



Engaging Children as Part of Oversight Constituency Engagements

**A quick guide for Members of Parliament, Members of Legislatures
and Members of Municipal Councils**

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What is child participation?

The participation of children can be defined as an on-going process of children's expression and active involvement in decision making at all levels of society, duly taking into consideration their capacity at different ages to ensure meaningful and authentic participation. Children's right to participation is embedded in human rights provisions across a range of international treaties that were ratified by South Africa and in domestic legislation. As a civil and political right, it is safeguarded in multiple articles of the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the South African Constitution.

Do children have the right to participate in parliamentary processes such as oversight?

The South African Constitution asserts a participatory democracy, which calls for the active involvement and participation of the citizenry, which includes children¹. Thus, within the context of Parliament, Legislatures and Municipal Councils public participation must include the participation of children. This is with the understanding that the term 'public' refers to the general population or the ordinary citizens of the country² of which children represents a significant proportion.

Opportunity for participation during constituency oversight

There are many opportunities that can ensure and facilitate participation of children in the processes of Parliament, Legislatures and Municipal Councils, with respect to oversight.

Members have the opportunity to seek and enhance the participation of children through their constituency work, which will also strengthen their oversight. Members can engage children in their "natural" spaces,

within their respective constituencies, such as youth clubs, schools, churches, mosques, and early childhood development programmes. In these spaces Members can hear what the real issues are that children face on a day-to-day basis. Such opportunities are fairly easy to organise and can provide Members with real-time information to include in their oversight work in Parliament.

Meaningful and ethical participation of children

Meaningful and ethical participation of children is important in ensuring that the rights of children are safeguarded. Moreover, it will ensure that Members of Parliament, Legislatures and Municipal Councils set an example (and avoid undue criticism) on how to engage with children. The following principles may be followed³:

- Assert child participation as a right and ensure that you know the provisions of all relevant legislation and treaties that pertain to the participation of children.
- Respect the views of children and their input (even if it differs from your own). They are capable of, and have the right to share their opinions, feelings and ideas.
- Children should agree (assent) to participate. Participation is always voluntary and no child should be forced to participate⁴.
- Children must have access to information and resources prior to, and during the engagement that take into account their age, language and cultural background. The provided resources must contain all information they may need to participate in an informed manner.
- Adults should have the capacity (knowledge, skill and attitude) to facilitate meaningful and authentic participation of children.
- Honesty and transparency should be practiced in all engagement and communication with children.

¹ Scott, R. 2009. *An Analysis of Public Participation in the South African Legislative Sector*. Unpublished Master of Public Administration Dissertation. Stellenbosch: University of Stellenbosch.

² Merriam-Webster Online Dictionary. (2011). [o]. Available: <http://www.merriam-webster.com>. Accessed: 2 March 2012

³ Viviers, A and Lombard, A. 2012. The ethics of children's participation: Fundamental to children's rights realization in Africa. *International Social Work*, 56(1) 7–21

⁴ As a general principle parental consent should be obtained prior to engaging children in a participatory activity.

- Adults must never, by any means, influence or attempt to influence children's thoughts and contributions during engagement.
- Respect diversity and be inclusive of children from different geographical areas; children belonging to minorities; children with disabilities, amongst others.
- Engagement with children should be well planned and executed. Consideration should be given to the physical needs of children such as food, water, accessibility, etc.
- The physical environment where children are engaged with must be safe, free from harm and comfortable and due consideration must also be given to the requirements of children with special needs.
- Engagement with children should not only focus on acquiring information, but it should also contribute to children's well-being, enhance their life skills and build their confidence.
- Children should at all times receive feedback on how their views were used to influence larger planning and/or decision making processes. Children should be allowed to indicate whether they want feedback in person, in writing or through other means.
- The best interest of the child should always be paramount.

Engaging with children

First and foremost is to be yourself and not to act out of character. Be at ease and relaxed around children. Equally important is that any engagement with children should **always be respectful**. We cannot treat children differently or with less respect because they are not adults.

The following are some important aspects when talking to children:

- Establish a connection with the children upfront. Ask how they are; what their day or weekend was like; whether they are comfortable; amongst others.
- Introduce yourself and explain why you want to talk to them. It is a good idea to share information about yourself and positive childhood memories of your own; it helps with the "connecting" process.
- Use simple language and terminology when speaking to children. Take into account the children's age, abilities and context. You would not speak the same way to a six-year-old as you would to a sixteen-year-old, for example.
- Communication with children is always most effective in their mother tongue (when possible and practical). Thus, establish whether this is possible (based on your language skills and that of the child).

If you have to communicate in a second language, use simple language, but without reducing it to baby-like talk (this can be patronising to adults and children).

- When you ask questions, always make sure that the child(ren) understand exactly what you have asked (It will help ensure that you get the answers to your questions.).
- Communication should always be honest and respectful.
- Do not ask sensitive questions in big groups, e.g. "*Were any of you victims of abuse?*"
- Be sensitive to the specific context and environment, e.g., it will be very difficult (and unfair) for children to provide you answers on how they feel about the school and the quality of education in the presence of their teachers.

Children may sometimes share **sensitive information** with you when you engage with them, e.g., that they were victims of rape or abuse; their parents are abusing alcohol, etc. It is never easy to deal with these situations, especially if you are not trained. The following is important to remember:

- Acknowledge what the child is sharing. Do not show extreme shock, outrage or dramatize the situation in any way.
- Do not counsel the child (that is the job of a professional counsellor), and do not judge the child based on what she or he has shared.
- Confirm with the child that you will keep the information confidential (and keep it confidential!)
- If you feel that the information shared by the child should be communicated to a third party, inform the child of your intentions but assure her/him that you **will not share** her or his identity or share the information in such a manner that she or he will be identified.
- Inquire from the child whether she or he wants you to report the incident/situation or whether she or he would perhaps prefer assistance to do so. If yes, arrange for such assistance.
- If the reported incident/situation is very serious obliging you to report it, inform the child that this needs to happen and what the next step entails, i.e. report it to a social worker. Explain to the child why this is necessary and that it is not to bring her or him into trouble, but to help her or him. The child may resist this assistance and even withdraw. Seek the guidance of a professional social worker, nurse, child and youth care worker or related person who can advise you on how to deal with the situation.
- Most importantly, ensure that the child is in a stable emotional condition and that she or he knows where to seek assistance before you disengage with the child.

When we engage with children there are certain things that we should avoid

Generally, engagement with children is enriching and empowering. However, to make it meaningful and ethical, the following should be avoided:

- *Do not take photos of children.* They are minors and protected by the law. In addition, they need to understand that 'strangers' are not allowed and should not be taking photos of them⁵.
- *Do not talk down to children.* Do not use language or phrases that make children feel inferior or stupid.
- *Do not disrespect children, their time and/or their space.* Respect their time - be punctual and use the time with them optimally. Respect their space - appreciate where they are and try to fit into that space. It might not be comfortable for you, but is to them.
- *Do not make promises that you cannot keep.* Avoid promises. Children have to deal ever so often with commitments that are not honoured. If you make commitments, BE SURE that you can keep it and provide feedback on the progress.
- *Do not give gifts.* This should be avoided. Children realise that their contribution is voluntary and contribute to a greater good. Giving of gifts will create unrealistic future expectations and may be

perceived as "bribery" by some (though it may not be the intention).

- *Do not force children to participate/engage.* Children have the freedom of choice to decide whether to participate or not.

Why should Members of Parliament ensure that child participation is ethical and appropriate?

Parliament is the custodian of the South African Constitution and as such one of the key custodians of realising human rights in the country. As such, Parliament, Legislatures and Municipal Councils have an obligation to ensure that the realisation of child rights happens in a manner that is protective, appropriate and meaningful. Through the legislation that Parliament has passed since its democratic inception in 1994, it has put in place laws such as the South African Schools Act and the Children's Act that call for the appropriate and ethical participation of children. As such, Parliament, Legislatures and Municipal Councils should provide leadership to model mechanisms through which children can be engaged in a manner that is appropriate and meaningful; and adheres to the highest standards.

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⁵ When photos need to be taken, organisational policy in this regard must be followed and it should always be with consent of parents/guardians and

children concerned. Children may never be forced to be in photos and their dignity and privacy must be respected at all times.