

Regional study of children's participation in Southern Africa : South Africa, Swaziland and Zambia

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Abbreviations

ACRWC	African Charter on the Rights and Welfare of the Child
ADAP	Adolescent Development and Participation
AIDS	Acquired Immune Deficiency Syndrome
APEDED	Association Pour l'Education des Enfants Défavorisés
ARV	Antiretroviral
BMS	Bristol Myers Squibb
CBO	Community Based Organisation
CHIN	Children in Need
CRC	Children Rights Centre
CRISP	Crime Reduction in Schools Project
CSO	Civil Society Organisations
DICAG	Disabled Children Action Group
HIV	Human Immunodeficiency Virus
IDASA	Institute for Democracy in Africa
M & E	Monitoring and Evaluation
MP	Member of Parliament
NANGO	The National Association of Non Governmental Organisations in Zimbabwe
RAPCAN	Resources Aimed at the Prevention of Child Abuse and Neglect
SADC	Southern African Development Community
SCS	Save the Children Sweden
UKZN	University of Kwazulu-Natal
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
US	United States

1. Executive summary

This report presents the findings of a regional study on children's participation in Southern Africa. The study documented initiatives to promote children's participation and identified elements of good practice as well as barriers to meaningful participation, with a particular focus on South Africa, Swaziland and Zambia. It explored the opportunities for and challenges to building on achievements and lessons to date. The findings, and feedback from stakeholders form the basis for recommendations on how Save the Children can play a strategic role in strengthening and promoting children's participation in the coming years.

The guiding statement for the study was the International Save the Children Alliance definition of child participation as:

'...having the opportunity to express a view, influence decision making and achieve change. Children's participation is an informed and willing involvement of all children, including the most marginalised and those of different ages and abilities, in any matter concerning them either directly or indirectly. Children's participation is a way of working and an essential principle that cuts across all programmes and takes place in all arenas – from home to government, from local to international levels.'

Save the Children Practice Standards on Children's Participation

The study included initiatives that are supported by Save the Children and other organisations identified by key informants. The type of child participation initiatives covered included:

- Public policy – budget analysis, research, advocacy and litigation on legislative, policy and judicial issues
- Media – creating, contributing, reviewing and monitoring media
- Community – child rights, child-focused and dedicated child participation projects
- School – clubs, NGO interventions, governance training
- Family/caregiver – Parenting skills and psycho-social support

The study focused on participation in the public sphere (governance and media) and schools (secondary) but also considered the need and potential for more meaningful participation of children in their households and communities. Adult practitioners and where possible, child participants, were asked about their experiences of child participation projects and processes and the opportunities they saw, challenges they encountered and their recommendations in how to make child participation 'second nature' in public and private life.

The research highlights the principles and lessons that have emerged in terms of good practice. It also discusses the significant challenges that remain. The study confirms that on the one hand the concept of children's participation is fairly well-established in law across the region; and on the other, it is poorly embedded into policy and government programming. The research found that although child-focused and child rights organisations have developed considerable skills and experience in initiating and supporting child participation, at the same time they are still grappling with different interpretations of the concept and the practical and ethical dilemmas that arise from engaging children in decision-making.

Strong elements of good practice are identified across the region relating to engagement with children, support for adults and policy influence. However, more than 20 years on from the adoption of the UN Convention on the Rights of the Child (UNCRC), there is still resistance to translating top-level commitments into budget allocations and transformative processes whereby children's voices routinely influence service delivery. There are, of course, differences in the context for, and approaches to, child participation in the three countries studied. However, across the region, children's participation outside of 'projects' is not the norm. Even where there are ongoing programmes that take a longer view, the prospects for sustainability are constrained by three factors that may be crudely termed:

Mindset – Beyond a few organisations and individuals, children's participation is not seen as imperative and logical. Children's participation is broadly seen as a children's sector issue rather than a human rights issue. While acceptance of the idea of children's participation has grown, the exclusion of children and the unequal treatment of children are not perceived as wrong. This point is exemplified in the widespread practice of corporal punishment of children at a time when hitting anyone else is considered a crime. This situation points out that child rights practitioners still need to afresh for every initiative, including children's participation, to such an extent that children and adults begin to expect participation and view it as a norm.

Money – Making provision for children to participate meaningfully in private and public spaces is resource intensive. It takes time for preparation, training and ongoing activities. It is not seen by many funders as a core function.

Momentum – Mainstreaming children's participation requires building momentum for change. It is not just about sustaining programmes but is also about sustaining influence. Initiatives that demonstrate the benefits of children's participation rarely lead to the approach being 'built' into systems of development, government, parliamentary practices, or school governance. A critical question in formulating a strategy for strengthening and promoting children's participation is, therefore, not 'What works?' but 'Why don't people *do* what works?' There is evidence of impact, albeit more in terms of immediate benefits to participating children than longer-term realisation of rights. So what is the catalyst? There cannot be one answer in so many contexts but a set of issues emerge across the findings:

1. The ongoing challenge, even among experienced practitioners, is that of conceptualising children's participation and translating working definitions into practice in different and changing contexts;
2. There is a need for tools and support to shift children's participation from a set of activities or discrete projects to an approach or 'way of working';
3. There is great difficulty in balancing children's participation and protection, ensuring that children are not burdened by the violations and needs they identify or disclose;
4. It is important to identify and appeal to (pre-colonial) local cultural values and practices that may promote and protect children's right to participation;
5. There are limitations of a 'sector-based' approach to children's participation, considering that a) children participate meaningfully in activities and processes outside of compulsory schooling and the children's rights sector; and b) space for public participation in general is contested;
6. There are also limitations of an 'age-based' approach that focuses on children's participation up to 18 years as somehow detached from the continuum of infancy, childhood/adolescence and adulthood/citizenship;
7. For child participation to be more effective, there is also a need for providing support to and seeking accountability from duty-bearers, including parents and educators, since they often lack the tools, as much as the will to enable meaningful participation of children;
8. There is also a need for ongoing investments (of personnel, skills, shared experience and money) in working with adults, particularly parents and teachers, and sustaining longer-term initiatives, even if on a small scale;
9. There is great value of cross-sectoral partnerships in extending and sustaining participatory approaches to 'normalise' children's participation throughout society.

The country-specific recommendations made in the reports on South Africa, Swaziland and Zambia are intended to take account of how these issues intersect with the particular legal, political, socio-economic and cultural contexts in which child participation is being promoted. This synthesis report looks at elements of a strategy for supporting children's participation across the region considering the cross-cutting issues. Recommendations to address these issues are grouped under four themes:

- Networking, partnering and sharing good practice;

- Resources to extend and sustain child participation initiatives;
- Support for culturally appropriate local advocacy;
- Development of training tools and methodologies for working with children.

2. Introduction

Background

Save the Children has been supporting children's rights initiatives across the region since 1995. SCS aims to help entrench children's participation within an effective children's rights sector as part of a strong civil society, securing rights for all. While it has this holistic approach, in Southern Africa support and promotion of children's participation is a core activity.

In the UN Study on Violence Against Children¹, Save the Children was the driver of children's participation. It has helped civil society partners to develop, document and advocate for good practice in children's participation. In the 15 years of Save the Children's work in Southern Africa, there has been considerable progress in law reform processes to bring national legislation in line with the international instruments on children's rights. The number, diversity and creativity of organisations incorporating children's participation into their programmes has grown, as has donor support and public recognition of the legal right and rationale for children's participation.

Despite the progress, there are still major obstacles to children's participation in the family and public spheres. For example, a 2002 poll on children's rights demonstrated that children could give coherent input on rights violations and get coherent answers from them. Save the Children focus groups and interviews with 6000 children in South Africa, Swaziland and Zambia found that corporal punishment was a major cause of suffering and distress to children. Yet adults do not see it as a problem and 60-70% of children are still being beaten regularly. Why has it been so difficult to take forward participation on a large scale; to move beyond listening to children to responding to what they have to say? People have been working on mainstreaming participation for a long time, so why is it not taking off? Why are we 'jumping to the same height'?

Save the Children is seeking a better understanding of the hampering factors in order to overcome them and to strategically bring together the short-term and localised successes into a sustained movement for children's participation.

This is the context for the regional study.

3. Project description

Objectives of the study

The principal aim of the research was to gain a comprehensive understanding, based on available data, of opportunities and challenges in creating spaces for children to be heard and to participate in all matters affecting them at community, national and regional levels in Southern Africa. The research also aims to inform Save the Children's engagement with and strategic support for ethical and meaningful child participation, in collaboration with governments, civil society and other actors.

Scope of the study

The study reviewed initiatives in three (3) countries in the SADC region, examining the legal, institutional, political, cultural and socio-economic contexts in which child participation takes place. It engaged with a range of role players who support, or have some influence over, children's participation in various sectors. These included child rights and child participation practitioners, CSOs, donors, government, research institutions and children.

¹ UN 2006. See <http://www.unviolencestudy.org/>

The study was conducted during the period October 2009 to January 2010, with the fieldwork taking place during November and December 2009.

Methodology

The following tools and methods were used:

- Literature review (desktop) of files, documents and material available from relevant UN agencies, donors, civil society organisations involved in, or creating, an enabling environment for children's participation, relevant government structures, research institutions and media;
- Key informant interviews (face-to-face, by telephone and e- mail), including relevant civil society organisations supported by SCS on matters of law, policy, practice, assessment and accountability in relation to children's participation.
- Interviews with children involved in child participation processes, including school governance. The children were identified through the organisations or schools concerned;
- Interviews with adults working with children's participation at different levels of society;
- Visits to key agencies in Southern Africa;
- Case studies of initiatives in South Africa, Swaziland and Zambia;
- Interviews with representatives from Save the Children in the specified countries;
- A regional meeting to share initial findings with key stakeholders and elicit feedback on priority issues for follow-up.

4. Summary of findings

4.1 Conceptualising Child Participation

Child participation has gained increased attention within the literature on child rights in recent years. In relation to Southern Africa, documentation tends to be far more focused on country-level practices, rather than providing a regional perspective. Based on the available information, the key issues around which further debate is required relates to:

Definitions and interpretations: The absence of a common interpretation of child participation has revealed uncertainties as to what constitutes child participation, particularly because practices, across and within countries, are often contradictory.

Parameters for practice: The foundations upon which child participation are premised are contained within the UNCRC and the ACWRC. Although designed to compliment each other, these instruments raise subtle contradictions in terms of child rights and responsibilities (with regard to age, parental authority and social roles). This highlights the 'haziness' of the parameters within which child participation is understood and practised.

Cultural influences and impact: The creation of legal instruments has limited effect in promoting child participation, especially where child participation is seen as being in conflict with cultural or acculturated practices. In Southern Africa, where identity is so strongly informed by culture, child participation is often an expressed commitment but there is resistance where children's rights are viewed as an 'external' imposition.

Shared ethical basis: All work with children must be guided by practices that uphold the best interests of the child. Child participation is about working directly with children on violations of their rights and challenging powerful adult interests that perpetuate these violations. Strategies for protecting children have to be rethought according to changing risks and power dynamics. A shared ethical framework is important to guide participation practices and support mechanisms.

The literature thus seems to indicate that even where one can clarify the rationale for and benefits of child participation, the dilemmas and contradictions regarding the issues mentioned above are not easy to address.

4.2 Legislative and political context for child participation

The extent to which children's rights are addressed within a country's legislative framework, to a large extent, reveals the manner in which children are perceived within that society. The perception of children in a society is a major factor impacting on the willingness, within a country, to promote and facilitate child participation within governance. An understanding of the legislative as well as the political context within the region informs the types of interventions that are required in supporting selected countries in promoting child participation and implementing child participation initiatives.

In the absence of reliable and comprehensive information detailing the scale, modes, strategies or impact of child participation in Southern Africa, the ratification of the two most critical international instruments governing the rights of the child – United Nations Convention on the Rights of the Child (UNCRC) and African Charter on the Rights and Welfare of the Child (ACRWC) – provide indications of the initial willingness of countries to commit to instituting national mechanisms for upholding and protecting children's rights. Ratification of these instruments also acknowledges that a country agrees to be held accountable on an international platform, with regard to the fulfilment of these rights. All Southern African countries have ratified the UNCRC and, with the exception of Swaziland, the ACRWC. Therefore, at an international level, Swaziland is the only Southern African country indicating that children's rights are not fully compatible with national priorities.

In attempting to domesticate international instruments, most states have faced a challenge of synthesising common, civil and customary laws, and overhauling outdated statutes affecting children from the colonial era. Here, Swaziland has particular difficulties with reconciling civil rights and absolute monarchy. Box 1 below provides a brief overview of how domestication of international instruments promoting and protecting children's rights, has unfolded.

Box 1: Brief Overview of Status of Domestication of Children's Rights in Southern Africa

- In *Malawi*, the 2006 Children (Protection and Welfare) Bill was redrafted to reflect child rights, child protection and juvenile justice provisions in separate chapters.
- In *Lesotho*, a Children's Bill developed in 2006 is still making its way to Parliament.
- According to Julia Sloth-Nielsen's survey of law reform processes, *Namibia* is dealing with aspects of the reform of children's law in discrete stages. The Children's Status Act was passed in 2006, and is still waiting for regulations to be finalised before it is promulgated. A Child Care and Protection Bill tabled in the mid-1990s, was subjected to countrywide consultation and refinement. Child Justice legislation has been drafted, modelled on the initial South African proposals.
- Both *Botswana* and *Swaziland* are still drafting comprehensive children's laws.
- In *Mozambique*, two statutes relating to children have been developed as part of a law reform review.

- *Madagascar* has enacted a range of statutes protecting children's rights, including laws relating to adoption and fostering of abandoned or orphaned children.²
- The African Child Policy Centre Report on African Child Well-being (2008), includes the findings of a Child friendliness ranking exercise, based on law, policy, programming and budgeting in 52 African countries. This concluded:
 - Most child-friendly – Mauritius (1) Namibia (2), South Africa (7), Malawi (8)
 - Child-friendly – Madagascar (13), Botswana (14), Lesotho (19)
 - Fairly child-friendly – Mozambique (25), Zambia (27)
 - Less child friendly – Angola (35), Zimbabwe (37)
 - Least child friendly – Comoros (43), Swaziland (45).

Comparing the commitments expressed at an international level with what is being instituted at a national level reveals wide-ranging contradictions. For example, while Swaziland has not ratified the ACWRC, it is in the process of drafting a comprehensive children's law. While Swaziland provides for limited rights for children, including free education, it has been slow in developing policies and law, and allocating budgets to realise these limited rights. This failure to prioritise children's rights has led to Swaziland being ranked as one of the least child-friendly countries in Africa. While Zambia and South Africa are given a better child-friendly ranking than Swaziland, there is still a major gap between commitment and practice. South Africa has put in place a comprehensive legal framework that supports child rights. Zambia has a legal framework that places limitations on the promotion and protection of children's rights: i.e. priority is given to the socio-economic rights of children, specifically in terms of education and health.

This obvious tension in embracing child participation is further reflected in the functioning of mechanisms instituted to ensure children's rights are promoted and protected. Both South Africa and Zambia have a number of structures responsible for overseeing and co-ordinating the country's response to ensuring children's rights are upheld. However, in both of these countries, criticisms regarding the ineffectiveness and inefficiency of these structures persist, with concerns raised about the inadequate resourcing to enable structures to be effective, and the failure of these structures to make a valuable contribution to advancing children's rights. Additional concerns raised have been the absence of monitoring and inadequate reporting on progress, as required internationally and in terms of ensuring transparency and promoting democracy nationally.

The extent to which governments can be held accountable for failing to uphold children's rights is a critical factor in creating an environment where child participation in democracy can be promoted. Zambia and Swaziland have no legislative framework for holding government accountable for realising children's rights. In the absence of opportunities for civil society and children in particular, to input into government responses to children's rights in South Africa, the courts have been used to hold government accountable for realising specific rights. However, even in an environment which is conducive for holding government accountable, the practice of child participation does not occur readily or consistently.

The political environment in South Africa, Zambia and Swaziland is vastly different. South Africa is a multiparty democracy with a legal system based on Roman Dutch and English common law. The State recognises customary and religious sources of family law as valid, so long as these laws do not violate the right to equality. Zambia is a multiparty democracy with a legal system based on English common law and customary law. The dual legal system often results in inconsistency in the way in which laws are applied. Swaziland is a modified traditional monarchy with a legal

² Julia Sloth-Nielsen, A Developing Dialogue – Children's Rights, Children's Law and Economics: Surveying Experiences from Southern and Eastern African Law Reform Processes, vol. 12.3 ELECTRONIC JOURNAL OF COMPARATIVE LAW, (December 2008), <<http://www.ejcl.org/123/art123-5.pdf>>.

system based on South African Roman Dutch Law operating in statutory courts and Swazi traditional law in traditional courts. The monarchy oversees all legal and political processes of the country. Despite these differences in political environment, and apparent child friendliness of these countries, in each one there is resistance to fully embracing child participation. This resistance is not only indicative of these countries but of the region as a whole. This raises critical questions around how strategically to move child participation work forward. The research therefore also details an examination of how organisations promoting child participation in the three countries work amid the prevailing political and legislative environments.

4.3 Child Participation in Southern Africa

The study identified several regional initiatives that promote children's participation, even though literature on state programmes and individual civil society projects within specific countries was difficult to source.

The regional programmes of the major international development agencies (notably Save the Children, Unicef and the International Budget Project), account for much of the coverage in the literature and recognition among respondents. The Regional Inter-Agency Task Team on Children & HIV and AIDS (RIATT), in Eastern and Southern Africa has been investigating models for children's participation in national, regional and international conferences in order to strengthen child-adult partnerships. There are also regional child participation programmes run by Southern African CSOs. These include the *Imali Ye Mwana* network, established by Idasa from South Africa, and the Baylor Clinic Teen Clubs programme, originating in Botswana.

Imali Ye Mwana (SADC Regional Child Budget Network)

A project to identify gaps in budget allocations for the Department of Education in South Africa prompted Idasa to do research across the sub-Saharan region. It discovered that the same challenges existed, among them: misallocation and mismanagement of funds and resources and a failure to prioritise children. This was the impetus for starting the nine-country *Imali Ye Mwana* network in 2004. The initial aim was to share lessons across organisations on child rights and child budgeting in Southern Africa. Idasa then went on to look at improving capacity for child budget advocacy among partners within the SADC regional bloc. Most advocacy is undertaken at country level. The partners are experienced in working directly with children and Idasa provides support in terms of identifying issues and challenges related to influencing the budget.

The network is supported by Save the Children. Organisations partnering with Idasa's Children's Budget Unit are: Save the Children Swaziland, the National Association of NGOs (NANGO) in Zimbabwe; Preschools and Daycares in Lesotho; APEDED (Association Pour l'Education des Enfants Défavorisés) in Mauritius; the Civic Education Association in Zambia, which does budget work with children; Jubileu 2000, Angola; the Mozambican Debt Group and Save the Children Norway, Mozambique; and Ditshwanelo – the Botswana Centre for human Rights. The network also focuses on shifting the culture of not listening to children.

NANGO

NANGO has undertaken an analysis of the 2009 Zimbabwean national budget from a child rights perspective. Zimbabwe has a well-established Children's Parliament that met for its 17th session in November 2009 to appeal to their adult counterparts to ensure children's right to health and education in the current economic crisis.

Idasa observes that, across the region, there are challenges with access to information, especially on budgeting. Petronella Murowe notes that while adults, if not children, may participate in school governance, they rarely receive financial information. In Malawi, there is a Civil Society Coalition for access to information. Its members visit schools and have networks that work with parents to sensitise them on their rights and children's rights. The network speaks to education authorities on

behalf of rural parents, especially as illiteracy inhibits their role in decision-making. Children currently have no role in governance, but in 2010 Idasa will work on children participating through children's clubs.

5. Child Participation in Zambia, South Africa and Swaziland

5.1 Types of child participation initiatives covered

The literature review and key informant interviews identified dozens of initiatives focusing on, or including elements of, children's participation in the three countries selected. While the study focused on children's participation in the children's rights sector, several initiatives were identified outside of the sector that were not labelled as child participation but applied the principles and good practice of child participation in order to achieve their goals. The initiatives covered fit broadly into the following categories:

- a. Family/ care-giver based** - Parenting skills and psycho-social support. Examples include:
 - Childline regional project to identify supportive cultural practices in child-raising;
 - Thandanani Time (a partnership between the AIDS Foundation of South Africa and the psycho-social support initiative REPSSI) - one of the few projects found that includes very young children and focuses on providing training and support to older caregivers of children affected by HIV/AIDS;
 - Phila Impilo, which among other projects worked with children in long-term hospital care to identify and respond to their needs (both in South Africa); and
 - Positive Parenting (supported by Save the Children in Swaziland.)
- b. School-based** – clubs, NGO interventions and governance training.
 - School clubs encountered included HIV and AIDS, environment, drama and fundraising clubs in Swaziland.
 - In South Africa, non-violence and peace projects are supported by the Quaker Peace Centre;
 - Soul Buddyz;
 - World Conference on Religions for Peace;
 - CRISP (Crime Reduction in Schools Project); and
 - ARROW (Art: A Resource for Reconciliation Over the World) project run by students at the University of KwaZulu-Natal, among others.
 - DramaIDe, is a lifeskills and sexuality education initiative by students at UKZN who work with children in schools to develop and present health messages through entertainment.
 - In South Africa, Anti-racism training is run in schools by Umtapo Centre and RAPCAN is developing a participation in governance programme for primary schools.
 - Zambia has learner representation on school councils in five districts, and a large number of child rights clubs within schools.
- c. Most school-based initiatives** involve secondary schools only. In South Africa, there is no provision in legislation for involvement of primary school children in governance and there are very few individual participation projects at pre-school level.

d. Community based – child rights, child-focused and dedicated child participation projects, including child-only and child-adult partnership approaches.

These include child-led data collection groups in Zambia and youth-led support groups for child-headed households in Swaziland (Young Heroes). There is also a community-based project on Animal Health Promotion in rural KwaZulu-Natal (Mdukatshani), which focuses on inter-generational indigenous knowledge transfer and curriculum development with primary school children.

e. Media-based – creating, contributing, reviewing and monitoring media.

These are beginning to burgeon and include the children's news agency in Zambia, an inter-agency partnership radio project in Swaziland; the Children's Radio Foundation, as well as media monitoring and advocacy by children through Media Monitoring Africa found in South Africa. Many have moved from the involvement of children in contributing to 'children's media' to children's involvement in producing media for adults and children, and evaluating media coverage of children from a rights perspective.

f. Public policy-based – budget analysis, research, advocacy and litigation on legislative, policy and judicial issues.

Initiatives include: the *Imali Ye Mwana* regional child budgeting network coordinated by Idasa; the Children Participating in Governance programme in South Africa, and consultation with children on the Swaziland National Plan of Action. Many of these have equipped children from diverse backgrounds and contexts with hard skills and the confidence to express children's needs to decision-makers. Parliamentarians and policy-makers who have been exposed to these projects have been positively impressed by the children's inputs but this has not led to routine provision for children's voices to be heard. These and other initiatives discussed with respondents in the study are outlined in more detail in the sections containing specific country reports.

Examples of Child Participation Initiatives

The examples presented below from each of the three countries reflect the categories of child participation mentioned above and highlight aspects of good practice, themes arising in relation to barriers to participation and strategies for overcoming them. A significant gap noted is that initiatives do not focus on young children and most of the projects identified work with secondary school-age children.

Children Participating in Governance - South Africa

This project by Idasa's Children's Budget Unit trained children in budget analysis and monitoring, facilitation and advocacy. Although the four-year project, supported by SCS and other funders, concluded in 2007, it generated a training manual and several participants have continued to be involved in peer facilitation and advocacy. Four aspects of the project yield useful lessons.

Inclusivity

Inclusivity was a founding principle. The project brought together children from urban, rural and peri-urban areas across the country, from different socio-economic backgrounds, different linguistic and cultural groups and children with disabilities. It was an expensive, time-consuming and complicated task.

Alex Henry, one of the Disabled Children's Action Group (DICAG) representatives, who uses a wheelchair due to cerebral palsy, saw the project not as a personal opportunity to be 'included' but as a chance to raise awareness about diversity:

'I find that mainstream youth do know someone who is disabled but they don't know how to interact with them. Then you get someone like me that does what he does. ... It shows them "disabled but still able", hence differently able.'

Peer-to-peer education

After being trained in budget analysis, children had to design a workshop programme to share what they had learned with children from their areas. One of the participants said:

'My duty was to gather all the information that we were given or trained in so that I would be able to share it with my constituency through workshops... Our aim was to make sure that children's rights issues and what we wanted the local government to do for us as children were covered.'

Peer-to-peer education and advocacy for participation went further. Two participants were able to attend the budget speech and ask the Finance Minister questions about allocations.

Dealing with diversity

The project exposed children to great diversity and successfully challenged generalised views of other groups. One participant said:

'...in our first workshop there was a lot of tension. We grew up with an idea that Black and White people don't sit and share their experiences but this project changed all that.'

Another said:

'I learnt a lot about myself and how I react to others. I honestly felt ashamed of how I used to think. Because I had never been exposed to so many different people before, I didn't know exactly how to react, or understand children with disabilities.'

Paying forward/sustainability

Most of the participants in this project have gone on to tertiary institutions, or are working and several are still involved in youth projects in their communities. Three members of this project assisted with facilitation, programme direction and presentations at the Children's City 2020 launch in 2008. The training manual is still available as a resource for children's participation in budget monitoring and analysis.

Media Network for Children's Rights and Development (MNCRD) – Zambia

'We write these articles because we want action and teachers and government are not taking enough action.'

Participant in the media network

The Media Network sought creative ways to introduce the concept and practice of children's participation. It aimed to shift mindsets while effecting change in a context where violence against children is commonplace and notions of children's secondary status are upheld and reinforced.

The Network runs a Children's News Agency project and a Media Monitoring project. Both started in 2009 and focus on providing children with the skills to (i) write for the media on issues affecting children and (ii) monitor the media to determine the extent to which children's voices are sought and reflected.

Children have written on corporal punishment and early marriage among other issues. Child marriage was addressed with parliamentarians and traditional leaders who took steps to stop the practice.

The skills children gain include guidelines for writing stories and interviewing skills. They also learn decision-making skills, become familiar with meeting procedures and learn to influence, organisational policies through representation at Board level.

Principles underlying the projects are:

- A focus on creating knowledgeable and skilful citizens
- Ensuring that children also drive processes, up to Board level
- Networking locally and internationally with journalists and local and international child rights organisations
- Reflecting healthy, professional relationships between adult staff, Board members and children
- Including key role-players – especially support of parents.

Good practice that has been developed covers:

- Acknowledging and respecting children's voices and the need for child-friendly spaces
- Supporting children in ways that encourage their participation and prioritise their best interests
- Clarifying role definition of adults in relation to children
- Building awareness and capacity across sectors
- Focused strategic interventions that prioritise the best interests of children

Baylor Clinic Teen Clubs, Swaziland

Baylor operates eight children's centres, in Africa, Latin America and Romania. Botswana was the first site to treat children with ARVs in 2003. It is in the process of opening a second clinic in Botswana. The focus is on children who are infected with HIV and not receiving priority in terms of treatment, care and support.

The initial funding came from BMS (Bristol Myers Squibb) experimental funds.

Executive Director of the Clinic, Prof Gabriel Anabwani, says:

'We were trying to show the world how ARVs could be used with success in children in Africa at a time when people believed it was not possible. We are promoting centres of excellent care. In Botswana, there are 1000 children aged 10 and above who are on treatment. In Swaziland, there are 150 children on treatment who are already adolescents (aged 10 and over). There are no other examples in the world of how to care for children who contracted HIV from the mother and have survived this long.'³

It runs teen clubs for children on treatment. This is done with the support of local CBOs. They cater for children as young as eight years who have been fully informed about their condition and have the permission of their parents to participate.

The clubs meet once a month and the children form informal and formal support groups. They meet to have fun but the monthly club meetings coincide with clinic check-ups and incorporate lifeskills inputs.

The focus is on adolescents, as they are vulnerable to peer pressure that can lead them to risky behaviour and breaks in adherence.

Significantly, most of the children who reported adherence problems at a recent club meeting said these were not due to 'drug fatigue' or side effects but to unexpected changes in their school or home timetable that made it impossible to stick to the correct times to take their medication. This illustrates how children's participation can be a matter of life or death.

Lessons from the project

The doctor in charge of the clinic, Dr Doug Blank says the benefits of making children partners in their health care include that:

- doctors gain a more accurate picture of how they are responding and the challenges they face;
- children have a better understanding of how to maintain their health status;
- children are more motivated to adhere to medication, because they know the consequences of defaulting; and
- children are able to support each other because they have disclosed their status and understand the different challenges children on treatment face.⁴

The Teen Club is also an opportunity to develop leadership skills. Prof. Anabwani said:

'We identify children who demonstrate, and can explain, adherence and life beyond HIV, and they become peer leaders.'

³ Interview with author, Mbabane, 18 November 2009

⁴ From interview with author, Mbabane, 21 November.

6. Impacts of children's participation

'Child participation initiatives such as projects like 'Children's News Agency' and 'Media Monitoring' allow children to write articles on child rights and monitor newspapers and radio stations so the society can respect children's rights.'

Participant in Children's News Agency, Zambia

The study identified a range of child participation initiatives across the region that have had an impact in promoting children's rights. Among those that stand out is the Zimbabwean Children's Parliament, which has consistently ensured that children's voices are heard directly by adult parliamentarians. At the most recent sitting, in November 2009, the children secured an undertaking from the Vice-President that government was committed to realising children's right to education, despite budget constraints.

Another example of impact is the Baylor Clinic Teen Club programme in Botswana. The clinic has 1000 children over the age of 10 on antiretroviral treatment for HIV, who are active partners in the management of their health and participate in adolescent support groups.

General Benefits

- *Better decisions and policies:* Child participation allows decision-makers to tap into children's unique knowledge and experience of government policies. (ADAP 2009, 14).
- *Increasing the number of "service providers":* By involving children in initiatives as researchers or peer educators, particularly on matters they have experience of, an increased number of "service providers" are available to civil society organisations and government (ADAP 2009, 16)

Benefits to Children

- *Children achieve the specific objectives they advocate for:* This affirms for children that their participation in governance is not purely symbolic (ADAP 2009, 14).

In order to gain some insight into the impact that child participation initiatives have had in the three countries, participants were asked to identify and explain those factors which indicate that these initiatives have been beneficial.

Within each of the countries, children's participation was identified as having an impact on both children and adults. Knowledge regarding children's rights, as well as the meaning and value of child participation, is increased for both adults and children. In addition, these initiatives provide opportunities for both children and adults to learn from each other, as well as to gain skills on how to engage with one another in ways that are respectful and value the contribution that each makes in their society. Initiatives in each of the countries revealed that, where the environment for child participation encouraged respect and mutual learning, children were more willing to express themselves among adults, and adults were more willing to listen to what children had to say. Through these learning opportunities, notable shifts in attitude and behaviour, on the part of children and adults, were reported. In Zambia, for example, organisational representatives involved in child participation initiatives described the experience of working together with children as 'powerful in that messaging comes directly from children'. In both Zambia and South Africa, there were reports of the willingness of Parliamentarians, for example, to listen to input from children relating to issues such as early child marriage or the impact of government's social spending on children's rights.

General Benefits

- *Strengthening citizens' commitment to and understanding of democracy:* Child participation benefits both children and adults. It offers children the opportunity to learn about their rights and duties in a manner that is practical and relevant to them. Child participation also compels adults to respect children and to treat them as fellow-citizens.

Benefits to Children

- *Increases likelihood of continued child participation:* Past examples of child participation show that adults who collaborate with children in policymaking gain first-hand experience of the significance of children's contributions and are more likely to expand and strengthen forums for child participation (ADAP 2009, 13).

A major contribution of child participation, as identified in each of the countries, was that of building children's confidence in their own abilities. Through equipping children with the relevant knowledge and skills, drawing on children's existing abilities, as well as creating opportunities for children to apply their knowledge and skills, these initiatives communicate to children a belief in their abilities and a valuing of their inputs. This affirmation contributes to children's belief in their own abilities. The confidence that children gain is reflected in the examples of how children in Zambia and South Africa are willing and able to engage with all role-players, even those deemed to hold important positions of authority e.g. Parliamentarians, government officials, traditional and religious leaders. In all three countries, examples were cited of how children articulate their views in meetings with professionals such as teachers, doctors and journalists, as well as to parent bodies and even through participation in organisational Boards.

Benefits to Children

- *Developmental benefits:* Child participation "provides significant developmental benefits for children and adolescents" and allows them "to develop the competencies and confidence they need to play an active role in society" (ADAP 2009, 3). It also improves their leadership skills and self-esteem (ADAP 2009, 15).

Child participation initiatives were also deemed successful as the increased awareness of children's rights is accompanied by (i) a recognition of children's ability to equally participate in platforms where decisions for their welfare are being made, and (ii) improvements in children's quality of life. For example, in Swaziland, the positive discipline campaigns that provide parents with practical tools to implement discipline were referred to as reducing the scale and severity of corporal punishment in schools. In Zambia, Zambia Civic Education Association's 'Children's Clubs' enabled children to develop advocacy strategies around issues the children identified as being most critical to them and children were directly involved in a 13-part series radio programme that profiled these issues.

Benefits to Children

- *Improving the well-being of children through increased awareness of rights:* When children's rights to be heard are taken seriously, and when they understand that they have rights and are entitled to change exploitative situations, they are in a better position to protect themselves from victimisation and to alert adults and institutions that can offer them assistance when they are being victimised (Lansdown 2001, 7; ADAP 2009, 3).

These benefits are often dismissed in the face of anxieties that children lack the competence or experience to participate in governance; that child participation places excessive obligations on children, or that it will ultimately undermine parental authority.

7. Opportunities for child participation

Across all three countries, there are undoubtedly conservative, patriarchal socio-cultural and religious norms that uphold the belief that children are secondary, if not invisible, in society. The pervasiveness and expression of these views differ in each of the countries, with Swaziland considered as more obviously conservative compared to Zambia and South Africa. (See sections below on Barriers to Meaningful Child Participation). However, child participation initiatives do occur within all three countries, even though the manner and extent to which these initiatives enable children to participate, has various limitations. From the experiences of Zambia, Swaziland and South Africa, conditions that facilitate opportunities for child participation include one or more of the following:

The existence of a legal framework that gives recognition to the rights of children

When governments support laws and policies that give specific attention to children's rights, an opportunity exists for ensuring that these rights are upheld. Ratification of international conventions is important mainly as they (i) provide a platform from which to advocate for the development of national laws and policies that reflect the binding commitment to children's rights expressed internationally; and (ii) in raising awareness about child participation, strengthen the 'motivation' for the importance of child participation. The promulgation of national laws and policies are preferred as they provide the opportunity to (i) lobby for children's participation and (ii) directly hold government accountable. For example, in South Africa, where international and national laws giving recognition to the rights of children, are in place, there was an opportunity for children to lobby Parliament on the formulation of legislation, namely the Children's Bill. The Dikwankwatla 'Children and Action Project' involved 12 children, from across four provinces, attending and presenting children's perspectives on the Children's Bill at public hearings.

Acceptance of the principle of respecting children's rights

When there is acknowledgement that children have rights that should be protected and respected, an opportunity exists for promoting child participation. For example, in South Africa when parents were made aware of the rights to which children are entitled, they were supportive of their children becoming involved in projects that monitored government budgets in relation to the fulfilment of these right. Once children recognised that they had rights that should be upheld, they were eager to participate in the budgeting initiatives. In Swaziland and Zambia, acknowledgement on the part of a teacher/s, and recognition by children themselves of their right to voice issues relating to school governance, led to support for the establishment of Student Representative Councils or School Councils. Through these bodies, children were able to share their views relating to school policies and general governance matters.

Recognition that all issues affect children

The realisation that children are not passive in their environments, but are aware of, and affected by, events, creates an opportunity for child participation to be promoted and practised. For example, in Swaziland, the Baylor Clinic Team Club viewed HIV in a way that recognised that as children are affected by HIV, they should also be actively involved in the management of their medication. Once children were equipped with the necessary information and their ability to manage their health was recognised, children readily participated in the clinic. In Zambia, the

Media Network for Children's Rights and Development recognises that children are not immune to the messaging from the media, and through the Media Monitoring Project, children examine what is being covered in the media and provide their critiques to a team of editors and journalists regarding the visibility and representation of children within the media.

Commitment to uphold children's rights and ensure child participation

A driver or group of drivers, who not only acknowledge children's rights and recognise children's experiences, but who also believe in the value of children's participation and are prepared to work towards creating opportunities for children to participate, is essential. In each of these countries, there were examples of various role-players within schools, as well as within the communities, at local and national level, who worked to ensure that the expressed commitment to children's rights was translated into practice and that the beliefs that are preached are also practised. For example, in Swaziland, the Waterford Kamhlaba Student Representative Council involves an active student body that engages with teachers at the school on all matters relating to school governance, ranging from catering, to uniforms, school rules and school policies. In Zambia, Children in Need (CHIN), through its Community Child Rights Groups, promotes the participation of children in research, district and community structures, as well as public discussion forums, project review meetings and outreach events. In South Africa, the Media Monitoring Project involves children in monitoring and talking to journalists and editors, evaluations and planning for projects and creates capacity building as well as peer learning opportunities. In addition to involving children in programmes and functioning of schools/organisations, in each of these countries, organisations, together with children, are also raising awareness with a range of role players of the importance of children's participation. Role players who have been targeted include, for example, parliamentarians, parents, chiefs/traditional leaders, media groups, teachers and religious leaders.

8. Barriers to meaningful participation

8.1 Absence of conducive environment

The desktop review focused on child participation in governance.⁵ 'Governance' is defined as encompassing participation in political processes and forums recognised and/or created by governments, as well as participation in civil society initiatives and deliberations that are not necessarily formal, sustained, or directed at the state. This definition is grounded in the assumption that democratic governance entails a stable and responsive democratic state, and a vibrant and autonomous civil society (Linz and Stepan 1996).

Cultural/religious

'You participate within clearly defined boundaries or the space will be closed.'

Legal rights activist, Swaziland

In each country, cultural beliefs and practices are seen as playing a significant role in undermining child participation initiatives, nationally as well as locally. These beliefs and practices, with regard to who is deemed worthy of participating in the public sphere, as well as private sphere of society and/or the community, have seen children and women silenced. The belief that children have secondary status, and should adhere to the authority of parents and adults, has permeated legal and political systems, as well as community and familial structures.

⁵ For the purposes of this review, a distinction is drawn between political participation in elections and political participation between elections. Children are typically excluded from the first mode of participation but not the second, which depends on citizen involvement in governance.

Respondents in all countries talked about the need both to challenge mindsets that support exclusion and to explore values and practices in specific cultures that provide for children to be listened to and involved. One respondent argued convincingly for the need to confronting cultural barriers directly but also to interrogate how attitudes and practices that are assumed to be 'cultural norms' intersect with patriarchy and colonialism/apartheid. It is important to understand acculturation in order to disaggregate indigenous values and understandings of children's roles from the 'norms' that have developed in post-colonial industrialised societies where communities are often alienated from their cultural heritage.

Legal/political

'Government must change laws, take children's policies seriously and make these policies protect and really work for children.'

Child respondent, Zambia

Legal frameworks provide limited opportunity for any meaningful engagement from citizens generally or specifically from children. There are multiple reasons for this, namely (i) the failure to promulgate national laws and policies governing children's rights that reflect international conventions that have been ratified; (ii) the failure to formulate clear plans of action for implementing laws and policies; (iii) the absence of mechanisms to enable citizens of any age to participate in public life.

Government processes and structures are such that engagement from civil society is constrained or not possible. For example, in South Africa and Zambia, there are inadequate mechanisms to hold government officials who are under-performing (i.e. inefficient spending on fulfilment of children's rights) accountable. In Swaziland, for example, all structures of governance are dominated by appointees of the monarch, and platforms and processes for participation are not conducive for women and children/young people.

Often, the centres of power at a local level, whether as a result of party politics or cultural practices (i.e. traditional leaders), has resulted in the dominance of the perception of the minority status of women and children. This has resulted in women and children being unable to participate in community forums and a lack of opportunities for women and children to express their views on how community matters affect them. For example, in Swaziland, women and children are unable to stand up in community meetings. In Zambia, for example, if children were to speak up, then they would be labelled unruly and likely to be subjected to some form of discipline. The control of women and children, at a local level, is often also enforced through the belief that your behaviour impacts on how your family is also viewed. Behaviour deemed negative thus brings shame to the family and, as in the case of Swaziland, can result in fines from the Chief as well as a denial of access to services such as scholarships.

- In general, adults have stronger legal claims to rights of political participation than children. Thus child participation in governance will be constrained in contexts where adults' rights and opportunities to participate in public life are undermined by political violence and instability, and/or by (a) a lack of access to diverse sources of reliable and high quality information; (b) an absence of civil rights, particularly freedom of speech, conscience, assembly, association, protest; and of rights to information and to form and join political parties; as well as by (c) material constraints (ADAP 2006, 16)
- Child participation is constrained in the absence of government agencies and institutions that are specifically mandated to promote children's rights and who conceive of children as citizens capable of participation in government, rather than a needy group in need of special protection.
- Child participation is constrained in the absence of national laws that require government to consult and give due consideration to the knowledge and experiences of children affected by policies and laws designed for their benefit.
- Girls' participation in governance is undermined when initiatives do not make provision for the

gender-specific constraints limiting their participation in public forums, e.g. bearing a disproportionate responsibility for household chores, being less assertive than boys, or having more difficulty travelling to activity sites (ADAP 2009, 18).

- As recently as March 2009 the UN's Adolescent Development and Participation (ADAP) Unit reported that a dearth of reliable disaggregated data about adolescents, and expertise in working with this group, was encountered in several countries. States and organisations that have no information about the "conditions, needs and capacities" of adolescents are less capable of developing effective child participation mechanisms (ADAP 2009, 17).
- A conducive environment for child participation is also hampered by the absence of regional mechanisms for adolescent development and participation as well as the absence of procedures for sustaining and following up on child participation initiatives

Household Dynamics

Family environment is often where the cultural/religious beliefs and practices are most steadfastly upheld. In each of these countries, irrespective of whether or not opinions expressed within the public sphere are supportive of children's rights, the home environment remained one where children's participation was not viewed favourably. Participants expressed that parents perceived child participation as a threat to their authority in the home. Although parents are supportive of children being involved in child participatory initiatives, such as the clinics in Swaziland the Children's Clubs in Zambia, or the Soul Buddyz project in South Africa, they are often not open to children having platforms to express their views relating to family matters. The secondary status of children within the family was illustrated in an example from Zambia, which highlighted that when families are impoverished, charges relating to the abuse of a child in the family are withdrawn in exchange for an out of court settlement, primarily in the form of a monetary payment.

Organisational Dynamics

Organisations involved in child participation work all identified the lack of resources – personnel as well as financial – as a barrier to this work. Not only is there a high staff turnover but there is also a limited pool of donors who are committed to supporting this work. With regard to 'attracting' donors, a barrier that was highlighted is that often the donor representative is weary of the idea of children's participation. When donors are supportive of this work, a major limitation is that the time period over which significant developments are expected is unrealistic and fails to take cognisance of the myriad of hurdles that first need to be overcome – at a national and local level as well as within the family – before real child participation work can be undertaken.

A consequence of the struggle to source funding for this work has meant that few organisations are interested in doing child participation work. This makes the process of 'promoting and advocating' for children's rights and child participation more prolonged. Specific mention was made of the decision not to engage in child participation so as not to raise children's expectations and then being unable to fulfil these due to a lack of funding.

- Child participation is constrained in organisations with hierarchical or centrist structures, or management and training styles (ADAP 2009, 17).
- Child participation is constrained by the resources organisations are able and willing to dedicate to this end (ADAP 2009, 17).
- Child participation is unlikely in the absence of civil society organisations that are specifically involved in advocating for children's rights, rights-based development and advocacy for child participation.
- Child participation challenges arise due to the difficulty adults and outsiders to identify meaningful activities for children and adolescents.

A major barrier to child participation in all these countries is that children's participation is equated with a loss of adult power and control. This is evident among parliamentarians, government officials, traditional leaders, professionals, as well as parents. This perception, together with the belief that children ought to be invisible or secondary in society, contributes to the failure/reluctance to recognise children's abilities. The subsequent consequence for children is that their confidence in their own abilities is eroded; so there is reluctance from children to engage in child participation initiatives and a distrust of the interest and ability of adults to truly listen to their experiences.

- Adults' attitudes and behaviours constitute a major obstacle to meaningful child participation (Feinstein et al 2004; Save the Children 2005, 5-10; Landsdown 2001, 9-10; ADAP 2009, 16; 18). Adults can undermine child participation through, (i) Authoritarian behaviour; (ii) Unethical behaviour; (iii) Ignorance; (iv) Incompetence, poor management, and/or lack of adequate training; and (v) Reluctance of adults to attend forums or workshops that prioritise child participation.

8.2 Inconsistent and unclear practice

Conceptualising child participation

'Adults provide support but sometimes they want to take over, so children rather stop participating.'

Child interviewee, Zambia

In addition to misconceptions regarding the meaning of children's participation across sectors, there are also different interpretations and approaches among child-focused and child-rights organisations across the region. The logic of pursuing 'child-to-child', adult-focused, adult-child partnership, child-driven or 'child-led' initiatives is not always clear. Some respondents from South Africa expressed concern that 'child-led' organisations are often seen as the 'gold standard' for child participation, but that this did not reflect the reality of power relations and the need for adult-child partnerships. They argued that children need adult allies if they are acting in an adult milieu, and that this should not be seen as a compromise on participation.

The concept of developmental stages of childhood is broadly recognised and built into education systems and child-rearing practices. However, the concept of 'evolving capacity' to participate appears not to be well-understood. This is strongly reflected in the diverse and contradictory attitudes and legislation on age-based rights. The ages at which children may seek sexual and reproductive health services, consent to sex, leave school, work, marry, be held criminally liable, join an army or enter into a contract, for example are inconsistent in most countries.

Local Context

'At home when my father is around you are not allowed to say suggest anything regarding the house, He slaps you across the face and tells you, this is my house... but when we are with Ma (my mother) and my father is with his friends, we can suggest which bread to buy and what we would like to eat on that day. Hey, my father I'm scared of him.'

Boy in the Vukukhanye consultation group, South Africa

Practice continues to contradict commitments made in international and even national law. Children are equal in the UNCRC and 'lesser beings' in practice, especially with regard to corporal punishment. Hitting an adult in any way for any reason is a crime but hitting a child is still widely seen as acceptable discipline. It is important to emphasise that in a context where violence against children is commonplace and where children are deemed inferior, enabling children's participation

is difficult. Not only is violence deemed a 'normal' adult response to perceived disrespect by a child but there is the risk that the perpetrator(s) or relatives of the perpetrator(s) may pose further danger to the victim and his/her family should the child report the abuse.

Respondents in Swaziland spoke of the need to 'domesticate' the child rights and child participation discourse. They said there was a sense, in government and in society, that Swaziland was under pressure to change to comply with international Conventions it had signed, but that these were somehow at odds with Swazi tradition and culture. A further challenge is that children have generally been socialised not to expect to be consulted or listened to.

Process

'When writing some of the articles children have to engage with perpetrators which can be very scary but we have adults who support us and we remember that we are doing it for the protection of children.'

Participant in the Children's News Agency, Zambia

Child participation often involves partnerships between children and adults; however, adults still tend to have the most authority in these relationships.

Children may be drawn into situations where they are required to grow up fast rather than enjoy being children. The issues to which they are exposed can result in secondary trauma, which is rarely addressed. While ethical guidelines may help in designing a protective process, appropriate support is not always to hand when that process is underway. The psychological impacts of children taking on responsibilities as a representative of or counsellor to other children, or of being rejected or victimised by adults if they challenge authority, cannot easily be anticipated or assessed. There is a lot of uncertainty around how to utilise the most appropriate selection methods to engage children, and ensure that they are involved from the conceptualisation of a project through to its conclusion. Selection of children tends to favour the most accessible and the most confident children, and often it is difficult to identify a child who will best likely represent other children.

In addition, most children's initiatives are not directly linked to policy processes and so remain marginal.

Conclusion

Children are aware and know their rights but they often don't know which organisations they are able to turn to if their rights are violated.'

Child interviewee, Zambia

Implementation of child participation programmes is possible, provided the following obstacles are addressed:

- a. Most NGOs identified a lack of resources as a challenge in the implementation of child participation initiatives and how this affected the scale and impact of their work/programmes/interventions. Respondents referred to the fact that meaningful child participation is 'slow, difficult and expensive' and that it was always a challenge to secure resources and persuade donors and government that it is an essential, rather than a peripheral, aspect of child well-being. Basic practical needs such as meeting places, play areas and sporting facilities for children are still lacking. Even where there are mechanisms for children's participation, there are practical obstacles to enabling children to participate. For example, there is now a precedent for children's participation in law reform, but to make that happen and to make it meaningful is expensive, time-consuming and fraught with dilemmas over selection, representation and support.⁶
- b. There is a lack of access to information, especially in remote areas where there are immense difficulties in accessing information. Ensuring that people are well-informed and aware of children's rights is, therefore, a major hurdle. Raising awareness and obtaining buy-in to such processes is challenging, as adults ultimately become the gatekeepers of whether or not child participation can occur and if children's rights can be upheld. In addition, some adult duty-bearers such as teachers, community leaders and other social service providers are not very aware of human rights, let alone children's rights, and many of those do not believe in children's rights.
- c. High staff turnover and reliance on volunteers undermine organisational memory. Organisations that are committed to promoting child participation still need 'tools' to practise it in an effective and ethical way.
- d. Partnerships need to be developed between local civil society, international child rights and development organisations, traditional leadership, government departments/agencies and the private sector.

Strategies used to overcome barriers

Respondents reported a range of strategies for removing obstacles to children's participation. Some of these are quite localised, relating to the legal and socio-political situations in their countries. However, many are relevant across the region.

Regional

- Developing partnerships for sustainable initiatives – with parents, teachers, government, media and others.
- Communication – including regular consultation with children to help prepare them, and regular engagements with all stakeholders, to maintain buy-in and promote a shared understanding of children's participation and the objectives of international legislation.
- Identifying cultural practices and values that support or promote child participation, and working with traditional leaders, in order to engage children meaningfully, in ways that are seen as upholding local cultural beliefs.
- Linked to the above, using a restorative justice approach to respond to, and prevent, harm caused by misbehaviour (at home or in school) as part of positive discipline⁷.

⁶ Lucy Jamieson

⁷ Prevention & Education Manual (Childline South Africa)

South Africa

Not surprisingly, given the level of development of its legal and policy framework compared to other countries, strategies used in South Africa included a two-pronged approach, favouring interventions that could make a measurable difference to children in the short-term while building momentum for longer-term systemic change. Gathering evidence of the long-term benefits of child participation was seen as key to this, because it convinced institutions of the need to engage in the processes.

In South Africa, mindset was seen as slightly less of a challenge than in other countries in the region. Therefore, strategies focused more on capacity - equipping parents, teachers, officials, politicians and civil society partners with skills for child participation, and communicating with them to understand what the initiatives are about. An important issue, elaborated by Carrim (2009) is extending participation in school governance to primary school level.

Swaziland and Zambia

Many of the barriers in Swaziland and Zambia relate to resistance to children's participation in the context of limited space for expression even for adults. Resistance arising from fear of loss of power or authority was also common. Strategies to address these barriers stressed the need for awareness raising and forums for discussion to address attitudes regarding children's rights, emphasising that child participation does not equal disrespect. Inclusion of all role players to ensure buy-in is an issue across in all three researched countries, but is particularly critical in these two countries, given the risks of children being perceived as challenging authority by expressing their views or needs.

It should be stressed that organisations did not have tested strategies to overcome some of the barriers they identified. Hence the focus below on identifying areas in which they may need support around in order to address some of these challenges.

9. Elements of good practice

'... it is a more modern way of thinking, to engage with people as equals in order to reach goals. When there is unequal power, you can't achieve that in the same way.'

Member of the Student Representative Council, Waterford Kamhlaba School, Swaziland

The study findings suggested many pitfalls of trying to identify 'best practice', especially given that contexts and power dynamics differ so greatly at local level. Some of the good practice elements reflect efforts to implement strategies identified above. Some enshrine ethical principles and others relate to practical tools and methodologies. All of the following elements were seen as relevant across the region, regardless of which country or project they emanated from. However, this does not mean that an initiative encompassing all these elements is a 'best practice' model that can be imposed on other contexts, or that an initiative that excludes some of these elements reflects 'bad practice'.

'Learners respect teachers and when you have this mutual exchange of respect anyone can work together.'⁸

- Mutual respect and a healthy relationship between all stakeholders including the children.
- Listening to children and taking account of their views
- Having the right (child-focused) orientation

⁸ Interview with Avril Knott-Craig, Cape Town. December 2009.

- Practical training in child participation methodologies – supporting orientation with opportunities to reflect on the concept and to apply theory
- Capacitating adults as change agents, rather than people who need to be changed
- Working through local organisations that provide ongoing support and channels of influence for children
- Engaging many stakeholders so that they can support each other and share resources
- Working with adults responsible for children (such as parents and teachers) to promote understanding and support of children's participation
- Identification of 'pioneers' and 'champions' who can drive acceptance of child participation;
- Putting in place mechanisms for follow-up and referral in order to support children when problems are exposed
- Challenging violations of children's rights, including their exclusion from decision-making, through appeals to
- Equipping children with skills in the course of initiatives to influence adult processes, so that it is not debilitating if adults let children down or systems do not respond
- Having the courage 'not to think ahead' – to let children influence direction from one activity to another
- Handing over genuine power and responsibility to children in participation projects, so that they can experiment and learn from their own mistakes.
- Monitoring and measuring the impact of initiatives on attitudes and behaviour of both adults and children to provide an evidence base
- Involving children in the generation of data, analysis, interpretation and dissemination to government and other relevant stakeholders for advocacy and programming
- Sharing and demonstrating (especially to leaders and policy-makers) the benefits of child participation for children as well as the functioning of projects and processes
- Joint advocacy across local civil society to expand space for public participation in general
- Involving children and adults together in project planning, implementation, review sessions, evaluation and reporting
- Networking with organisations that apply different methods of child participation as a way of exchanging experiences and learning from one another
- Creation of platforms where child participation can be easily practised within schools, communities, institutions, churches and any other already existing social structures etc.
- Using materials and language that are age-appropriate and child-friendly as well as entertaining in the way in which messages are conveyed
- Focusing on messages that come from children to adults
- Ensuring that information from all processes is fed back to children.
- Using media interventions with appropriate language to raise awareness of various forms of child participation and the value of children's contributions.

10. Recommendations

The challenges, benefits, opportunities and good practice outlined above suggest a set of questions for SCS to engage with in strategising around support for child participation in the region:

- Should SCS provide a means to address the challenges identified OR support individual partner organisations to formulate responses to these challenges?
- Should SCS make contributions to maximise the benefits generated from specific child participation initiatives OR advocate for the extension of child participation work across sectors based on the outlined benefits –if so, how and with whom?
- Should SCS directly support opportunities for child participation OR support organisations to create opportunities for child participation?
- Should SCS provide a means for good practice strategies to be shared OR focus on the roll-out of good practice strategies?

The findings of this study offer insights that can assist SCS in devising a strategy to ensure that child participation work is intensified and sustained. This is the orientation of the recommendations below, drawn from the review of regional initiatives and the challenges, responses and needs identified by respondents, during the field research and in a stakeholder feedback meeting.

There were several commonalities in the recommendations across the country studies. These related broadly to four themes:

- Networking, partnering and sharing good practice;
- Resources to extend and sustain child participation initiatives;
- Support for culturally appropriate local advocacy;
- Development of training tools and methodologies for working with children.

The issues arising under these themes are not new. They are in the main issues that SCS and its partners have engaged with intensively over many years. SCS has shared and promoted its definition of meaningful child participation, as well as approaches and ethical principles for implementation. The focus of these recommendations is, therefore, on what strategic role SCS could play in further strengthening and promoting children's participation.

Networking, partnering and sharing good practice

'Change is not just in the hands of government alone, it's the whole society and community that is also responsible for ensuring children's rights and their protection.'

Child interviewee in Zambia

1. Include in a bulletin a regular slot on what different people understand by children's participation and how they translate working definitions into practice. Link this to a web-based discussion forum for practitioners to reflect and share problems, experiences and suggestions.
2. Create/fund platforms for adults to engage, exchange experiences and learn more about beneficial initiatives. For example, host in-country panel discussions focusing on what role players in different sectors 'can do now' to build on small-scale successes.
3. Share tools to help children and adults listen to each other where power relations are entrenched. For example, document individual success stories that can be shared (broadcast, related in person) with parents and educators by partners.

4. Use this approach to facilitate work with schools on developing learner representation in governance from primary level.
5. Review the outcomes of the many African and international Positive Discipline initiatives to see how SCS and its partners can catalyse a broad-based movement to end violence against (and by) children in schools as well as within homes.
6. Explore a strategic, 'common goals' approach to addressing key concerns such as corporal punishment, bringing together crime/violence reduction and positive discipline activism to counter the perception that corporal punishment ensures discipline.
7. Facilitate partnering with the government/private sector to access funding for the implementation of child participation initiatives. For example, integration of child participation into national teacher training.
8. Share issues and practice across borders, organisations and donors, through a regional child participation learning network that could meet locally, as well as engaging through SMS questionnaires, email discussions and web-based forums.
9. Facilitate review sessions to support national learning networks to assess the impact of interventions, determine gaps in services provided, and how to address these, and develop the most ethical ways of involving children.
10. Enable networking between child-focused CSOs and broader civil society on strategies to reduce exclusion and open the space for public participation by all.

Resources to extend and sustain child participation initiatives

11. Support organisations both to experiment and to sustain initiatives so that capacity is built even when child participants move on.
12. Assist in mobilising resources for children to participate in child-centred and child-run activities that are often seen as 'nice-to-have' or are tied to high-profile events (Children's Day, Human Rights Day etc).
13. Enable partners to 'plan for transformation', that is to strategise about how their programmes should be leading towards 'a world that respects and values each child...listens to children and learns...and...where all children have hope and opportunity',⁹
14. Support networks to formulate action plans that will harmonise policy and budget priorities with legislation.

Support for culturally appropriate local advocacy

'There are things emphasised and engrained in you as a good Swazi child. You cannot expect people socialised in a certain easy to suddenly change.'

Legal rights activist, Swaziland

15. Support partners to explore and engage with cultural beliefs and practices and how they intersect with colonialism/apartheid and patriarchy to influence perceptions of CP. For example, fund research into how far authentic cultural values uphold principles of CP and oppose harmful practices.
16. Equip partners to undertake ongoing local advocacy on controversial issues (such as corporal punishment) to reduce perceptions that these are donor-driven.

⁹ From SCS vision described at <http://www.savethechildren.se/About-Us/>

17. Assist child-focused and child rights organisations with tools to integrate child needs and rights into local, cultural understandings and norms of child development and child-adult relations, to reduce resistance to perceived 'foreign/Western' influences.
18. Facilitate the translation of international instruments, and relevant national laws, policies and information into local languages.
19. Strengthen practical, local advocacy by supporting civil society to a) hold government to account for commitments it has made and b) build support at community level for children's meaningful involvement in decisions about public and family life.

Development of training tools and methodologies for working with children

'Spaces such as parent/teacher meetings must be set up where parents are taught to teach their children in different ways. These spaces must help them understand the needs of children.'

Child interviewee, Zambia

20. Run training for partners on the CP 'package' and tools to help institutionalise CP as a 'way of working' and affirm/enhance current practice.
21. Support the development of local guidelines for ethical processes, to avoid a 'rule-book' approach that intimidates people who want to attempt child participation.
22. Undertake localised research with/by children on the balance between participation and burden, and how they want to be supported and protected when they engage in CP processes. Use the findings to help partners develop appropriate responses.
23. Assist partners to budget time and resources for inclusion of marginalised children.
24. Engage with the ECD sector to strengthen understanding of approaches to working with young and very young children (7 years and under) and develop tools for extending CP with this age group.
25. Develop a guide to training resources (inclusive of other donors/agencies) for child participation in the region.
26. Support, through training and materials, in-school programmes to promote participation in school governance.

'The student in and out of the classroom is like two different people. Children need skills to interact with adults in authority.'

Participant in school club, Swaziland

Conclusion

Child participation in most countries of Southern Africa is supported by a legal framework and political commitment to children's rights, expressed through ratification of the UNCRC and ACRWC (the latter excepting Swaziland) and other international instruments.

However, the commitments on paper are not matched in government programming, or in the level of partnership between governmental and civil society. Many obstacles to achieving this are identified in the study, including resource and capacity constraints. The greatest barrier across all the countries reviewed is undoubtedly mindset.

There are many examples of children gaining the knowledge, skills and confidence to express their views, to analyse needs and identify priorities and solutions to some of the critical issues they face.

There are some examples of children having a direct impact on legislation, on policy and on ways of working in organisations and schools. However, there are no examples of systems transforming to include children as a matter of routine and principle. While individual adults who have been exposed to child participation processes may have 'seen the light', the work of seeking 'buy-in', of persuading people of the need and rationale for listening to children often has to be started afresh with each new project.

Resistance to children's meaningful participation stems from cultural and acculturated beliefs about the status and role of children, from patriarchal and hierarchical social and political systems, and from adults' fear of losing power and respect if children have a say in their own lives. While these factors apply across the region, conservative social and cultural norms particularly inhibit efforts to open up space for public participation – of adults as well as children – in Swaziland, and to a lesser extent in Zambia.

Civil society organisations in the region have worked in partnership across sectors and with international child rights agencies to promote understanding of children's participation and how it can strengthen efforts to alleviate child poverty and eliminate corporal punishment and other forms of child abuse. Civil society also plays an important role in enabling children's views to be heard in submissions on legislation and policy and in attempts to secure justice. There has been some progress in creating opportunities and setting precedents for children to participate in governance. However, promoting child participation has not become second nature.

All the respondents could cite examples of positive impacts of child participation initiatives, upon children and adults and upon legal and other processes. There is evidence that children emerge from participation processes confident that they have a right to express themselves and to be heard. However, as they leave school and become part of an adult world, they find it is dominated by people who do not see the need for, or are threatened by, the prospect of children's participation. This does not suggest that child participation cannot be 'mainstreamed'. Rather it highlights the need to: a) support ongoing local initiatives – advocacy, engagement with parents and teachers, government, community leadership and media – to make children's participation become an accepted element of all aspects of democratic life; and b) to help draw together local good practice into a regional movement to integrate children's participation into the way everyone works.

South Africa Country Report

Introduction

The context for child participation in South Africa includes a long history of active involvement by children and youth as individuals and in organisations, in the liberation struggle against apartheid. As apartheid crumbled, children from all over South Africa came together in 1992 for a Children's Summit where they drew up the Children's Charter of South Africa, setting out their vision of a society in which they were active citizens.

The early post-apartheid era saw a plethora of laws and policies being developed that both guaranteed equal opportunities for public participation in decision-making and offered protection for anyone exercising their right to express their views, needs and concerns. Such guarantees extended to children through the South African Constitution Bill of Rights (Section 28). Sixteen years into democracy, South Africa has ratified all the international laws and treaties pertaining to children's rights and has established a legal and policy framework and institutional machinery to implement these, including a comprehensive Children's Act. There is a well-developed child rights sector in South African civil society and within that a range of organisations that advocate, practice and develop skills in children's participation. Many of these engaged in the legal and policy processes and ensured that children's voices were heard, directly and indirectly.

South Africa was ranked 7 out of 52 countries in an index of child-friendliness among African governments in 2009.¹⁰ However, the South Africa Child Gauge reports a serious decline in the well-being of children in South Africa across a range of development indicators. Child participation is broadly recognised as a critical aspect of assessing and responding to the needs of children. Yet, in practice, opportunities for participation in household, school, community and government processes remain limited. While there are many examples of positive impacts of children's participation, initiatives have rarely been sustained and have not brought about a 'culture' of participation.

Respondents' experience reflects the findings of the literature review that children's initiatives still tend to feed into advocacy/policy development processes in a tokenistic manner, with very few exceptions. Meaningful child participation requires a lot of skill, a lot of people, time and money. As one practitioner expressed it:

'There isn't a single element that can be overlooked. There isn't a policy that's going to get that right, there isn't one model or one size fits all; it's an attitudinal change. There needs to be a shift in people's understanding of what's already there'.¹¹

This report reflects on the challenges to bringing about this shift. It makes recommendations on how children's participation initiatives can be supported in ways that ensure they have a direct positive benefit to children and also build the momentum for a more transformative influence on social and legal systems.

¹⁰ African Child Policy Forum. 2009.

¹¹ Lucy Jamieson, interview Cape Town, 26 November 2009

Scope and Methodology

This report summarises the findings of desktop and field research into children's participation in South Africa. The desktop research looked at the types of children's participation initiatives operating in schools, communities and public life, the organisations supporting these and the context in which they operate. The field research focused on three provinces: Gauteng; KwaZulu Natal and the Western Cape. Organisations involved in the process were: RAPCAN; Children's Resource Centre; Redcross Children's Centre; Quaker Peace Centre and International Budget Unit; Children's Rights Centre; Childline, Vukukhanye Community Upliftment Initiatives /Sports For All Franchisee and Children's 2020 Project ran by Msunduzi Innovation and Development Institute (MIDI); Young Insights Planning; Idasa, Media Monitoring Africa (MMA) and Art: A Resource for Reconciliation Over the World (ARROW).

The study covered 15 NGOs. Face-to-face interviews were conducted with 8 interviewees; telephone interviews were conducted with 3 adults and a questionnaire was completed by one respondent. A consultation with children was also held. Several respondents submitted further documents to inform the analysis.

Limitations

The timing of the research limited access to more respondents as several were busy towards the year-end holidays. The limited time available for field work also reduced the opportunities for following up with organisations. Some organisations and government departments that were identified as key informants were approached and several follow-ups were made to set up interviews or to collect questionnaires but were unsuccessful. The consultation with children took place during a workshop organised by an NGO. The arrangement had been to conduct a focus group on participation, with 7-10 children; however, due to unforeseen circumstances, the activity had to be undertaken with all 49 participants.

Legislative and policy framework for children's participation

Since 1994 South Africa has developed a strong legal and policy framework to support its international commitments to realising children's rights.

Table 1: International child rights instruments ratified by South Africa

International and Regional Conventions
United Nations Convention on the Rights of the Child (UNCRC)
African Charter on the Rights and Welfare of the Child (ACRWC)
ILO Convention on the Minimum Age for Admission to Employment
ILO Convention on the Worst Forms of Child Labour
Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and children

Table 2: Domestic legislation and mechanisms supporting children's rights

Legislation	Date
Constitution of South Africa Section 28 – children's rights Section 9 – prohibition of unfair discrimination, including on grounds of age	1996
South African Schools Act	1996

National Education Policy Act	
Child Justice Bill	2002
Children's Act 38	2005
Children's Amendment Act 41	2007
Sexual Offences Amendment Act 32	2007
Policy and instruments	
National Programme of Action	
Ministry for Women, Youth, Children ¹² and Persons with Disabilities	
National Action Committee for Children Affected by HIV and AIDS	
National Action Plan for Orphans and other Children Made Vulnerable by HIV and AIDS	

The mantra of civil society is that there is a widening gap between policy and implementation. To cite one example, government has explicitly recognised children's *right* to participate in schools governance and civil society and some schools have taken a lead in creating opportunities for children to participate. However, the commitment to and the mechanisms for meaningful participation have not been mainstreamed. The South African Schools Act (SASA) and the National Education Policy Act (NEPA) provide for participation in school governance based on the stakeholder principle, that is representation of all categories of people with an interest in the school. According to Nazir Carrim, of the Wits School of Education, SASA projects parents as having the most 'stake/interest' in schooling. 'Students are only regarded as "stakeholders" in secondary schools. Students in primary schools are not regarded as "stakeholders" and by implication are assumed not to have an "interest" in primary schooling, which is bizarre, to say the least.'¹³

Carrim goes on to note that while primary school children are excluded from participation, apparently on grounds of incapacity related to age, many are heading households and having to deal with adult problems and problems created by adults (such as abuse). Even where there are opportunities to participate, Carrim draws attention to the power dynamics, both among children and between children and adults, which influence representation, participation and being heard. This is one of the factors preventing rights on paper from being realised in practice. So, while children at secondary level have the right to participate in school governance, the opportunity for and the impact of their involvement are constrained.

In other cases, opportunities for children to participate are created not as a natural step to realise the right to participation but because of the passion of individuals or in response to a specific, localised problem. For example, the schools RAPCAN is working with requested initiatives to include primary learners because they recognised the need for children to develop leadership skills to become partners in a campaign to make schools and communities safe.

Jill Kruger of Young Insights Planning (YIP) notes that: 'Though it has taken over two decades, child participation is now generally accepted as best practice when consulting with children to source their understandings and solutions to issues that affect them. Awareness has increased that child participation benefits adults as well as children.'¹⁴ However, she cautions that for child participation to become sustainable as 'best practice' in service delivery in South Africa, organisations and public sectors that deliver services to children 'must be capacitated to consult with children'.

¹² Prior to April 2009, there was a stand alone Office on the Status of Children, housed within the Presidency. It has now been amalgamated into the new Ministry for Women, Children and Persons with Disabilities.

¹³ Dr Nazir Carrim, in Modes of Participation and Conceptions of Children in South African Education, a paper presented to the Leverhulme Seminar on Theorising Children's Participation. Cape Town. April 2009.

¹⁴ Jill Kruger. Response to questionnaire

Child participation initiatives in South Africa

The literature review and key informant interviews identified dozens of initiatives that focus on or include elements of children's participation across the country. These included the following ranges:

Family/caregiver-based - Parenting skills and psycho-social support

Community-based – child rights, child focused and dedicated child participation projects, including child-only and child-adult partnership approaches

School-based – clubs, NGO interventions (non-violence, peace, anti-racism, multi-culturalism)

Media-based – creating, contributing, reviewing and monitoring media

Adult-led child rights advocacy groups

Social and sports based children's movements

Community-based – child rights, child focused and dedicated child participation projects, including child-only and child-adult partnership approaches

Public policy-based – budget analysis, research, advocacy and litigation on legislative, policy and judicial issues.

The projects identified could not all be covered in detail in the study but the following were selected for review based on referrals by key informants, media coverage and knowledge of the study team of some of the projects:

I. Family and caregiver interventions

Thandanani Time is a partnership between the AIDS Foundation of South Africa and the Regional Psychosocial Support Initiative (REPSSI) operating in several provinces. It focuses on providing household and community-based training and support to older caregivers of children affected by HIV and AIDS in several provinces. It is one of the few projects found that includes very young children. Its interventions are based on listening to the challenges and frustrations of children and grandparents as they try to cope with grief, material hardship and tensions over behaviour and discipline. A review of the Thandanani Time model, published as a resource for CBOs and caregivers, reports on several cases where improved communication between children and older caregivers has led to corporal punishment being stopped and behaviour improving.

II. Community-based interventions

The **Mdukatshani Rural Development Programme** (MRDP) in Msinga, KwaZulu-Natal, focuses on supporting livelihoods with households dependent on livestock. It has undertaken several child participation activities over the years, including involvement in research on children's role in agriculture. It recognises that in the context of chronic poverty and high levels of death and illness due to HIV and AIDS, its work with farmers will only be sustainable if it involves children. Therefore, it has started a programme on Animal Health Promotion that is exploring knowledge transfer across generations and developing with primary school children curriculum-aligned materials that affirm their indigenous knowledge.

Key Lessons:

Participation leads to better communication and helps to transform relationships between children and adults, particularly if the children's roles respond to family needs.

III. Children participating in media

Media Monitoring Africa aims to improve the participation and portrayal of children in media with the goal of contributing to a culture of human rights dialogue and media freedom. Instead of bringing in students to monitor coverage of children, MMA has adopted a participatory approach, working with Save the Children Sweden to involve children's groups directly. Children go through a participatory workshop process with trained facilitators. They then begin to monitor the incidence and type of coverage of children in the media. They talk to journalists and editors, and visit media houses to learn more skills about media. The children are also involved in evaluating and planning for the following year, with a peer-to-peer element so that children that have been involved can share their knowledge with other children.

The **Children's Radio Foundation** supports several children's media initiatives in South Africa. It has a weekly, nationally broadcast Radio Workshop, produced for children and with children involved in school- and hospital-based training programmes. Children in Ingwavuma, rural KwaZulu Natal use audio recordings to tell stories about their lives and the challenges they face in an impoverished area severely affected by HIV and malaria. Discs are distributed to local radio stations for broadcast to create greater awareness on children's right. This is a partnership (established 2005) between a local CBO, Zisize Educational Trust, the Children's Institute and a local primary school.

Key Lessons:

The featured projects challenged the notion of a 'children's slot', which can entrench exclusion of children from spaces where adults seek to retain control.

Bringing immediate benefits (skills, confidence, awareness) and promoting lasting change (attitudes to 'children's issues', mainstreaming of participation), is essential to meaningful child participation.

IV. Children's advocacy groups

The **Children's Institute** (CI) has been involved in a number of child participation programmes related to its core work of child rights advocacy. One of the projects, Dikwankwatla "children and action project", involved 12 children from four provinces in an ongoing campaign about the Children's Bill. Although this project has concluded since it focused on a specific piece of legislation, it provides a useful model for child advocacy. The project was co-led by adults and children, independent of the general advocacy on the Bill. Dikwankwatla was a four-year campaign focused on how to get children into parliamentary space to claim their rights as citizens in the formation of legislation.

The CI ran two six-day conferences with the National Association of Child Care Workers (NACCW) in which about 150 children living in alternative care, on the streets or in child headed households analysed the legislation. The 12 children who were selected by the larger group attended the public hearings.

Key Lessons:

It is important to utilise a 'Partnership Approach' to including children in spaces that are also closed to most adults.

There is a need to recognise that adequate time needs to be allocated to

V. Children's clubs /school-based initiatives

Quaker Peace Centre runs a non-violent schools campaign through which children set up Peace Clubs in schools. Teachers are in charge but the focus and the activities of the clubs are learner driven. The clubs also have camps where children help to develop materials on non-violence that can be taught across the curriculum. The children contribute ideas about how violence affects their lives and put these together in a form that can be used in the classroom in drama or in arts. Teachers and learners work together so as to 'break down barriers between 'us' and 'them'

because very often adults see children as the problem'¹⁵. The project has found that a lot of problems stem from teachers setting a poor example, which children follow, and that is the rationale for a partnership approach.

ARROW (Art: A Resource for Reconciliation Over the World) project run by students at the University of KwaZulu-Natal. ARROW is an arts project initiated in the UK in 2004. It comprises a network of people and organisations committed to developing the creative arts as a resource for reconciliation, creative transformation of conflict, promotion of cross-cultural dialogue and understanding, and enhancing awareness of global interdependence. The project currently involves children from a KwaZulu-Natal secondary school and communities from the Western Cape and Northern Cape, as well as youth and older people from Kosovo, inner-city UK and Palestine. Communication between the different ARROW hubs takes place through the internet and exchange of visual material, as well as face-to-face through camps and cultural encounters.

Key lessons:

In order for child-adult interactions to work, child participation efforts need to address and overcome 'them and us' perceptions, whether based on power dynamics or diversity, in order that common goals can be successfully addressed in the participation initiatives (e.g. safer schools, reconciliation).

VI. Social Children's Movements

Children's Resource Centre's mission is to help children organise themselves into social movements. The Children's Movement initiative, for children and with children, is aimed at making sure children are able to interact with government and their schools by themselves. CRC's Marcus Solomon explains the philosophy that informs its work:

'Firstly, children are potential change agents. In other words, it is not a problem-based approach where we help children with problems; it's about getting them to work together so that they can bring their energy and creativity to build a better world. It's not to teach them, it is to provide them with an environment where they can be both learners and teachers.'

One of the main programmes is the culture programme, where children tell stories through drama or singing their own songs. There is also a newsletter that children use both to read and write to each other. 'Every aspect of the child's life - intellectual, physical, spiritual, emotional - must come into play within the context of the collective. Children must be involved with the media, culture, health, and the environment, at some time'.¹⁶

Soul Buddyz Club

The Soul Buddyz Club is a joint initiative of the Soul City Institute for Health and Development Communication and SABC Education. The Club aims to motivate and support children to take action to protect their health and well-being. Established in 2002, the impetus came from children's response to the Soul Buddyz television series targeting 8-12 year-olds with health and lifestyle messages. More than 2000 primary schools and libraries are affiliated to the project and many of them have established their own Clubs.

Key lessons:

Meaningful and successful child participation initiatives must be driven and sustained by children's energy and interests

While the approach has proved sustainable and replicable, the goal of a 'children's movement' remains elusive.

¹⁵ Interview Avril Knott-Craig. Cape Town. 26 November 2009

¹⁶ Marcus Solomon. Interview Cape Town. 25 November 2009

VII. Public policy-based - children in governance and budgeting

The **RAPCAN** child capacity-building project began in 2009 but is directed by one of the most experienced practitioners in the country. The project aims to develop leadership skills with primary (Grade 6) learners and was started in response to a request from school teachers. Significantly, it began by engaging with adults (parents and teachers) to assess the prospect of the adults creating a conducive environment for children participation. The next step was for children to identify school governance and broader concerns about their school and community. This is the first model RAPCAN is testing around child participation; other models planned are children's participation in research and children's participation in advocacy and their experiences out to the criminal justice system. This approach has been adopted to allow for some introspection in the organisation about how to make the voices of children count in programming.

The **Children's City 2020** Project was conceived by the Msunduzi Innovation and Development Institute (MIDI). MIDI was established to lead a long-term process of re-imagining and transforming the City of Msunduzi. MIDI is a pioneering initiative based on unity of purpose between the metropolitan government, business and higher education, to achieve sustainable urban development. The Children's City 2020 Project, started in late 2008, is MIDI's priority venture and its foundation is meaningful children's participation in partnership with adults.

Three initiatives are envisaged as the platform for a range of child-centred and child-driven programmes over the ensuing decade.

The Children's City Study - A review of the state of childhood in Msunduzi, using child-centred participatory methodologies that ensure that children are both the subjects of the study and actively involved in its design, conduct and authorship.

The Children's 2020 Vision and Plan - A treatise to be developed by children envisaging the future of the City and outlining actions to realise the vision by 2020.

The Children's Development and Innovation Park - A multipurpose facility housing resources dedicated to 'serving, preserving and celebrating childhood in Msunduzi'.

The project reaches out to children from urban, suburban, informal and rural areas, including children with disabilities, refugee children and children on the streets. The preparatory phase has taken longer than planned and encountered several challenges including: lack of capacity; change of staff at participating schools; and low-level 'defensive' collaboration within the sector, despite ongoing consultation.

Idasa's **Children's Budget Unit** began as an initiative to analyse the South African national budget from a child rights perspective. It developed into a children participating in governance project through which children from across the country were trained to undertake their own budget analysis and in turn trained their own 'constituencies' to do local budget analysis and engage government on how it was spending money or how budgets were allocated for services that would benefit children such as housing and health. The rationale was for children to become self-advocates who could participate in decision-making processes as well as look at service delivery issues. Starting from a focus on children, Idasa realised the need to engage with adults because communities did not know their rights or the rights of children. 'We held workshops with parents and children and saw the failure to access information led to failure in participation', said Idasa's Capacity Building Training Specialist, Petronella Murowe¹⁷. The next step, in 2010, is to train the media in budget analysis so that they can see the inadequacy of spending for children. Idasa is also considering expanding from advocacy to litigation, bringing in lawyers to interpret children's socio-economic rights from a justiciable point of view.

The *Yezingane Network* convened by the **Children's Rights Centre Durban** (CRCD-SA), works with the KwaZulu-Natal Provincial Children's Council (KZNPCC) and the South African National Aids Council (SANAC), to promote children's well being. Children are not directly represented on

¹⁷ Telephone interview. 27 November 2009.

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the network but many network members support child participation initiatives. Through these, children's views can reach the network, which then channels their views to influence families, communities, schools, faith based organisations, children's organisations, local and national governments.

A recent advocacy initiative facilitated by the CRCD-SA enabled children living on the streets in Durban to participate in the public hearings on the Children's Amendment Bill in KZN.

Key Lessons:

Children can advocate on their own behalf without being over-burdened

Evidence and personal experience of children's ability to engage with governance issues is not sufficient to transform systems of governance

Success in influencing particular legal or political processes has not built momentum for the inclusion of children's voices in all such processes.

Promoting understanding of children's participation among adults

Young Insights for Planning (YIP) engages in problem-oriented localised projects as well as broader programmes with a multi-level, bottom-up approach partnered with lobbying, advocacy and training. It works with children of all ages. In three recent projects, the age groups were as follows: *Phila Impilo (Live Life)*: 3-13 yrs; *Babiza's Story*: 9 yrs; *Qaphela Wenze (Beware, Act)*: 6-14 yrs

Phila Impilo! was a hospital-based project to understand, respond to and share children's experiences of long-term hospital care. *Babiza's Story* was a booklet to share experiences of coping with HIV/AIDS and *Qaphela Wenze* was an initiative with the University of Fort Hare School of Health 'to source and draw children's understandings of HIV and AIDS issues into education and awareness raising programme that speak to children and adults through government and civil society programmes in ways that resonate with indigenous knowledge systems'¹⁸.

Key Lessons:

The expressed experiences of very young children can be drawn into education and training to shape more appropriate responses to their needs.

Within the child rights sector, work with very young children remains a small and specialised field.

Experiences need to be shared within and across sectors.

VIII. Children in Sport and Lifeskills

Vukukhanye Community Upliftment Initiative was formed in 2002 in response to the threat to child and family welfare caused by the HIV and AIDS epidemic in South Africa, and particularly the province of KwaZulu-Natal. Vukukhanye's primary focus until 2005 was the care of orphaned and vulnerable children (OVCs) in the eThekweni region. In 2005, it expanded to include a broader range of public benefit activities, with child participation components, including:

HIV and AIDS - Prevention, Training & Care.

Care of Orphaned and Vulnerable Children.

Early Childhood Development.

Mentoring and Bursary Project.

School Partnership Programme between Vukukhanye, educators and learners.

¹⁸ Jill Kruger, response to questionnaire. 7 December 2009

After-School Sport ('Sport For All' social franchise model). The aim is to contribute to youth development, crime prevention and the development of sporting talent among school-going children. More than 300 girls and boys are registered for daily sports coaching and lifeskills activities.

One-Stop Centre. A 'victim friendly' facility for people affected by crime.

Key Lessons:

There is a general movement within the children's rights sector from working *for* children to working *with* and implementing programmes that respond to issues raised by children.

Adult-led service and support-based approaches do not address issues of exclusion that children generally experience at home and at school..

Impact of children's participation

'Are we not picking the bright sparks and then claiming accolades for making them shine? For example, if I'm taking someone who is a drug addict and I'm reforming him, that is a radical shift but if I'm taking a leader and I'm making her into a better leader, is that a radical shift?'

Christina Nomdo, RAPCAN¹⁹

Despite this difficulty of attributing influences, most respondents reported changes in attitudes and behaviour of and between adults and children. One respondent noted that across cultures in South Africa, children generally perceived adults as 'people giving orders' and children as being 'on the receiving end'. Yet, where there is mutual respect, anyone can work together²⁰.

Participation has developed children's self-confidence in addressing their views to adults, and adults' ability to listen to children without feeling disempowered. The initiatives outlined above have equipped children with a range of practical skills (from peace-making, to monitoring media, to analysing budgets, to drafting amendments to legislation). Partnerships have been created between government and civil society that have opened doors for children, even if slightly or temporarily. All of this has led to children directly influencing legislation, policy and programmes. Some specific examples of these types of impact are listed below:

The Quaker Peace Centre children's clubs involve a partnership with the Education Department. Having seen the input the children have made to the programmes for non-violence camps, the local curriculum manager aims to involve children in curriculum design. Hence, children's experience, concerns and priorities will have a direct impact on how non-violence education is conducted in state schools. Furthermore, the project reports that the participants' academic performance has improved because levels of confidence and cooperation with teachers have increased.

RAPCAN – young children influenced the mindset of older children by participating in the same processes, with protective measures in place (for safety, to prevent domination by older voices etc).

Phila Impilo ensured children's voices were heard by the KZN Health Member of Executive Committee (MEC), Head of Department and Portfolio Health Committee through health services in NGOs and Health Department. The resource was also used in training.

The **Dikwankwatla** project provided the impetus for children to set up their own groups that operated outside of the frame of the participation, for example, doing campaign work around the Children's Bill in their communities. It also sparked the participation of other children to debate children's rights.

¹⁹ Interview. Cape Town. 24 November 2009.

²⁰ Interview Avril Knott-Craig, Cape Town. December 2009.

Children's participation in the parliamentary hearings on the Children's Bill changed the attitudes of some MPs. Children also had a direct impact on legislation (for example, securing the ban on forced marriages). An interesting observation from this project, which succeeded in bringing children's agendas and priorities to bear on adult-controlled processes, was that a key benefit of participation was the children's personal growth and development:

'The first time that the children went to parliament, the MPs were very cynical but children were able to ask critical questions and makes sense of the bill where MPs couldn't even understand as they were too lazy to go through the Bill, the children worked very hard at going through and understanding the bill. The MP's were shocked at the children's responses and asked the children who had told them to say things which is probably the worst thing you can say to children who had worked very hard.'

Lucy Jamieson, Children's Institute²¹

Barriers to meaningful children's participation

'Adults have a say in everything, because they have jobs and their own money.'

Girl (13) participating in Vukukhanye lifeskills initiative

The reality of power relations underlies many barriers to meaningful child participation. Unequal power relations are felt most keenly in the home but the type of interaction learned there is carried over to schools, community and religious organisations, places of work and all spheres of government. The barriers identified in the study included:

- Adults are not ready for child participation, especially when it comes to issues related to budgets.
- Adults continue to feel threatened by the prospect of 'giving power' to young people.
- Children are not used to having their views heard and taken seriously.
- There is a lack of recognition of children's capacities.
- There is a lack of creativity in the schools system and home systems in seeking different ways of engaging with children.
- There is a lack of resources to sustain child participation initiatives, particularly advocacy.
- Limited numbers of projects work with children and adult stakeholders simultaneously, which constrains the spaces where children are able to participate.
- Ethical prescriptions and the 'mystique' of child participation can 'scare' people away from attempting to engage meaningfully with children.
- The time needed to build relationships and change mindsets (of children and adults), often means the funding cycle is over before the impact is visible. i.e. as one respondent put it: "genuine child participation is time intensive and many institutions suffer time or resource constraints related to this and therefore are hesitant to engage in these processes, or try short cuts". Jill Kruger, YIP²². This results in partners not always delivering what they promise, which can be debilitating for children if they are focused on an advocacy outcome.

Strategies used to overcome barriers

Organisations have developed a range of strategies, depending on their mandate, circumstances and resources. Some of these are listed below, although they may be too context-specific to serve as general principles:

- Developing partnerships for sustainable initiatives.
- Focusing on localised interventions that can make a measurable difference, recognising that systemic change takes a long time.

²¹ Interview with Lucy Jamieson

²² Response to questionnaire. 7 December 2009.

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- Equipping adults with skills and communicating with them (including parents) to understand what the initiatives are about.
- Holding regular consultation with children to help prepare them and regular engagements with all the stakeholders to maintain buy-in.
- Building mastery experiences into programmes so that children will benefit regardless of dropout of partners.
- Gathering evidence of the long-term benefits of child participation, so that institutions are more willing to engage in the processes.
- Identifying cultural practices and values that support or promote child participation, so that it is not seen as an alien concept.
- Linked to the above, using a restorative justice approach to respond to and prevent harm caused by misbehaviour (at home or in school) as part of positive discipline²³.

Elements of good practice

The following were identified across projects as elements of good practice for broad application:

- Promoting mutual respect and healthy relationships between all stakeholders including the children. 'Learners respect teachers and when you have this mutual exchange of respect anyone can work together.'²⁴
- Listening to what children are saying.
- Working through local organisations such as schools, youth clubs and sports projects, which provide ongoing support and channels of influence for children
- Putting in place mechanisms for follow-up and referral.
- Engaging many stakeholders so that they can support each other in promoting children's participation.
- Having the right (child-focused) orientation.
- Practical training in child participation methodologies – orientation is critical but it needs to be supported with opportunities to reflect on the concept and to apply theory.
- Capacitating adults as change agents, rather than people who need to be changed.
- Sharing of resources (intellectual and experiential as well as material) between stakeholders.
- Having the courage not to think ahead – to let children influence direction from one activity to another.

²³ Prevention & Education Manual (Childline South Africa)

²⁴ Interview with Avril Knott-Craig, Cape Town, December 2009.

- Engaging children in processes and equipping them with skills rather than merely events or activities.
- Ensuring that initiatives to influence adult processes have an 'end-in-themselves' benefit because it can be debilitating when adults let children down or systems do not respond.

Challenges to and support needs of organisations

'I am constantly having to persuade people to integrate children and youth issues into their work. We don't want a children's page or a children's event.'

Carol Mitchell, Children's City 2020 Project, MIDI.

a. Conceptualising child participation

It has been noted that there are misconceptions regarding the meaning of children's participation across sectors. In addition, several experienced child participation practitioners caution about different interpretations and approaches within the children's sector. For example, the logic of pursuing 'child-to-child', adult-focused, adult-child partnership, child-driven or 'child-led' initiatives is not always clear. There is concern that 'child-led' organisations are often seen as the pinnacle of child participation but that this does not reflect the reality of power relations and the need for adult-child partnerships. What is meant by child-led? Whose agenda is being followed? Children need adult allies if they are acting in an adult milieu and this should not be seen as a compromise on participation, it is argued.

The concept of developmental stages of childhood is broadly recognised and built into education systems and child-rearing practices. However, the concept of 'evolving capacity' to participate appears not to be well-understood. There is little sense of a continuum of participation from infancy through youth to old age. Child participation is often conceived in terms of secondary school attendance, with a legalistic cut-off at age 18.

While it is logical for child participation to be promoted in the framework of children's rights, the sectoral approach may actually weaken the case. Alliances need to be made across sectors in the same way that the movements for gender equity and environmental justice developed.

b. Protecting against a 'trade-off' of rights

'If you ask children what they think, problems will be exposed and you have to be prepared for that.'²⁵

It is important to interrogate the boundary between participation and violating other rights or giving children adult responsibilities, otherwise projects risk 'stealing childhood' under the cloak of participation. For example, a child exercising the right to participate must not forfeit the right to dignity or protection. Many respondents cited cases where children had been burdened by a sense of responsibility and powerlessness because of disclosure of serious violations of children's rights in the absence of support structures. Some also mentioned cases where children could not keep up with schoolwork because they were busy 'representing' children at conferences and international events. There were also cases where children had been punished for speaking up for their rights.

c. Contradictions in law and practice

There are diverse and contradictory attitudes and legislation on age-based rights. The ages at which children may seek sexual and reproductive health services, consent to sex, leave school,

²⁵ Carol Mitchell, telephone interview, 24 November 2009..

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work, marry, be held criminally liable, join an army, hold a driver's licence or enter into a contract, for example, are inconsistent within and across most countries.

Practice also contradicts the law. Children are equal in law and 'lesser beings' in practice, especially with regard to corporal punishment. Hitting an adult in any way for any reason is an arrestable offence. Hitting a child, even in schools, where it is banned, is widely held as acceptable, ironically as a way of teaching children right from wrong and instilling 'respect'. Corporal punishment is so entrenched that alternatives are often dismissed as weak or ineffective before they are tried.

Getting parents and communities more involved was identified by many organisations as essential to challenging such harmful practices and overcoming barriers to participation. At the same time, this is a challenge given patriarchal family and social structures. Children in the Vukukhanye consultation group highlighted this. One boy said:

'At home when my father is around you are not allowed to say [or] suggest anything regarding the house, He slaps you across the face and tells you, this is my house... but when we are with Ma (my mother) and my father is with his friends, we can suggest which bread to buy and what we would like to eat on that day. Hey, my father I'm scared of him.'

A further challenge is that children have been socialised not to expect to be consulted or listened to. Respondents expressed concern that in seeking to 'institutionalise participation', children should not be compelled to participate when neither they nor adults are prepared.

d. Resource constraints

Even where there are mechanisms for children's participation, there are practical obstacles to enabling children to participate in parliament. For example, there is now a precedent for children's participation in law reform but to make that happen and make it meaningful is expensive, time-consuming and fraught with dilemmas over selection, representation and support.²⁶

Most NGOs identified lack of resources as a challenge in the implementation of the initiatives and this affects their scale and impact. For example, the Quaker Peace Centre will only be able to roll out its programme with primary school children after it has completed piloting in secondary schools.

Recommendations for supporting child participation work

'We haven't managed to overthrow colonialism nor patriarchy and now you want to tackle this big thing with a ten step plan!'²⁷

This was from a respondent cautioning against unrealistic expectations. The recommendations that follow are drawn largely from the expressed needs and suggestions of respondents, analysed alongside the literature.

Networking, partnering and sharing good practice

1. Enhance local interventions by creating platforms for adults to engage, exchange experiences and learn more about beneficial initiatives.
2. Facilitate partnering with the government/private sector to access funding for the implementation of the initiatives.
3. Encourage a network or think-tank of like-minded adults to enhance local interventions.

²⁶ Lucy Jamieson

²⁷ Christina Nomdo, interview, Cape Town, 24 November 2009.

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4. Share issues and practice across borders and organisations.
5. Support documentation of 'success stories' and training/exchange to facilitate work with schools on developing learner representation in governance from primary level.
6. Identify good practice in participation with young children to share experience and demonstrate how this can be done.

Resources to extend and sustain child participation initiatives

7. Create /fund opportunities for organisations to reflect on what they understand by children's participation, how they practice it and what difference it makes.
8. Support organisations both to experiment and to sustain initiatives so that capacity is built even when child participants move on.
9. Assist partners to budget time and resources for inclusion of marginalised children.

Support for culturally appropriate local advocacy

10. Support ongoing *local* advocacy processes on sensitive issues (such as corporal punishment) to reduce perceptions that these are donor-driven.

Development of training tools and methodologies for working with children

11. Support the development of local guidelines for ethical processes, to avoid a 'rule-book' approach that intimidates people who want to attempt child participation.
12. Share tools to help children and adults listen to each other where power relations are entrenched.
13. Develop a guide to training resources for child participation in the region.

Conclusion

Child participation in South Africa is supported by a comprehensive legal framework and expressed political commitment. However this is not matched in government programming or in the level of partnership between government and civil society, despite attempts to create government machinery to drive, coordinate and monitor efforts to realise children's rights generally and meaningful participation in particular.

Civil society plays a strong role in advocacy for implementation of the Bill of Rights and relevant legislation. It has worked in partnership across sectors and with international child rights agencies to promote understanding of children's participation and how participation can strengthen efforts to alleviate child poverty, eliminate corporal punishment and other forms of child abuse. Civil society also plays an important role in enabling children's views to be heard in submissions on legislation and policy and in attempts to secure justice. Although there has been some progress in creating opportunities for children to participate in school governance, this has not become second nature to teachers or the department officials.

All the respondents could cite examples of positive impacts of child participation initiatives, upon child participants and adults and upon legal and other processes. Despite this, child participation in many spheres remains a departure from the norm rather than becoming an accepted and critical feature of a democratic and forward-thinking society. The challenge of changing mindsets overshadows even the most skilfully crafted children's participation processes. Respondents highlighted repeatedly that many people in positions of authority and influence (as parents,

teachers, media and government decision-makers) still do not understand the concept of children's participation. Worse, many misunderstand it to mean bringing children in to perform or present at an adult event in a tokenistic manner. This is an issue that has frustrated civil society for the past 15 years or more. It means that even if one can identify a set of ingredients for a meaningful child participation initiative, its impact depends on whether adults are prepared to listen and respond.

Therefore, while individuals have been 'converted', systems and organisational and social cultures have not. Most respondents complain that the work of seeking buy-in, of convincing adults to act on their legal duty to enable children to participate has to be started afresh with each project, with each new group of children, each new set of educators, councillors, MPs or administrators. The exception seems to be with ongoing small-scale projects that demonstrate the 'how' of child participation.

A range of supportive measures are identified that could strengthen existing initiatives and help to 'scale up' children's participation. Underpinning any of these needs to be ongoing investment (of personnel, skills, shared experience and money) in working with adults, particularly parents and teachers, and sustaining longer-term initiatives, even if on a small scale.

Interview schedule

Ms Christina Nomdo, Director – RAPCAN

Ms Avril Knott-Craig, Project Leader - Quaker Peace Centre

Ms Lucy Jaimeson – Red Cross Children's Centre

Ms Shaamela Cassiem – International Budget Monitoring

Mr Marcus Solomon – Children's Resource Centre

Ms Carol Mitchell – Children City 2020 MIDI

Ms Janet Prest Telbot – Children Rights Centre

Ms Jill Kruger and Vanessa Black – Young Insights Planning

Ms Joan van Niekerk – Director – Childline

Ms Petronella Murowe, Capacity Building Training Specialist – IDASA

Mr William Bird – Media Monitoring Africa

Vukukhanye Community Upliftment Initiative/Sports for all – children consultation

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Swaziland Country Study Report

Introduction

This report summarises the findings of desktop and field research on children's participation in Swaziland. The research focused on existing child participation initiatives in Swaziland in the context of the constitutional/legal, political, socio-cultural and economic framework for public participation. It looked at the types of children's participation initiatives operating in schools, communities and public life and the organisations supporting these. The study also explored the opportunities for and the challenges to promoting and practising child participation, identifying elements of good practice in child participation based on observations and feedback from interviews. The report makes recommendations for supporting, promoting and strengthening child participation in Swaziland based mainly on the views of respondents and drawing on the similarities across organisations in terms of challenges and support needs.

During the week of the field work, a report appeared in the *Swazi Observer* newspaper that gave a horrifying insight into the individual, family, social, institutional and legal barriers to realising children's rights, including participation, in Swaziland.

The report tells of a father who beat and kicked his child to death while 'assisting him' with homework, because the boy was slow, especially in spelling and maths.

The child was *four years old*.

Swazi Observer Thursday November 19, 2009

Man kills slow learner son, gets 5 years

By Sabelo Mamba
High Court

A 28-year-old man, who killed his four-year-old son whilst assisting him with his school work, was yesterday sentenced to five years imprisonment by the High Court.

Lucky Albert Mabila killed Lindokuhle Mabila on the 23rd August, 2008 at Ngwane Park in Manzini.

Mabila, who was not represented, was convicted of culpable homicide by Judge Nkululeko Hlophe.

The statement of agreed facts reflects that Mabila was assisting his son, the deceased, with his school work particularly Spelling and Mathematics.

The child is said to have been slow in appreciating, resulting in his father (accused) resorting to beating him up with a stick.

He also hit him with an open hand and kicked him in the stomach.

The child died the following morning.

When passing the sentence, Judge Hlophe considered Lucky's age and that he had pleaded guilty to the offences of culpable homicide and escaping from lawful custody.

He said by pleading guilty he showed remorse.

"I have accepted that you did not intend to kill the deceased, who is your biological son," he remarked.

"You were a responsible father when considering that you were always interested in assisting your child with his school work.

"You killed your own child, which is a punishment on its own which shall surely linger for as long as you live.

"I have also considered against you the fact that you used extreme brutality in carrying out what may have started off as chastisement.

"It is unfortunately becoming prevalent for parents to kill their children whilst trying to chastise them."

He sentenced Mabila to five years imprisonment and two years was suspended for three years on condition that he is not found guilty of an offence in which violence is an element.

The judge backdated the sentence to the 27th August, 2008 when Mabila was arrested.

On the second count (escaping from lawful custody) he was sentenced to two months without an option of a fine.

The sentences are to run concurrently. Senior Crown Counsel Phila Dlamini was prosecuting.

The father was sentenced to an effective TWO years in prison (five years, with two years' suspended, backdated to his arrest in 2008), for culpable homicide. Yet, the article reports that the judge considered the fact that losing his son was a lifelong punishment to the father as well as the 'extreme brutality' of the killing and the fact that 'It is unfortunately becoming prevalent for parents to kill their children while trying to chastise them'.

What was the father thinking? What was the school thinking, giving spelling and maths homework to a four-year-old? What was the judge thinking? What is society thinking? Unless we can answer these questions, it is unlikely that we will be able to help children become happy, active participants in shaping their lives and communities.

The study yielded examples of efforts by individuals, organisations, and government to challenge the notion of the child as property of adults with a duty to obey, no matter whether the command is impossible or unreasonable. There is evidence of progress but, as the tragic story illustrates, mindset is the biggest challenge. The initiatives covered in the study offer important considerations on how to address attitude change.

Scope and Methodology

The study covered six NGOs, two schools and a government department, all based in and around the capital Mbabane. Face-to-face interviews were conducted with 22 adults and 9 children. These took the form of key informant interviews, based on a questionnaire circulated in advance and guided interviews with respondents identified by key informants. Literature supplied by the organisations contacted was also reviewed.

Limitations

The time available for the fieldwork did not allow for follow-up with all the organisations and individuals identified during key informant interviews. Since the fieldwork also took place towards the end of the year, availability of respondents for follow-up was also limited. Gaps in the research and areas for further follow-up are noted below.

Swaziland's legislative and policy framework for child participation

Legislation
The Constitution of the Kingdom of Swaziland (adopted in 2005) includes a section on children's rights. Section 9, Rights of the Child, provides for limited rights and freedoms, some of which are curtailed in ways that are at odds with the UNCRC and the ACRWC.
Swaziland has been slow in developing policies and law to realize even these limited rights:
Swaziland is the only country in Southern Africa that has not ratified the ACRWC more than 10 years after signing it;
Swaziland has not ratified the Hague Convention on Inter-country Adoption of Children, or the Optional protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography;
Swaziland has not ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and
Swaziland has not yet enacted its Children's Bill;
Swaziland does not yet have a policy for children. The current document has been in draft form since 2003.

Summary of findings

Overview of child participation initiatives

The following children's participation initiatives were identified through key informant interviews:

a. School based

- School clubs, focusing on AIDS, environment, fundraising and other issues in secondary schools, supported by Save the Children Swaziland (SC Swaziland)
- Junior Child Protectors, supported by Unicef
- Student representation in secondary school governance (prefect system, SRCs, code of conduct)
- Education programmes supported by SHAPE – School Health and Population Education
- Global Entrepreneurship Week (16-22 November 2009) in government and private secondary schools

b. Community/civil society based

- Young Heroes, a sponsorship programme supporting child headed households and orphaned children and engages young people as sponsors and fundraisers. It was started by NERCHA, the National Emergency Response Council on HIV/AIDS. Partners include Unicef.
- Baylor Clinic Teen Clubs, for adolescents living with HIV/AIDS, supported by Unicef and Save the Children Swaziland
- Moya Centre - looks after pre-school children, runs an after-school club, a clinic for local people and a gardening project involving children growing vegetables
- Girl Empowerment Clubs (SWAGAA)
- Scouts and guides – string game story – story telling and peer education
- Junior Farmer Fairs (UN)
- Super Buddies Children's Clubs
- Positive Parenting (supported by Save the Children Swaziland)

Public

c. Media-based

- Radio programmes - Children are running radio programmes facilitated by a journalism training institute. It first started broadcasting in February 2009, and is sponsored by the Swaziland Broadcasting and Information Service, which pays for the airtime. It is also supported by Save the Children Swaziland
- Articles, newsletter, children's magazine supported by Super Buddies, Miles and SCF Swaziland in ten schools – Unicef is trying to link these to mainstream media so there will be a forum between editors and children.
- Magazines Super Buddies, magazine conceptualised by children (also supported by Miles Communication and MOE).

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- Drama - SWAGAA – Swaziland Action Group Against Abuse, Swaziland Theatre for Children and Young People (SWATYAP) in, Ministry of Education and Unicef. (Also includes out of school children).

d. Government linked

- Children's parliament – a mock parliament organised by the city council and AMICAALL (Alliance of Mayors Initiative for Community Action on AIDS at the Local Level), with support from Nelson Mandela Children's Fund
- Consultation with children on the five-year National Plan of Action to operationalise the Children's Bill (process facilitated by SCF Swaziland). At present the NPA does not provide for child participation.
- Police stations – 'Child-friendly corners'. Unicef has supported 19 of the country's 23 police stations to establish these corners as a conducive environment for listening to children. There are plans to extend these to the remaining stations by 2010. Unicef trains and orients the police on psychosocial support, the UN Convention on the Rights of the Child and build the police's ability to engage with children in a manner that enables children to speak freely.
- Children's Court – established by the Directorate of Public Prosecutions (DPP) with support from Unicef
- Consultation with children in prison on follow-up care – facilitated by Unicef

Opportunities for children's participation in Swaziland

Opportunities for public participation in Swaziland are seriously constrained by a range of influences. Most significant of these are 1) the constitutional/legal framework, which preserves an absolute monarchy, with customary law at every level alongside elements of democratic representation; and 2) conservative, patriarchal socio-cultural and religious norms that are entrenched in Swazi society. These issues are discussed in some detail in the section on Barriers to meaningful participation.

Interpretations of customary law and expedient resort to 'culture' are used to exclude political opponents and women from decision-making. Given the relatively low levels of protest about this, one might conclude that there is not a strong culture of public participation in Swaziland. Ms Lomcebo Dlamini, Director of Women and Law in Southern Africa (WLSA) Swaziland NGO, talks of the need to problematise the concept of 'choice':

'The choice to participate or to keep quiet is influenced by many things: Boycotting tends to be a favoured tool of protest because people say "participate for what"?'²⁸

Against this backdrop, the role of children is seen generally in very narrow, protective terms. Children are seen as having needs for care, protection, and basic services, and responsibilities to respect and obey their elders, and contribute to household tasks as required. However, the fact that child participation initiatives were encountered in most spheres of private and public life indicates that opportunities exist and can be exploited.

One of the areas of greatest need in terms of opportunities for participation identified by respondents is the family sphere, where inter-generational and gender relationships shape the

²⁸ Interview with author, Mbabane, 21 November 2009

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young child's role both at home and in broader society. This is an area where SC Swaziland is engaging more actively but where awareness and partnerships are needed for greater reach.

There is a great potential for extending participation in schools. Engagement with senior inspectors in the Department of Education indicates high levels of enthusiasm for and commitment to extending children's participation, particularly in relation to positive discipline. There is also an established and productive relationship between the Department of Education and Save the Children in Swaziland. However, the officials, principals and educators face challenges in interpreting participation, in accessing resources to support participation and sharing experiences and good practice. Three initiatives that all include elements of meaningful participation are described below.

Case studies of child participation projects

In order to review and assess the nature of participation, the following projects were visited:

- Baylor clinic Teen support club for children living with HIV and on ARV treatment
- St. Marks Secondary School clubs (focusing on HIV&AIDS, fundraising, drama, environment)
- Waterford Kamhlaba Student Representative Council

Baylor Clinic Teen Club

Baylor operates 8 children's centres around the world in Africa, Latin America and Romania. Its first centre for treatment opened in Botswana in 2003, and Baylor is in the process of opening a second clinic in Botswana. The focus is children who are infected with HIV and not receiving priority in terms of treatment care and support. The initial funding came from BMS (Bristol Myers Squibb) experimental funds.

Executive Director of the Clinic, Prof Gabriel Anabwani, says:

"We were trying to show the world how ARVs could be used with success in children in Africa at a time when people believed it was not possible. We are promoting centres of excellent care. In Botswana, there are 1000 children aged 10 and above who are on treatment. In Swaziland, there are 150 children on treatment who are already adolescents (aged 10 and over). There are no other examples in the world of how to care for children who contracted HIV from the mother and have survived this long."²⁹

Baylor took lessons from the US experience of caring for children with chronic illnesses such as cancer. It runs teen clubs as a form of support for children on treatment. This is done with the support of local community-based organisations. Baylor caters for children as young as 8 years who have been fully disclosed to about their condition and have the permission of their parents to participate. The clubs meet once a month and the children form informal and formal support groups. 'They meet to have fun but we take the opportunity for life-skills training, to teach them about adherence etc'³⁰. The monthly club meetings coincide with clinic check-ups and the clinic tries to ensure continuity of care so that each child and doctor can build a relationship of trust.

The focus is on adolescents as they are vulnerable to peer pressure that can lead them to risky behaviour and breaks in adherence:

"Adherence issues are a growing problem that is a manifestation of success. Parents

²⁹ Interview with author, Mbabane, 18 November 2009

³⁰ Ibid.

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and caregivers think that children are old enough to manage the treatment themselves but they should not just be left to do things on their own.”³¹

At a teen club meeting on Saturday, 21 November, about 100 children attended. They mostly travelled to the clinic by public transport, from as far as Manzini, some with friends or siblings and others alone. The clinic covers the transport costs. Each child saw the doctor assigned to him/her for a check-up before the club programme started. While they were waiting, the children talked or watched a movie. There was then a pre-planned programme of activities focusing on 'drug fatigue'. These started with an ice breaker, then there was a facilitated small group discussion in which children told each other about the medication they have to take, any adherence challenges they face and how they deal with these. The groups then created a song and/or dance or poem designed to remind and motivate each other about the need to adhere to their medication. The groups took turns to perform these. The children were given calendars to take home, on which they could tick off the times they took their medication and note the reason for any occasion that they missed medication. They also made suggestions for a name for the teen club, to make it their own.

The session was run with the help of local and international volunteers. All the activities seemed appropriate to children notwithstanding the wide spread of ages. There were a few minor logistical issues with translating/explaining activities and managing the large numbers. However, the facilitators of the small groups were committed to ensuring that all the children were able – but not pressured – to express their views and contribute to the activities. The doctor in charge of the clinic, Dr Doug Blank, spoke in an interview about the importance of involving children, including young children, in the management of their own health. Dr Blank said the benefits of making children partners in their health care included that their doctors had a more accurate picture of how they were responding to treatment and the challenges they faced. It also enabled the children to better understand how to maintain their health status and motivate them to adhere to medication because they knew the consequences of defaulting. The children were also able to support each other because they had disclosed their status and understood the different challenges children on treatment faced.³²

The Teen Club also provides opportunities to develop leadership skills. Prof Anabwani said:

“We identify children who demonstrate and can explain adherence and life beyond HIV, and they become peer leaders.”

Dr Blank was able to identify one such young person at the Teen Club meeting. He said it was important to promote peer leadership not just for the effective sharing of information and support but also to give older children a sense of purpose and self-esteem. The young man identified was 19 and felt the need to take on more of a 'big brother' role with the younger children in his group. The atmosphere at the meeting was lively and enthusiastic and all the children participated actively. They all expressed appreciation of each other's efforts in creating adherence messages. The children interviewed said that they enjoyed attending the club and found it helpful. None of them complained about having to travel to the clinic although the management have identified this as the greatest challenge to developing the programme. The aim is to decentralise the clubs to communities but funding is not yet available for this.

³¹ Ibid

³² From interview with author, Mbabane, 21 November.

Key Lessons:

Involvement of children in making decisions that affect them and in finding solutions to their problems is recognised as the most effective way of working, not as an add-on.

There is a need to adopt a holistic approach towards integrating children's needs – including life, health, protection, equality, dignity, participation

St Marks Secondary School Clubs

Save the Children Swaziland has been working with St Marks for several years. It has promoted positive discipline and has been involved with media projects and HIV&AIDS clubs. Four children who are involved in various club activities, and the Deputy Principal, Mrs Della Lukhele, were interviewed about the practice of children's participation in the clubs and in governance at the school. St Marks has a range of student clubs, including HIV&AIDS, Environment and Drama. According to the students, 'the activities aim to help children become something better in the future and have a plan for their future. Each student here has been given an opportunity to become something in life and if we come together as young people, we can make a difference. The clubs educate students about different issues.'³³

The clubs run activities and campaigns. These include clean-up campaigns, in and out of school, raising money and goods for children in need, and doing awareness raising in other schools. According to the students, the clubs make a difference in two main ways: firstly, the Anti-AIDS club does charity work outside of school and students raise the money for this, which benefits children living with HIV/AIDS directly; secondly, the various clubs 'provide a platform for children to express opinions freely without being judged or put down, without fear of being shut off and told they are stupid'. Every club has a committee and the students say that while they elect the members, the drama teachers are in charge of the clubs and have to give the go ahead for any activities they want to plan. They also said involvement in the clubs helps develop knowledge, confidence and leadership skills. Although they have made suggestions on how to improve the school clubs, Nontobeko and Mzwandile say children are scared about how adults will react to their views and some feel teachers take them as cheeky if they make suggestions. They say teachers and parents need to take more account of how students feel and let them express themselves in different ways:

Nontobeko says: 'I would like to see teachers try to be more supportive of what we think and how we see things. There are ideas that are shot down.'

Mzwandile adds: 'Teacher and student relationships inside and outside the classroom need to develop. Teachers need to get to know us. The student in and out of the classroom is like two different people. Children need skills to interact with adults in authority. Leaders are not all born but made.'

The students say the Prefect system is not fully participatory: prefects are chosen from Grade 10 to 12. Children vote for their nominees but then the teachers decide who will be the prefects. We vote for more than 30 students and then the teachers choose 30 from that list, based on behaviour and excellence in school work. 'Teachers don't give feedback on why certain children were chosen or left out.' The students say prefects can influence the school rules and can suggest how children should be disciplined. The principal calls prefects to meetings and each person on the prefect body has a chance to make suggestions and express views. Information goes from the prefect to the principal to the rest of the school.

The children interviewed indicated that they came from homes where they are encouraged to express their ideas and opinions and to be involved in community and church activities. Mzwandile says: 'A lot of children don't seem to have the same base at home and they are less likely to be involved at school.' Save the Children has been working with the school management and teachers to promote positive discipline and child participation. Mrs Lukhele says that although

³³ Interview with author, St marks School, Mbabane, 20 November 2009.

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corporal punishment is still practised within the departmental regulations 'but 90% of the time we would not use it'.

Deputy Principal, Mrs Della Lukhele, says:

"Children's participation has been introduced but there are limits. For example, if the students said "we want to wear trousers in winter", in our constitution there is no room for that but we could ask parents and if they said yes, it could be allowed – because it is the parents who must pay [for the additional item] But then we still have to consider how far we can go given our status quo in Swaziland. We might see that on the political or social level it won't work. The ideas come from the students but the conditions come from us. The teachers' role is to "polish" the children's ideas. For instance, the children started a civvies day and parents were not supportive of this at first. I went to the principal to say the parents were complaining so we reviewed the civvies days and decided to time it to satisfy everyone (i.e. the days and times it was allowed). It was not allowed during exams."

Key Lessons:

Some schools are open to children's participation in the context of rights and responsibilities.

Transformative potential of school clubs is limited by lack of autonomy/equality of the learners.

Benefits of positive discipline are recognised and could be shared with other schools.

Waterford Kamhlaba Student Representative Council

Waterford Kamhlaba is an independent day and boarding school in Mbabane. It is one of the 12 United World Colleges and was established in 1967. The school has students from more than 50 countries. Apart from striving for academic excellence it aims 'to nurture in students the ability and desire to be socially responsible citizens of the world'. Fifteen years ago the student body formed a Student Representative Council (SRC). The degree of participation of students in all aspects of school life, including governance at the highest level, is extremely high. While this may be a function of the school's progressive ethos, there is a need to interrogate the extent to which it has been influenced by its status as a private institution and how its global character and insulation from Swazi politics and social norms has impacted on the nature of child participation initiatives instituted.

The SRC has 40 members and 10 departments, ranging across all aspects of school life, including entertainment, academic, sport, catering, security and finance. Waterford participated in the Global Entrepreneurship Week, with the SRC responsible for running workshops and coordinating all, events, including organising a R30 000 prize for competition winners. The SRC also manages the peer mentorship programme. Muhle Dlamini, 17, Secretary/Treasurer of the SRC in 2009, says: 'Positions are voted for by the whole school. Once we have been elected, we hold elections for representatives all the way from Form 1 [age 12] up.

"Unlike other schools that have positions chosen by teachers, our positions are chosen only by students. We don't have to answer to teachers for who is elected. We might ask them to help with counting but this year we didn't."

SRC President Harald Oswin (17) says:

"We are involved in all major decisions of governance. For example, there were issues of security – break-ins etc. The teachers asked our views on this and after consulting with students, together we agreed on ID cards and electrification. Tomorrow we have a meeting with the UWC School Governing Council. Our representatives are at these meetings to channel the views of students so, from Form 1, views are taken account of. There are also day scholar and hostel reps. Day scholars vote for day scholar reps and boarders vote for reps from their hostels; we brought this in because you can't have people who live 300 km away making decisions about your hostel."

The students say that the SRC departments are like organisations within themselves. They meet regularly and address issues in their sector. For example, the food committee meets weekly with the catering company that services the school canteen. Harald says:

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"Students have greatest representation on the food committee – 2 catering company reps, 1 teacher, 3 SRC reps. There are always issues with food. Students put comments in a book – positive and negative, requests and suggestions. The SRC committee brings a written report to the caterers summarising issues and also puts forward ideas for catering, such as menus for theme days".

The catering company reportedly has no problem negotiating with children:

"Outside service providers know that if they want work for Waterford, student involvement is one of the terms. The caterers also bring complaints to us. A few weeks ago they came to me to ask me to announce in assembly that students must return all crockery to the canteen!"

The day after this interview was held, the School Governing Council met and the SRC was given the agenda with all supporting documents to prepare for this. 'We get to see school cash flow statement, we know policies before they are implemented', says Harald. After this meeting, the governing council, a panel of teacher representatives and the SRC office bearers were due to meet to review the school rules:

"Our academic department is devising a policy on appropriate headwear. Headwear regularly gets confiscated... It is very contentious. The department will formulate a policy that is clear – students want a rule because at the moment it is arbitrary."

Students and teachers agree that this level of student participation has not led to disciplinary problems; on the contrary, it has helped to address them. Acting Principal Mr. Bruce Wells says this approach develops self-discipline, responsibility and leadership qualities. Harald says:

"Teachers come to us with ideas to share with students, they ask for ideas about discipline and ask us to speak to them... As long as you have open communication, you don't have a problem. Students are not unreasonable. We meet every week with the Principal. There has to be compromise on both sides. Not all our suggestions can be acted on. The Central Management Committee may reject proposals but they give reasons and they advise us on alternatives."

Muhle says: "The idea that students will do whatever they like if they have a say doesn't work because we are representing student interests and we are not attacking management; there is a regulated way for voices to be heard."

Harald adds: "My friends who are at other high schools are in fear of their teachers. I can see the difference in the way we think. Apart from being in fear, the mindset is different. Waterford is more liberal but it is a more modern way of thinking, to engage with people as equals in order to reach goals. When there is unequal power, you can't achieve that in the same way"

Muhle notes that this approach is not likely to permeate other Swazi schools just by example: "If you see being liberal as a way of spoiling a child, you won't send your children here."

Key Lessons:

Applying principles of child participation, including sharing power with children, produces evidence of benefits in the running of the school and disproves arguments against participation (e.g. breakdown of discipline).

There are immediate benefits and transformative impacts of full participation experienced through living and studying conditions.

Impact of children's participation

It was beyond the scope of the study to assess the impact of projects encountered. The study rather aimed to understand whether and how various projects are evaluated, and whether and why respondents viewed them as 'successful'. Key respondents cited the Baylor Clinic Teen Clubs, Young Heroes, the Super Buddies programme, the Moya Centre, SWAGAA and SWATYAP, the school-based AIDS Clubs, and the Positive Discipline (anti-corporal punishment) campaigns as examples of meaningful children's participation.

In terms of impacting on children's material conditions, the Baylor Teen Clubs were cited for involving children directly in improving and maintaining their health status. The clinic is also

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demonstrating that children from rural and impoverished backgrounds who are living with HIV can survive, thrive and live normal lives. Their model is helping to make the case for extending treatment access to more children. The Young Heroes initiative is also having a direct impact on the survival and improved quality of life of orphaned children, as well as their self-esteem and prospects for the future. Likewise, the AIDS clubs provide material support to children infected and affected by HIV and the Environment clubs contribute to healthier neighbourhoods in and around schools. The Moya Centre was not visited but was cited for its contribution to the health and education outcomes of children and their families. The positive discipline campaigns are said to have reduced the scale and severity of corporal punishment in schools, thereby improving schoolchildren's quality of life. The Ministry of Education has expressed its desire to see these campaigns reach more schools so that teachers will have practical tools to implement positive discipline.

In all these cases, there are also psycho-social benefits reported. At Baylor, children expressed feeling affirmed, supported and empowered by their involvement in their own health care and in the Teen Club. The Young Heroes project also provides ongoing psycho-social support to orphaned children. Further, it educates and motivates sponsors, many of them school going children, imparting a sense of pride and achievement by linking them to families and showing how their contribution is making a difference to the families receiving these donations.

The radio programming, magazine production and drama programmes create platforms for children to express themselves, to debate and learn about issues that concern them and put forward suggestions about measures to improve children's well-being. According to various partners in these projects, the feedback from children also influences future programming and informs advocacy by child rights groups. Examples cited were corporal punishment and child abuse.

The school clubs and the SRC were praised for developing confidence, self-discipline and leadership skills, although it was not possible to get an accurate indication of how many of these are fully functioning and involve meaningful participation across government schools.

Consultation processes with children (for example around the National Plan of Action, the Children's Parliament and corporal punishment) have ensured that children's voices are heard by government officials and politicians engaged in developing policy on child right sand HIV and AIDS. As in the rest of the region, however, there is a serious gap between policy, budgeting and implementation, and no clear evidence that children's voices have directly influenced decision-making.

Barriers to meaningful children's participation

The constitution, legal framework and political system in Swaziland allow for very few, highly regulated opportunities for citizens of any age to express their opinions or participate in public life. Political parties are banned while trade union activism and student politics are severely curtailed. At local level, the traditional leader (chief) rules and there are sanctions against anyone who ignores or challenges his authority. For example, even people living in urban areas are expected to pay allegiance to their rural chief. A family that does not send its girl children to the reed dance, where the king may choose a bride from among maidens who have submitted to virginity testing, will be fined. Every citizen's identity document contains their chief's number and there are services that a person cannot access without his endorsement. For example, if you need a tax number, the chief has to confirm that you are his subject. You need the chief's signature for access to scholarships and other benefits. There are potential negative repercussions for people who are outspoken in public life (e.g. a journalist or an advocate); they or their family can be open to fines or evictions. Women and Law Southern Africa (WLSA) Swaziland reports that in the run-up to elections in 2009, many people did not want to vote but voter registration was tied to access to various services:

"If you wanted to transact at the bank or apply for a scholarship, you had to produce your

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voter registration card. This was later denied by the government because it caused such a huge uproar when it was exposed but during the time that word went out, a lot of people rushed to register."³⁴

All structures of governance are dominated by appointees of the monarch. While people may stand for election as individuals, the platforms and processes for participation and nomination are not conducive to the involvement of women and children or young people. As Lomcebo Dlamini, of WLSA, observes:

"Patrilocality and minority status of women reduce opportunities for meaningful participation. Women cannot stand up in community meetings. If you have something to say, there are constraints because you may embarrass your family or be punished. Patrilocality makes a woman the stranger, the outsider. You never belong anywhere. In your own family you are regarded as in transit and this feeds into preference for education of boys."³⁵

At the same time, prevailing norms in society perpetuate patriarchy, seniority and deference. Much weight is given to 'respect' but civil society activists observe that this often translates to 'obedience' and militates against open expression of opinions or any kind of challenge to authority. The authority of the monarch and his representatives is generally accepted. Ms. Dlamini explains:

"There are things emphasised and engrained in you as a good Swazi child. You cannot expect people socialised in a certain way to suddenly change...There are certain values emphasised in our socialisation and they are quite weighty – such as respect (of elders, customs) that leads to a prohibition on questioning. Respect requires obedience – the king is the ultimate elder (the mouth that doesn't lie – *ilomo alimanga*) and is the final arbiter on the budget. This translates into not giving people space to express different opinions. Then there is a focus on consensus – once voices have been heard a view is '*elethu*' – ours – there can be no dissent. This happens at every level. If people act contrary to this, they open themselves to labelling as 'unSwazi' and they are open to sanction. So you participate within clearly defined boundaries or the space will be closed."

The relationship between state and civil society is said to have deteriorated since the last election in 2009 and this makes advocacy more difficult. There are also practical barriers which include but are by no means confined to:

- Lack of effective mechanisms for sharing experiences of children's participation in schools
- Limited resources for addressing parenting practices, roles and relationships in the home.

Strategies used to overcome barriers

Despite these constraints and the fact that meaningful child participation is not expected in Swaziland any more than questioning or challenging is expected of adults, the picture is not one of gloom and hopelessness. The key issue is that efforts to promote children's participation need to take account of the Swazi political and socio-cultural context. This gives rise to very specific challenges and barriers to children's participation that require clear and concerted strategies by local agencies in particular, and nuanced support from international child rights agencies. Opportunities exist, and some have been exploited for years, to engage children meaningfully in activities, decisions and processes that affect their lives. Extending and developing these depends largely on how far they are seen as upholding or resonating with Swazi values and priorities. Lomcebo Dlamini of WLSA Swaziland expresses it thus:

"I don't think we should compromise but the way in which you articulate an issue in the US is different from Swaziland. Swazis do not call a spade a spade. They read a message from a story. If I call a spade a spade, I am going to be offensive no matter what. The issue is that you can alienate people so that they don't hear you."

Approached from this perspective, which is shared by local agencies including Save the Children Swaziland, there are opportunities to promote children's participation at household/family, community, chiefdom, inkhundla and national level. The agencies interviewed supported the idea of improved coordination and transparency within civil society. They felt that if NGOs shared information, disclosed their sources of income and publicised their contribution to the local economy and job creation, this would help them to be seen as an asset. For instance, Unicef in Swaziland identifies 'many gaps' in child participation. These include a piecemeal approach with

³⁴ Ibid.

³⁵ Ibid

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uneven understanding of the meaning of child participation and its principles across all role-players. Unicef plans to use the UN General Comment No. 12 on Child Participation as a springboard for promoting a common understanding. It plans to circulate the general comment widely in order to popularize best practices and legal interpretation. In terms of platforms for child participation, Unicef has had talks about establishing children's forums with a range of role players, as it believes that more can be done at a national level, to share the experiences of children's voices being heard through national media and other local participation initiatives.

Good practice in facilitating child participation

- Working through local organisations and facilities, such as schools, clinics, community projects, that are child-centred and culturally accepted;
- Working with adults responsible for children (such as parents and teachers) to promote understanding and support of children's participation;
- Challenging violations of children's rights, including exclusion from decision-making, through appeals to high levels of concern for child protection in Swazi society;
- Genuinely handing over power and responsibility to children in participation projects, so that they can experiment and learn from their own mistakes;
- Monitoring and measuring impact of initiatives (on attitudes and behaviour of adults as well as children)
- Sharing and demonstrating (especially to leaders and policy-makers) the benefits of child participation both to children and to the functioning of projects and processes;
- Sharing practical tools for child participation (especially with teachers who are under pressure to adopt positive discipline methods);
- Identification of 'pioneers' and 'champions' who can drive acceptance of child participation;
- Partnership (with other service providers to scale up projects, with role players from other sectors to ensure a more holistic response to children's needs, with media and international agencies that can spread the word);
- Joint advocacy across local civil society to expand space for public participation in general.

Challenges and support needs of organisations that are running child participation initiatives

- a. NGOs identified the need for partnership between local civil society, international child rights and development organisations, traditional leadership, government departments/agencies and the private sector. The key role players in Government that were identified included:
 - (i) The National Children's Coordinating Unit (NCCU), under the office of the Deputy Prime Minister. This was initiated in 2007 with the idea of consolidating all national planning processes to ensure that they include children's views. The unit also houses the African Centre for Childhood Open as well as the Distance Learning Education Programme;
 - (ii) The Ministry of Regional Development and Youth Affairs, which currently works with Unicef and the Swaziland National Youth Council to create platforms for children to

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speaking out on issues affecting them. This includes utilising platforms such as the children's parliament;

- (iii) The Ministry of Social Welfare;
 - (iv) The Ministry of Education; and
 - (v) The Ministry of Justice.
- b. Respondents referred to the fact that meaningful child participation is 'slow, difficult and expensive' and that it was always a challenge to secure resources and persuade donors and government that it is an essential rather than a peripheral aspect of child well-being.
- c. They also spoke of the need to 'domesticate' the child rights and child participation discourse. They said there was a sense in government and in society that Swaziland was under pressure to change to comply with international conventions it had signed but that these were somehow at odds with Swazi tradition and culture.
- d. There was an acknowledgment by respondents that organisations that are committed to promoting child participation needed 'tools' to practise it in an effective and ethical way.

Recommendations for supporting child participation work in Swaziland

Networking, partnering and sharing good practice

1. Facilitate and support partnerships between the private sector, education and government. There are existing models that can be drawn upon, in media and corporate business, for example. Business often has the resources, profile, marketing interest and autonomy to take risk and focus on practical outcomes that can give life to ideas for children's participation.
2. Support civil society and government to showcase and share successes in positive discipline in schools. Given the high levels of acceptance and practice of corporal punishment among teachers and parents, this is not an urgent priority for education officials. However, evidence that the attitudes, behaviour and performance of students do not deteriorate in schools where they are not hit can be used to extend the practice of positive discipline.
3. Facilitate networking between child-focused CSOs and broader civil society on strategies to open up the space for public participation. In Swaziland there are considerable constraints on participation by adults and a culture of deference, patriarchy and seniority that is not conducive to open questioning of or challenges to the status quo.

Resources to extend and sustain child participation initiatives

4. Assist in mobilising resources for children to participate in child-centred and child-run activities. It is difficult for funded organisations to mainstream or to extend or decentralise children's participation initiatives if they are only funded for 'core' activities (such as provision of health or welfare services from a central facility).
5. Link projects on positive parenting and positive discipline at household level with positive discipline initiatives in school. Sustained small-scale investment in parenting skills and positive methods of discipline can demonstrate the 'how' of children's participation in ways that adults can see the benefits. This may help to bridge the gap between awareness and lip service to child rights, including children's participation, and practice of child rights and

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participation approaches. It may also help overcome the use of inconsistent discipline methods at home and at school.

Support for culturally appropriate local advocacy

6. Assist child-focused and child rights organisations with tools to integrate child needs and rights into local cultural understandings and norms of child development and child-adult relations, to reduce resistance to perceived 'foreign/Western' influences.
7. Strengthen practical local advocacy, rather than focusing on national policy and international instruments, by:

Building support at local level for children's meaningful involvement in decisions about public and family life so that parents, teachers and local leaders recognise and advocate for this with government; and.

Supporting local civil society groups to hold government to account for the commitments it has made (for example through understanding channels of policy influence, budget monitoring, monitoring implementation and impact of programmes against policy).

Development of training tools and methodologies for working with children

8. Provide training and materials for use in-school programmes to promote participation in school governance.
9. Strengthen understanding of approaches to participation for young and very young children (7 years and under).

Conclusion

A range of child participation initiatives are operating with various degrees of success in the community, school and public spheres in Swaziland. These demonstrate commitment from children, teachers, local NGOs, government, international agencies, the media and the private sector to ensure that children's voices are heard and that children play a greater and more visible role in leadership. Such initiatives operate in the context of serious constraints on public participation and a culture that does not easily tolerate questioning of or challenges to authority.

Each of the initiatives encountered has employed strategies to promote support for child rights, including participation, in the context of Swazi custom and values. However, given the challenges in terms of institutionalising participation, developing civil society alliances and scaling up successful projects, there is a need for strategic support from international agencies such as Save the Children Sweden.

Despite the diversity of projects and their target groups, there are some common elements of good practice and some common challenges. The recommendations from this study seek to draw on both particular lessons and commonalities to inform SCS efforts to deepen, strengthen and extend understanding and practice of child participation.

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Interview schedule

Thursday 19 November

Ms Nosipho Storer, child care worker iCAP - International Centre for AIDS Care and Treatment Programme

Prof Gabriel Anabwani, Executive Director Baylor Children's Clinic

Mr Emmanuel Ndlangamandla, Director, Coordinating Assembly of NGOs

Ms Clara Dube, Child Protection Officer, Mr Khetho Dlamini, OVC focal point person, Mr Mduduzi Shongwe, Psycho-Social Support Services (PSS) focal point person, and Ms **Nonhlanhla Hleta Nkambule**, Communication Officer, Unicef

Friday 20 November

Mr Nathi Vilakathi, Coordinator, Ms Elizabeth (Liz) Kgololo, Communication Officer, and Mr Mandla Mazibuko, HIV&AIDS Manager, Save the Children Swaziland

Ms Fikile Mdluli, Acting Chief Inspector Secondary Education, Mr Mgcibelo Tsela, Senior Inspector ICT, Mr Sipho Zwane, Senior Inspector Sports and Culture, Ms Semelisiwe Vilane, Senior Inspector Business Studies, Ms Cebile Nxumalo, Senior Inspector Special Educational Needs, Dr Sibongile Ntsjali, Senior Inspector Siswati, Ms Magdalene Tfwala, Senior Inspector Geography, Ms Lungile Simelane, Inspector English, Mr Samson Sichela, Acting Senior Inspector French, Swaziland National Ministry of Education

Mrs Della Lukhele, Deputy Principal, Ms Nonthobeko Dlamini (14 years), Mr Mzwandile Martin Ndlangamandla (16 years), Ms Thandeka Dlamini (16 years), and Mr Ntandoyenkosi Ngubane (16 years), St Mark's Secondary School

Ms Nomcebo Dlamini, Young Heroes

Mr Harald Oswin and Mr Muhle Dlamini (age 17), President and Treasurer/Secretary Student Representative Council Waterford Kamhlaba United World College

Saturday 21 November

Members of the Teen Support Club (aged 8 to 19 years), Baylor Clinic

Dr Doug Blank, Manager of the Teen Support Club, Baylor Clinic

Ms Lomcebo Dlamini, Coordinator Women and Law in Southern Africa (WLSA), Swaziland

Zambia Country Study Report

Introduction

Zambia has a population of 11.86 million people and a population growth rate of 1.6% (2008 data). In 2009, the average life expectancy at birth was 39 years. Zambia is deemed a low-income country in which about 64% of the population lived on less than US\$1 a day during 1995-2005. In addition to high rates of unemployment, the HIV and AIDS pandemic has had a severe impact on the country with UNAID reporting that approximately 1.1million people were living with HIV and AIDS in 2007³⁶.

Within this context, the legislative and political environment fails to promote a strong rights culture. The implications are that democratic processes and child participation specifically are not prioritized. In fact, the cultural and traditional practices that are strongly embedded within the society are often drawn on to justify the lack of support for child participation. While challenges undoubtedly exist in promoting child participation, several projects have been implemented which have not only contributed to building the self-confidence of children to give voice to the issues that affect them, but have also contributed to raising awareness among key role-players within community and government structures.

Scope and Methodology

The Zambian research process involved interviews with the following organisations: Children in Need; Save the Children Sweden; the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN); Zambia Civic Education Association (ZCEA); Media Network for Child Rights and Development (MNCRD) and Sport in Action (SIA). Interviews were conducted with a total of 7 adults and 3 children. The duration of the interviews varied between half an hour and 2 hours.

Limitations

The timing of the research resulted in limitations on accessing adult as well as child respondents. The research occurred at a time when children were writing year-end school exams and some were beginning their school holidays, and organisations were wrapping up their activities before the festive season had begun. While some interviews were obtained, the major shortcoming is that very few children were accessed resulting in minimal input from children – thus largely an absence in reflecting children's voices.

The child participation projects profiled are based only on interviews with key role-players in the identified organisations. This means that a surface perspective is obtained which is based on the insights of those who are immersed in the context and the work. It would be valuable to obtain a deeper sense of how these projects work, the experiences and thus impact for children and child participation work within the Zambian context.

Zambia's legislative and policy framework for child participation

In a country where the socio-economic situation renders the population vulnerable, it is imperative that the political systems in place promote and uphold the rights of citizens and ensure that access to attainment of these rights is prioritised. In Zambia - a multi-party

³⁶ <http://www.polity.org/article/zambia-2009-11-09>

democracy with a dual legal system (English Common Law and Customary law) – the systems and practices in place operate in a manner which undermines democratic participation. For example, even though Zambia is described as a multi-party democracy, state institutions are used to suppress the voices of opposition parties through censorship, intimidation and manipulation of legal and electoral codes. The State is also known for taking actions which silence citizens and limit rights to freedom of conscience, expression, assembly, movement and association. For example, the government is known to impose restrictions on journalists working in state-owned media³⁷. This 'shallow rights culture'³⁸ has significant implications for children's rights and children's participation. The overview of the Zambian legislative framework and practices with regard to children's participation, outlined below, reveals that the Zambian government has not prioritized children's rights or child participation.

TABLE 1: International Conventions ratified by Zambia and date of ratification

International Convention	Year of Ratification
United Nations Convention on the Rights of the Child (UNCRC)	1991
African Charter on the Rights and Welfare of the Child (ACRWC)	2008
ILO Convention on the Minimum Age for Admission to Employment	1976
ILO Convention on the Worst Forms of Child Labour	2001
Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and children	2005

Zambia has ratified numerous international conventions protecting the rights of children, namely the UNCRC; ACRWC; ILO Convention on the Minimum Age for Admission to Employment; ILO Convention on the Worst Forms of Child Labour; as well as the Protocol to Prevent, Suppress, and Punish Trafficking in Persons especially Women and Children. Ratification of these international conventions reflects Zambia's commitment to uphold the rights of children that are enshrined in these documents. Furthermore, these conventions obligate the government to translate all these rights into national laws and policies which ensure that these rights are upheld within Zambia.

TABLE 2: National laws and policies relating to children's rights

National Laws	Year of adoption
Constitution	1996
Juveniles Act: Chapter 53	1956
Intestate Succession Act: Chapter 59	1989
Deceased Brother's widow's Marriage Act: Chapter 57	1926
Legitimacy Act: Chapter 52	1966

³⁷ <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119031>

³⁸ Ward et al (2005) *Children's rights in Zambia: A situational analysis*. Save the Children Sweden Norway, Save the Children Sweden and Save the Children US.

Widows and Orphans Pension Act: Chapter 279	1979
Affiliation and Maintenance Act: Chapter 64	1995
Adoption Act: Chapter 54	1997
Employment of Young Persons and Children Act: Chapter 274	1991
National Policies	Year of adoption
National Child Policy	1994
National Youth Policy	1994
National Plan of Action	1994

Table 2 above reflects that in addition to the Constitution, Zambia has several national laws and policies relating to protecting the rights and wellbeing of children. At a glance it appears that the commitments expressed internationally have been enacted nationally. However, the reality is vastly different. While the commitments expressed internationally relate to children's rights in their entirety, the Zambian legislative framework reveals that commitments are confined to prioritizing children's socio-economic rights. Children's rights to participation in governance, self-expression, to form or join groups, or to receive and impart information – all of which are protected by the UNCRC³⁹ – are not prioritized within the country's existing laws and policies. These limitations on children's rights reflect that within the society, children are primarily perceived as being passive, powerless and in need of care and not as active and valuable citizens.

The 'invisibility' of children is introduced through the *Zambian Constitution (1996)*. Children are only explicitly mentioned three times in the Constitution, with no clear definition provided for who is legally considered a 'child'⁴⁰. While the Constitution extends fundamental rights and freedoms (i.e. political and civil rights) to all citizens⁴¹, no specific mention is made of children's civil rights. These civil rights outlined in Article 11⁴² and Articles 19-22⁴³ are essential to effective and ongoing participation in governance⁴⁴. The silence surrounding children's civil rights sets the tone for the exclusion of children from participating in governance.

Zambia's Constitution also recognises citizens' economic, social, and cultural rights. While no specific mention is made to children, these rights are likely to have a positive impact on children insofar as they are realized and no provision is made for recourse when these rights are not fulfilled. These economic, social and cultural rights function as Directive Principles of

³⁹ These rights are protected by Articles 12-15, as well as Article 17 of the UNCRC.

⁴⁰ Article 12(2), Article 124 and Article 5. The Constitution refers to the rights of "young persons" in Articles 11 and 24, which give persons under the age of 15 the right to freedom from sexual exploitation, physical and mental ill-treatment, trafficking, or participation in occupations that prejudice their health, education, or physical, mental or moral development. Though the 1996 Constitution defines young persons deserving special protections as persons 14 and younger the draft Constitution currently under consideration defines a child as a person under the age of 18 (SCS 20098, 5).

⁴¹ Article 1(4) of the Constitution (1996) states that the document "shall bind all persons in the Republic of Zambia". Article 11 of the Constitution states that "every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual". Both articles imply that the rights guaranteed by the Constitution extend to non-citizens as well as citizens.

⁴² Under Article 11(a)-(c) of the 1996 Constitution citizens are given the rights to: Life, liberty, security of the person and the protection of the law; Freedom of conscience, expression, assembly, movement and association as well as Protection of young persons from exploitation

⁴³ Article 19 enshrines the right to freedom of conscience (specifically freedom of thought and religion). Article 20 enshrines the right to freedom of expression, i.e. the right to "hold opinions without interference, freedom to receive ideas and information without interference, freedom to impart and communicate ideas and information without interference, whether the communication be to the public generally or to any person or class of persons, and freedom from interference with his correspondence". Article 21 protects the rights of freedom of assembly and association, especially the rights to form and/or belong to any political party, trade union or any other association. Article 22 recognises the right to freedom of movement throughout Zambia, and to leave and return to Zambia

⁴⁴ These rights are considered justiciable, i.e. courts of law are entitled to decide whether or not they have been violated and may compel the state to take positive steps to fulfil these rights.

State Policy, meaning that the state should adopt laws and policies that promote these rights, but that courts have no authority to adjudicate any real or perceived failures by the state to do so (Mukuka-Luombe et al 2004, 10). From the perspective of children's rights, the Constitution therefore renders children not only invisible but also powerless.

The narrow perception and thus interpretation of children's rights continue to be reflected in these above-mentioned laws. With regards to their substantive guarantees and their manner of implementation, these laws fail to prioritise or explicitly acknowledge the rights of children to participate in governance. Civil society organizations within Zambia, have not only criticized the laws but also the law reform process designed to ensure that national legislation conforms to the objectives of the UNCRC. Criticisms levelled at this process include, among other, the slow pace of law reform, the fact that the mandate for this process was poorly defined, and that responsibility for this process was housed in a Ministry other than the Justice Ministry, which has the most authority in matters of law (OHCHR 2008).

In keeping with the focus on promoting the socio-economic rights provisions contained in the ratified international conventions, particularly rights to education and health care, Zambia adopted the *National Child Policy*⁴⁵, the *National Youth Policy*⁴⁶ and the *National Plan of Action*. All three plans aim to improve the welfare and quality of life of children by subsidising their access to healthcare and education services, food and childcare. While these policies define the value of economic development primarily in terms of the impact of pro-growth policies on the wellbeing of children, none of these policies explicitly consider outcomes in educational attainment, health and social security as factors that affect children's capacity for, and modes of, participation in governance. In effect, no official policies exist that promote awareness of, and respect for, the principle of respecting children's views (Child Rights Focused Civil Society Organisations 2008, 3). This principle has mainly been championed by civil society organisations in Zambia.

The social welfare orientation of the 1994 Child and Youth Policies, as well as the National Programme of Action,⁴⁷ is reiterated in more recent development plans adopted by the Zambian government, such as the *Fifth National Development Plan 2006-2010* and *Vision 2030* (OHCHR 2008). These policies primarily emphasise initiatives promoting reproductive health, and the legal and social protection of women and children. Despite its enduring commitment to the social rights of children, the Zambian government had by 2008 still not undertaken a systematic public education campaign about the CRC targeting children, parents and professional groups. Since signing the UNCRC, training on children's rights has largely been the responsibility of civil society organisations (Child Rights Focused Civil Society Organisations 2008, 3).

In addition to these laws and policies, the Zambian government has also established various specialized institutions to promote the rights of children⁴⁸. These institutions are:

- The *Departmental Committee on Youth and Child Affairs*, which is responsible for monitoring policy implementation and legislation, specifically with respect to the impact of Bills and government administration and expenditure on children. (Mukuka-Luombe 2004, 9-10).
- The *Children's Rights Committee*, established in 1998, is housed in the Zambia Human Rights Commission. It was created to strengthen the implementation and monitoring of the UNCRC in Zambia and is supported by the Ministry of Justice. There is a Commissioner for Children's Rights.
- The *National Steering Committee on Child Labour*, established in 2003.

⁴⁵ Applies to persons aged 0 – 14 years

⁴⁶ Refers to persons aged 15 – 25 years

⁴⁷ The National Plan of Action prioritises interventions that will realise the social rights of children and women. For an overview of the Programme see Mukukua-Luombe et al (2004, 16).

⁴⁸ Unless otherwise indicated, all information in this sub-section is taken from the OHCHR (2008).

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- The *Inter-Ministerial Committee on Trafficking*, established in 2004. This committee is housed in the Ministry of Home Affairs and is responsible for developing a national policy on trafficking and increasing public awareness about the human rights violations associated with human trafficking.

Not only have the above institutions been established, but the Zambian government has also announced plans to establish further institutions dedicated to children's rights, namely a *National Child Council* and a *National Youth Council*.

On the surface, this apparent emphasis on institutional mechanisms appears to reinforce the Zambian government's commitment to prioritise children's rights. However, upon further investigation, problems related to ineffectiveness, inefficiency and ongoing poor practices are highlighted. For example, the functioning of the Children's Rights Committee has been hampered by inadequate access to resources and the promises of establishing a National Youth Council and National Children's Council had still not been put into effect by 2008. The modus operandi within government appears to be that of establishing institutions or, creating positions to supplement institutional inefficiency. For example, in response to the ineffective operation of the Children's Rights Committee, the government appointed a Child Rights Commissioner. Civil society organizations have been critical of this practice and continue to advocate government to develop guidelines for mainstreaming child participation at all levels and to utilise these structures, once they are established for promoting child participation in governance. However, these efforts have thus far not resulted in the desired changes.

It is unlikely that the Zambian government will readily shift their practices when they continue to be praised for the work they are undertaking, although it does relatively little to promote and uphold children's rights in their entirety. For example, the 2008 African report on Child Wellbeing ranked Zambia No.22 out of 52 African governments for its efforts in putting in place a legal and policy framework that protects the rights of children (ACPF 2008). The rankings included in this report do not take cognizance of government (or civil society) efforts to increase child participation in governance. The country nevertheless received its relatively favourable rating based on its efforts to advance the economic and social rights of children by:

- Prohibiting corporal punishment in schools and the judicial system, but not within the home;
- Providing free primary education;
- Creating child friendly courts and juvenile justice system - although the services of these courts tend to be limited to major urban areas and children outside these areas are subject to the conventional legal system (SCS 2008, 6);
- Drafting a national plan of action aimed at securing the survival, protection and development of children; and
- Creating a government body that coordinates a national strategy for children.

This ranking creates the false perception that even with superficial changes, Zambia can receive recognition for moving towards ensuring children's rights are upheld and protected. Even more concerning is the message that with superficial changes, when compared to other countries within Africa, Zambia is considered to be far ahead of many other countries in its advancement of children's rights. This is a dangerous perception to create, particularly when expressed concerns regarding the existing legislative system within Zambia highlight the fact that the myriad of laws which exist in relation to children are:

- Not coordinated, poorly implemented and inconsistent in their practice of protecting and promoting children's rights;
- Outdated and fail to address critical issues which render children vulnerable, for example child trafficking, corporal punishment; and
- Limited in their response and/or blatantly ignore children's social, economic and cultural rights. For example, education in Zambia is not compulsory.

Finding ways of working within this system and advocating for changes is challenging. However, several organizations have instituted interventions which focus on promoting and upholding children's participation and giving recognition to the fact that children are active citizens.

Summary of findings

Overview of child participation initiatives in Zambia

This section highlights projects that were profiled during the fieldwork process. These organizations are those specifically identified by local experts as being the most active in promoting child participation. Certain projects that have been profiled in previous publications are not necessarily highlighted in this report as (i) the organizations and their projects were not identified as ones involving child participation, and (ii) there was no opportunity to meet with these organizations, thus it was difficult to establish whether these activities were still active. For example, while available documentation makes reference to the promotion of child rights budgeting and the involvement of children in budgeting, none of the organizations interviewed for this process identified such a project and as there was no follow-up, the extent to which this project occurs and the frequency with which this occurs was not determined.

Child participation is not a common practice or approach within Zambia. The few organizations that have attempted to apply child participatory practices are well known, and often receive support for their child participation projects from Save the Children. Even though these projects are known to Save the Children, there are valuable lessons that can be discerned, especially as these projects have been implemented within a challenging legislative and political environment. Each of these projects is therefore highlighted below and their related key lessons profiled.

Community child rights groups – These are school and community-based child-led initiatives that focus on generating evidence around child participation. Community Child Rights Groups (CCRG's), were initiated in 2005 by the African Network for the Prevention and Protection Against Child Abuse and Neglect (ANNPCAN). They are located in six communities and 6 schools within the Kasama and Chinsali districts. Children participating in these groups are between 9 years and 18 years of age. In addition to managing these child-led groups, children are represented at district and community child-protection units.

Children also participate in public discussion forums and project review meetings. Adults are seen as providing guidance to CCRGs for both school and community-based outreach. At schools, a female and male teacher provides guidance and in the communities, child-help desk officers provide support to children who are not in schools. Adults belong to District Child Care Protection Units and Village Committees, which are other resources to which children can turn to for support in the implementation of interventions. Interventions are focused on outreach events that involve provision of information on children's rights and issues affecting children that are related to the theme of the event e.g. World Day Against Child Labour; World AIDS Day or Day of the African Child. Children are also involved in the design, planning, monitoring and evaluation of programmes.

Key Lessons:

- ✓ Community support for child participation can be facilitated through the involvement of community members by means of (i) including children attending school as well as those who are not within the schooling system; and (ii) involving key adult role-players e.g. teachers, parents and community volunteers.

- ✓ Organisations can focus on addressing a specific child participation issue rather than trying to do everything.

Child Rights Clubs – These clubs are run by the Zambia Civic Education Association (ZCEA) and are a means for children to gain knowledge and skills relating to children's rights and they enable children to advocate for the promotion and fulfillment of their rights. This is a recent initiative (2009) involving children aged between 7 and 19, with reported involvement of both girls and boys. The Clubs provide a platform for children to talk about their rights and to share their experiences. Based on the information provided as well as skills building, children in these clubs are able to engage civil society leaders as well as government and parliamentary officials. For example, children addressed parliament regarding traditional practices that are harmful to them and also met with the House of Chiefs to discuss the issue of early marriages and child labour. The Clubs offer children the opportunity to develop advocacy strategies around issues that they feel are most critical to them. For example, 28 children were trained on children's rights as well as advocacy and the training required the children to identify those issues that are critical to them and then to formulate advocacy strategies that they would implement to profile the issues they identified. Some children were involved in a 13 series radio programme which involved them talking about issues affecting them. Adult involvement in these clubs is defined as being mainly administrative in terms of overseeing the utilisation of funds.

Key Lessons:

- ✓ Bringing children together not only to discuss issues that affect them but also to enable them to plan ways of drawing attention to these issues – moving from talking to action – in a way that is fun and a learning opportunity.

School councils - are 'child participation in governance' initiatives, which are focused on encouraging children to participate in decision-making in schools as a way of building critical thinkers and active citizens. School councils were initiated in 2006, also by ZCEA, and have been established in five districts in Zambia. The aim is for the Councils to be institutionalised through the Ministry of Education. Boys and girls aged 7 to 16 years old participate in the councils, selecting their own representatives – each class at the school has two representatives (if co-ed class, one representative must be a girl and the other must be a boy) who represent the class on the school council. The council meets and establishes committees that are responsible for participating in various aspects of governance. For example, the *committee representatives for project planning* will first consult children in the school regarding their needs, which should be considered in project and budget planning. These needs are then reported to the council. The school council then elects representatives to sit on the executive committee. This committee interacts with teachers, informing them of the issues that need to be discussed with the head teacher. Discussions, decisions as well as explanations for the decisions taken are reported back to the student body. Adults are seen as having a facilitative role whereby they provide guidance to the executive council, but are not involved in the running of the council.

Key Lessons:

- ✓ It is important to recognise that power dynamics exist between adults and children, and that meaningful child participation requires that: (i) children are empowered to engage with adults on issues affecting them; (ii) adults are equipped with tools to

address power and; (iii) that adults need to be made aware of the value of the empowerment of children.

Children's news agencies and media monitoring – The Media Network on Child Rights and Development (MNCRD) works with Media Monitoring Africa (MMA) to provide children with media skills to write to the media houses and radio stations about issues that affect them. This project started in Lusaka in 2009 and the plan is to expand the project to rural districts in 2010. The initiative is fully implemented by children aged between 12 and 16, of whom there are equal numbers of girls and boys participating. Adults involved in this project have knowledge of children's rights and the ethics of working with children. These adults assume a facilitatory role and are a resource for building children's capacity as journalists. Children do express frustration that sometimes adults take over the project and as a result, many children withdraw their participation.

This programme also equips children with skills to monitor the media and to examine the issues being covered by the media. Programmes are run through the Children's News Agency (CNA) and the Children's Media Monitoring Project (CMMP). The capacity building process involves training children in various aspects of journalism processes, including how to interview victims as well as perpetrators⁴⁹ of crimes. The children also meet with editors to discuss the importance of ensuring children's issues, children's representation and involvement in media in an ethical manner.

Children have specifically highlighted that through their involvement in this project, they have published articles on 'Justice in Schools,' which raise awareness that corporal punishment, abolished in 2003, remains a common practice. The children stated that writing articles is one component of the project, but what is *especially* important for them is that action – particularly on the part of government – is taken to address the issues affecting children *'There is a need for government to take action, without government taking action our articles will mean nothing'*. While children have reported writing articles on issues such as corporal punishment and child marriages, they have also met with parliamentarians to raise awareness of the negative impact of early child marriages, from the perspective of children.

Key Lessons:

- ✓ Children repeatedly witness that adults do not recognise and prioritise their rights, therefore the process of building trust with children is ongoing.
- ✓ Child participation initiatives need to focus on bringing about concrete changes, as awareness raising activities are often insufficient to ensure sustained involvement of children.
- ✓ Careful consideration should be given to children's safety and ways of minimising children's trauma when child participation initiatives address issues of violence.
- ✓ Children need to be supported in devising innovative and fun ways of addressing children's rights.

Children in sport – Undertaken by Sport in Action, this programme utilises sport as a medium to engage children and through sporting activities, create a safe space that provides children with opportunities to raise and address issues that affect them. Physical education (which includes traditional/indigenous sport, as well as Physical education activities), is provided in 8 districts and is in line with the school curriculum. The sessions occur daily and

⁴⁹ The children, when conducting interviews with perpetrators, are either accompanied by an adult and/or engage with perpetrators by way of diversion programmes, such as those run by YWCA.

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include activities for children that relate to child rights and life skills. There are teacher-led activities as well as peer led components and child-led sports clinics. The programme focuses on reaching children who attend school as well as children who are not attending school. Therefore, sports clinics are provided through existing structures, namely schools, churches, mosques and community groups. While children as young as 6 can participate, the majority of children who participate are between 12 – 18 years of age. The project places a strong emphasis on ensuring that boys and girls are equally able to participate, regardless of ability/disability. The project involves partnerships between adults and children, with children being involved in all aspects and adults providing guidance to the children. The programme focuses on building strong relationships with parents and is committed to keeping parents informed of children's rights and the type of issues addressed through the sports clinics.

Key Lessons:

- ✓ Child participation initiatives need to recognise parent's role in strengthening and supporting initiatives aimed at the fulfillment of children's rights.

From the above-mentioned initiatives, the following issues are important to highlight:

Language of child participation: Reference was made to projects that are child-led (no organisations were described as child-led organisations); child-to-child projects and adult-children partnerships. Based on the insights from respondents, it seems that the area of child participation and the language surrounding child participation is still a topic of debate, as there appears to be no clear and uniform definition(s) among organisations. Debates are still required to ascertain what child participation means; at which stage in a child's development should they be supported to participate; and in determining the manner in which children are enabled to participate. While many projects have emphasised increasing children's visibility, the current manner in which children are participating is not necessarily meaningful or ethical.

Age and gender: The children involved in programmes were primarily between the ages of 7 and 19. The gender breakdown was not always provided, but some of the organisations specifically mentioned that attaining a gender balance is a requirement in the way in which they work. However, a Save the Children representative indicated that the bulk of children participating in these initiatives are boys. The context and position of young girls is a likely factor that limits their participation in such initiatives and definitely an area that does not receive much attention but requires further exploration.

Role of children and that of adults: In each of the projects, while partnerships between adults and children are mentioned (with specific reference made to the guiding and supporting role of adults), there appears to be many underlying issues relating to power dynamics and the management of these dynamics, which are not always addressed. In many of the examples provided, the guiding role of adults appears to be a subtle way of describing the decision-making role of adults within child participation process. This clearly raises questions about how child participation is understood and practiced.

Good practice in facilitating child participation

The Zambian context is one where violence against children is commonplace, where notions of children's secondary status is upheld and reinforced and ultimately where children are invisible. Therefore, introducing the concept as well as practice of children's participation is challenging. There are risks of exposing children to further violence and victimisation in urging them to claim their rights to participate, or to disclose or challenge rights violations. In finding ways of doing so which are meaningful and directed at shifting mindsets while also effecting change, some of the following conditions are essential:

- Acknowledging and respecting children's voices and the need for child-friendly spaces
- Supporting children in ways that encourage their participation and prioritises their best interests
- Clarifying and defining the role of adults in relation to children
- Building awareness and capacity across sectors
- Undertaking focused strategic interventions which prioritise the best interests of the child

In recognition of this context, organisations committed to promoting and practicing child participation have employed methods that include:

- Building the knowledge and skills of children in order to ensure their meaningful participation and their ability to fulfil leadership roles, which require management ability and critical thinking. For example, enabling children to drive processes and involving children at Board level of organisational functioning;
- Building knowledge and skills among adults to increase their awareness and understanding around how their engagement with children either contributes to empowering or disempowering children as well as ways of promoting and upholding children's rights;
- Involving all relevant community role-players in projects in order to maximize the support for child participation initiatives and increase the sustainability of these initiatives;
- Establishing partnerships between adults. The success of partnerships are largely dependent on the types of roles that adults assume in relation to the children and thus impact on the child participation initiatives;
- Promoting ongoing communication between children and adults especially parents; and
- Reflecting healthy, professional relationships between children and adult staff members and board members. These relationships are based on principles of respect for everyone, thus instilling in children the values of behaving in ways which are respectful to others as well as commanding respect from others.

These above methods are likely to be enhanced if the following can be developed:

- Indicators of when children are considered able to participate meaningfully
- Indicators for measuring when a project is considered to be a child participation project
- Indicators of what is a successful child participation initiative

- Parameters within which child participation should occur so that children are not been drawn into activities which expose them to secondary trauma and further risk of violence

Challenges to child participation in the Zambian context

Zambian society is steeped in cultural and traditional beliefs and practices that render children as secondary or invisible within the society. These cultural beliefs are also gendered, making girls more vulnerable to being silenced. For example, girl children are taught to be submissive to men; 'pushed' into being in the kitchen and excluded from a host of activities. The cultural belief that children should be seen and not heard and that adults are the sole decision makers within a family, community and the society, are difficult to shift and present a host of challenges for child participation initiatives.

Challenges relating to children's reluctance to participate in initiatives include:

- **Context that is not always conducive for children's participation** – Children do not always have good relationships with their parents and this impacts on whether or not the child participates in processes. Another consideration in this regard is that children require the permission from their parents to participate in these projects, and as the issues that are dealt with are often sensitive and controversial, and parents may be of the opinion that children should not be involved in 'adult matters', children do not necessarily wish to talk to their parents.
- **Disregard of children's experiences** – adults often are unaware of children's rights, do not consider children to have perspectives on a number of issues and do not understand the impact of issues on children. Adults are thus dismissive of children's experiences. The process of informing adults and shifting adult attitudes is difficult.
- **Children's vulnerability to violence and distrust of adults** – children are vulnerable to various forms of violence, however, obtaining children's insights and reporting on these issues are complicated when children distrust adults as they fail to prioritise the best interests of children. For example, police are corrupt and harsh in their treatment of children who have experienced violence; parents are embarrassed and do not wish for violence perpetrated against their children to be known, thus children are reluctant to report violence; while children are aware of their rights, there are few organisations who provide support to children, and these organisations are generally not well-known.
- **Children's fear of the ramifications of reporting violence** – As a result of actions taken against children in the past, many children are also fearful that when revealing their experiences of violence, the perpetrator(s) or relatives of the perpetrator(s) may pose further danger to the victim and his/her family. An additional fear which children specifically highlighted was that adults may not believe them if they disclose an incident of violence.

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Organisations involved in child participation initiatives also face challenges with the implementation of these initiatives. These challenges include:

- Lack of access to information – in remote areas especially, there are difficulties in accessing information. Ensuring that people are well-informed and aware of children's rights is therefore a major hurdle.
- Very few teachers are aware of human rights, let alone children's rights and many do not believe in children's rights. Obtaining buy-in to such processes is challenging, as adults ultimately become the gatekeepers of whether or not child participation can occur and if children's rights are actually upheld.
- Lack of play areas and sporting facilities for children
- Children's initiatives are not directly linked to policies
- High staff turnover which results in loss of institutional memory and leads to inconsistency as well as rendering projects unsustainable.
- Reliance on volunteers who receive no payment, yet need to be motivated and managed

Broader strategic challenges which organisations working to promote child participation also face include:

- Lack of sustained and increased involvement of children due to the uncertainty surrounding the best methods to: (i) engage children to ensure that they are involved from the conceptualisation of a project through to its conclusion; and (ii) to increase the number of children involved so that the few who are involved are not over-utilised/burdened with responsibility for the initiative.
- Shifting child participation to the private domain of the home – There is growing recognition that child participation is most likely to be effective and gain momentum if focus is placed on the home environment. However, it is unclear what strategies should be formulated and implemented.

Recommendations for supporting child participation work in Zambia

(a) Networking, partnering and sharing good practice

- Facilitate review sessions to support national learning networks in assessing the impact of interventions, determine gaps in services provided and determining how to ethically involve children in the discussion processes.
- Facilitate a strategic process whereby common goals are identified and where approaches differ, to facilitate reflection on where processes are taking children's participation within the country.
- Support networks to formulate action plans that reflect a harmonisation of legislation and policy/budget priorities.

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- Enable children to profile their research or awareness raising work that they have engaged in and spearheaded. This will assist in reflecting the benefits of child participation for the whole community.

(b) Resources to extend and sustain child participation initiatives

- Provide opportunities for further research that gives insight into child participation, e.g. situational analyses and documentation of child participation processes.
- Support the creation of child-friendly spaces that are conducive for children to meet at and utilise them as a resource.
- Support budget-tracking initiatives that contribute to holding government accountable.

(c) Support for culturally appropriate local advocacy

- Provide support for the translation of policies and information into local languages.
- Research cultural attitudes and practices that support child participation.

(d) Development of training tools and methodologies for working with children

- Create capacity-building opportunities that expose various role-players to child participation practices as well as related technical skills, such as Monitoring and Evaluation (M&E).

Conclusion

Zambia is a country where child participation initiatives are relatively new. While there has been the ratification of conventions such as the UNCRC and the ACRWC, as well as the development of a National Child Policy, the translation into practice is problematic as the cultural/traditional beliefs regarding children's secondary status is upheld within the social, legal, economic and political spheres of the society.

Despite the challenges of the Zambian context, organisations have become involved in child participation initiatives. While approaches differ across various organisations, there is a common recognition that in order to be effective in promoting and gaining support for these initiatives, all key role-players/sectors must be involved. While, multi-pronged strategies of working with key role-players have been adopted, there are clearly a myriad of issues which hamper the impact of these initiatives, some of which include: the lack of a clear definition of child participation as well as the absence of ethical & meaningful child participation practices; the absence within civil society of a shared vision/goal for the country in terms of child participation and the lack of a unified strategy of how each of the organisations are able to contribute to the attainment of a shared goal. Furthermore, there are clearly insufficient opportunities for organisations working in this area to exchange their experiences and learn from one another.

In order to ensure that child participation work undertaken in Zambia moves towards constructive and ethical involvement of children in all spheres of life, platforms for addressing the afore-mentioned issues need to be created. SCS can therefore strengthen its valuable contribution to child participation work in Zambia by designing a strategy to implement the recommendations drawn from this research process.