been separated from his or her parents. It clearly requires participation and the opportunity to make his or her view known. In comparison with some of the other articles that deal with participation, this article has no pre-requisite in terms of children's evolving capacities.

(d) **Article 12** deals with a child's right to express his or her views freely in matters affecting him or her, in accordance with his or her evolving capacities. It further also provides for a child's view to be heard in any judicial and administrative proceeding (cf. Viviers, 2005:15; Ivan-Smith, 1998b:311–312; UNICEF, 2002a:24; Hodgkin & Newell, 2002:159; United Nations, 1989; Cook et al. 2004:1,5; Save the Children, 2005a:18; Martin, 2000:10; Byrne, 1998:21–24; Hart, 1997:12; Treseder, 1997:3; Lansdown, 2001:1; Committee on the Rights of the Child, 2006a; Canadian Mental Health Association, 1995:5; Flekkoy & Kaufman, 1997:32–35, 53 and Esperanza & Espinosa, 1997:281). Article 12, as mentioned earlier, is central to the *United Nations Convention on the Rights of the Child*, and it is also often regarded as the centre of all the child participation rights. Article 12 is unique in some respects as it has two very substantial provisions. The first one deals with the child's right to express his or her views freely in accordance with his or her capacity and for due weight to be given to these opinions (article 12(1)). The second part deals with the child's right to be heard in judicial and administrative procedures affecting that child and provides

for this to happen directly or through a representative (article 12(2)).

Lansdown (2001:2–3) indicates that article 12 does not give children autonomy, and neither does it give them the right to control all decisions irrespective of their implications, but it does challenge some traditional attitudes that assume that children “should be seen and not heard”. Lansdown highlights five (5) main provisions of article 12, namely:

- All children are capable of expressing a view.
- Children have the right to express their views freely.
- Children have the right to be heard in all matters affecting them.
- Children have the right to have their views taken seriously.
- Weight must be attached to children’s views in accordance with their age and maturity.

Lansdown (2001) further indicates that article 12 is both a substantive right and a procedural right. As a substantive right it directs that children are entitled to be actors in their own lives and take part in decisions affecting them. As a procedural right, it also enables children to challenge abuses and neglects of their rights and to take action to promote and protect those rights.

(e) **Article 13** deals with a child’s rights to freedom of expression, which include the right to seek, receive and impart information and ideas of all kinds and in any manner that is fit (e.g. orally, in writing, through art) (cf. Viviers, 2005:15; Ivan-

Smith, 1998b:311–312; UNICEF, 2002a:24; Hodgkin & Newell, 2002:185; United Nations, 1989; Cook *et al.* 2004:1,5; Hart, 1997:12; Lansdown, 2001:1; Committee on the Rights of the Child, 2006a; Canadian Mental Health Association, 1995:5; Flekkoy & Kaufman, 1997:32–35,53 and Esperanza & Espinosa, 1997:281).

(f) **Article 14** deals with a child's civil rights to freedom of thought, conscience and religion in the context of respecting the rights and duties of parents and in accordance with the child's evolving capacity (cf. Viviers, 2005:15; UNICEF, 2002a:24; Hodgkin & Newell, 2002:193; United Nations, 1989; Cook *et al.* 2004:1,5; Byrne, 1998:21–24; Hart, 1997:12; Lansdown, 2001:1; Canadian Mental Health Association, 1995:5 and Esperanza & Espinosa, 1997:281).

(g) **Article 15** deals with a child's right to freedom of association and peaceful assembly. This article in particular promotes children's right to participate as a member of a group (cf. Viviers, 2005:15; Ivan-Smith, 1998b:311–312; UNICEF, 2002a:24; Hodgkin & Newell, 2002:205; United Nations, 1989; Cook *et al.* 2004:1,5; Byrne, 1998:21–24; Hart, 1997:12; Lansdown, 2001:1; Committee on the Rights of the Child, 2006a; Canadian Mental Health Association, 1995:5; Flekkoy & Kaufman, 1997:32–35,53 and Esperanza & Espinosa, 1997:281).

(h) **Article 16** indicates that a child shall not be subject to unlawful interference with his or her privacy, family home or correspondence, and that a child shall

have protection from the law should such interference take place (cf. UNICEF, 2002a:24; United Nations, 1989; Lansdown, 2001:1; Committee on the Rights of the Child, 2006a; Canadian Mental Health Association, 1995:5 and Flekkoy & Kaufman, 1997:32–35,53).

(i) **Article 17** requires that the State shall ensure children have access to information and materials from a diversity of resources, especially those aimed at his or her social, spiritual, moral, physical and mental well-being (Cf. Ivan-Smith, 1998b:311–312; United Nations, 1989; UNICEF, 2002a:24; Hart, 1997:13; Lansdown, 2001:1; Committee on the Rights of the Child, 2006a; and Esperanza & Espinosa, 1997:281).

(j) **Article 23** ensures that children with disabilities have the full right to active participation in their community (cf. UNICEF, 2002a:25; United Nations, 1989; and Hart, 1997:13).

(k) **Article 29** deals with a child's rights to education, which shall be directed, amongst other things, to prepare a child for responsible life in a free society (cf. UNICEF, 2002a:25; United Nations, 1989; Hart, 1997:13; and Lansdown, 2001:1).

(l) **Article 31** states that children should be allowed to participate freely in cultural life and arts, and that State parties should provide opportunities for this children's

right (cf. United Nations, 1989; Committee on the Rights of the Child, 2006a; Flekkoy & Kaufman, 1997:53; and Esperanza & Espinosa, 1997:281).

(m) **Article 40**, together with article 12, deals with a child's right to participate in the judicial system, in particular where a child has been accused of committing a crime (cf. Flekkoy & Kaufman, 1997:53; United Nations, 1989; and Esperanza & Espinosa, 1997:281).

The provisions of the *United Nations Convention on the Rights of the Child* (United Nations, 1989) on child participation can be divided into two main categories (as adapted from Esperanza & Espinosa, 1997:281), namely forms and conditions for participation (refer to articles 12, 13, 14, 15, 23, 31, 40) and requirements for participation (refer to articles 3, 5, 9, 15, 16, 17, 29). These two categories are not mutually exclusive; rather, this is an attempt to find logic in understanding the provisions of the Convention.

From the aforementioned, it is evident that a child's right to participation is woven into the *United Nations Convention on the Rights of the Child* (United Nations, 1989) and that child participation is more than just the understanding of a single article. In support of this statement, Hart (1997:11) indicates that the Convention "can serve as a valuable instrument of persuasion for those persons wishing to promote the idea of children as independent, thinking subjects capable and deserving of a greater degree of participation". The *United Nations Convention*

on the Rights of the Child (United Nations, 1989) lays a firm foundation for every child's right to participate in a variety of matters that affects him or her.

2.2.1.2 Other United Nations Instruments

The *United Nations Convention on the Rights of the Child* (United Nations, 1989) does not operate in isolation from other human rights treaties. In this section, some of the provisions of key human rights instruments are examined insofar as they provide for a child's right to participation.

(a) *International Covenant on Civil and Political Rights* (United Nations, 1966)

The *International Covenant on Civil and Political Rights* (United Nations, 1966) forms the yardstick by which the civil and political rights of all people in the world are measured, and also provides for participation rights. As indicated below, its provisions on participation are closely linked with those safeguarded in the *United Nations Convention on the Rights of the Child* (United Nations, 1989). The articles in the International Covenant on Civil and Political Rights that are relevant for children's participation rights are discussed below.

Article 18 indicates the right to freedom of thought, conscience and religion. This article compares with article 14 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989).

Article 19 provides for everyone to hold opinions without interference and the right to freedom of expression orally, in writing, in print, in the form of art, or through any other media of choice. These rights are also reflected in articles 12 and 13 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989).

Article 21 allows for the right to a peaceful assembly and **article 22** provides for the freedom of association with others. These rights are also found in article 15 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989).

Article 25(1) states that every citizen has the right to take part in the conduct of public affairs, directly or through freely chosen representatives. Despite the fact that the rest of the article deals with the right to vote, the first part very substantively provides for children to be part of the conduct of public affairs. This may include, for example, the right to be part of a policy development process or any other matter related to public interest.

The *International Covenant on Civil and Political Rights* (United Nations, 1966) does not provide as extensively as the *United Nations Convention on the Rights of the Child* (United Nations, 1989) for the child's right to participation, but its provisions are clear and substantive to the fact that children have the right to participate as citizens in matters that affect them and their well-being.

(b) *Universal Declaration of Human Rights (United Nations, 1948)*

The *Universal Declaration of Human Rights* (United Nations, 1948) can be regarded as the mother of all modern human rights treaties – as other treaties that followed can be seen as its off-spring. The *Universal Declaration of Human Rights* fundamentally provides for participation rights of all people, including children, as indicated in the following articles.

Article 19 states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. It clearly laid the foundation for articles 12 and 13 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989) forty years later. This article is inclusive as it states without qualification that **everyone** has this right.

Article 20 grants everybody the right to peaceful assembly and association and this supports article 15 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989).

(c) *United Nations Millennium Declaration* (United Nations, 2000)

The *United Nations Millennium Declaration* (United Nations, 2000:7) not only reaffirms the commitments made under other treaties, and commit in article 25 to “work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries”. In itself, it commits countries to ensure a high level of participation of all citizens, which include children, to ensure the achievement of the Millennium Development Goals.

2.2.1.3 United Nations Committee on the Rights of the Child

The Committee on the Rights of the Child is an organ of the Office of the United Nations High Commissioner for Human Rights consisting of independent experts, situated in Geneva, Switzerland. It is mandated to monitor the implementation of the *United Nations Convention on the Rights of the Child* by its State parties, as well as the implementation of the two optional protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography. It is the highest authority in the world that deals solely with the rights of children (Committee on the Rights of the Child, 2006b).

The Committee on the Rights of the Child regards article 12 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989) as of fundamental importance in all aspects of the implementation of the Convention and to the

interpretation of all other articles. In this respect the Committee also consistently emphasises that a child must be regarded as an active subject of rights and that the respect for the views of the child (article 12), together with the child's right to freedom of expression (article 13) and other civil rights such as the freedom of thought, conscience and religion (article 14) and freedom of association (article 15), underpins children's status as individuals with fundamental human rights (Hodgkin & Newell, 2002:159).

In its *Reporting Guidelines to State Parties* the Committee on the Rights of the Child (1996) requires that States Parties provide information on how respect for the view of the child; freedom of expression; freedom of thought, conscience and religion; freedom of association and peaceful assembly; and access to appropriate information are facilitated through the country's implementation of the *United Nations Convention on the Rights of the Child* (Committee on the Rights of the Child, 1996:4–8). In its consideration of country reports on the implementation of the *United Nations Convention on the Rights of the Child* (United Nations, 1989), the Committee stressed the importance of children's right to express their views in all matters affecting them and for due weight to be given in accordance with the age and maturity of the child (Committee on the Rights of the Child, 2006b). In its concluding observations on the South African Report on the implementation of the *United Nations Convention on the Rights of the Child*, the Committee expressed concern in that traditional practices and attitudes still limit child participation at provincial and local level. It encouraged the South

African Government to promote public awareness on the participatory rights of children and to encourage respect for the views of the child within schools, families, social institutions, care and judicial systems (Committee on the Rights of the Child, 2000:6).

The Committee on the Rights of the Child decided to devote its annual Day of General Discussion in 2006 to the subject “Speak, Participate and Decide – The Child’s Right to be Heard”. The Day of General Discussion (15 September 2006) focused on two main themes, namely a child’s right to be heard in judicial and administrative proceedings, and children as active participants in society (Committee on the Rights of the Child, 2006a).

It is evident that the Committee on the Rights of the Child has high regard for child participation and aims to hold countries accountable on a child’s fundamental right to participation, as safeguarded in the *United Nations Convention on the Rights of the Child* (United Nations, 1989).

2.2.1.4 United Nations Children’s Fund (UNICEF)

UNICEF, as the United Nations specialised agency for the protection and promotion of the rights of children across the world, dedicated its 2003 State of the World Children Report to child participation, indicating the importance and high regard that it has for this fundamental right of all children. In the foreword of

this report, the then Secretary-General of the United Nations, Kofi Annan, reminds adults of their “obligation to elicit and consider the views of children and young people when decisions are being made that affect their lives” (UNICEF, 2002a:vii), sending a clear message on the general stance of the United Nations and UNICEF on children’s right to participation.

In its policies and procedures UNICEF (2003:174–177) integrates children’s right to participation as a fundamental human right. UNICEF also (2002a:4) makes it clear that the opportunities for children and young people to participate meaningfully should be optimised. UNICEF (2002a:69) states that enhancing and promoting children’s right to participation will enable children to protect themselves better and also let children have a say in designing a world fit for children. UNICEF former Executive Director, Carol Belamy, emphasised the importance of UNICEF playing a central role in facilitating women’s and children’s participation in shaping their own lives, and recommitted the organisation thereto (UNICEF, 1999:8) (cf. UNICEF, 2000:2).

As custodian to the *United Nations Convention on the Rights of the Child*, and as a humanitarian and development organisation for the survival, protection, development and participation of children, UNICEF plays a key role in ensuring that every child’s right to participation is a priority on the global, continental and national agendas. As it states in its 2003 *State of the World’s Children* report “there is no turning back to an era where children suffered in silence, when they

waited on the world's protection and charity. The Convention on the Rights of the Child has transformed the landscape irreversibly" (UNICEF 2002a:69).

2.2.1.5 United Nations General Assembly Special Session (UNGASS) on Children

The UNGASS on Children in 2002 is hailed as landmark event for the promotion and protection of the rights of children, but even more so for children's right to be heard. For the first time in the history of the United Nations children spoke in the General Assembly. They presented their views on what the children of the world want from the leaders of member states (UNICEF, 2002b). In their [the children's] document 'A World Fit for Us', they stated clearly their right to participation (United Nations, 2002b:1); that they [the child delegates] see child participation as a respect for every child's right to full and meaningful participation; and that children should be actively involved at all levels and in planning, implementing, monitoring and evaluating all matters affecting the rights of children (UNICEF, 2002c:67).

In the outcome document of the UNGASS on Children – *A World Fit for Children* (United Nations, 2002a) – nations made a strong commitment in support of children's right to participation. One of the ten principles of the outcome document deals with children's right to participation and reads as follows: "Listen to children and ensure their participation. Children and adolescents are resourceful citizens capable of helping to build a better

future for all. We must respect their right to express themselves and to participate in all matters affecting them, in accordance with their age and maturity" (United Nations, 2002a:6). This principle relates directly to article 12 of the *United Nations Convention on the Rights of the Child* (United Nations, 1989).

Paragraph 17 of *A World Fit for Children* (United Nations, 2002a) emphasises the importance of children and their caregivers having access to information and services that promote their survival, protection, development and participation. Further to this, paragraph 21 speaks to the importance of enabling children with disabilities and with special needs to participate in the community and to promote their self-reliance. Paragraph 29 reinforces the fact that *A World Fit for Children* has as its foundation the core principles of the *United Nations Convention on the Rights of the Child* (United Nations, 1989), which include the principle of participation (United Nations, 2002a:8–10).

Following the above, paragraph 32 of *A World Fit for Children* (United Nations, 2002a) indicates the importance of child participation in ensuring the implementation of the plan of action for the outcome document. The emphasis is on meaningful participation of children and children as partners in decision-making processes at all levels (United Nations, 2002a:11).

The UNGASS on Children set the tone at a global level for the involvement of children in decisions affecting them, and the outcome document – *A World Fit for Children* – provides a solid commitment by all governments to encourage meaningful child participation and see children as partners in developing a world fit for children. This is intrinsically linked to the United Nations Millennium Declaration mentioned earlier in this chapter and the achievement of the Millennium Development Goals. In a constructive way, the outcome document commits the world to a partnership with children to achieve not only their rights to survival, protection, development and participation, but also the Millennium Development Goals.

2.2.2 African Union

On the African continent, there are two principled treaties that deal with children's right to participation, the *African Charter on Human and Peoples' Rights* (OAU, 1981) and the *African Charter on the Rights and Welfare of the Child* (African Union, 1990). This section explores the provisions of both these treaties.

2.2.2.1 African Charter on Human and Peoples' Rights

The *African Charter on Human and Peoples' Rights* (OAU, 1981) came into force in 1981 and includes traditional civil and political rights as well as economic and social rights that need to be realised progressively. It also makes specific

provision for the elimination of discrimination against women and children (Byrne, 1998:52).

The Charter also makes provision for participation rights, and it is important to highlight this as it provides a further foundation for children's right to participation.

Article 8 safeguards the right to freedom of thought, conscience and religion, and provides that no-one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms (OAU, 1981).

Article 9 indicates that every individual has the right to receive information and the right to express and disseminate his or her opinions within the law (OAU, 1981).

Article 10 provides for the right to free association, but contains a provision that such association should abide by the law (OAU, 1981). The same argument that was put forward on the limitation of abiding by the law applies to this article.

It is important to note that all three (3) articles contain a limitation, which means that domestic law can limit a person's right with regard to each provision. Though this can be perceived as limiting a child's right to participate, if domestic law prohibits that, there are sufficient provisions in international treaties and domestic legislation that safeguard children's right to participate (as indicated later in this

chapter in paragraph 2.2.3.2).

2.2.2.2 African Charter on the Rights and Welfare of the Child

Similar to the *United Nations Convention on the Rights of the Child* (United Nations, 1989), the *African Charter on the Rights and Welfare of the Child* (African Union, 1990) is principle-based and equally facilitates the principles of non-discrimination; the best interest of the child; survival and development; and respect for the views of the child. However, in the researcher's view, it adds a fifth principle, namely supporting African unity, which in itself makes it uniquely different from the *United Nations Convention on the Rights of the Child*. This fifth principle is an important principle in the Charter when the child's right to participation is explored. The *African Charter on the Rights and Welfare of the Child* is also seen in some circles as the most progressive of the treaties on the rights of children in the world (Byrne, 1998:55). Despite this, the provisions on child participation are fairly similar to those of the *United Nations Convention on the Rights of the Child* (United Nations, 1989).

The *African Charter on the Rights and Welfare of the Child* (African Union, 1990) has a number of articles that facilitate child participation, as described below.

- (a) **Article 4** deals with the best interest of the child, which is paramount when the ethics of child participation are considered. In addition to stating that it should

be primary consideration in all actions, it also includes a clear indication on formal participation rights by stating that “in all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, an opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law” (African Union, 1990). With this, the views of the child are given formal recognition not only as a right, but as an essential part of the best interest consideration of the child (African Union, 1990).

(b) **Article 7** deals with a child’s right to freedom of expression and states that every child capable of communicating has the right to express his or her opinions freely in all matters and disseminate his or her opinions. This article, however, contains a limitation on this right by stating at the end that it is subject to restrictions prescribed by law (cf. African Union, 1990; and Byrne, 1998:21–22.) This article, at its core, is very progressive in that it states that children can have views on all matters and not only on matters affecting them, and that they have the right to share these views widely.

(c) **Article 8** safeguards every child’s right to freedom of association and assembly, but places a limitation on this right by stating that it should be in conformity with the law. This allows for children’s right to participate as a member

of a group (cf. African Union, 1990; and Byrne, 1998:22–23.)

(d) **Article 9** provides for every child's civil right to freedom of thought, conscience and religion. It also places an obligation on parents and legal guardians to provide guidance to the child on these matters based in the evolving capacities of the child and the best interest of the child. Article 9 also places a limitation on these rights by stating in the last subsection that enjoyment of these rights is subject to national laws and policies (African Union, 1990; and Byrne, 1998:23–24.)

(e) **Article 10** allows for the protection of a child against interference in his or her privacy, family home or correspondence, as well as against attacks on his or her honour or reputation, and states that the law should protect the child against such interferences and attacks. This right is partly subject to the right of parents or legal guardians to exercise reasonable supervision over the conduct of their children (African Union, 1990).

(f) **Article 11** preserves each child's right to education and clearly states that the education system shall develop each child's full potential and prepare children for a responsible life in a free society (African Union, 1990).

(g) **Article 12** provides for the child's right to freely participate in cultural life and the arts, and states that this right should be promoted by State Parties (African

Union, 1990).

(h) **Article 13** provides for the right of children with disabilities to actively participate in the community (African Union, 1990).

(i) **Article 14** provides for children as beneficiaries of health care services to participate in the “planning and management of a basic [health] service programme for children” (African Union, 1990).

(j) **Article 17** deals with a child’s right to participate in the judicial process when he or she is being accused of a crime. The participation right links with the earlier mentioned article 4 (African Union, 1990).

(k) **Article 31** deals with the responsibilities of the child and, by implication, strengthens the child’s right to participation as the execution of this ‘right’ can hardly happen without a variety of forms of participation (African Union, 1990).

The *African Charter on the Rights and Welfare of the Child* (African Union, 1990) makes provisions similar to those of other treaties for the participation rights of children. However, it also has a number of limitation clauses as indicated, which allow for domestic legislation and policies to restrict or limit certain rights. These are to be noted, but in general should not deprive children of their fundamental right to participation.

2.2.3 Republic of South Africa

It is interesting to note that according to the *Implementation of the Convention on the Rights of the Child: South Africa's Supplement to the Initial Country Report* (RSA, 2000a:90) neither the objectives of the National Programme of Action for Children (RSA, 1996) nor the follow-up National Programme of Action 2000 and Beyond (RSA, 2000b) provide for active child participation either directly or by implication. The same report (RSA, 2000a:25) states that “[I]n South Africa, it is a practical reality that the voices of children are hardly ever heard, and much less taken into consideration. However, the situation is changing...”. It is interesting to note that in South African history, the historical 1976 Soweto uprising by students opposing the language policies and education system of the apartheid government is a momentous example of how children can shape the future not only for themselves, but for a country as a whole (Davie, 2006). Hence, despite the fact that child participation is neither formalised nor normalised at a policy or practice level, the country has a landmark historical event that shows the power of children participating in matters affecting them.

The following discussion points out the provision for child participation at a national level.

2.2.3.1 The Constitution of the Republic of South Africa

The South African Constitution Act 108 of 1996 (RSA, 1996a), provides either directly or by implication in the Bill of Rights (Chapter 2) for children's right to participation. The researcher highlights the provision of each relevant section below. It is understood that legal interpretation is complex in nature and that in particular the Bill of Rights has a direct and indirect application – actual rights and the values that must be respected (De Waal *et al.*, 2001:37). The researcher follows a simple, non-legalistic interpretation in his analysis of the different sections. It should be noted throughout the text that the Bill of Rights refers in the main to two broad categories of people, namely everyone, which implies everyone within the boundaries of South Africa, and every citizen, which implies every citizen of the country, whether within the country or aboard. The researcher holds the opinion that children are included in the category of 'everyone' as well as every citizen, except where it is explicitly stated differently, in which case the constitution has a different intention.

Section 9 (Equality), also known as the equality clause, states clearly that no-one may be discriminated against, directly or indirectly, on one or more grounds and one of these grounds is age. It provides for a limitation in subsection (5) in that certain types of discrimination can be fair (RSA, 1996a; De Waal *et al.*, 2001:198; Viviers, 2006). The basis of non-discrimination lies in the fact that a child may not be denied the opportunity to participate based on his or her age. Simply said, if adults have the right to participate in matters affecting them, so do

children, except of course if by law a fair reason can be provided that children should be discriminated against when it comes to participation under certain conditions.

Section 10 (Human Dignity) safeguards that everybody's dignity should be respected and protected (RSA, 1996a; Viviers, 2006). De Waal *et al.* (2001:231) indicate that human dignity is what gives any person his or her intrinsic worth, and that it is the source of a person's innate right to freedom. Hence, the right to dignity also safeguards the right to participate in matters that are important to and impact on the individual, and this includes children's right to participation.

Section 14 (Privacy) safeguards everyone's right to privacy and in particular the privacy of their communication (RSA, 1996a; Viviers, 2006). This is similar to the provisions of article 16 of the *United Nations Convention on the Rights of the Child* (1989). The latter builds in a safeguard that where children are engaged in participatory activities, communication, in any form, should be regarded as private and that this should be protected as a right.

Section 15 (Freedom of Religion, Belief and Opinion) safeguards that everyone has the right to freedom of conscience, religion, thought, belief and opinion (RSA, 1996a; Viviers, 2006). This applies directly to children and can be seen as inherent to their right to participation.

Section 17 (Freedom of Expression) allows for everyone's right to freedom of expression, which, specifically within a participatory framework, provides for the receiving or imparting of ideas, artistic creativity and academic freedom (RSA, 1996a; Viviers, 2006). This allows for a broad framework that should facilitate processes that solicit children's views on matters that affect them at all levels.

Section 17 (Assembly, Demonstrations, Picket and Petition) endorses and protects everybody's right to assemble, demonstrate, picket or present petitions – peaceful and unarmed (RSA, 1996a; Viviers, 2006). These are sometime important measures to raise awareness, have opinions heard, facilitate participation and advocate for change, and children are not excluded from using these measures in the South African Constitution.

Section 18 (Freedom of Association) allows for everybody, including children, to have freedom of association (RSA, 1996a; Viviers, 2006). This, as previously mentioned, allows for a child to participate as a member of a group. However, this should not be read in isolation from the right to protection, which should safeguard children against misuse of this article.

Section 19 (Political Rights) allows political choices for every citizen, which includes the forming of a political party, participation in political activities, campaigning for a political cause and the right to free and fair elections, though only adult citizens are allowed to vote and to stand for public office (RSA, 1996a;

Viviers, 2006). Thus, children have by virtue of the South Africa Constitution certain political rights, which translate by direct implication to the right to participation in political processes, other than those only directed at adult participation.

Section 28 (Children) provides for the special protection of children and, most importantly, that a “child’s best interests are of paramount importance in every matter concerning the child” (RSA, 1996a; Viviers, 2006). It can be argued that there is a direct relationship between a child’s right to participation and taking into account a child’s best interest, as the views of a child will have a direct influence on decisions pertaining to the best interest of the child.

Section 29 (Education) allows for everyone to have a choice in the preferred language of education (RSA, 1996a; Viviers, 2006). This implies soliciting and acknowledging the views of children on the language within which they wish to receive education, taking into account the practicability of the matter, which is guided by the *Norms and Standards for Language Policy in Public Schools* (RSA, 1997).

Section 30 (Language and Culture) allows for everyone, including children, to use the language and to participate in the cultural life of their choice, consistent with the provisions of the Bill of Rights (RSA, 1996a; Viviers, 2006).

Section 31 (Cultural, Religious and Linguistic Communities) safeguards everybody's right to enjoy their culture, practise their religion, use their language and join similar associations or other organs in civil society (RSA, 1996a; Viviers, 2006). Hence, it provides a contextual opportunity for children to participate at a cultural and community level.

Section 32 (Access to Information) deals with the right to access any information held by the State as well as by another person (and is required for the protection of the individual's right) (RSA, 1996a; Viviers, 2006). In the realm of child participation, this section basically states that children have the right to access information, as this in turn will enable them to participate in matters affecting them.

Section 35 (Accused Person's Rights) deals with explicit rights of accused persons, which include children, and has particular participatory provisions such as the right to remain silent; be informed of reasons for detention; choose and consult with a legal practitioner; challenge the lawfulness of the detention; adduce and challenge evidence; be tried in a language that he or she understands; and appeal, amongst others (RSA, 1996a; Viviers, 2006). Inherent to this is the right of a child to participate in appropriate child participatory measures.

From the above discussion it can be concluded that the South African

Constitution Act 108 of 1996 (RSA, 1996a), is in line with the aforementioned international and regional treaties on matters pertaining to the participation of children. The researcher is of the opinion that, at face value, it provides for a solid foundation to safeguard and facilitate child participation in the country, which in the long run must crystallise in practice.

2.2.3.2 Children's Charter of South Africa

It is also important to look at the Children's Charter of South Africa (National Children's Rights Committee (NCRC), 1992), as it makes provision for children's right to participation. Though this charter is non-binding (McClain-Nhlapo, 2004:2), it was developed by children through the processes of the National Children's Rights Committee and had an influence on the development of the Bill of Rights of the South African Constitution. The Children's Charter of South Africa provides for the following in terms of child participation (NCRC, 1992):

- Children's right to express their opinions; their right to be heard in all matters that affect their rights, protection and welfare; their right to be heard in court rooms; their right to participate in the government of the country; and that special attention should be given to consultations with children on their rights and situation (article 3).
- Children's right to practice their own religion, culture and beliefs (Article 4).
- Children's right to participate as a member of a family (article 6).
- Children's right to participate in the evaluation and upgrading of the

education curriculum (article 8).

In the final resolutions to the charter, the children expressed their right to participate in and be consulted with about Government (NCRC, 2002). Though the Children's Charter of South Africa is non-binding, as mentioned earlier, it is an important document in the child rights field and has, inevitably, helped to shape the South African Constitution. Most important of this Charter, is the fact that it was developed by children themselves (Sloth-Nielsen, 1996:8–9).

2.2.3.3 Domestic Legislation

Very little domestic legislation provides explicitly for the participation of children in matters affecting them, though it is noticeable that since the dawn of the South African Democracy in 1994, legislative provisions have started to filter into domestic legislation. In the following paragraphs the researcher cites three (3) main pieces of legislation that allow for the participation of children in matters that affect them.

The **South African Schools Act 84 of 1996** (RSA, 1996c) was a landmark piece of post-1994 legislation that provides for the participation of children, and places a legal obligation upon schools to ensure such participation. The following are some of the key participatory provisions of the Act:

- Schools should establish a code of conduct in consultation with the

learners (section 8(1)).

- A Representative Council of Learners (RCL) should be established at every high school, representing learners of grade 8 and higher (section 11).
- A learner from grade eight or higher may be elected by the RCL to serve on the School Governing Body (section 23).

The **National Health Act 61 of 2003** (RSA, 2003) also recognises the importance of child participation and makes the following key provisions:

- Health service users¹ (including children, though with some restrictions) may participate in any decision that influences his or her personal health and treatment (section 8).
- Research or experimentation, either for therapeutic or non-therapeutic purposes, may only be conducted under certain conditions, of which one is the obtaining of consent from a minor that is capable of understanding.

The **Children's Act 38 of 2005** (RSA) provides explicitly for children's right to participation, and states in section 10 that "Every child that is of such an age, maturity and stage of development as to be able to participate in any matter concerning that child has the right to participate in an appropriate way and views expressed by the child must be given due consideration." This provides clearly

¹ Children's Act 38 of 2005 as amended makes provision in section 129 that a child may consent to his or her own medical treatment if the child is over the age of 12 years and is of sufficient maturity and has the mental capacity to understand the benefits, risks, social and other implications of the treatment. In case of surgery, the same applies except that it also provides that parents or guardian should assist the child in such a case.

for the full participation of children within the ambit and provisions of this legislation, and is in line with international treaties and the South African Constitution, 1996. Further to this, Children's Act 38 of 2005, also provides for the following, which have a direct bearing on child participation:

- Access to health information (Section 13).
- Access to courts (Section 14).
- A person holding parental responsibility should give due consideration to any views and wishes expressed by the child, bearing in mind the child's age, maturity and stage of development, before any major decisions involving the child are taken (Section 31).
- Participation of children, specifically in children's court proceedings (Section 61).
- Consent to medical treatment and surgical operation by children older than 12 years (Section 129).
- Consent for HIV testing if a child is over 12 years or if a child is of sufficient maturity under the age of 12 years (Section 130).
- Access to contraceptives if the child is 12 years or older (Section 134).
- Consent to adoption be obtained if a child is 10 years or older or if a child is of sufficient maturity under the age of 10 (Section 233).

These are only some of the substantive provisions that the Children's Act 38 of 2005 (RSA, 2005), has in support of child participation. Many other sections in the Act, by implication, also provide for the participation of children in the specific

matter concerned. Children's Act 38 of 2005 (RSA, 2005), was amended by the Children's Amendment Act 41 of 2007 (RSA, 2007), which provides for more substantive components to the Children's Act, 2005, at provincial and local levels of government. In terms of substantial provision for the participation of children, the following sections should be noted:

- Recognition of child-headed households under certain conditions (Section 136).
- The right to lodge an appeal against certain decisions (Section 177).

The researcher is of the opinion that the Children's Act 38 of 2005 (RSA, 2005), and the Children's Amendment Act 41 of 2007 (RSA, 2007) have the most substantive provisions for child participation in South Africa thus far. As it is not the purpose of this research to analyse the detailed provisions of Children's Act 38 of 2005 (RSA, 2005), and the Children's Amendment Act 41 of 2007 (RSA, 2007) the researcher will sustain with the above analysis.

These recent developments in domestic legislation provide proof that within the South African government there is a heightened awareness and acknowledgement of the importance of children's views, input and participation. It further shows how international, regional and local human rights instruments such as the *United Nations Convention on the Rights of the Child* (United Nations, 1989), the *African Charter on the Rights and Welfare of the Child* (AU, 1990) and the South African Constitution Act 108 of 1996 (RSA, 1996a) impact

on domestic legislation as it pertains to child participation.

2.2.4 Conclusive Observations from International, Regional and National Legal Provisions for the Participation of Children

The above overview and analysis of international, regional and national human rights instruments shows key provisions in international and national law that allow for the participation of children in matters that affect them. It is evident from the above that the right to participation of children is neither one-dimensional nor based on a particular dimension of human rights. Children's right to participation is woven into multiple human rights across a range of international treaties and domestic legislation.

In summary, from the aforesaid treaties and instruments it is evident that children's right to participation can be broadly defined as an equality right that affords children the right to express their views; be consulted and have freedom of thought, conscience, religion and culture; freedom of association; privacy; access to information; and be educated and supported in their right to participation, within the provisions and limits of international and national human rights treaties and laws, which create a solid foundation for child participation as a right.

In the implementation of children's right to participation it is important to understand that power, status and relationships between adults and children play

an important role. The following paragraphs will explore these in more depth.

2.3 Power, Status and Relationships

Ennew (1998:xvii) states that there is a general tendency to view the participation of children with fear, dismay and caution; and that this may be connected to a supposed natural hostility between adults and children expressed in previous centuries. This is supported by O’Kane (1998:37), who states that relations between adults and children are determined by power, status and interests, and that this is largely due to the practice that “children have no claim on equal treatment because they are not old enough”. Hence, power, status and relationship influence perceptions of childhood and children and also impact on the principle of child participation in a society dominated by adults. Newell (2000:18) indicates that children have only recently started to be recognised as rights-holders, and that this still provokes widespread hostility, suspicion and misunderstandings. In view of the aforementioned, Pridmore (1998:153) argues that if adults want to facilitate the participation of children there is a need to actively raise the status of children within the community and, further, to increase their credibility as development workers in the eyes of their parents.

Hill, Davis, Prout, and Tisdal (2004:82) crystallise the following barriers to child participation as it relates to power, status and relationships:

- Adults’ perceptions and images of children’s capacities;

- Adults' self-interest in maintaining their own position with regard to children;
- A view that children's rights are undermining adults' authority and rights;
- An assumption that transferring responsibility to children ultimately takes something away from adults;
- Adults are afraid that children will exercise their rights irresponsibly and in a self-centred manner;
- Children may only be consulted on "children's issues", but have no place in adult issues; and
- The argument that children's rights undermine the distinction between adulthood and childhood.

Johnson and Scott (1998:175) point out that legitimising children's participation raises challenges for those who try to change the network of power relationship between adults, children and institutions, and that children's participation tends to pose a fundamental threat to the adult and child power relationship. The same authors identify further that gender, class, ethnicity and disability are additional factors that contribute to children's exclusion from participation in broader society and institutions. Ivan-Smith (1998a:261) states that "[P]articipation of children would mean a radical change in the approach towards children. It means taking children seriously, trying to look at things from their perspective and treating them as subjects in, instead of objects of, research and interventions".

Alanen (2005:33) indicates that, similar to the exclusion of women and other social groups from studies and recognition, a critique against adultism within the aforementioned tradition of inclusion of critical groups is that children are now also representing a category, similar to women, that has been “done wrong” with similar consequences of absenting them from fundamental rights such as participation, and distorting their social place and contributions. Alanen (2005:33–35) further argues that there is a strong correlation between women’s studies and childhood studies and that the former can contribute to the development of the latter. In the same way that women’s role in mainstream activities such as political participation, power and participation had been missing, these are absent for children. It is important that children be seen and engaged with as ordinary social beings and as social “becomings”. Cook *et al.* (2004:2) also indicate that discrimination (against children) and social hierarchies impact on child participation, whether it is between children or between children and adults.

Lansdown (1995:8) indicates that, due to societal changes, children are seen more as individuals with rights, though their right to participate is still in the public debate. Lansdown (1995:20), as indicated in Chapter 1, continues the argument by stating that the majority of the adult population still treats children as ill-informed, irrational, irresponsible, amusing and cute, and that the right to participation evokes varied responses such as that children are not competent to participate in decision-making; it threatens harmony in the family and society;

and it detracts from the right to childhood. Lansdown (1995:31) further indicates that one of the hampering factors for child participation is the fact that many adults romanticise childhood as a period of innocence, and that when children are afforded greater control over their lives it is a denial of childhood. On the other hand, childhood is experienced by many children as a period of powerlessness and a lack of control. According to Lansdown, one of the most frequent reasons cited by children for wanting to grow up is to be able to exercise more power and control over their lives.

Alanen (2005:39) states that the system of power, where children are at the lower end, implies a structuring process, which is a social process regulating, organising and positioning people into different locations, and this provides them with differential access in participating in social life. Alanen (2005:41) also states that the way in which children's participation is generally organised limits them as a group compared to adults, and children's constrained "membership" in society as "children" affects their self-construction. Similarly, Wood (2003:31) indicates that participation of children is largely controlled by adults and influenced by the way in which children are regarded in society. Lansdown (1995:35) indicates that throughout history women and children have been regarded as weak and vulnerable members of society and that the perception of women was used for many years to justify continued lack of social status and dependency on men. This formed the justification to acknowledge and afford their basic social rights. Lansdown states the situation of women in previous decades (and still today in

many societies) provides an analogy with the situation of children lacking social, economic and political power, undervaluing their potential for participation, which denies them their civil rights. In society children generally have no right to express their opinion and are seldom taken seriously. Lansdown (1995:36) also indicates that if the status of children is enhanced in society so that they are enabled to participate in matters affecting them, it will be necessary to achieve change as radical as the change that was achieved for women. Cashmore (2002:837–838) similarly indicates that children's right to participation demands a shift from a paternalistic approach to an approach where children are seen as stakeholders in decisions affecting them.

Knutsson (1997:6,128) indicates that serious attention needs to be given to children's lack of power in a political society, as this lack of power often results in children losing out to other groups in the allocation of attention and resources because they do not have, for one, any political leverage. Knutsson (1997:61) continues his argument by stating that children are invisible in politics and policy-making, in particular, mainly because they are not recognised as full and worthy members of society. Martin (2000:5) builds on this by stating that children should no longer be content with being treated as second-class citizens and that there must be acceptance in society and law that children are rights-bearing citizens of their country and the world. UNICEF (2002a:4) drew similar conclusions in its 2003 *State of the World's Children* report, stating that childhood as a construct has evolved with changes in societies and changing values and that they

[children] gradually, as a group, have come into their own as people with rights and as social actors. Hill *et al.* (2004:77–78) cite Stevens, stating that social inclusion is about participation and that participation stands directly opposite to social exclusion.

In view of the arguments presented, the researcher strongly holds the opinion that lessons can be drawn from the feminist movement and feminist theory to provide a foundation for children's right to participation. These arguments will be set out in three categories, namely power; status and relationship.

2.3.1 Power

Hill *et al.* (2004:88–89) see power as a vital concept in child participation, stating those who have the power (usually adults) influence policy agendas, political priorities, and what issues should be “ignored”. This means that, in its broadest sense, it refers to the ability to control others [children]. Ackerman *et al.* (2003:8) state that in the construction of adult-child relations across the globe, it seems to be a universal fact that children generally enjoy less social power than adults and that this directly influences participation of children. Ackerman *et al* (2003:9) further indicate that a common goal of children's participation is to empower children in a world where they are relatively powerless in comparison to adults.

Moses (2006:5) indicates that children in South Africa themselves ranked power

in relationships between adults and children as an undermining factor in their participation. Moses (2006:5) elaborates and indicates that the extent of children's participation in South Africa is also limited by conceptions of childhood and gender.

These arguments strongly support the researcher's view that power is a strong determinant in the participation rights of children and, as such, directly and indirectly impacts on children being afforded the opportunity to participate in matters affecting them, as well in the ethical considerations of such participation.

2.3.2 Status

The manner in which the child and the status of children are perceived is critical in the realm of child participation. Slovakia, cited in Hodgkin and Newell (2002:89), indicates that childhood should not be seen as life's waiting room, but as part of "life itself and that it is essential to create conditions for differentiated and gradual emancipation of children in all areas of day to day life". Ackerman *et al.* (2003:7) take Slovakia's statement further, saying that since the 19th century the status of children has been conceptualised as irrational, incomplete and passive, and that adults are seen as the experts on children's needs. Hill *et al.* (2004:90) provides a strong analogy regarding inequality in intergenerational relations and other bases of discrimination such as gender, disability and ethnicity. These authors indicate a parallel between women's and children's

positions in society and that their statuses and representation are inextricably linked. Hill *et al.* (2004:88) further indicates that social studies of childhood show that there is a general subordination of children as social group in late modern society.

Flekkoy and Kaufman (1997:23) write that children are often seen as “property” of parents and viewed as potential adults; and that this result in them not being perceived as individual human beings with equal rights. These authors further indicate that even in circumstances where children are seen as “equal” they often do not get the same attention and respect for their dignity and integrity that is accorded to adults. Martin (2000:5) takes the above further by stating that “children can no longer be content with being treated as second class citizens”.

It is evident that the status of children as a group in society impacts on their right to participate in matters that affect them, especially as their status is seen as “sub-adult” or as beings with lesser ability. This in itself will impact directly on the quality of participatory practices and will influence ethical considerations.

2.3.3 Relationship/ Approach

Relationship is strongly based on the aforementioned constructs of power and status, and is also subjectively linked to individual and societal perceptions. On the topic of the latter Hill *et al.* (2004:82) state that adults’ perceptions of children,

their image of children's capacity and their self-interest in maintaining their position in relation to children are some of the foremost barriers in child participation. Ackerman *et al.* (2003:16) add to this, stating that the paternalistic culture in many societies and the "welfarist" approach towards children prevents the full and equal participation of children. Flekkoy and Kaufman (1997:75) describe the aforementioned as the attitudes of adults in relation to the participation of children. Moses (2006:5) indicates that children's participation is often limited by their adult-child relations, as well as local conceptions of childhood and gender.

It is apparent that the relationship between adults and children is a strong determining factor in the recognition of the right to participation, as well as meaningful participation of children.

2.4 Conclusion

The strongest foundations for children's right to participation in society can be found in universally agreed upon human rights treaties as well as domestic laws. These provide, either directly or by interpretation, for the right of children to participate in claiming their civil and political rights (first order rights) as well as their socio-economic and cultural rights (second order rights).

It is evident that the construction of childhood by the adult portion of society

directly affects children's ability to claim and execute their right to participation as citizens. These perceptions are largely determined by two factors, namely:

- The large differences in power between children and adults, where adults hold the power and decide when and how much power will be given to children. This also influences processes where children's participation is sought, and it is a critical aspect to review when ethical grounds for children's participation are investigated and determined.
- The status of children being seen as "lesser" than adults and as such needing to behave and respond in certain ways. In an unequal status relationship, it will be extremely difficult in modern society to ensure full and meaningful participation of children as equal citizens.

It is evident that despite global progress on the importance and value of children's participation, there remains a tension between children's right to participation and society's construct of children and childhood. As this tension prevails, it is important that mechanisms be found that will ensure that children's right to participation is executed in such a way that it will ensure that society's perceptions of childhood do not influence the quality of meaningful participation.

The above emphasises the importance of clear ethical considerations for meaningful and appropriate child participation. It is the researcher's conviction that this will provide a basis to counter societal bias and influence towards the full realisation of this right for children.

CHAPTER 3

ETHICAL CONSIDERATIONS FOR CHILD INVOLVEMENT AND PARTICIPATION

3.1 Introduction

Save the Children (2003b:6) indicates that an ethical approach to child participation will counter the inevitable imbalances in power and status between adults and children, which is important in ensuring that “children are able to freely express their views and opinions, that they are listened to seriously and that their views and opinions are taken into account”. Thus, the fundamentals of child participation are deeply and naturally embedded in an understanding of ethical considerations in child participation.

In this chapter, the researcher explores the key ethical considerations in child participation. It is important to understand at the advent of the discussion on ethics, that ethics is not, in itself, something that is kept in a drawer and only brought into play when problems, decisions or situations of a certain kind emerge, but should be considered as the centre of everyday moral reasoning (Richardson, 2003:91–92). Consequently, the researcher has to define what is meant by the term “ethics” and explore in more depth the reasoning, as obtained from relevant literature, behind the ethical application of child participation. The latter crystallises in the form of generally accepted common principles. A deeper understanding of the common principles that underpin ethical child participation

will lead to a sound foundation for the design and implementation of the empirical component of the study.

3.2 Defining the Concept of Ethics

The search for the definition of the term “ethics” leads inescapably to the field of philosophy. The *Cambridge Dictionary of Philosophy* (1999:284) defines ethics as “the philosophical study of morality”; and further elaborates that ethics is one of the main branches of philosophy (along with logic, metaphysics and epistemology). Mautner (2005:201–202) in *The Penguin Dictionary of Philosophy* indicates that the word “ethics” is derived from the Greek word *ethos* that refers to the spirit or character of a culture, a community, or a group. The *Concise Oxford Dictionary* (1996:463) defines ethics as the “science of morals in human conduct”. Accordingly, Loewenberg and Dolgoff (1992:5) indicate that ethics deals with the question of what action is morally right and with how things ought to be. Comte-Sponville (2005:10) indicates that ethics is basically respect for one’s own humanity and the humanity of others.

Amstutz (1999:3), in his attempt to define ethics, puts it very simply: “Fundamentally, ethics involves choosing or doing what is right and good and refraining from choosing or doing what is bad or evil. From an ethical perspective, the good is realised by the application of appropriate moral norms to private and public affairs”.

The *Cambridge Dictionary of Philosophy* (1999:284) further indicates that ethics can be divided into two components, i.e. (a) the study of goodness and of the right action (which constitute the main business of ethics); and (b) the metaphysics² of moral responsibility. Mautner (2005:201) elaborates further on these and indicates that ethics can be used or defined in a number of related ways. These are:

- (a) Normative ethics, which refers to the standards of what is right or wrong, good or bad, with regard to character or conduct. In other words, what ought to be acceptable.
- (b) Social or religious ethics, which refers to a body of doctrine, e.g. in Christianity, with reference to what is right or wrong; or good or bad, and also related to character and conduct.
- (c) Positive morality, which refers to the ideals and norms generally to be adhered to by a group of people with reference to what is right or wrong; or good or bad, and related to character and conduct. This group may be a nation or a group of professionals.
- (d) Descriptive ethics (ethoethics), which refers to the study of a group's system of beliefs and practices from outside with the main aim of describing the ethics of the group.
- (e) Metaethics (also known as analytical ethics), which analyses concepts of right and wrong; and good and bad, in respect of character and conduct;

² Metaphysics refers to the philosophical investigation of the nature, constitution; and structure of reality (cf. *The Cambridge Dictionary of Philosophy*, 1999: 562–563).

as well as related concepts.

Thomas and Pierson (1995:140) assert that ethics can be seen as guiding principles to set a standard for good practice, and similarly the *New Dictionary of Social Work* (1995:61) regards ethics as principles, standards and expectations resulting from accepted values and norms that determine conduct.

It is evident from the above that morals and morality lie at the heart of ethics. As such, the concept of ethics cannot be completely understood without a solid understanding of morality, which in turn is guided by values and norms that determine specific conduct.

Amstutz (1999:2) defines morality as a term that describes what is good, right or proper. Mautner (2005:404) supports this and indicates that morality is concerned with the right conduct. He further indicates that there is a close relationship between the terms “ethics” and “morality” as both have the same root meaning in Greek, though they represent two different and distinct meanings. In other words, “morality refer[s] to values and beliefs about what is right and wrong, good and bad, just and unjust and ethics refer[s] to the examination, justification, and critical analysis of morality” (Amstutz, 1999:2).

It is evident from the above that ethics is fundamentally the principles that are expected to underlie the right conduct in general or specific contexts. For the

purpose of this research, ethics will be applied to child participation to determine which principles will apply to ensure ethical child participation. Thus, if the principles that apply are clearly determined, it will lead to the anticipated right conduct, which will facilitate ethical child participation.

3.3 Principles in Child Participation

Over the past decade, many practitioners, researchers and policy-makers have determined a myriad of principles to guide the participation of children in different contexts on aspects that affect them and the world around them. The following section will highlight some of the leading authorities on child participation in this regard, at both a national and international level. It is critical to review these principles, as it will lead to the foundation and crystallisation of core principles that will guide the ethics of child participation.

3.3.1 Principles in Child Participation as described in the literature

In this section the researcher explores and analyses relevant literature on the principles of child participation. The literature provides insights into current thinking and understanding on the constitution of ethical child participation. The researcher noted that the literature refers in different ways to these principles of child participation, i.e. as lessons learnt; standards; characteristics; features (cf. Save the Children, 2004; Black, 2004; Lansdown, 2001), amongst others, which

the researcher has categorised together under the term “principles”.

In the following discussion, the researcher analyses various authors' views and contributions in order to derive key focus areas that constitute general principles in child participation. These will be concluded in 3.2.

Save the Children (2004) published a report indicating twelve critical lessons that were learned from the 2002 United Nations General Assembly Special Session on Children. These twelve lessons, as indicated below, set out important principles that should guide child participatory activities:

- (a) Work with adults on how they can encourage children's participation is as important as the work with children themselves.
- (b) Children's participation requires sufficient time, funding and planning if it is to be meaningful and of good quality.
- (c) “Child-friendly” information is essential in order to give children the same access to information as adults.
- (d) The selection of child delegates needs to be sensitive to issues of representation and inclusion, in order to both maximise the experience brought into events and promote the sustainability of outcomes.
- (e) Language is a major barrier to children's participation in international meetings. Proper attention needs to be given to the translation of materials and the ready availability of interpreters.
- (f) Follow-up on meetings needs to be an essential part of the process of

children's participation and not an afterthought.

- (g) Young adults are an important resource in supporting the participation of children.
- (h) Participation processes are vulnerable to adult manipulation. Measures need to be taken to guard against this and to integrate tolerance and respect for the opinion of others into the process.
- (i) Child protection must be built into every aspect of the planning for an event or process involving children.
- (j) Systematic evaluation is essential to improve practice and to learn for the future.
- (k) Children want to work with the media. They should be supported in doing so and – at times – protected from it too.
- (l) Adults accompanying children to meetings need to be clear about their responsibilities, but must also be given opportunities to use their skills and experience when the children are busy elsewhere.

The twelve lessons learnt, as summarised by Save the Children (2004) above, deal mainly with the principles of adult involvement, access to information and accountability in the child participation process.

In an earlier publication Save the Children (2003a:12) indicated similar principles to those mentioned above, with the following additional principles:

- (a) Encourage the involvement of socially excluded and discriminated against

- groups, and ensure that their voices and experience are given equal weight in discussions.
- (b) Enable children to negotiate their participation to reflect their own preferences and working methods.
 - (c) Participation should be a process that encourages the sharing of experiences.
 - (d) Participation should be flexible enough to respond to the expectations of children.
 - (e) Promote the best interest of the child and enhance the personal development of each child;
 - (f) Build self esteem and self-confidence in children so that they feel they are able to contribute and have opinions that are worth listening to.

These principles relate mainly to the depth of the child participation process, the building of self esteem and the need for self-determination.

Viviers and Blankenberg (2008:2) indicate the following principles to be considered in child participation:

- (a) Children should be fully informed about their roles.
- (b) The privacy of children should be safeguarded at all times.
- (c) The approach to children's dialogue with others must be transparent and non-discriminatory.

- (d) Service providers who involve children in intervention programmes/research must be sensitive to culture, values, religion and other individual differences of the child concerned.
- (e) All children have the right to be communicated with in the language of their choice and a language that they understand.
- (f) Children have the right to be given the reasons for their involvement in any programme.
- (g) Children should be kept informed of all processes within a programme of which they are part.

In a similar vein to the principles indicated by Save the Children (2004), Viviers and Blankenberg (2008) focus on issues related to the depth of child participation, but with a much stronger indication that diversity should be a key consideration.

Black (2004:6; 30–32) emphasises the following principles to ensure that child participation is carried out sensitively, effectively and supportively:

- (a) Child participation should be mainstreamed in the design and implementation of all actions to improve working children's lives.
- (b) Implementing organisations need to be committed to child rights, and be open-minded and flexible.
- (c) An appropriate balance of adult and child responsibilities should be sought in the implementation of child participation.

- (d) Advocacy on behalf of children should include substantive contributions from the children concerned.
- (e) Children should be provided with the space to meet, undertake their own activities, and develop their own plans and perspectives.
- (f) The principle of non-discrimination should be upheld in child participation activities, which should aim for maximum appropriate inclusion of all eligible participants.
- (g) The purpose of child participation should be explained to parents, teachers and other adults with influence in children's lives, so that their understanding and support is assured.
- (h) The sustainability of child participation activities should be addressed at an early stage.
- (i) Transparency and accountability should be respected wherever children are involved in participation activities

Black's (2004) angle regarding the principles of child participation focuses more on systemic matters in the child participation process than on the actual participation process. This is an important facet that creates both an enabling environment and an accountable process.

Feinstein, Karkara, Karlson and Talbot (2005:7) identify a "child-friendly" approach that enables children to contribute to the best of their abilities (good information, availability of venues, procedures and support that encourage rather

than hinder children's involvement). These authors' idea of a child-friendly approach most likely provides a chapeau for all the other principles mentioned up to now, as this is what they all aim for.

Cashmore (2002:841) emphasises that genuine child participation depends on conditions such as the opportunity and choice of ways to participate; access to relevant information; the presence or availability of a trusted advocate or mentor; the existence of policy and legislation that require children and young people to be consulted and informed; ways for the child to complain; and ways for service providers to evaluate their performance and the way they encourage the involvement of children and young people. Cashmore's conditions are significant in that they place a high value on accountability through policy and implementation mechanisms. The latter are important in the creation of an enabling environment for ethical child participation.

Lansdown (2001:9–16) covers two important sets of principles that intrinsically deal with the power and status relationships involved in child participation. The first set of principles departs from the viewpoint of the child and includes the following:

- (a) Children must understand what the project or process is about, what it is for and their role within it.
- (b) Children must understand the power relations, and decision-making

structures must be transparent.

- (c) Children should be involved from the earliest possible stage of any initiative.
- (d) All children should be treated with equal respect regardless of their age, situation, ethnicity, abilities or other factors.
- (e) Ground rules should be established with all the children at the beginning.
- (f) Participation should be voluntary and children should be allowed to leave at any stage.
- (g) Children are entitled to respect for their views and experience.

With the second set, Lansdown (2001) indicates important principles from the angle of how adults can counter and manage power relations in child participation by:

- (a) Being prepared to listen to children's priorities;
- (b) Being clear about what you are trying to achieve;
- (c) Being clear about the boundaries of the proposed activity;
- (d) Doing the necessary research; being willing to consult with children on methods of involving them;
- (e) Remembering that children are not a homogenous group;
- (f) Making available the necessary time;
- (g) Making available the necessary resources;
- (h) Remembering the importance of working with adults as well as children;

- (i) Being prepared to be challenged;
- (j) Not underestimating children's insights and abilities;
- (k) Developing indicators or goals for effective participation in collaboration with children; and
- (l) Being prepared to make mistakes and get it wrong.

Both these sets provide important principles that may equalise the power and status relationships between adults and children during the child participation process. This is significant in ensuring ethical and meaningful child participation.

Ramsden and Prest-Talbot (2007:9, 56, 61) indicate in particular the importance of human dignity and that the value of the child should be respected as a principle. Though implied in many of the already mentioned principles, it is important that this be emphasised explicitly, as it safeguards an important human right and reiterates the fact that children have value in society and, as such, in participatory processes.

The focus on human rights is aligned with the key features identified for child participation by the Committee on the Rights of the Child (2007:4–5) in its *General Comment on Article 12* and the principles summarised in this section. Some important principles which the Committee highlighted and linked to the observations by Lansdown (2001) is that adults involved in supporting or facilitating participation must have the training to be effective and confident;

transparency, honesty and accountability are important; it is based on the principle of non-discrimination; and participation of children must be voluntary and relevant.

In conclusion, the researcher noted that there is general agreement in the literature on the principles that are important in ethical child participation. The cited authors do not hold conflicting views, but rather complement each other in the presentation of principles for child participation.

A critical analysis of the aforementioned principles revealed that prominent common principles constitute the core of ethical child participation. The identification of common principles, which will be discussed next, informed the design of the empirical component of this study and provided a basis for correlation between the principles which emerged from the empirical study.

3.3.2 Principles for Ethical Child Participation According to Themes

In order to identify the common principles that constitute ethical child participation, the researcher further analysed those principles discussed in 3.1 according to common themes. This is outlined in Table 1 below.

Table 1: Principles for Ethical Child Participation According to Themes

COMMON THEME	PRINCIPLES AS STATED IN THE LITERATURE REVIEW	REFERENCE
Adults capacity, understanding and attitude towards child participation	Work with adults on how they can encourage children's participation is as important as the work with children themselves.	Save the Children (2004)
	Young adults are an important resource in supporting the participation of children.	
	Participation processes are vulnerable to adult manipulation. Measures need to be taken to guard against this and to integrate tolerance and respect for the opinion of others into the process.	
	Adults accompanying children to meetings need to be clear about their responsibilities, but must also be given opportunities to use their skills and experience when the children are busy elsewhere.	
	An appropriate balance of adult and child responsibilities should be sought in the implementation of child participation.	Black (2004:6, 30)
	The presence or availability of a trusted advocate or mentor.	Cashmore (2002:841)
	Power relations and decision-making structures must be transparent.	Lansdown (2001:9)
	Being prepared to listen to children's priorities.	
	Being clear about the boundaries of the proposed activity.	
	Doing the necessary research and being willing to consult with children on methods of involving them.	

COMMON THEME	PRINCIPLES AS STATED IN THE LITERATURE REVIEW	REFERENCE
	Remember the importance of working with adults as well as children.	
	Being prepared to make mistakes and get it wrong.	
	Adults involved in supporting or facilitating participation must have the training to be effective and confident.	Committee on the Rights of the Child (2007:4)
	Participation should be flexible enough to respond to the expectations of children.	Save the Children (2003a:12)
Transparency, accountability and honesty with and to children in child participation	Follow-up on meetings needs to be an essential part of the process of children's participation and not an afterthought.	Save the Children (2004)
	Systematic evaluation is essential to improve practice and to learn for the future.	
	Wherever children are involved in consultation and other participation activities, the principles of transparency and accountability should be respected.	Black (2004:6, 30)
	The purpose of child participation should be explained to parents, teachers and other adults with influence in children's lives, so that their understanding and support is assured.	
	Ways for the child to complain.	Cashmore (2002:841)
	Ways for service providers to evaluate their performance and the way they encourage the involvement of children and young people.	
	Develop indicators or goals for effective participation in collaboration with children.	Lansdown (2001:10)

COMMON THEME	PRINCIPLES AS STATED IN THE LITERATURE REVIEW	REFERENCE
Considerations for the best interest of the child	Promote the best interest of the child and enhance the personal development of each child.	Save the Children (2003a:12)
	The human dignity and value of the child should be respected.	Ramsden and Prest-Talbot (2007:23)
Ensuring the safety and protection of children	Child protection must be built into every aspect of the planning for an event or process involving children.	Save the Children (2004)
	The privacy of children should be safeguarded at all times.	Viviers and Blankenberg (2008:2)
	Children want to work with the media. They should be supported to do so and – at times – protected from it too.	Save the Children (2004)
Commitment to child participation at all levels	Implementing organisations need to be committed to child rights, and be open-minded and flexible.	Black (2004:6, 30)
	Child participation should be mainstreamed in the design and implementation of all actions to improve working children's lives.	
	The existence of policy and legislation that require children and young people to be consulted and informed.	Cashmore (2002:841)
	The sustainability of child participation activities should be addressed at an early stage.	Black (2004:6, 30)
Respect for diversity and inclusion of the marginalised	Service providers who involve children in intervention programmes/ research must be sensitive to culture, values, religion and other individual differences of the child concerned.	Viviers and Blankenberg (2008:2)

COMMON THEME	PRINCIPLES AS STATED IN THE LITERATURE REVIEW	REFERENCE
	All children have the right to be communicated with in the language of their choice and a language that they understand.	
	Children are not a homogenous group.	Lansdown (2001:10)
	Encourage the involvement of socially excluded and discriminated against groups, and ensure that their voices and experience are given equal weight in discussions.	Save the Children (2003a:12)
	The selection of child delegates needs to be sensitive to issues of representation and inclusion, in order to both maximise the experience brought into events and promote the sustainability of outcomes.	Save the Children (2004)
	Language is a major barrier to children's participation in international meetings. Proper attention needs to be given to the translation of materials and the ready availability of interpreters.	
Sharing and access to information for children	Ground rules should be established with all the children at the beginning.	Lansdown (2001:9)
	"Child-friendly" information is essential in order to give children the same access to information as adults.	Save the Children (2004)
	Children should be fully informed about their roles.	Viviers and Blankenberg (2008:2)
	Children have the right to be given the reasons for their involvement in any programme.	
	Children should be kept informed of all processes within a programme of which they are part.	

COMMON THEME	PRINCIPLES AS STATED IN THE LITERATURE REVIEW	REFERENCE
	Access to relevant information.	Cashmore (2002:841)
	Children must understand what the project or process is about, what it is for and their role within it.	Lansdown (2001:9–10)
	Be clear about what you are trying to achieve.	
Non-discrimination against children	The approach to children's dialogue with others must be transparent and non-discriminatory.	Viviers and Blankenberg (2008:2)
	The principle of non-discrimination should be upheld in child participation activities, which should aim for maximum appropriate inclusion of all eligible participants.	Black (2004:6, 30)
	All children should be treated with equal respect regardless of their age, situation, ethnicity, abilities or other factors.	Lansdown (2001:9)
	Participation must both challenge existing patterns of discrimination, and encourage opportunities for more marginalised children to be involved.	Committee on the Rights of the Child (2007:4)
	Children's participation requires sufficient time, funding and planning if it is to be meaningful and of good quality.	Save the Children (2004)
Adequate resources available	A "child-friendly" approach which enables children to contribute to the best of their abilities (good information, availability of venues, procedures and support that encourage rather than hinder children's involvement).	Feinstein et al. (2005:7)
	Make available the necessary time.	Lansdown (2001:10)
	Make available the necessary resources.	
Children have the right	Do not underestimate children's insights	Lansdown (2001:10)

COMMON THEME	PRINCIPLES AS STATED IN THE LITERATURE REVIEW	REFERENCE
to self determination.	and abilities.	
	Children should be provided with the space to meet, undertake their own activities, and develop their own plans and perspectives.	Black (2004:6, 30)
	The opportunity and choice of ways to participate.	Cashmore (2002:841)
	Children should be involved from the earliest possible stage of any initiative.	Lansdown (2001:9)
	Participation should be voluntary and children should be allowed to leave at any stage.	
	Enable children to negotiate their participation to reflect their own preferences and working methods.	Save the Children (2003a:12)
Opportunity for children to express their views	Participation of children must be voluntary and relevant.	Committee on the Rights of the Child (2007:4)
	Participation should be a process that encourages the sharing of experiences.	Save the Children (2003a:12)
	Advocacy on behalf of children should include substantive contributions from the children concerned.	Black (2004:6, 30)
	Children are entitled to respect for their views and experience.	Lansdown (2001:9–10)
	Be prepared to be challenged.	
	Build self esteem and self-confidence in children so that they feel they are able to contribute and have opinions that are worth listening to.	Save the Children (2003a:12)

The following section provides a synthesis of the researcher's analysis and interpretation of the literature and themes into common principles.

3.3.3 Common Principles for Child Participation

The researcher used the frequency of a principle in the literature review as an indicator to classify it as a common principle for child participation. Where the frequency was similar, the researcher used his own judgement, based on his experience, to rank the principles.

3.3.3.1 Role of Adults

The most prominent common principle that emerged from the literature involves the role of adults in child participatory processes, with the most prominent emphasis being on adults' attitude towards child participation and their capacity to understand and facilitate the meaningful participation of children.

3.3.3.2 Transparency, Accountability and Honesty

The principle of transparency, accountability and honesty with and for children in child participation emerged as the second most significant ethical consideration on child participation.

3.3.3.3 Self-determination

The principle of self-determination and belief in children's ability and right to engage in, direct, choose and disengage from the child participatory process emerged as the third most prominent common principle in the ethical considerations of child participation.

3.3.3.4 Sharing and Access to Information

Access to information and communication emerged as the fourth most important common principle that facilitates ethical child participation. Though categorised separately, it has a close link with both the role of adults and transparency mentioned above.

The following three common principles emerged jointly as fifth most significant. In this instance, the researcher used his own experience to decide on the order of these principles.

3.3.3.5 Views of the Children

This principle entails respect for the views of the child and for children's ability to present views on a variety of matters that affect them and the world around them. This principle is closely linked to the principle of self-determination mentioned

above.

3.3.3.6 Child Protection and Safety

The safety and protection of children who engage in child participatory processes includes physical, social, emotional and psychological safety and protection.

3.3.3.7 Respect for Diversity

The principle of respect for diversity includes the inclusion of minorities or the marginalised.

The last set of common principles emerged at roughly the same level and is indicated below with no specific “ranking”. Though there is no clear ranking order, these remain important common principles. Thus, the researcher chose to place them in an order that starts with rights-based principles such as non-discrimination and the best interest of the child, followed by the more commitment-based principles.

3.3.3.8 Non-discrimination Against Children

Non-discrimination against children that ensures equal and fair access to participate in matters affecting them emerged as central to ethical child

participation. In some ways, though this is not explicitly mentioned in the other texts, this principle underpins most other common principles.

3.3.3.9 Best Interest of the Child

The principle of the best interest of the child is an essential and paramount common principle in ethical child participation, as it facilitates all other aspects of children's rights and brings together all the principles that underpin child participation in a meaningful and ethical manner.

3.3.3.10 Adequate Resources

Meaningful and ethical child participation can only be affected if sufficient resources are available in terms of time, funding, planning and human resources to facilitate the process. Thus, as a principle, availability and allocation of adequate resources facilitates and provides an enabling environment for ethical child participation.

3.3.3.11 Commitment to Child Participation

Commitment to child participation at policy level as well as at programmatic level will ensure sustainability and mainstreaming of child participation.

The researcher finds it significant that the role of adults in child participation emerged so prominently in the analysis of the literature, mainly because they play such an important determining and facilitative role in child participation. In addition to the common principle that deals explicitly with the role of adults, the other common principles – i.e. transparency, accountability and honesty; sharing and access to information; child protection and safety; non-discrimination against children; adequate resources for child participation; and the principle of the best interest of the child – have a direct relation to the adults' approach and attitude towards child participation. The principle of children's ability to self-determine is supported by other common principles such as respect for the view of the child and non-discrimination against children is another important focus in this analysis. If these principles are applied as it stands, it will facilitate appropriate and meaningful participation that is to the benefit of children and society and deter token participation of children. Further to this, the combination of all these principles will facilitate a "child-friendly" approach that ensures children's rights are respected.

3.4 Conclusion

The search for ethical conduct that truly enhances the full participation of children in all aspects of their lives without exception leads to an introspection of belief systems (cf. Mautner, 2005:404). This leads the quest to find out what should guide an approach and conduct that is ethical when the participation of children

is facilitated. Both the aforementioned culminate in a search for those principles that should guide ethical child participation through an analysis of relevant literature.

It is evident that there is common agreement amongst authors in the field that certain principles clearly drive ethical child participatory processes. Analysis of the literature indicated eleven common principles that can guide ethical child participation. As mentioned previously, the identification of the said common principles for the ethical consideration of child participation guided and directed the collection and analysis of data in the empirical study.

It is evident from the literature that ethical child participation lies in the realm of both adults and children.

CHAPTER 4

EMPIRICAL STUDY AND RESEARCH FINDINGS

4.1 Introduction

This chapter presents the research methodology that was utilised in the execution of the empirical study. The empirical study was guided by the following research questions, as described in chapter one:

- Which factors contribute to and which factors hamper meaningful child participation?
- What are the ethical considerations for meaningful and appropriate child participation?

This chapter looks firstly at the research approach, design, methodology and ethical considerations, and then at the findings of the empirical research study.

4.2 Research Approach

The study followed a qualitative approach. Leedy and Ormrod (2005:94) indicate that qualitative research is often done to answer questions about the complex nature of phenomena and that a qualitative study often ends with tentative answers. Lal (2001:1) indicates that qualitative research originates from the behavioural and sociological sciences, and that measurement is primarily

concerned with verbal and written descriptions and interpretations. Fouché and Delport (2002a:79) indicate that qualitative research is concerned with understanding rather than explanation, and with the subjective exploration of the reality from the insider rather than controlled measurement. Joppe [s.a.] indicates that qualitative research is most commonly encountered when conducting exploratory research where “a problem has not been clearly defined as yet, or its real scope is as yet unclear”.

As the terrain of ethics and ethical standards in child participation is a research field that has enjoyed limited exploration and is thus relatively undefined, a qualitative approach was most suitable for this study.

4.3 Type of Research

This research can be described as applied research, as it aimed to solve a particular policy problem on ethical standards in meaningful child participation (Fouché, 2002a:108–109; Bless & Higson-Smith, 2000:38–39; Neuman, 2003:22). The findings will benefit practitioners in child participation processes directly.

4.4 Research Design and Methods

The research design, research population, sample, sampling method, data

collection methods and data analysis for the study are discussed in this section.

4.4.1 Research Design

Babbie (2005:87,117) indicates that research design has two major tasks, namely to specify as clearly as possible what the researcher wants to find out and to determine the best way in which to do so.

The research design used in this study was the case study, in particular an instrumental case study, which is, according to Mark (in Fouché, 2002b:276), "used to elaborate on theory or to gain a better understanding of a social issue". Mark also indicates that the instrumental case study has the purpose of facilitating the researcher's gain of knowledge about a social issue. Fouché (2002b:272) states that the case study is one of the key qualitative research design strategies. Neuman (2003:33) indicates that a case study allows the researcher to intensively investigate one or two cases or to compare a limited number of cases with a focus on several factors. He goes on to say that case studies help researchers to connect the micro level with macro level and help with the generation of new thinking and theory. Similarly, Leedy and Ormrod (2005:135) indicate that a case study is an in-depth study of a particular individual, programme or event and that a case study is especially suitable for learning more about a poorly understood situation or learning about something about which little is known. Babbie (2005:306) indicates that case studies can

provide descriptive and explanatory insights.

The instrumental case study method was suitable for this study principally because it allowed the researcher to gain a better understanding of child participation as a social issue and to explore the ethical considerations that are paramount in child participation processes.

4.4.2 Research Population, Sample and Sampling Method

Bless and Higson-Smith (2000:85) indicate that good sampling implies a well-defined population, an adequately chosen sample and an estimate of how representative the sample is of the whole population.

4.4.2.1 The Research Population

Strydom and Venter (2002:198) indicate that the research universe refers to all potential subjects who possess the characteristics and attributes that the researcher is interested in, whereas the research population sets boundaries on the study units. Bless and Higson-Smith (2000:85) describe the research population as the target population and as the set of elements that the research will focus upon.

In terms of the boundaries of this study, the focus of this research was narrowed

down to the following two research populations:

- Professionals working in South Africa in organisations or projects that include active child participation as part of their work, and from that list the most suitable candidates that would be able to provide the depth and quality of information needed. The researcher made a summary of all professionals known to him through his work at UNICEF who are involved in child participation processes in South Africa. A list emerged representing the government, non-governmental organisations and persons in private consultancies. The list was informed by the researcher's knowledge, which he obtained from working in the field over many years, reviews of annual reports of organisations working with children and discussions with key informants in the child rights field. It was determined through this that there were approximately 12 key informants that actively promote and/or use child participation as part of their work, of which three (3) were from government departments, six (6) from nongovernmental organisations and three (3) working in private consultancies.
- South African children in the age group nine (9) to 17 years, segregated in terms of gender, who have been involved during the past two (2) years in processes or projects that involved child participation. The researcher identified five (5) organisations with projects that are known for their child participation activities. Based on the minimum number of children involved (30) in the five (5) identified organisations, the estimated research

population was 150 children.

4.4.2.2 Samples and Sampling Methods

Leedy and Ormrod (2005:145) indicate that the entities that a researcher selects for a study are referred to as the sample and the process of selecting these entities is referred to as sampling. Strydom and Delport (2002:333–334) indicate that sampling in qualitative research is relatively limited and based on saturation, and point out that it is not representative as is the case in quantitative research. They further indicate that in qualitative research non-probability sampling is almost always used. Grinnell and Williams (1990:118) define sampling as the process of selecting people to take part in a study and the sample as including the people who are selected for the study.

In view of the fact that expertise directly involved in child participation and organisations/ projects that have quality child participation processes in South Africa are limited, the researcher used purposive or judgemental sampling to ensure that those who are knowledgeable, experienced, and possessed of skills in child participation, from both mentioned research populations, were selected for the study.

Purposive sampling, according to Bless and Higson-Smith (2000:92), is based on the judgement of the researcher regarding the characteristics of a representative

sample. Strydom and Delport (2002:334) indicate that for purposive sampling the researcher must think critically about the parameters of the population and choose a sample accordingly, and this requires a clear formulation of the criteria for the selection of respondents. Neuman (2003:213) indicates that purposive sampling is used to select cases with a specific purpose in mind, and points out that it is most often used in exploratory research. Neuman (2003) further indicates that purposive sampling is appropriate in three situations:

- To select unique cases that are especially informative;
- To select members of a difficult-to-reach specialised population; and
- To select particular cases for in-depth investigation.

The first sample was drawn from the research population of professionals working in South Africa in or with organisations or projects that require direct child participation as part of their work. From the 12 listed professionals, who were identified as the research population, the researcher selected seven (7) professionals for the sample, based on the criteria indicated below. The latter required a definite judgement from the researcher based on the criteria of knowledge and involvement in child participation. The criteria for the purposive sampling included the following:

- Those selected had to be representative of various sectors, including: government; children's rights activists; and practitioners.
- Those selected had to be able to provide depth and quality of information and share experiences based on knowledge and involvement of child

participation over a minimum of five (5) years.

- Those selected had to have had direct involvement and contact with children in at least three (3) child participation processes.

Though the researcher was sensitive towards criteria such as gender, years of experience and age of the selected sample, it was not a determining factor in the selection of the sample. The determining factor was the knowledge and involvement of child participation.

The three categories that formed the sample of professional experts are the following:

- Two (2) senior government officials (deputy director and senior) from the Department of Social Development and Office on the Rights of the Child in the Presidency.
- Three (3) persons who are recognised as children's rights activists from organisations advocating and supporting child rights.
- Two (2) practitioners from private consultancies that facilitate child participation.

The second sample was drawn from the research population of South African children in the age group nine (9) to 17 years who have been involved during the past two (2) years in processes or projects that involved child participation linked with three (3) of the identified non-governmental organisations or projects in

South Africa that promote child participation.

Based on this knowledge and judgement the researcher selected this sample according to the following criteria:

- Involvement in at least one child participation process.
- Linkage to an existing non-governmental organisation or project so as to ensure that the research was not only a “once-off event” for the children, but that the process could be followed through by the participation programmes in the organisation.
- Gender division, though an equal division in numbers was not required *per se*.
- Age, ranging from nine (9) to 17 years.
- Diversity in terms of population constitution.

By using the criteria as set out, the identified organisations assisted in identifying a total of 75 children for the study.

4.4.3 Data Collection Methods

This study, using a qualitative approach to research, employed in-depth interviews and focus group discussions as data collection methods. Available literature on the topic had to be explored for the purposes of the field research (Fouché, 2002b:275).

One-to-one interviews were conducted with key informants in the child rights arena, which included the senior government officials; children's rights activists, and practitioners. These interviews were mainly semi-structured. Greeff (2002:398) indicates that qualitative studies typically employ unstructured or semi-structured interviews (cf Babbie, 2005:313), and defines semi-structured interviews as being organised around certain areas of particular interest, while still allowing considerable flexibility in scope and depth.

Greeff (2002:302) indicates that semi-structured one-to-one interviews allow the researcher to gain a detailed picture of the participants' beliefs and perceptions regarding a particular topic. In the case of this study, the topic refers to ethics in child participation. Leedy and Ormrod (2005:146) add that interviews of this nature can yield a great deal of useful information related to facts, people's beliefs and perspectives about facts, feelings, motives, present and past behaviours, standards for behaviour and conscious reasons for actions or feelings.

Focus group discussions were conducted with children in development programmes where child participation is used as an empowering and contributory component of the programme's development and implementation. Bless and Higson-Smith (2000:154) define a focus group as a semi structured group interview conducted by a skilled facilitator. Babbie (2005:316) posits that a focus

group allows the researcher to systematically and simultaneously interview several individuals (12–15) in a guided manner on some topic. Greeff (2002:306;307) affirms that a focus group is a carefully planned discussion designed to obtain perceptions on a defined area of interest, which includes three fundamental strengths shared by all qualitative methods, namely:

- Exploration and discovery
- Context and depth
- Interpretation

The researcher had a minimum of two (2) and a maximum of three (3) focus group discussions per organisation, where each focus group had a minimum of eight (8) and maximum of eleven (11) children. The sample size was 75 children in a total of eight (8) focus groups.

4.4.4 Data Analysis

According to Leedy and Ormrod (2005:150), there is no single right way to analyse research data in a qualitative study. These authors qualify their statement by indicating that through inductive reasoning, sorting and categorising of data, the process gradually boils down to a set of underlying themes.

Babbie (2005:387) describes qualitative data analysis as “methods for examining social research data without converting them to a numerical format”. Babbie

(2005:410) conceptualises the qualitative analysis as a process that involves the continual interplay between theory and analysis. De Vos (2002:339) describes data analysis in qualitative research as the “process of bringing order, structure and meaning to the mass of collected data”. She further indicates that it is a messy, ambiguous, time-consuming, creative and fascinating process. Babbie (2005:388) emphasises that qualitative data analysis seeks to find patterns that emerge across several observations and that this should typically represent the different cases under study.

De Vos (2002:340) states that qualitative data analysis is a search for general statements about relationships among categories of data, which Mouton (2001:108) describes as the breaking up of data into manageable themes, patterns, trends and relationships. The aim of the analysis is therefore to understand the elements of the data collected through an inspection of the various relationships between concepts, constructs or variables, and to see whether there are any patterns or trends that can be isolated or identified or to establish themes in the data (Mouton, 2001:108).

Creswell, as quoted in De Vos (2002:340), refers to a data analysis spiral in qualitative research, where the different steps of the data analysis process move in circles rather than being a linear process. These “spiral steps” are as follows:

- Collecting and recoding data
- Managing data

- Reading, memoing
- Describing, classifying, interpreting
- Representing, visualising

(Cf. Leedy & Ormrod, 2005:150.)

In view of the aforementioned literature review on data analysis in qualitative research, the data analysis for this study followed the following process:

- **Planning for Data Collection**

The researcher contacted all key informants well in advance to make appointments for the interview. The researcher contacted the children via the three (3) identified non-governmental organisations to set up times for the focus group interviews with the children. The interviews were organised in the afternoons and over weekends, so as not to interfere with children's school time.

The researcher used a digital recorder with extension microphones to record all interviews. The researcher also kept a back-up digital recorder for the possibility of failure of the primary recorder. Before each recording the researcher obtained the permission of the participants for the recording of the interview and permission was granted without exception. The researcher was particularly sensitive with the child respondents to ensure that they were

comfortable with the recording of the interview. A method that seemed to be very useful was to ask each focus group to help with the setting up of the equipment and to help with the testing of the equipment, i.e. whether it records well. It involved playing a game where each child had to say one word while the recorder was recording and then it was played back so that all could hear whether their voices were audible and the tape recorder was working. This set children immediately at ease.

- **Collecting Data**

Semi-structured interviews based on a pre-designed interview schedule (see Annexure A) were conducted with all seven (7) key informants to the study. These interviews varied from 45 to 60 minutes each and were digitally recorded. All eight (8) focus group discussions were based on a pre-design interview schedule (see Annexure B) and varied between 25 minutes and 40 minutes per focus group.

The researcher took short field notes during the interview and focus group discussions. Upon completion of the interview and focus group, all recordings were stored on CD in mp3 file format and dispatched to the transcription service for verbatim transcriptions. The transcriptions were done as the interviews were completed and sent electronically to the researcher.

- **Managing and Organising Data**

De Vos (2002:343) indicates that the managing of data is the first step in data analysis to take place away from the research site. She indicates that while a variety of ways are employed to manage and organise the data, it is at the same time ensured that the data is easily retrievable and manipulable.

The researcher stored all electronic recordings and transcriptions on two different computers to ensure adequate back up of data. Hard copies were also made of all transcriptions and kept in a file that was only accessible to the researcher. A separate file was created to store all consent and assent forms from the participants to the study.

All transcripts were coded according to a coding system that enabled the researcher to analyse the data correctly. The transcripts of the interviews from the key informants were coded with a P for Policy Maker, an A for those who work in the child rights and advocacy field and PR for those who practically facilitate child participation processes. This was based on their current primary area of work and did not take into account previous work experiences related to child participation. The transcripts of the focus group discussions were simply numbered from one (1) to eight (8) with an indication of their location, sex and ages on the covers.

- **Reading and Memo Writing**

The researcher started off by reading all the transcripts once while at the same time making notes on a separate piece of paper key words that emerged from the reading. During the first reading the researcher also made key notes on the transcripts to identify areas that he needed to refer back too.

- **Identifying Themes Through Describing, Classifying, Interpreting**

De Vos (2002:344) refers to the process of describing, classifying, and interpreting as the heart of the qualitative data analysis process. This process involves the identifying of themes, recurring ideas and patterns that link concepts together. Creswell in De Vos (2002:344) defines the process of classifying as one of taking the qualitative information apart and looking for themes, categories and dimensions of information. De Vos (2002:344) further indicates that interpretation is the process of making sense of the data that was collected, described and classified. Mouton (2001:109) elaborates further on the concept of interpretation and indicates that it involves the synthesis of the data into larger coherent wholes, and that one interprets data or observation by formulating hypotheses or theories that account for the patterns and trends observed in the data.

The scripts were read again by the researcher with the particular purpose of

identifying recurring themes and patterns. This was done separately for the set of transcripts from the key informants and the transcripts from the focus groups with the children. The researcher identified recurring themes as those which emerged consistently in each set of interviews, with consistency being defined by the researcher as appearing in at least six out of the seven key informant interviews and six out of the eight focus group interviews.

In order to crystallise clear themes that could form the working hypotheses, patterns were categorised and the researcher had to apply his own experience, thinking and interpretation; linked to the theoretical basis of the study. Through this an endless list of themes and sub-themes was avoided.

In order to ensure that the data was managed in a retrievable manner, the patterns and themes that emerged were coded in different colours with side notes where appropriate to deepen the interpretation process. This enabled the researcher to note clear thematic patterns and it became evident that the same themes emerged from the key informants and the child respondents, with slight deviation in the strength of the theme for the respective respondent groups. This is described in the discussion of the themes

This process led to the development of working hypotheses based on the patterns and trends identified (cf. De Vos, 2002:342; and Mouton, 2001:109).

Where applicable, literature was consulted to verify the empirical findings or reference was made to earlier literature reviews that were done for this study.

The principle of saturation was applied to confirm the reliability of the data (Strydom & Delport, 2002:336). Neuman (2003:178) indicates that reliability refers the dependability or consistency.

4.4.5 Pilot Study

Mouton (2001:103) indicates that one of the most common errors made in research is that no pilot study or pre-testing is done. Leedy and Ormrod (2005:110) state that a “brief pilot study is an excellent way to determine the feasibility of your study”. Leedy and Ormrod (2005:152) further indicate that part of the importance of a pilot study in a qualitative study is for the researcher to find out whether he or she “feels comfortable with the ambiguity and lack of structure in the process”. Strydom and Delport (2002:337) describe the pilot study in qualitative research as usually informal with a few respondents possessing the same characteristics as those in the main investigation. They further state the purpose of this pilot study as merely to ascertain certain trends and to determine whether the relevant data can be obtained from the respondents.

Bless and Higson-Smith (2000:155) define a pilot study as “a small study ... conducted prior to the larger piece of research to determine whether the

methodology, sampling, instruments and analysis are adequate and appropriate". Similarly, Strydom (2002:211) sees the pilot study as a process whereby the research design is tested as a small-scale trial run of the bigger research project being planned.

According to Strydom and Delport (2002:337), the following four aspects should be part of the pilot study (which are largely similar to the aspects to be covered in quantitative research):

- Reviewing the literature
- Discussion with experts
- Preliminary exploratory studies
- Intensive Study of strategic units

4.4.5.1 Literature Review

The researcher conducted the pilot study after a comprehensive literature review, as the latter provided depth in the research topic. Fouché and Delport (2002b:268) indicate that theory and literature review can be used to guide the study in an explanatory way when the case study method is used.

The literature study was done to achieve the objectives of the research and also contributed to the design of the data collection tools as well as the pilot study.

4.4.5.2 Testing the Data Gathering Methods

To determine the suitability of both the semi-structured interview schedules for the expert interviews and the focus groups, the researcher tested the two data-gathering methods on a small sample of participants. This involved one interview with a person who had experience in child participation. The researcher also had one focus group with a group of nine (9) children between the ages of 11 and 15, including children from both sexes. All these respondents gave their informed consent and none of them were included in the main study.

The researcher assessed the appropriateness and usefulness of the questions of the respective interview schedules during the pilot study. It was found that the questions in both instances were suitable and workable, and that no adjustments were required.

4.4.5.3 Feasibility of the Study

Bless and Higson-Smith (2000:154) refer to the feasibility of a study as the process to determine whether a particular strategy is likely to reach its stated objectives. The researcher is of the opinion that this study was feasible as it solicited important information from key informants, including experts and children, on child participation. All the aforementioned were identified and seemed willing to participate in the study. Permission was obtained from the organisations as well as the parents/guardians for the fieldwork with the children.

The researcher's current employer, UNICEF, was informed of the study and regarded this study as beneficial to the work of the organisation. The researcher therefore was supported and granted leave to conduct the research.

4.4.6 Ethical Aspects

Strydom (2002:63) states that ethical guidelines in research serve as standards and a basis according to which a researcher ought to evaluate his or her conduct. According to Neuman (2003:116), the ethical issues in any study refer to the concerns, dilemmas and conflicts that arise over the proper way to conduct the research. Bless and Higson-Smith (2000:11) assert that both the process and results of research "require strict ethical choices and careful thought on the part of the social researcher".

Ethics are thus fundamental in social research and the researcher had to take certain ethical aspects into account in conducting this study. Strydom (2002:64–73) identifies eight key ethical issues that need to be taken into consideration in a research study. The researcher used these as a point of departure to indicate the ethical considerations applicable to this research study.

4.4.6.1 Harm to Experimental Subjects and/or Respondents

Strydom (2002:64) emphasises that respondents in social research should be protected from emotional as well as physical harm. Neuman (2003:120) states that research can harm a research respondent physically, psychologically, legally or economically (career and income). It is evident that in social research every caution should be taken to eliminate any form of harm to the respondents. As most of the respondents in this study were children, the researcher was especially cautious of any possible harm that might be caused by the study. For this reason it was critical that the sample of children be selected from an existing organisation that is involved with child participation, and that the sample was selected from children who have been involved in at least one child participation process. This enabled the researcher to conduct the study in an environment that is reasonably “safe” for the children and also dealt with ethical dilemmas such as follow-up actions related to participation.

4.4.6.2 Informed Consent

As described by Strydom (2002:65), informed consent implies that respondents have all the relevant information about the study, how they will be involved, what the impact will be on them, as well as the credibility of the researcher. Neuman (2003:124) elaborates that respondents need to be provided with specific information on the research before they can give informed consent. The

researcher ensured that all respondents were clear as to the purpose of the research and that they knew that they could withdraw at any time during the research process, even if they had given consent to be part of the study (See Annexure C). As the sample of child respondents was drawn from existing organisations executing child participation, many of the possible ethical dilemmas of consent were dealt with. By sampling through organisations, the children and their guardians were engaged in a child-appropriate process of consent to participate in the research. Formal consent was obtained from the guardians of the children through the organisation (see Annexure D). The request for informed consent was send to the guardians by the organisation prior to the focus group discussions and presented on the day of the focus group to the researcher. This set the guardians at ease as they had already consented to their children participating in the activities of the organisation. Children who participated in the research and whose parents gave consent for their participation, were requested to sign an assent to participation letter that was given to them before the focus group interview. This was done in a child-friendly language (see Annexure E). The researcher took time to read through the assent letter with all the children before they signed and allowed them to ask questions about the letter.

4.4.6.3 Deception of the Subjects and/or Respondents

Loewenberg and Dolgoff (in Strydom, 2002:66) describe deception of subjects as “deliberately misrepresenting facts in order to make another person believe what

is not true, violating the respect to which every person is entitled" (cf. Neuman, 2003:123 and Babbie, 2005:65–66).

As the research sample included child respondents and the research topic clearly focused on ethical considerations in child participation, deception of the respondents would in itself make a mockery of the study. Therefore, the respondents were clearly informed as to what the study aims to achieve and why they were involved. To this end, the researcher included a section in the semi-structured interview with the children where they could indicate how they wished to receive feedback on the outcomes of the study.

4.4.6.4 Violation of Privacy/ Anonymity/ Confidentiality

Strydom (2002:67) sees violation of privacy, anonymity (right to self-determination) and confidentiality as synonyms and indicates that all three are critical ethical issues in social research. Babbie (2005:64–65) states that anonymity and confidentiality are important to protect the respondents' interests and well-being. Neuman (2003:126) warns that social researchers should take precautions to protect their subjects' privacy, because the very nature of social research is to transgress the privacy of subjects.

In this study the anonymity and privacy of the respondents were guaranteed. It was clearly explained to all involved that a method of coding would be used that

would ensure that no-one could be identified, and that the researcher was obliged to adhere to this ethic both as a professional and as a researcher. This was clearly explained to all respondents prior to them giving consent or assent to the research.

4.4.6.5 Actions and Competence of the Researcher

Researchers have an ethical obligation to ensure that they are competent and skilled to undertake the research in which they are involved (Strydom, 2002:69). The researcher has worked in the child development field for 12 years and has extensive experience in working with children. Furthermore, the researcher is skilled in interviewing both individuals and groups. In the collection of data through interviews and focus groups, the researcher was adequately prepared. The pilot study that was conducted also allowed the researcher to assess his skills and fill the knowledge- and skill-gaps accordingly.

4.4.6.6 Co-operation with Contributors

Strydom (2002:70–71) indicates that the relationship between the researcher and sponsor can raise ethical dilemmas and issues, and emphasises that formal arrangements should be made if other parties are contributors to the research.

There were no specific contributors involved in this research, except for the

professional colleagues that were involved in the organisations from which the researcher draw the sample. The researcher reached an agreement with each of these organisations regarding the mutual expectations, for example whether they agree to be acknowledged as participants in the study or not.

4.4.6.7 Release of the Research Findings

Strydom (2002:71–72) indicates that research has little meaning if it is not introduced to the reading of the public in a written form and also that the subjects should be informed that the research will be published. Babbie (2005:68–69) indicates that researchers have an obligation to their colleagues in the scientific community and to the research subjects to report the findings of the research fully and accurately, which includes the disclosure of errors, limitations and other shortcomings in the research. The research findings of this study will be published in an accredited scientific journal.

The study is presented in the form of this research report, presenting and discussing all the findings of the research study. As many of the respondents were children who do not understand the scientific and research concepts that were used in the official research report, the researcher will develop a child-friendly version of the research report, upon its completion and approval, to share with the respondents and their peers.

4.4.6.8 Debriefing of the respondents

Strydom (2002:73) indicates that the debriefing takes place after the study, where the subjects of the research get the opportunity to work through their experience of participating in the research. Babbie (2005:68) indicates that debriefing entails interviews that discover problems generated by the research experience so that those problems can be corrected.

In this study the debriefing of the respondents was integral to the research process. The debriefings were done in phases and a critical role was played by the organisations where the children were involved. Debriefing happened immediately after the focus group discussions, where children had the opportunity to share their experience of the session with staff members/practitioners from the organisation who were familiar to them. The latter were also provided with information on how to deal with enquiries from the children and, where necessary, to support the children.

The researcher also indicated to all respondents that they were welcome to contact him on matters related to the study.

4.4.7 Research Findings

This section provides a detailed presentation of the findings of the empirical study, supported by verbatim quotations from the respondents as well as the literature, where applicable.

4.4.7.1 Demographic Profile

The empirical study focused on two different categories of respondents, namely key informants, which will be referred to as adult experts in the research findings, who are involved in facilitating child participation and children who are engaged in some form of child participation process. The demographics of these two categories are indicated below.

(a) *Adult Experts*

This section refers to demographical data of the adult experts that were involved in the study, i.e. those adults that were identified as key informants with depth and quality of information on child participation.

- **Sex of respondents**

As indicated in Figure1, most of the respondents, i.e. five (5) (71%) were female.

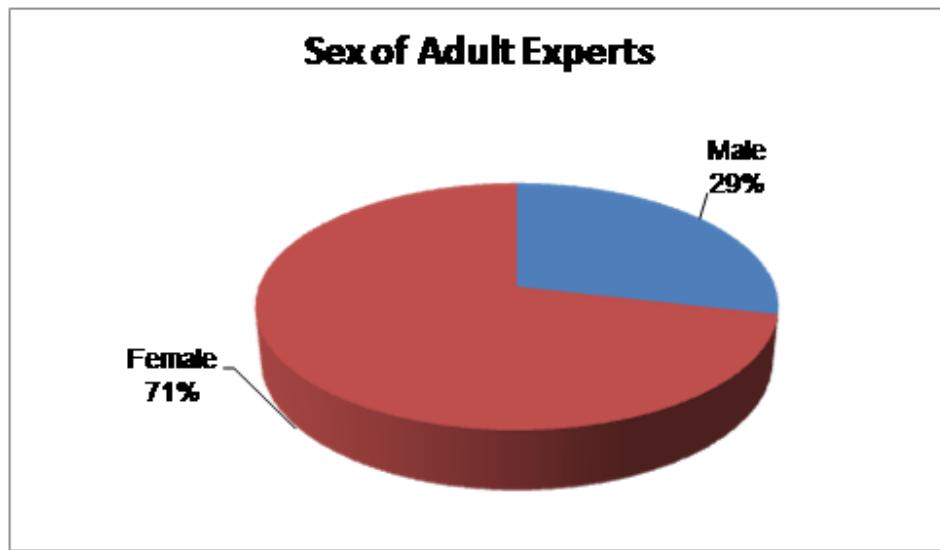


Figure 1: Sex of Adult Expert Respondents

- **Position in relation to child participation processes**

The positions of the adult respondents were categorised in terms of their current involvement in relation to child participation and the following three (3) categories were used:

- Policy Level: This refers to respondents who work at senior level within government on matters pertaining to children and have a responsibility, either full-time or in part, to facilitate child participation in the policy development process.
- Advocacy: This refers to respondents who work directly at an advocacy level and actively promote children's rights, which include children's right to participation.
- Practice: This refers to respondents who had facilitated a child

participation process directly within the last two (2) years.

Figure 2 indicates that the spread of respondents between the aforesaid three categories was largely equal, i.e. two (2) each (29%) in policy and advocacy and one (42%) in the practice category. The research findings thus indicated a balance in terms of the views of these three groups.

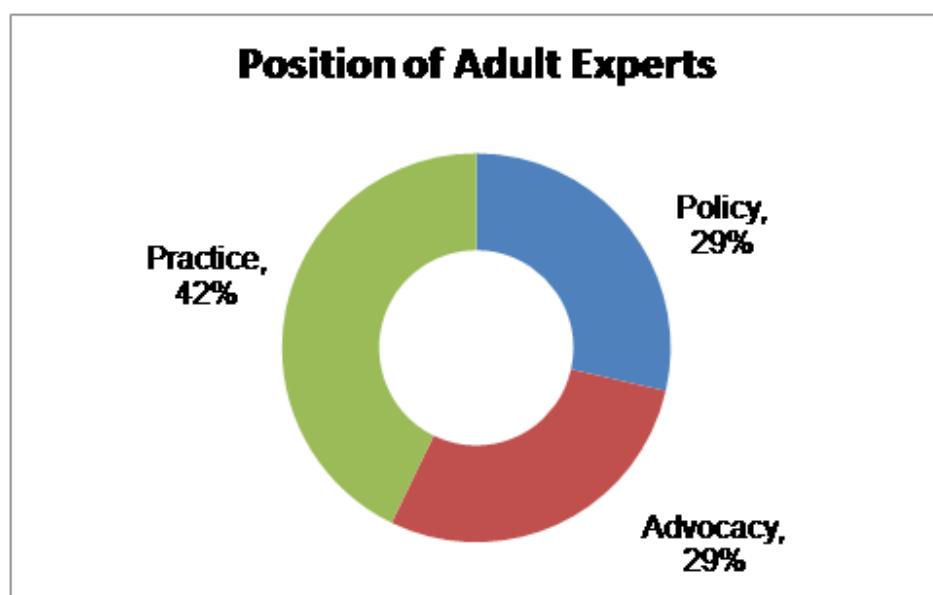


Figure 2: Position of Adult Respondents in Relation to Child Participation

(b) Children

▪ Ages

The ages of the children that participated in the study varied from nine (9) to 17 years. For the purposes of the study the child respondents were divided into three (3) age cohorts, representing three (3) years per cohort.

The majority of the children, i.e. 43 (57%) were in the upper age group of 15 to 17 years, with the minority, i.e. eight (8) (11%), aged between 9 and 11 years. The age group 12 to 14 years contained 24 children (32%).

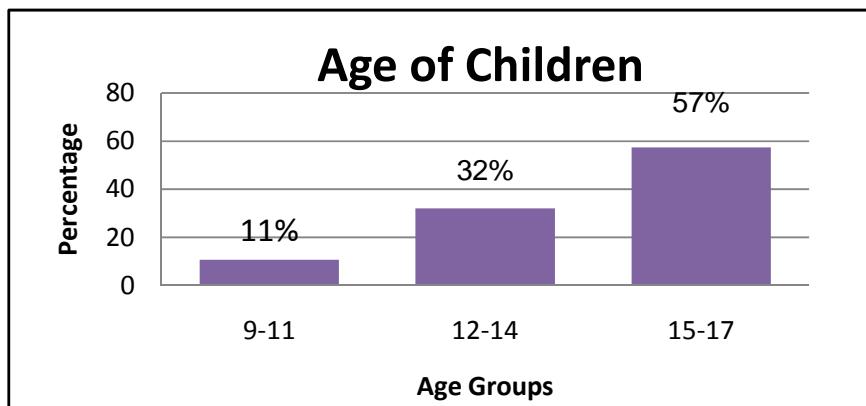


Figure 3: Age of Child Respondents

Though efforts were made to get children in the younger age cohorts, the child participation processes in the sample mainly focused on older children. This is consistent with a general tendency that the researcher observed in the field that older rather than younger children are engaged in child participation processes.

- **Sex**

As indicated in Figure 4 below, nearly two thirds, i.e. 48 (64%) of the child respondents were female. Male children only make up 27 (36%) of the sample, which was sufficiently representative to note any gender differences in responses. During the focus group discussions, there were mixed groups with both boys and girls as well as other groups with only

boys or girls.

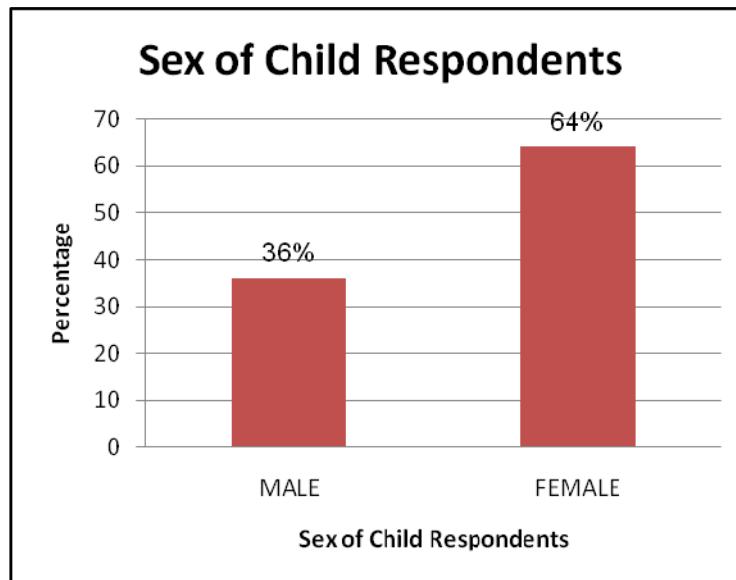


Figure 4: Sex of Child Respondents

- **Location**

The majority of the children, i.e. 43 (57%), resided in an urban or peri-urban area, while 32 (43%) of the children resided in a rural area.

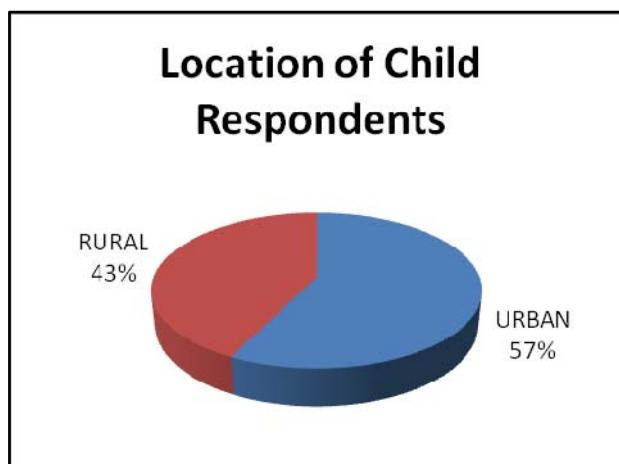


Figure 5: Location of Child Respondents

4.4.7.2 Key Themes

The themes that emerged through the processing and analysis of the data, based on the recurring appearances from the interviews and focus groups, were the same for the two respondent groups. Therefore the researcher will discuss the research findings of the adult experts and child respondent groups under the same themes and, where applicable, indicate differences in perspectives on the themes.

The identified themes and sub-themes are as follows:

- Theme 1: Children's views are important
- Theme 2: Child participation is empowering and developmental for children
- Theme 3: An enabling environment is important for children
 - Sub-theme 3.1: Establishing rapport with children is essential
- Theme 4: Children must be respected as active actors in child participation
- Theme 5: The role that adults assume in the child participation process is important
 - Sub-theme 5.1: Knowledge of unethical and inappropriate child participation is important
- Theme 6: Child participation is a process

4.4.7.2.1 Theme 1: Children's views are important

All respondents indicated that children's views are important and that their voices should be heard. Adults and children alike indicated that it is a right of children to express their views and to be listened to.

Adult experts indicated without exception that children bring new and valuable ideas and perspectives to the table, no matter at which level they are engaged with. They further indicated that children's participation is important in the design and implementation of policies and programmes, and that it is often the determining factor for the success of a programme. They indicated also that it is important to hear the voices of children as it gives insight into their life world and their experiences in the society in which they live.

Child respondents indicated that their opinions are important because it is their right to express such, but also that they have something to contribute for the present and the future from their perspectives and experiences. They indicated that these experiences and thoughts will also be of assistance to the broader child community. The child respondents were also very clear that everyone should listen to their peers, parents, teachers and community leaders, as well as to societal institutions like the church and government. To be listened to makes them feel respected and valued as members of society. UNICEF (2010:10) and Hart (1992:5) confirm the views of the children that participation is a right and

that it should be afforded in all settings in society.

The adult experts voiced their opinions and value on the importance of children's views in matters affecting them as follows:

“...when we look at the legal situation in South Africa, it’s their constitutional right. The government allows that right for children to participate and they are citizens of the country, so they should participate.”

“Children have the right to participate in issues that affect them and should be provided a democratic space to fully participate and engage with issues that affect them.”

“I have always believed that children have a voice and it should be heard and they should be able to tell you and we should be encouraging children to speak up, because of the fact that you will get varied opinions from them and it’s going to be crucial that when you have to make important decisions on children’s behalf, that they are part of that decision-making process.”

“So in order for us to be able to possibly define a programme for young people or to be able to engage young people in whatever issue, it is very important that we actually listen to their voice and listen to how they perceive their own issues and listen to how they project their own issues and then work with them in terms

of developing a concept, a programme and so on and so forth."

"So I cannot really rightly say that I understand what children are going through today because I do not live in the same circumstances that children live in today and that is why I feel it's fundamentally important that we actually listen to them and that they actually participate in all matters and issues that relate to them."

"It is vital that children participate in matters that affect them, because children are whole human beings. They may not have gone through the experiences that we have gone through as carers or adults, but they do feel pain, they laugh when they are having fun, they smile when they see something interesting. So they do feed back to us about what they see, what they feel and they cry when they are hungry, or not being listened to, or pain or something."

The adult experts also qualified the reason why it is important to have children voice their views:

"You know every time that I engage with children, I have always, always, always come out there amazed."

"...the contributions, are of immense value and such creative input, things that you have never thought of and that's what child participation should be."

“Every time I have come out of a child participation forum with children really amazing me with their uncontaminated, I like that word, joyful, creative, childlike expressions”

“As adults you sit back and you think to yourself my goodness me, they are very opinionated. They have got opinions on just about everything, but in a nice way.”

Similarly to the above findings, Kruger and Chawla (2006:91) indicate that the inclusion of children holds benefits to all as it facilitates direct and honest discussions on their daily lives.

The child respondents expressed very clearly that participation is one of their rights, as can be seen in the quotes below:

“Yes, because our constitution allows everyone of us to express his or her opinions without intimidation.”

“I think it’s important because children’s rights must be protected and children must have a say in everything that they think they have a right to.”

“I think we have the right to say what we need to deliver the message to the government...”

“And as South Africans we know that we have this right of everyone has to say everything he feels like saying. Like his or her opinion. So about that, everyone has to share his say or her say to each other.”

“I would firstly tell them that children also have rights....they also have a right to be heard.”

The following quotes provide important and interesting insights as to the reasons the child respondents feel their views are important”

“I can say that they should listen to their children, because their children are the future of tomorrow.”

“Because I might know things that they don’t know.”

“I think it is good to say something that you think is important to you, because you don’t know, it may help others as you say it.”

“And it’s important that the children can also express their feelings and then stuff can be done in a way that they also feel comfortable in.”

“...should listen to our opinions is because that thing you are thinking about, it’s

maybe important to other children. So if you said it then so other children will use it so that they can do more and more."

"...people realise that I am there. So it shows that people respect me and take me seriously."

"Apart from creating a sense of people understanding what you are going through and what some of the children might be going through, I think it also creates a platform of visibility ..."

"I have always wanted when they develop legislation which is to act on behalf of the children, I have always asked myself for certain Acts that are made they involve people who are going to be hugely or greatly affected by that particular piece of Act, but now I have always asked myself if they would perhaps get children in or people who deal closely with children to come and advise in structuring this particular Act or legislation."

"Everyone knows that one's opinion is important. Like maybe I can say something that you didn't think of or tell you something that you didn't even imagine. So if I tell you that particular thing and then you can do better at what you were doing before."

"...because when we as [club members] say something, it can help even the

President, because the little we do can do more.”

“Because they [adults] can learn new things from what we say”.

The voices of both the adult experts and the child respondents support the view that children have a significant contribution to make through their participation, and that it provides notable depth in helping to understand the life world of children from their perspective. Both male and female respondents emphasised the same issues.

The belief of both respondent groups that the views of children are important is supported explicitly in the *United Nations Convention on the Rights of the Child*, (1989; explicit in articles 12, 13, 14, and 15); the Organisation of African Unity's *African Charter on the Rights and Welfare of the Child*, 1990 (explicit in articles 7, 8, 12 and 17); and the South African Constitution, 1996 (sections 9, 17, 18 and 19), amongst some of the human rights instruments applicable to child rights.

4.4.7.2.2 Theme 2: Child participation is empowering and developmental for children

Related to this theme McConanchie, Colver, Forsyth, Jarvis and Parkinson (2006:1160-1161) indicate that participation of children is important for their development and this is facilitated in different settings (cf. Moses, 2008:335).

Child participation also develops children's social competence and social responsibility (UNICEF, 2010:34-35). This was affirmed in the research findings as indicated below.

In all focus groups the child respondents indicated that being part of a child participation process contributes to their development and insights on how to deal with life's challenges and how to respond to important matters. The majority of child respondents provided examples on how they have grown and developed as a result of being part of the child participation process, which included the ability to share feelings and ideas with adults, to assist peers in difficult situations, to learn from peers and to speak out in groups and in public, as well as the fact that they have somebody, either adult or peer, to talk to because they do not always find it easy to talk to their parents. It also serves as a platform for them to learn new skills such as problem solving, group work, public speaking and assertiveness, and avoid social ills such as the use of drugs, to mention a few. Stanley (2006:75) describes this well when she states "by exercising the capacity to make choices and decisions, children can build resilience which offers protection". Being part of a process where their voices are being heard is also encouraging and motivating for them because they feel valued by both their peers and adults. Child respondents also indicated that participation processes should include both boys and girls as it increased understanding. Interesting and profound testimonies came from child respondents indicating how they feel child participation processes empowered them:

"I think this focus group is important to us because it helps us to talk to other people because as you can see other people are shy, like me. So it helps us to be free to talk to others and it will help us to have a good future..."

"I felt exciting because I think sharing ideas is good because you collect some information which you didn't know from other children."

"I think it should be a combination of boys and girls, not girls only or boys only, so that we can understand each other. What I like about you, what you don't like about me."

"...take responsibility for their lives."

"Again it helped us a lot because as children at home, we don't usually talk to our parents..."

"So the other thing is that people are people with other peoples. So as a group we used to share our knowledge so that we can help other children who don't have knowledge about things that we do, or things that we experience in future."

"What I understand about focus group is that respecting people and hearing some ideas from other people."

“Yes because when we are like participating in the group we avoid many things like doing drugs...”

Adult experts made the same observations of the children's experiences and concur that their involvement in child participation processes contributes to the child's development and growth and builds their confidence. Adult experts highlighted the following on the empowering and developmental nature of child participation:

“...it also helps to capacitate them”

“I also see participation as more developmental. Developmental in that it builds children.”

“...that children are then given that opportunity to build their confidence and are encouraged to easily state their opinions and stuff.”

The view of both groups, adult experts and child respondents (both males and females), strongly supports the notion that involvement in child participation teaches children important life skills and enhances their ability to cope with life's challenges. Cook *et al.* (2004:10) affirm this observation that child participation has certain benefits that contribute to the development of children, which

includes an array of life skills and skills for democracy.

4.4.7.2.3 Theme 3: An enabling environment is important for child participation

The adult experts indicated without exception that child participation can only happen in an ethical and appropriate manner if an enabling environment is created. This, all adult experts agreed, is largely the responsibility of the adults involved in the child participation process. The essential elements identified by both adults and children for an enabling environment include the following:

- Participation should be age-appropriate, taking into account the development stage and needs of children at different age intervals. Adult experts articulated this very well in the following statements:

“Whether you are talking to that 5-year-old, or to that 17-year-old, there is a level of – you look at the age and level of development and you move to that level and you show them that you are engaging with them.”

“I think it’s important to kind of have appropriate age, appropriate participation.”

“So the age grouping is important, that will determine meaningful

participation”

- Child participation processes work best, according to adult experts, if they happen with the “natural rhythm” of children’s lives, i.e. where they are (e.g. clubs, schools, etc.). Child respondents also indicated this, and the following are some responses:

“The first thing we must make a group at the community, the youth clubs...”

“I am of the view that if you want to reach the youth successfully, get to hear what they have to say, you have got to let them use their own approach.”

“...youth come together and discuss things among themselves and then they can be recorded, they [adults] can find out how the youth feel...”

“...they [adults] should talk to children here at our schools.”

“...maybe ask to meet with the teams there at the school and then the teams would give ideas and views on what they like and what they don’t like and stuff like that.”

On this Moses (2008:337) indicates that a bottom-up approach that recognises and uses informal participation of children in everyday spheres such as the

home, community and school environment can create an important platform to enhance child participation and to bring younger children into the participation arena (cf. Rampal, 2008:319).

- Both respondent groups indicated that the location should be accessible and somewhere that children feel comfortable and safe. Some adult experts articulated this particularly clearly, stating:

"I would ensure that the space is non-threatening and familiar to the children and if equipment will be used that may be foreign to children (radio microphones, video recorders, cameras etc) that they are comfortable with these and understand their use."

"No it's really just that children are very giving in terms of information and something, as long as they feel safe that this is the right environment to do that."

One child summarised the view of the children as follows:

"We must feel free, we must talk to the adults if I don't feel comfortable about something."

UNICEF (2010:13-15) reverberate this indicating the importance of a location

where children feel welcome, safe and supported.

- Adult experts indicated that the child participation process should be designed in a manner that is responsive to children. Adult experts stated on this point the following:

“They [children] can’t come into a situation blank. You need to create that enabling, make them feel comfortable.”

“... as an adult you create that environment that they should be so free to be able to say what they want to say”

Kruger and Chawla (2006:91-101) confirm the importance of design in their practical examples and affirming feedback they received from children involved in the child participation process.

- According to the adult experts there should be appropriate boundaries and rules for all who are involved in the child participation process. One adult expert's opinion represented their collective view on this matter as follows:

“To provide – if I think, if you are engaging with 8 year olds, you need to provide them with that structure to get them together, to create the forum for them to come together.”

The importance of boundaries and rules are highlighted and exemplified by UNICEF (2010:53-54) stating that it should be clearly communicated to children prior or at the advent of the event.

- Adults experts indicated that information that is shared with children should be accessible and child-friendly to enable children to engage with it. The voice of one adult expert captured the views of the other adult experts as follows:

“...simplifying the policy and asking children to comment on the policy with whatever they are saying. Words that are simplified for children.”

Lolichen (2006:9) indicates that information should be available in a “child friendly, understandable and interesting manner” and is thus affirming this finding.

- Adult experts agreed that there should be sensitivity to accommodate the different languages that are spoken by children in the country, as language can either be an enabler or a restriction to participation. The following statements from different adult participants provide particular insights into the importance of language:

“So you need to talk in a language, and I am not talking about language like in English or Sotho or whatever, I am talking about engaging on such a level with the child that he [she] can feel that he [she] can participate.”

“So we just need to understand the languages of children.”

Kirby and Gibbs (2006:218) substantiate that language and non-verbal behaviour are important to ensure that others [children] experience that they are respected and that their views are taken seriously.

- Adult experts indicated that a child participation process should be facilitated with direction towards a goal and flexibility for the needs of the children at the same time.

“...how we plan and how we do things should take [be taken] into consideration.”

- Adult experts and children indicated that child participation can only be successful, meaningful and ethical if sufficient resources (human, time, physical and financial) are allocated to it. The sentiments of the adult experts are most likely best described by the following quotes:

“I know they are very time-consuming but building a nation and policies and

stuff that we think will contribute to a better society, should be time consuming at best.”

“Whether it’s logistics, resources in any form, but the crux of the issue is to engage them, to guide them and to provide the support and to be there to protect, to provide that protective environment...”

“...the time, investment that is needed, but also to strengthen the ties, the linkages between national and household levels, because that would help in managing the time, but we don’t seem to be doing that, we do that as a fast thing.”

The voices of the children on this matter are best summarised in the following quote on time as a resource (as that is what is most observable for children in the resource realm):

“So you have to take your time, listening to them, talking to them and if you can, you can also solve their problems.”

The above is supported by UNICEF (2010:14) which states that adequate time and resources must be available to ensure meaningful child participation.

It is evident from the above that factors that contribute to an enabling

environment are an age-appropriate participation processes; using the natural rhythms or spaces of childhood; safe, accessible and comfortable locations or spaces; a process that is designed to be responsive to children; appropriate boundaries and rules; information that is shared in a way that is understood by children; accommodating the languages of children; and working towards a set goal in a flexible manner and with sufficient resource allocation for the child participation process.

These factors are verified in the literature, which indicates that an enabling environment that maximises the opportunity for children to participate fully and make meaningful contributions is essential (cf. Save the Children, 2004:11–12; Feinstein *et al.* 2005:7).

- **Sub-theme 3.1: Establishing rapport with children is essential**

Establishing rapport with children is singled out as a sub-theme to an enabling environment because it emerges amongst both children and adults as significant. Child respondents were very clear about the fact that they can only engage and share once they know that they can trust someone; they feel respected; they know there will be confidentiality; they feel someone is interested in them and will understand them; and they know they will be supported. Kirby and Gibbs (2006: 220) underscore the importance that children should feel supported and understood in the child participation process. This surfaced repeatedly in the

focus groups. The child respondents' views on the importance of rapport are voiced below:

"I think that you have to talk with someone who you trust mostly. He or she can understand you."

"So if a person comes and tells you about his problem, you must try to keep it to yourself or try to help that particular person."

"I think the person, if I am going to talk to that person, that person must respect what I am going to say, at what time, where I am saying it and then he should also keep it confidential."

"He [she] [adult] must also give me a support on what I said. He [she] must also give me something that can show that he is interested in what I have said to him."

"Honesty and truthfulness. Like if a person is honest to you, then if you have a problem, you won't be scared to talk to that person and if that person is friendly to you."

Adult experts concurred with this view of the child respondents and also indicated that adults need to establish a relationship with children when they engage in a

child participation process. They also emphasised the importance of respect, trust, confidentiality and honesty to ensure that the child participation process is meaningful for children. The adult experts articulated the importance of rapport in the child participation process as follows:

“Meaningful child participation can only occur where there is a relationship with the child that we are wanting to engage in this process.”

“...allow them to interact with you and engage with you and respond in a manner that is not talking down, but to engage them on an equal basis where they feel they are respected as human beings.”

“The most important is the issue that I have shared, the respect, the trust, confidentiality...”

“...that point where you really engage with the child and the child becomes part of solving the problem.”

The establishment of rapport, as showed above, is critical in child participation and an essential element of the enabling environment that contributes to ethical and meaningful child participation. Cashmore (2002:841) supports the importance of rapport in the child participation process and indicates that trust in adults and the choice to participate are important factors to consider in the child participation

process.

4.4.7.2.4 Theme 4: Children must be respected as active actors in child participation

Save the Children's (2007:8-9) indication that "child participation processes are based on inclusiveness, equity, respect, honesty, transparency and non-discrimination..." provides a lead into the discussion of findings related to this theme.

Child respondents emphasised the importance of children being respected as active actors in child participation, in areas that indicated that they wish to be respected as individuals and as a group, which include the following: they do not want to be discriminated against; they wish to give consent; they wish to have freedom to talk and share their views; and their parents also need to consent to them being involved in child participation processes. Powell and Smith (2009: 135) in particular emphasised the importance of consent to participate from both child participants and parents, with particular emphasis on parental consent for their children's participation. The children further indicated the need for protective measures during a child participation process, especially when they reveal personal and sensitive information. The importance of confidentiality was also linked to the latter. This theme was voiced by the child respondents as follows:

“To respect me as a child.”

“To listen what I am saying”

“...you [adult] must take it seriously”

“Oh and understand your child, it is very important to be hands on with your child, not too hands on so that the child feels he is claustrophobic, he cannot move any more, just be hands on, be interested in what your child wants to do.”

“I am of the view that if you want to reach the youth successfully, get to hear what they have to say. You have got to let them use their own approach.”

“So our parents allowed us [consent] to take part in the group.”

“...we don't want to be discriminated, because if teachers discriminate us, we can't have the confidence to participate in class.”

“To feel free when we talk and to share ideas and not to compare anyone with others.”

“...people realise that I am there. So it shows that people respect me and take me seriously.”

Adult experts' responses corresponded with those of the child respondents and they emphasised the importance of providing care, safety and protection; respecting diversity; respecting children's views; ensuring inclusion of children with disabilities, children in rural areas and children of minority groups; and ensuring equal treatment of children. The following are some of the adult experts' responses:

“...we are not inclusive enough [of children with disabilities and children in rural areas].”

“...but also the care of those children during that period, when they are with officials.”

“How do you ensure that those children are kept safe? During that period of time how do you ensure that the person that you are choosing as the caregiver also is ethical in the manner in which they are dealing with those children?”

“As the adult, how do you ensure that that child is not estranged from the group? How do you ensure that that child is not targeted by the group?”

"When I talk about respect I will talk about things like really understanding where this child comes from."

"It really should be with them and never for them."

"...consent from the child and then consent from the primary caregiver of that child, that this child can actually participate in whatever it is that we want the children to participate in."

"Children are quite capable of speaking for themselves, because they live it, they know it, they understand it. It's part and parcel of their lives every day."

Child respondents, both male and female, and adult experts concurred that respect for the child as an active, able and respected actor is indispensable in the child participation process, verifying the respect for children as active actors in the child participation process that is widely reflected in the literature (Lansdown, 2001:10; Save the Children, 2004:13–14; Save the Children, 2003b:12; Stephenson, Gourley & Miles, 2004:36).

4.4.7.2.5 Theme 5: The role that adults assume in the child participation process is important

The child respondents were very unambiguous in the role they see for adults in the child participation process. They want adults to respect them, listen to them, guide them, support them, not criticize them, learn from them, provide them with information and assist them with problems, amongst others desires. They were clear that adults should not be afraid to talk open and honestly with children and that adults should help children to find solutions for their problems and challenges. It came up clearly that they want to know that adults who are involved in the child participation process are committed to it and are interested in hearing their views (listening to them). Their own words describe these sentiments best:

“They shouldn’t be afraid to take their child and sit down with them and talk with them.”

“I can say I expect they must guide me and give me more information.”

“Talking to children in a manner that they feel that they are not intimidated or something and letting them speak giving them the opportunity to speak and hearing what they say.”

“They [adults] should then learn and listen from youths”.

“As you can see our parents may listen to us, but not giving us the solution about the problems that we have. But if I can pass the message to the President that I am a child that has been abused for a long time, he will be able to send the people who can come here and help me, or maybe the colleagues of the President may be able to be here and help me, as you know that there are people that helps children.”

“He [she] [adult] must also give me a support on what I said. He [she] [adult] must also give me something that can show that he is interested in what I have said to him.”

“To respect me as a child.”

“To listen what I am saying.”

“They must always be open.”

“And guiding you and giving you a right way.”

“Because we have got many talents, like here at school, like singing and stuff like that, but teachers [adults] they don’t take us seriously.”

"I would like them to listen to me because I know that what I am going to say is important for them to know."

"I first want to say they should take my feelings seriously. They are serious."

Adult experts highlighted the importance of adults being prepared and skilled to engage in a child participation process. They indicated either directly or by proxy that a child participation process is not something that simply any adult can do and that it requires special skills and knowledge West, Mei, Ye, Chun Na and Qiang (2007:22-23) concur with this finding that basic training in child participation is required for adults who initiate child participation work (cf. UNICEF, 2010: 15). They further indicated the importance of adults listening to children; providing freedom for children to speak and share; being honest and transparent; guiding and supporting children without contaminating the authenticity of their views; facilitating the process with awareness of the ethics of child participation; really understanding childhood and the child's life experience; mentoring; and not influencing children towards their own opinions and ideas. In this respect the adults said:

"So adults must be there to guide children on issues that affect these children. But not, of course, influence decisions throughout the processes of child participation. They must just guide."

“Meaningful child participation for me is when children are respected for their views, when you listen to children, when you make them feel comfortable, when you don’t impose your views.”

“And that’s why it’s important for people that deal with children to be skilled as well. You don’t necessarily have to be a social worker, but you need to be sensitive to be able to deal with those issues that come out of any child participation session.”

“It’s respect, it’s professionalism from the adult side.”

“The role of adults is to support and to guide.”

“Adults should understand the benefit of meaningful participation and should ensure that children are free to participate at any level that they feel comfortable with.”

“Adults should take responsibility for the process and ensure that it is beneficial for the children to participate. It is especially important that adults are aware of the ethics around child participation.”

“I think the type of adults that we require must really be in tune to children.

They must – and the best is really about getting adults that have got a history of working in a very ethical way with children.”

“So if you are going to have child participation, the adult must be prepared to really just hold the process together, to prompt on occasions but really just to back off and allow the child to come through.”

“So I think the role of the child is absolutely crucial in all decisions about the child but then the person that is the facilitator needs to understand that it’s a very critical role.”

“So you are wanting to have a situation where at all times those adults are morally and ethically bound and if those type of ethics can be spelled out and you get a sense of that people are okay and they can work within that type of thing, then I think then that should make the child participation process a bit more acceptable and more ethical.”

“...the factors that we really must take into consideration, that we actively listen to what children have to say.”

“I see them as mentors, really mentoring because for me mentoring is guiding from behind.”

“...we find a way of working with the children to take those suggestions forward. Not to say that because I have listened to the child, now I think I am an authority and I can speak on behalf of the child, or I can conceptualise or design something on behalf of the child.”

The following statement on adults engagement in child participation by Kirby and Gibbs (2006:212) captures the finding with great insight, i.e.: “The challenge for adults is to master the art of putting aside assumptions about what level of participation is appropriate and enter into dialogue with children to ascertain and provide the appropriate types of support for individuals within different contexts”.

It was also clearly stated by the adult experts that adults working in the field generally experience an absence of proper guidance for meaningful child participation and ethics to child participation:

“...we are doing something about child participation but it’s not at the level where we can say we are doing good.”

“There is very little guidance, in my experience, to empower facilitators to use methodologies or techniques that would promote such beneficial and meaningful participation for children.”

“We haven’t got a genuine child participation guideline that would, for

instance, show us what would be the requirements and how do you do the selection of children.”

“And I think very clearly that there must be some form of training on ethics for the children facilitators that are going to be utilised.”

It is evident from both respondent groups that adults who facilitate a child participation process play an important role in ensuring that it is appropriate, meaningful and ethical, and that they need to have the capacity to deal with the complexity that comes with a child participation process.

Save the Children (2004:6–7;29–30) and Lansdown (2001:9–16) explicitly support the important role that adults play in the child participation process (cf. Kirby & Gibbs, 2006: 215 -218 and Young, 2008:10) .

- **Sub-theme 5.1: Knowledge of unethical and inappropriate child participation is important**

A sub-theme that is linked to the role of adults in the child participation process relates to behaviour and processes that constitute unethical or inappropriate child participation.

Adult experts were in agreement that inappropriate methods and approaches to

involve children results in non-meaningful and unethical child participation processes. Based on their responses, the following areas were identified and each area is supported with relevant quotes from adult experts:

(a) *Inappropriate language and behaviour*

“The wrong thing from you would be for me firstly to display inappropriate behaviour towards children, to say inappropriate things that really is not, as the person that should mentor and guide, that should – when you say things to children that you try and influence children in a way that – well really just to impose your views, I think it’s unethical.”

“I think it’s unethical to behave inappropriately in the presence of a child or children because you are maybe telling them one thing, you are maybe doing a different thing.”

(b) *Forcing children to do something or say something; or imposing your view (adult) on children*

“I think it’s inappropriate to force children to participate in a process if they don’t want to.”

“...where you force a child, where you do things that’s not in line with

children's rights."

(c) *Influencing children, either directly or indirectly*

"Many instances I have come up, in my own experience, where you can hear that it's not children's opinions. It's an adult that has given the child an opinion to speak out."

"So we do a lot of coaching to make children do the kind of things that we believe that they should do and I think that really, really hampers meaningful participation of children."

(d) *Allowing token participation of children*

"If children are used to showcase, children are being used just to say, it's to give some type of – what do you call it? Kudos to the organisers that okay fine, we have got children and we have got children's opinions. And if they are being used just as puppets, I don't know what to call them, then I think those are the factors that hamper it."

"When children are encouraged to participate in a process, more often than not, it is because of an external agenda such as: "getting to hear children's stories" or "children['s] voices on HIV prevention" for example.

Such an agenda-driven approach becomes exploitation."

"So I think in many ways we are paying a type of lip service to child participation, without it really meaning things. It's becoming a matter of showcasing children, yes, but not very meaningfully and I have seen it, as I said, in numerous occasions over the last 15/16 years that I have been involved with children"

"However experience has shown that a lot of times we select children that we think are articulate. We select children that we think can go and say the kind of things that we expect them to say because we do not want to get embarrassed on the world stage et cetera. That in itself is also tokenism."

(e) Use or abuse of power towards children to either influence or force them to say or do what adults want them to say

"It's a very difficult thing to do. It's just our human nature inherent that we believe that because we are older, we are wiser, we are smarter."

"Well the challenge of the role of children in child participation is that it's an adult dominated world. It's the same arguments you can use for gender where it's a male dominated world. So at the end of the day we believe that we hold the power and if we cannot create that space for children to

participate, then they don't get to participate."

"We hear children but we don't listen to children. They are there, they are in the background, they make noise, we hear the noise. But it's not important noise as far as we are concerned, because we think that we always know better because of the positions that we are in and especially those of us who are in the kinds of positions that we hold within the UN organisations or the government."

"You speak down, talk down to a child..."

(f) Having no plan or structure to the child participation process

"It's making sure that you plan properly. Child participation processes [are] not a hit and run. You need to plan for [them], you need to make sure you have – let's say any organisation, you need to make sure you have a budget. That you do this logically because to get children, this is always because I am a practical person. To get children together, you need to plan it properly, because children are dependent on you. You need to make sure that you never let children down in those circumstances. If you are entering into agreements, make promises, you stick to those promises. With children that is important."

“...it is unethical to just go and get information from people and go and use it for whatever and then they never know what happened to them.”

“Expectations should not be created that cannot be met.”

(g) Use of child participation for own gain (as adults)

“Promoting participation of children for gains other than their own. Forcing children to participate in conditions where their safety cannot be guaranteed. Where the participation of children can cause harm or risk. Encouraging participation of children on topics or issues that they have no contextual understanding of and can cause negative outcomes.”

“Using the children and putting them up for whatever reason. For gain. Sometimes it’s definitely for gain. It has got to do with how much money can I get if I put this child on the stage?”

(h) Using inappropriate measures or approaches for child participation

“...children are still mostly approached as empty vessels that need to be filled with knowledge.”

“A problem-based approach – children are problems to be solved.”

"Inexperienced or authoritative facilitator or facilitation/learning process..."

"Didactic notions of participation – such as question and answer techniques."

"If people don't really understand or internalise what child participation is."

"The problem is sometimes we jump in and we take over the process completely because it's a fantastic idea and I should get credit for it, not the child."

"...we do child participation, we bus children from all over the country and put them together and we ask them questions. Even the people that are bringing the children there, met the children in the bus, coming to this place."

UNICEF (2010:60), Hart (1992:9-10) and Clark and Percy-Smith (2006:4-6) concur with the abovementioned inappropriate child participation approaches which create tension between adults and children; promote tokenism and manipulation in child participation; and inappropriate engagements with children.

Limited views on inappropriate or unethical approaches to child participation emerged among child respondents, both male and female. However, a few

observations that emerged were that adults should not be harsh with them [abuse of power]; should take them seriously; should not talk down to them; and should not undermine them as children. Their voices are clear on this:

"I would probably say they must not be harsh."

"I think that one's opinion must be taken seriously and that one must not judge another person."

"...adults must not undermine children."

"...you [adult] create the impression that you know it all. You talk down to children, you don't listen to them. Or you listen to them half-heartedly as if I am just here to collect your information."

It is clear that unethical and inappropriate approaches, attitudes and practices when children are engaged in a participation process hamper the authenticity and value of child participation. Even more than this, it may pose a risk to the well-being of the child who is involved in the child participation process. The literature agrees with these concerns that child participation is vulnerable to adult manipulation and indicates that special measures should be taken to prevent this (Save the Children, 2004:21–22).

4.4.7.2.6 Theme 6: Child participation is a process

All adult experts were in agreement that child participation is not a once-off event, but rather a process that involves preparation, actual involvement or consultation and feedback, as a minimum. Lolichen (2006:13) is clear on this by stating that child participation “is not an end in itself, but rather a process that continuously needs to be re-evaluated, altered and evolved according to their needs” (cf. UNICEF, 2010:14). A high emphasis was placed by the adult experts on the importance of providing feedback to children after the consultation. They indicated that it is important that children are part of the process. They also indicated that as part of the process, especially during the consultation, activities and engagements should be creative and innovative and linked to the life of the child. The adult experts said the following on this matter:

“...but make sure that the child is part and parcel of that process all the way through.”

“It should, for me, child participation should be a process.”

“...is the child participation process rooted over a long term period, or is it just for short term gain?”

“If you say a child needs to participate, how? Do they have methods? Do they

use tools? Are they creative in getting children to participate?"

"Yes I think maybe I can talk about, after the process, it's important that we don't have to get a process where children have spoken and there is nothing that happens thereafter. So we need to have a process where they get feedback. If it's about an interest in the legislative framework, they must get feedback as to how far and what has been the reaction by those who are really meant to make follow-ups on that."

"There should be feedback to them and regularly interact to that, you build a trust relationship."

"...children are part and parcel of the processes that we intend to take forward on their behalf, so that we are not taking processes forward on their behalf, but we are taking processes forward with them, leading the process and for us guiding them."

"After a process you know you need to debrief. It's important that you need to debrief and probably very important that you need to debrief with some children on an individual basis, with other children within a group."

"Something that actually says because you have told me these things, I undertake to do something about them, to make sure that what I have heard I

am responding.”

“The way we are doing child participation in the public space is that at best we bring them together, we ask them questions and they go home and we write reports. I don’t remember anybody saying I am going back to those children to report what we have done, whether a policy has changed, whether programming has changed, whether we have removed the handicaps or whatever they had raised and what is our plan.”

“And after the process, for me it’s really the whole thing of saying, of going back (indistinct) paying you after the fact, is actually to say this is what I will do from now on. You must have a plan that you say to these children I will keep in touch with you, I will come and give you [feedback].”

Child respondents, both males and females, were not as concerned with the preparation part of the process in their responses, but indicated that the part in which they are involved should be meaningful and allow for different methods of engagement and view-sharing. This includes different modalities for participation from group work, art, writing and drama, amongst others. One aspect that stood out from the child respondents side is that they all felt that it is very important that they should know what is going to happen with their input, and equally important to get feedback on what happened to their input and whether it made a difference or not. Most felt that personal or direct feedback would be the best, whilst some

suggested feedback via letters or documentation, or via their forums. The opinions of some of the child respondents in relation to the child participation process are:

“They must involve us in every phase that we need to do.”

“I think they should use us, like drama (indistinct) because others cannot communicate well with talk, but they can only communicate by drawing, role playing and so forth.”

“So put the idea there on the table and tell them that any way is possible. You need not pass a message or get an idea as to who you are inviting, those who feel that I am a good writer, I can scribe it out, write it down and send it to him, they can do that. Those who feel that they are more musically driven, they can maybe put together a little song detailing their problems, send it to him. Those who feel that they are more graphical, they can use photographic material, maybe paint T-shirts or design things that would tell a story at the end of the day, this is what we are going through and please help us.”

“Now if we had to all use one approach and no, let’s all write a letter, petition, this is what we are sending to Mr Magashula, it’s not going to work.”

“I think they [information gathered] should be used and also keep saved,

because it might help somebody else in the future.”

“There must be a change so that I could see that they have listened to what I said and they understand.”

“What the information is being used for and how it’s being used and by whom it’s used, and if or not it has like had an impact on your study.”

“I mean you can [not] just take our ideas right now and just put them in a closet somewhere. You have to do something about them.”

“If I give a President or Minister of Education my problem I expect that as a President, he must give me a solution. He must also give me a support on what I said. He must also give me something that can show that he is interested in what I have said to him.”

“I think the best way is for you to come here and tell us face to face.”

“For your feedback I would like to know what you have gained from us.”

“I think you have to send us a note about what were you doing so that we can read all the ideas you have got from teenagers.”

“We would like to know where is all this information going to go, is it like going to the newspapers, to the parliament, to The Presidency...”

Adult experts and child respondents alike agreed that for child participation to be meaningful, it must be a process. Three important components, namely preparation, consultation and feedback, were identified, with both adult experts and child respondents emphasising that feedback is an important aspect of the process. Viviers and Blankenberg (2008:2), Save the Children (2004:17–18); World Vision (2000:10) and Cashmore (2002:841) support the understanding that child participation involves a particular process and should not be regarded as a short-term event.

4.5 Summary

The empirical component of this study was guided by the research methodology as set out in this chapter, which is followed by a presentation of the research findings. The latter was the result of semi-structured interviews with seven (7) key informants (adults) and eight (8) focus group discussions with a total of 75 children in selected areas. In the analysis, the researcher identified six (6) main themes: children’s views are important; child participation is empowering and developmental for children; an enabling environment is important for children; children must be respected as active actors in child participation; the role that adults assume in the child participation process is important; and child

participation is a process. These themes assisted in the scientific organising of the research findings. Where applicable, empirical findings were supported by quotations from the respondents and verified with literature references.

Chapter 5 focuses on the key findings, conclusions and recommendations that resulted from this study.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter first provides an indication as to whether the researcher achieved the goals and objectives of the study.

This will be followed by a conclusion based in the key findings of the study from both the literature review (chapters 2 and 3) and the empirical study (chapter 4). The chapter concludes with some key recommendations derived from the findings of the study.

5.2 Goal and Objectives of the Study

The goal of this research study was to explore the foundation of child participation as a fundamental right and to develop a framework for the ethical principles of child participation for use in practice. The achievement of this goal was guided by the following research questions:

- What is the theoretical and philosophical basis that underpins child participation as a fundamental right?
- Which factors contribute to and which factors hamper meaningful child participation?

- What are the ethical considerations for meaningful and appropriate child participation?

This goal was achieved through the realisation of the following objectives:

- **Objective 1:** To theoretically conceptualise and contextualise child participation as a fundamental human right.

This objective was achieved through a thorough and in-depth literature review in chapter 2 (see 2.1 to 2.4), which indicates solid foundations for child participation as a human right.

- **Objective 2:** To identify principles that underpin and guide meaningful and ethical child participation.

This objective was achieved through a comprehensive literature review in chapter 3 that dealt with the ethical considerations of child involvement and participation. It defined the importance of ethics (see chapter 3, point 2.) and discussed in depth the principles that underpin child participation as described in the literature (see chapter 3, point 3).

- **Objective 3:** To determine the factors that influence the understanding and implementation of meaningful and ethical child participation.

This objective was reached through the literature study in chapter 2 (see 2.3) and empirical study in chapter 4 (see point 4.8). It crystallised the importance of understanding the construct of childhood in relation to adult-child power relations in child participation and key principles that underpin child participation as described by relevant authors in the field.

- **Objective 4:** To develop, based on the research findings, a framework that consists of clear ethical principles that will enhance and safeguard children's right to meaningful participation.

This objective was attained with a synthesis of the findings from the literature review and qualitative empirical study involving adult key informants and children. The framework for the ethical principles of child participation is presented in this chapter.

- **Objective 5:** To make recommendations on the implementation of the proposed framework for the ethical principles of child participation for child participation

This objective is achieved in this chapter (see point 4, below) by setting out clear recommendations for the implementation of the proposed framework for the ethical principles of child participation.

5.3 Conclusions

This section indicates the conclusions based on the key findings of the study.

Each key finding is presented, followed immediately by a conclusion. In some instances one conclusion is drawn for a combination of key findings:

- 5.3.1 The findings show beyond doubt that the foundations for children's right to participation rest in international human rights treaties as well as domestic laws, which provide for child participants in claiming their civil and political rights as well as their socio, economic and cultural rights (see 2.2).

It can be concluded that in-depth knowledge of human rights treaties and domestic laws and how it facilitates children's right to participation should guide decisions and processes regarding child participation. A true understanding on this foundation of the right and practice of child participation is a prerequisite for anyone that plans or facilitates any child participatory process.

- 5.3.2 The findings indicated that ethics in child participation refers primarily to the principles that guide the conduct that is expected when the participation of children is facilitated (see 3.2). As such, the key principles in the literature that stood out as important in meaningful and ethical child

participation are as follows (see 3.3):

- Adults must have the capacity to understand and facilitate meaningful child participation.
- Transparency, accountability and honesty with children in child participation are essential.
- Children's right to self-determination, i.e. their ability and right to engage in, direct, choose and disengage from child participation must be respected.
- Access to information and communication are important in child participation.
- Children's views and their ability to present views on a variety of matters that affect them and their life world must be respected.
- Physical, social, emotional and psychological safety and protection of children who engage in child participation must be ensured.
- Respect for diversity and the inclusion of minorities and those who are marginalised must be ensured.
- Non-discrimination towards children that require equal and fair access to participation in matters that affect them and their societies.
- The best interest of the child should be paramount in all aspects of child participation.
- Adequate resources, in terms of timing, funding, planning and human resources, must be available and allocated to ensure an enabling environment that will facilitate meaningful and ethical child

participation.

- Commitment to child participation at all levels is essential to ensure sustainability and mainstreaming.

It can be concluded that the ethics that apply in child participation can be seen as a set of crystallised principles that direct the conduct of all who are involved in child participation processes. An in-depth internalisation and knowledge of these principles is inherent to ensuring ethical and meaningful child participation. A principle as defined by the *Concise Oxford Dictionary* (1995:1 087) is a “fundamental truth or law as the basis for reasoning or action”; or “a personal code of conduct”. Thus the ethical principles of child participation direct conduct in this regard. It is therefore essential that the abovementioned ethical principles be clearly articulated so as to ensure the correct conduct by all involved in child participation.

5.3.3 The findings from the literature review indicate that the manner in which adults in society construct childhood has a direct influence on children’s ability to claim their right to participation. This is influenced by two factors, namely (a) the power relations between adults and children, where adults hold the power and decide when and how much power will be given to children, as this influences where child participation is sought; and (b) that children are seen as “lesser” than adults, which unequalises the relationship between the two parties and, as such, influences, or even

hampers, the meaningful participation of children as citizens (see 2.3).

It can be concluded that children do not enter into the arena of child participation as equals, and that this inequality is driven by society's (adults') perceptions of children and childhood. These perceptions disregard or reduce children's capacity to have a say in matters that affect them and their world. This view of children's abilities being "lesser" creates tension between children's right to participation and the said construct of childhood that is held by society. Hence, the participation of children remains vulnerable and open to adult influences and perceptions (as there is a direct correlation between adults' perceptions of children and childhood and ethical and meaningful child participatory process, which has the potential to hamper, contaminate or disregard the voices of children in society). White and Choudhury (2007:531) assert that power relations between adults and children are challenged by child participation (cf. Mannion & l'anson, 2004:314).

5.3.4 The findings that emerged from the empirical study indicate that children's views are important and that they have a significant contribution to make through their participation. Their views are important in the design of policies and programmes and the successful implementation thereof (see 4.4.7.2.1). The findings also indicate that child participation is empowering and developmental in nature and as such contributes to their growth and

self-worth whilst at the same time enhancing their life skills (see 4.4.7.2.2).

This leads to the conclusion that child participation has multiple benefits, as it not only contributes to the design of policies and programmes that integrate the perspectives of children, but facilitates the success and sustainability of such policies and programmes. The process in itself is also empowering and beneficial for children who participate, as it contributes significantly to the development of life skills, self-worth and citizenship. Thus, in determining the value of child participation the total benefit should be considered as opposed to just the output. The benefit is embedded in the outcomes for children, policy makers and society as a whole, and not only focused on the final output, i.e. a participatory event and/ or report resulting from the child participation process. Thus, the principle of synergy applies to child participation, whereby the whole is greater than the sum of the parts. Brady (2007:32) came to the same conclusion and indicated that child participation leads to better decisions and services for children, while also enhancing their skills and self-esteem (cf. Kall, Kirk & Giersten, 2007:9). Blanchet-Cohen and Rainbow (2006:113) summarise this conclusion correctly by indicating that “children are contributing citizens in their own right”.

5.3.5 The findings show that child participation is most effective in an enabling environment which meets the following criteria (see 4.4.7.2.3):

- It is age appropriate.
- It uses the natural rhythms and spaces of childhood.
- It is accessible and safe.
- The design responds to children and their life world.
- Appropriate boundaries and rules are set.
- Information that is shared with children is accessible and child-friendly.
- It is sensitive to the languages that are used by the children during the participatory process.
- Sufficient resources in terms of time, funds and person power are available to facilitate meaningful child participation.
- Rapport is established with children, as this is critical in child participation and is an essential element of an enabling environment.

It can be concluded that an enabling environment is a definite precondition for meaningful and ethical child participation because it creates the “child-friendly space” where the participation will take place. This conclusion mirrors that of Save the Children (2005b:7) that the “quality of children’s participation and their ability to benefit from it are strongly influenced by the efforts made to create a positive environment for their participants”. It can be further concluded that there is no single recipe or blueprint for such an environment, as contextual factors contribute to this. However, there are a few common elements that are universal to the creation of an enabling environment for child participation. Respect for a child’s age, language, humanity, ability and

best interest seems to be common elements, as does ensuring children's emotional, social and physical safety during the process through planning, structuring and design of the child participation process. For a meaningful and participatory process, however, it is crucial to establish rapport with children, which can be through a proxy that ensures the ethical understanding and facilitation of child participation.

- 5.3.6 The findings indicate that respect for the child as an active, able and respected actor is indispensable in the child participation process (see 4.4.7.2.4).

The conclusion is that children and their voices are at the heart of child participation and should be enabled to claim their right to participation. Without children there can be no child participation. In the same way it can be said that without deep-rooted respect for children as the central focus of child participation and their right to self-determination, child participation cannot be meaningful and ethical.

- 5.3.7 The findings indicate that adults assume an important role in the child participation process, which includes providing guidance and support; and being a mentor. While assuming these roles, adults need to adhere to certain principles, which include respecting children as individuals; not discriminating against children, and being inclusive; being committed to

listening to children and hearing their views; being open, transparent and honest with children; and ensuring the authenticity of child participation without influencing children. Research findings further indicate that adults need to have the capacity to deal with the complexity that comes with a child participatory process (see 4.4.7.2.5).

It can be concluded that the adult involved in the child participation process becomes the custodian who should ensure the authenticity of child participation and, as such, the duty-bearer to children's right to participation. Thus the adult is an enabler in the child participation process with a non-negotiable agreement to respect children's views and ability, not to influence or contaminate children's input, and to be sensitive to all ethical issues in the methodologies and approaches being followed. Lolichen (2006:10–11) aver that adults have a strategic role to play in child participation as enablers that ensure an appropriate environment and process for child participation (cf. Kirby & Gibbs, 2006:216–218). It is further concluded that it should not be assumed that adults naturally possess this capacity, i.e. the knowledge, skills and attitude to facilitate child participation. This is true irrespective of whether the adults are trained or qualified in human or social sciences. The lack of this capacity may result in non-compliance with the ethical principles of child participation and, inevitably, the increased risk of violating children's rights. It is therefore imperative that adults not endeavour to facilitate child

participation without appropriate training and orientation. Kirby and Gibbs (2006:215, 219–220) concur with this conclusion, indicating that adults need specific skills to facilitate children's participation.

5.3.8 The findings indicate that there are certain behaviours by adults that are inappropriate and unethical in child participation, which include the following (see 4.4.7.2.5.1):

- Using inappropriate language and behaviour.
- Forcing children to something or say something.
- Influencing children either directly or indirectly.
- Allowing or condoning token participation.
- Abusing power over children to influence them to say or do what adults want.
- Having no plan or structure for the child participatory process.
- Using child participation for their own gain as adults.
- Using inappropriate measures or approaches for child participation.

It can be concluded that the identification of unethical and inappropriate behaviour, methods and approaches in child participation provides a list of “what not to do”, which presents itself as warning signs for unethical conduct with regard to child participation. These warning signs should be integrated in a framework for the ethical principles of child participation.

5.3.9 The findings identified child participation as a process that consists of three components, i.e. planning, consultation and feedback (see 4.4.7.2.6).

The conclusion is that child participation is not only focused on an event; it entails a process that involves at least three phases: planning, consultation and feedback. This forms a circular process that can deepen and enhance the child participatory process, as depicted by the researcher in the diagram below.

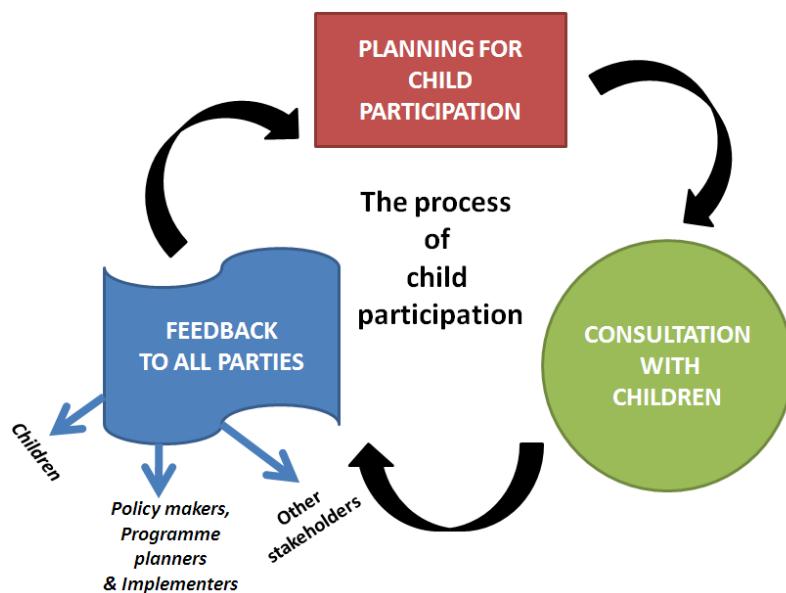


Figure 6: The Process of Child Participation

Figure 6 indicates the three phases in the process of child participation, namely:

- (a) Planning, in terms of resources needed, processes to be followed and preparations to ensure that the consultation is meaningful and serves

its purpose;

- (b) Consultation with children, which ensures that children's views are heard in the most authentic, appropriate and ethical manner; and
- (c) Feedback to children on the value of their contribution, as well as feedback to policy makers and other stakeholders on the contribution and input of children.

Seeing child participation as a process with an equally strong emphasis on all three phases may prevent once-off events or ad hoc participation, and ensure that child participation is well-planned, has sufficient resources and is part of the organisation's programme design and implementation. This will ensure that the much neglected area of feedback to participants is honoured and that children experience the process more as a whole, rather than as a tapping of their knowledge and insights without any follow-up benefit for them.

Based on the above findings and conclusions, the researcher developed the following framework for the ethical principles of child participation that will enhance and safeguard children's right to meaningful participation.

5.3.10 A framework for the ethical principles of child participation

The proposed framework for the ethical principles of child participation is intended to direct conduct in child participation.

(a) Child participation is a right and is safeguarded by relevant international conventions and domestic legislation. Organisations and individuals involved in child participation shall ensure that:

- They know the provisions of all relevant conventions and domestic law as far as it pertains to child rights and child participation in particular; and
- Children who engage in child participation are made aware of all their rights and their right to participation in a manner that is understandable to them.

(b) Respect for the views of the child must be upheld at all times.

- All children's views and inputs shall be listened to and given serious consideration.
- Children shall be regarded as being able to share their opinions, feelings and ideas during the child participatory process.
- Children shall have the right to exercise self-determination in the child participation process, which shall include, as a minimum, an understanding that participation is voluntary; their assent to participate; the right to withdraw or limit their input at any time; the right to speak out when they are treated unethically; and the right to contribute based on their own experience, knowledge and insights.

(c) Children shall have access to information and resources prior to,

during and after the child participation process.

- Communication and information sharing with children prior to their involvement in the child participation process shall be in a manner that takes into account their age, language and culture; and shall contain as many details as necessary for the child to decide whether he or she wishes to be involved in the participation.
- Resource materials shall be made available in a manner that is easy for the child target group to understand, taking into account age, language and the format of the materials.

(d) Adults involved in child participation shall have the capacity, i.e. the knowledge, skill and attitude, to facilitate meaningful and authentic child participation. The following shall apply to all adults:

- Adults shall maintain honesty and transparency in all engagements and communication with children.
- Adults shall maintain accountability for all actions during the planning, consultation and feedback phases of child participation.
- Adults shall never influence, or attempt to influence children's thoughts and contributions in the child participation process by any means. This includes forcing children in a certain direction, manipulating children, bribing children with gifts, or making suggestions to children.

- Adults shall always provide children with support as required through mentoring and guidance.
- Adults shall demonstrate and confirm their commitment to child participation at all times.
- Facilitators in child participation shall be trained in approaches, methodologies and ethics of child participation.
- Non-facilitating adults or participants (e.g. policy makers attending or participating who observe or make limited input into or engagement during a child participation consultation) shall be orientated prior to any engagement in the child participation process on the methods and ethics of child participation.
- Chaperones and adults accompanying children, usually from a child's community, school or organising agency, shall receive in-service training and orientation on child participation and their role.
- Adults shall be aware of the power relations between them and children to ensure that this relation does not hamper or influence child participation.

(e) Child participation shall take into account and respect diversity.

- Every child shall have the right to communicate and receive communication in the language of his or her choice. This includes being engaged in language in which he or she is able to express him- or herself easily.

- Due consideration shall be given to children in different geographical areas, i.e. urban, peri-urban and rural.
- Every attempt shall be made to include children belonging to minorities or specific groups, which include cultural minorities and children with disabilities.
- No child shall be discriminated against on any grounds either during or after participation. Every effort shall be made to protect a child from discrimination.

(f) Safety and protection from harm shall be a priority in all child participatory processes.

- Consent for children to participate shall be obtained from parents or legal guardians prior to involving children in any child participation.
- Adults shall be adequately prepared to facilitate and support the participation of children, with sufficient emphasis on contingency planning.
- Clear measures shall be established and communicated regarding the safety and protection of children, and this shall be communicated to all involved, including children.
- Safeguards shall be established to prevent the use or abuse of power or influence during the child participation process.
- The boundaries and rules that apply during the child participation process shall be negotiated with the children as far

as practicable and shall be communicated clearly with all parties.

(g) Sufficient resources shall be available for the planning and implementation (consultation and feedback) of the child participation process.

- No child participation process shall be embarked upon without sufficient resources to ensure that it is meaningful and ethical.
- Sufficient and able human, financial and physical resources shall be available for the planning and execution of the child participation

(h) A responsive and enabling environment that ensures meaningful and ethical child participation shall be created.

- Rapport shall be established with all child participants.
- Activities, techniques and methodologies shall be designed in a manner that takes into account the age(s) of the children.
- The physical environment shall be safe and comfortable.
- Where practical, the natural space of children, such as schools, and clubs, should be used as a basis for the child participation process, taking into account the nature and purpose of the participation and whether children feel that this space is most conducive for them to provide their inputs.
- Due regard shall be given to the needs of children with special needs.

- (i) Child participation processes shall always be designed in such a manner that they contribute to the well-being of children, enhance their life skills and build their confidence while being part of the process.
- (j) Planning is an essential component of the child participation process.
 - Sufficient time and resources shall be allocated to the planning of a child participation process.
 - The ethical principles of child participation shall guide the planning for child participation.
 - Children shall be involved and consulted during the planning phase of child participation.
- (k) Feedback to all stakeholders is an essential and set part of child participation.
 - Input by children shall be presented in its most authentic and uncontaminated form to interested or commissioning parties (those role-players who requested the views of children).
 - Children shall agree on the messages that they wish to convey, taking into account that messages may be diverse and not homogenous.
 - Children have the right to receive feedback on how their views were used and the influence these views had on larger planning and/ or decision making processes.
 - Feedback shall be given to children in a manner that is consistent to their age and comprehension ability.

- Children shall be given the opportunity to indicate the manner in which they wish to receive feedback.
 - (I) The “best interest of the child” principle shall at all times be a consideration in child participation.
 - Involvement in child participation shall not deprive a child of any other right.
 - Child participation activities shall take into account the child’s right to education, leisure and culture amongst others.

The above framework provides a basis that reflects the ethical principles that should be taken into consideration before, during and after child participation processes. It serves as a guideline for ethical conduct of all people who engage in and facilitate child participatory processes.

5.4 Recommendations

To implement the proposed framework of ethical principles for child participation, the following recommendations are made:

5.4.1 The framework for the ethical principles of child participation should be published and disseminated as widely as possible. The Department of Women, Children and Persons with Disabilities will be approached to publish it through an official government notice, or as part of legislation. It

is further of the utmost importance that these ethical principles be communicated to children of all ages, so as to ensure that they can identify unethical and inappropriate child participation practices and claim their right to meaningful participation. UNICEF will be approached to lead a campaign with relevant stakeholders, including the media, on the aforementioned.

5.4.2 The ethical principles will be rewritten by the researcher in a child friendly language that will enable children to understand them and as such ensure that they benefit from the findings of this study.

5.4.3 The ethical conduct of child participatory processes should be monitored by an independent, non-partisan body, such as the United Nations or the South African Human Rights Commission. It should set out clear accountabilities and consequences for the non-compliance with ethical principles for child participation.

5.4.4 The establishment of a self-regulatory mechanism or network on child participation for those organisations and individuals involved in and/ or interested in child participation may be useful to enhance sharing of ethical methods and approaches to child participation, and also to promote a peer review mechanism that facilitates ethical child participation. It is recommended that UNICEF in South Africa take the lead in the

establishment of this mechanism or network.

- 5.4.5 UNICEF should initiate the development of a national training programme in collaboration with the Government of South Africa, e.g. Public Administration Leadership and Management Academy, the University of Pretoria and other role-players involved in child participation, such as non-governmental organisations, academia and the South African Human Rights Commission on the ethics and methodology of child participation. This training should also be integrated into the existing graduate programmes at tertiary institutions where child participation is a core focus of the discipline, e.g. social sciences, education, health sciences, law, amongst others.
- 5.4.6 Through further research, a handbook on child participation should be developed, based on the framework for the ethical principles of child participation. This handbook should cover aspects related to the underpinning philosophies of child participation, approaches and methodologies in child participation, and practical guidance on the process of child participation.

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Annex A

Interview Schedule for Semi-structured Interviews with Adult Experts

INTERVIEW SCHEDULE ETHICS OF CHILD PARTICIPATION

Semi-structured One-on-One Interview with Key Stakeholders (Adults)

Goal of study: The goal of this research study is to explore the foundation of child participation as a fundamental right and to develop ethical standards for child participation for use in practice.

Date of interview: _____

Biographical information:

Sex of respondent: Male Female

Position of Respondent: Practice Policy Other (specify):

Questions:

1. How will you define child participation, based on your own opinion and experience?
2. Is it important that children participate in matters affecting them? Motivate your answer.
3. What is your opinion of current child participation practices in South Africa? Do you think there is sufficient guidance on child participation? Motivate your answer.
4. How will you describe meaningful child participation?
 - 4.1 What factors contribute to meaningful child participation?
 - 4.2 What factors will hamper meaningful child participation?
5. How do you see the role of adults in child participation?
6. How do you see the role of children in child participation?
7. If you have to engage in a process that involve child participation, what are the ethical issues that you would consider prior, during and after the process?

8. What would constitute unethical or inappropriate child participation?
9. Do you have any good examples of meaningful child participation that you would like to share?

Annex B
Interview Schedule for Semi-structured Focus Groups with
Children

INTERVIEW SCHEDULE ETHICS OF CHILD PARTICIPATION

Semi-structured Questions for Focus Group with Children

Goal of study: The goal of this research study is to explore the foundation of child participation as a fundamental right and to develop ethical standards for child participation for use in practice.

Date of Focus Group: _____

Biographical information of focus group:

Ages in focus group: 9-11 years 12-14 years 15-17 years

Sex: Number of Males Number of Females

Location: Urban Rural

Questions:

1. You have been asked before to give your view on matters that are important to you and other children. What was your experience of this?
2. Do you think that it is important that children should say what they think and feel about things that are important to them? Please explain your answer.
3. Can you give ideas on areas or matters you would like to have a say on, that are important to you and other children?
4. If you want to help adults to understand the best ways they can involve children and listen to them, what will you tell them?
5. What do you think are the best ways that can be used to help you and other children to share what you think and feel about things that are important?
6. Who are the people that you think should listen to you and understand what you think and feel? Why do you think they are the ones that should listen to you?

7. If you share your ideas, thoughts and feelings about important things, what do you expect should then happen to your views and ideas?
8. Do you want to get feedback on the findings of the interviews/research on child participation? What would you like to know? What would be the best way(s) to give you feedback?

Annex C
Letter of Consent: Adult Experts

INFORMED CONSENT: EXPERTS IN CHILD PARTICIPATION

16/03/2010

Our Ref: André Viviers
 Tel: 0824944028
 E-mail: andriesviviers@gmail.com

Dear Participant,

You are invited to participate in a research study entitled *THE ETHICS OF CHILD PARTICIPATION*. The purpose of the study is to both gain insight into the concept of child participation and to develop ethical standards for child participation for use in practice.

If you are willing to participate in the study, you need to give your informed consent to participate and to be interviewed by the researcher.

An informed consent letter/form is a legal document to protect the research participants and to safeguard the University of Pretoria and its researchers from possible legal action upon dissemination of research results.

Researchers are required to subscribe to a code of ethics that respects participants' rights, facilitates communication in the research field and leaves opportunities for further research.

The following information will assist you in your decision to give informed consent to participate in the study:

1. **Procedures:** You will be involved in a semi-structured interview conducted by the researcher. This interview will last approximately 60 minutes and will be scheduled for a time that is suitable for you.
2. **Risks and discomfort:** Participation in this research study will involve no risks or anticipated discomfort.
3. **Benefits:** Participation in this research study will involve no direct benefits. It is, however, envisaged that this research will result in the establishment of ethical standards for child participation. This will ensure that the rights of children who participate in matters that affect them are protected and that the participatory process is to the maximum benefit of the children involved.
4. **Participants' rights:** Participation in this research study is voluntary and you are under no obligation to participate. You can withdraw from the study at any time, and you are under no obligation to answer any question that you do not feel comfortable with.

2/...



5. **Confidentiality:** All information that you provide for the purpose of this study will be treated as confidential and nobody will be able to identify from the research findings who provided the information. The notes that are made on your responses form part of the research data and will be safely stored when the study is completed. The only persons that will have access to the notes (data) during the research process will be the researcher and his study supervisor.
6. **Right of access to the researcher:** You are welcome to contact me at any time to share information or to clarify matters related to your responses to the research.
7. **Storage of data:** The data that is collected through this study will be stored for a period of 15 years by the University of Pretoria. If anybody wishes to use the information that was collected, it can only be done with your informed consent.

By agreeing to participate in the research study you give me permission to recognise you as a participating expert. Please note that your informed consent to participate as an expert does not require you to give up any legal rights.

If you require any further information, please do not hesitate to contact me either telephonically (0824944028) or by e-mail at andriesviviers@gmail.com.

If you agree to participate in the study, please sign as indicated below.

Kind regards,

André Viviers
RESEARCHER

Expert (Print name)

Expert's signature

Signature of researcher

Date

Annex D
Letter of Consent: Parents/ Guardians of Child Respondents

INFORMED CONSENT: PARENTS/GUARDIAN

16/03/2010

Our Ref: André Viviers
 Tel: 0824944028
 E-mail: andriesviviers@gmail.com

Dear Parent/Guardian,

I am busy with my studies at the University of Pretoria. As part of my I wish to involve children and get them to share their ideas and opinions with me. This is very important for this particular study research as the topic of my study is *THE ETHICS OF CHILD PARTICIPATION*. With this study I want to make sure that the meaning of child participation is well understood and that when children are asked to participate in matters that concern them it is done in a manner that respects them.

Your child has been selected to participate in this study and I wish to obtain your permission as a parent/guardian for your child's participation. This letter will explain to you exactly what you would be agreeing to should you agree to let your child to participate in the study. By obtaining your consent to engage your child, the University ensures that I respect your child's rights and conduct the study in an ethical manner.

If you agree to your child's participation, you agree that she/he will be part of a group discussion where she/he, together with other children, will answer specific questions that I will ask. Your child will also, after you have given permission for her/his participation, have the opportunity to agree to participate in this study. Your child will be invited to participate in the study through a similar letter explaining exactly what the research is all about and that their participation will be voluntary.

When I have completed the study, the findings of the study will be made available for other people to read in the form a report.

Your consent for your child to participate in this study will be based on agreeing to and acknowledging the following information:

1. Your child, together with a few other children, will form a small group which I will interview by asking specific questions on their opinions and views with regard to child participation in consultation processes. This discussion will take between 30 and 40 minutes.
2. There will be no danger for your child if they take part in this research, and questions to gather information or participate will be phrased in a simple and non-threatening manner.
3. Your child's opinions and ideas will be important for this study. I envisage that through this study I will put in place clear guidelines on what is important when children are asked to participate in matters affecting them. This will ensure that the rights of children are protected and that children are taken seriously when their opinions and ideas are asked.

2/...



4. Your child's participation in this study is voluntary. Your child can decide at any time, even in the middle of our discussions, that she/he does not wish to participate any further. If any question or discussion makes your child feel uneasy, or if your child does not want to answer a question, she/he is then free to decide not to participate or to answer the question.
5. All the information (ideas and opinions) that the children share with me as the researcher is only for my use as part of this study. It will not be shared with anybody else, except my research supervisor at the University of Pretoria. When interest groups read my research report on this study, they will not be able to identify any participant in the study.
6. The data that is collected through this study will be stored for a period of 15 years by the University of Pretoria. If anybody wishes to use the information that was collected, it can only be done with your informed consent and the permission of those who participated in the study.

You are welcome to contact me at any time if you have any questions pertaining to this study. You can send me an email or call me (see my email address and telephone number above) or you can also write to me at the following postal address:

André Viviers
PO Box 1067
Menlyn Central
Pretoria
0001

By signing this letter, you agree that you have read all the conditions that apply to your child's participation and that you grant permission for your child to participate in this study.

Kind regards,

André Viviers
RESEARCHER

Name of child(ren)

Parent/Guardian (Print name)

Parent's/Guardian's signature

Signature of researcher

Date

Annex E
Letter of Assent: Child Respondents

ASSENT: CHILD PARTICIPANTS

16/03/2010

Our Ref: André Viviers
 Tel: 0824944028
 E-mail: andriesviviers@gmail.com

Dear Participant,

I am busy with my studies at the University of Pretoria. As part of my research I want to involve children and get them to share their ideas and opinions with me. This is very important for this research because the topic of my study is *THE ETHICS OF CHILD PARTICIPATION*, which means I will be looking at what are the right and wrong ways to deal with children taking part, or having a say, in deciding about things that affect them. With this study I want to make sure that people understand child participation (which means 'taking part'), and that when children are asked to participate it is done in a way that respects them.

If you are willing to help me with this research, you need to agree to take part in a group talk where you and some other children will answer some questions that I will ask. It is important that you understand exactly what will happen so that you know what you are agreeing to. This letter gives you the important information about this research study that you need to know to give your assent.

This letter makes sure that you are protected. When I am finished with the study, I will write a report with all the information and the interesting things that you and the other children shared with me.

The University of Pretoria guides my study and will make sure that I respect your rights and do the study in the right way.

You need to know the following before you agree to participate in this study:

1. You and some other children will form a small group. I will ask you some questions about children taking part in things that are important to them. The discussion in the small group will take 30 to 40 minutes. The questions that I will ask will need you to share your opinions with me and to help me answer them.
2. There is no danger to you if you take part in my study. You don't have to answer a question if you don't want to.
3. Your opinions and ideas are important for this study. I want to use this study to set up clear ideas on what is important when children are asked to participate in things that affect them. This will ensure that children's rights are protected and that children are taken seriously when their opinions and ideas are asked.

2/...

4. Your participation in this study is voluntary. This means that you don't have to take part if you don't want to. You can decide at any time, even in the middle of our talk, that you don't want to take part anymore. If any question makes you feel uncomfortable, you don't have to answer it.
5. All the ideas and opinions that you share with me are only for me to use as part of this study. I will not share it with anybody, and when people read my report they won't know who said what. Your ideas and opinions will be in the report, but not your name, because none of the names of the people who take part will be in the report. The information I get will be kept at the University of Pretoria for 15 years, and if someone wants to use it again they will have to ask your permission first.
6. You can contact me at any time if you want to share some more ideas with me or if you need to ask questions about this study.

If you understand what is expected of you and sign this letter, you give me permission to include you in my study and to share your ideas and opinions on how adults should listen to children and involve them in matters that affect them.

Thank you for reading through this letter. If there is anything that you do not understand, you are very welcome to ask me. You can email me at andriesvivors@gmail.com or sms me at 0824944028 or write to me at the following postal address:

André Viviers
PO Box 1067
Menlyn Central
Pretoria
0001

Your parent or guardian will receive a similar letter so that they can also give permission for you to take part in this study.

If you agree to take part in this study, please sign below.

Kind regards,

André Viviers
RESEARCHER

Participant (Print name)

Participant's signature

Signature of researcher

Date

Annex F
Ethical Approval for Research



30 March 2010

Dear Prof Lombard

Project: The ethics of child participation
Researcher: A Viviers
Supervisor: Prof A Lombard
Department: Social Work and Criminology
Reference number: 24475603

Thank you for your response to the Committee's letter of 9 February 2006.

I have pleasure in informing you that the Research Ethics Committee formally **approved** the above study at a meeting held on 26 March 2010. Please note that this approval is based on the assumption that the research will be carried out along the lines laid out in the proposal. Should your actual research depart significantly from the proposed research (as sometimes happens for a variety of possible reasons), it would be necessary to apply for a new research approval and ethical clearance.

The Committee requests you to convey this approval to Mr Viviers.

We wish you success with the project.

Sincerely

Prof. John Sharp
Chair: Research Ethics Committee
Faculty of Humanities
UNIVERSITY OF PRETORIA
e-mail: john.sharp@up.ac.za

Annex G
Permission Letters from Organisations for Field Work



United Nations Children's Fund
6th Floor, Metro Park Building
351 Schoeman Street
P.O. Box 4884, Pretoria, 0001

Telephone 27 12 354 8201
Facsimile 27 12 354 8293
Email: nalbino@unicef.org
www.unicef.org

20 March 2010

Mr. A Viviers
PO Box 2067
Menlyn Central
Pretoria
0077 Republic of South Africa

Dear André

INVOLVEMENT OF CHILDREN FROM THE GEM/BEM CLUBS IN RESEARCH FOCUS GROUPS RELATED TO THE ETHICS OF CHILD PARTICIPATION

Please be advised that UNICEF supports the Girls Education Movement/Boys Education Movement (GEM/BEM) initiative of the Department of Basic Education across the country. Through this movement girls and boys establish clubs in their schools towards the advancement of quality education and in particular girls education. The GEM/BEM are a movement of social change that the young persons join and lead by choice. The clubs are structures established at school level working with a committed educator for guidance and support to the learners.

We are sure that you will obtain a wealth of information from the children involved in the GEM/BEM initiative for the purposes of your research. As these clubs are based and operational in schools, it is recommended that you contact the principal of the school to obtain final permission for the involvement if these children are to participate in your focus group discussions. We recommend that you contact a nearby school in Bronkhorstspruit (Lingitjhudu Secondary School) that has a very active GEM/BEM movement and whose chairperson (child) attended a recent global meeting as a child delegate from South Africa.

We are keenly looking forward to the findings of your research as we are sure it will also add value to our programming.

Yours truly

Nadi Albino
Chief of Education

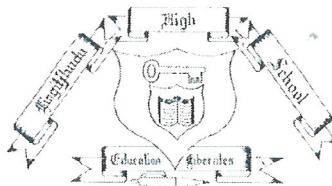


LINGITJHUDU SECONDARY SCHOOL

ENQUIRIES: MPHACHELE DM

TELEPHONE: 0793167098

FAX:.....



P.O BOX 485

ENKANGALA

1021

ATTENTION: MR ANDRE VIVIERS

I herewith grant permission to Mr Viviers to conduct focus group discussion with learners from our school fee. His research on the ethics of child participation.



Mphahlele D.M (Principal)

24 03 2010
Date



Phone: 012-348 6625 Fax: 012-348 6625
P O Box 12036 Hatfield, South Africa 0028.
E-mail address: info@cycad.org.co.za

Association Not-For-Profit Registration: 2000/029200/08

*Participatory Research, Advocacy, Capacity Building and Projects in the Best Interests
Of Vulnerable Children and Youth, Families and Communities*

Licensed by RAP Training Institute South Africa to do RAP Training



Monday, November 14, 2005

TO WHOM IT MAY CONCERN

RESEARCH WORK: MR ANDRE VIVIERS

On behalf of CYCAD I hereby give formal consent to Mr Viviers to undertake focus group work for his Masters Degree within our CYCAD projects. It is understood that Mr Viviers will be working with children with whom we have worked and that he will ensure that all appropriate ethical issues in this regard are managed effectively.

We are very pleased to have Andre undertake research within our organization.

Yours sincerely



Ms L du Toit
Executive Director



Date: 15 April 2010

Mr André Viviers
PO Box 1067
Menlyn Central
Pretoria
0077

Dear Andre

PERMISSION TO DO FOCUS GROUP DISCUSSIONS WITH CHILDREN

I am pleased to inform you that we herewith grant permission for you to conduct focus group discussions with children involved in our programme. The children are involved in the safety ambassadors programme for the past few years and as such have been involved in child participation processes within the organisation.

Kindly advise on the date and time that you will be able to conduct your focus group discussions as to enable us to make the necessary arrangements. We will appreciate it if the focus group can take place, as discussed, outside the times that children need to attend school.

Looking forward to hear from you.

M. Van Kraayenburg
Area Manager: Free State & Northern Cape

P.O. Box 351
Bloemfontein
9300
Tel: 051 – 435 5193
Fax: 051- 435 3090
Email: marita@nicro.co.za



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