

GUIDELINE FOR RESEARCH WITH CHILDREN IN SOUTH AFRICA

A South African Definition of Children for the Purpose of Doing Research

The SAMRA/ICC/ESOMAR Code of Conduct states that 14 is the cut-point for defining a child and thus also for obtaining parental/guardian consent, if no legislation specifies otherwise in the country where the research is done. South African legislation defines a child in many ways, ranging from 12 to 18:

- Age of majority – 18 (this was 21 until 2007)
- Voting age – 18
- Drinking age – 18
- Sexual consent age – 16
- Children under 12 are presumed by the law to be incapable of consenting

Thus, determining when parental/guardian consent is required for research is not clear-cut across all contexts in South Africa. If a child can consent to sex at the age of 16, then one could argue that you do not need parental consent for research regarding sexual behaviour.

Special care should be taken in instances where sensitive information is being gathered. Sensitive information includes information about:

- Sex, health (incl. physical and mental health or condition), politics, religion, civil participation (e.g. student union affiliation), and related beliefs and behaviour
- Illegal activities (e.g. under-age drinking, the commission or alleged commission of any offence/crime, etc.)
- Racial or ethnic origin

The following guideline can be used for interviewing children of various ages:

- From 18 years old, and older: no parental consent required
- 16 up to 18 years old: parental consent required for sensitive information, excluding sex and drinking behaviour
- 14 up to 16 years old: parental consent required for sensitive information, and preferred for all other information
- 12 up to 14 years old: parental consent required irrespective of the type of information
- Under 12 years old: parental consent required irrespective of the type of information

Specific requirements are discussed in the SAMRA/ICC/ESOMAR Code of Conduct Guidelines on Interviewing Children and Young People.

Research with Child-Headed Households

In 2010, around 229,000 households were headed by children (1.6% of households) (Eighty Twenty)

In terms of the SAMRA/ICC/ESOMAR Code of Conduct, the pertinent ethical principles are that:

- Research respondents must remain anonymous
- Permission from parents/legal guardians to interview a child is required for children under 14

An under-aged 'head of household' should have a legal guardian, either in the form of a relative that is of age, or in the case where no relative exists, the child should be under state care. However, due to factors such as migration and HIV/AIDS deaths, children are heading households consisting of children, their nearest adult relatives are very difficult to contact as they are often in inaccessible rural areas, and these children (and often the teachers, researchers, government social services, other adults, etc. that know about them) do not want to involve the state as it would break up a family that is, for practical purposes, functioning relatively well under the circumstances.

A researcher wishing to interview a child in a child-headed household should determine how the children sustain the household financially. A school, clinic or social services department may be involved financially, and may thus act as (legal or *de facto*) guardians, in which case they can be contacted for permission to interview the child.

For example, if social services or the school know about the household, and are providing financial support, and the child/ren are legally under state care, this is not a problem. If the social services department/school/etc. is supporting them, they should know who the legal guardian is, or the child should be temporarily under state care until such time as a legal guardian is appointed. If they do not, then, unfortunately, they are acting illegally by not 'reporting' the case and taking the necessary legal route to place the children in state/an adult's care. A whole host of moral, ethical and legal questions then come to play, such as, the best interest of the child, whether the researcher is acting illegally and/or unethically by not reporting the case, whether the school or social services are acting illegally and/or unethically, etc. It is often based on the first issue (the best interest of the child) that social services/schools 'turn a blind eye'.

Additional Sources of Information

<http://www.ci.org.za/depts/ci/pubs/pdf/resources/guides/Ages%20Guide%20April%202011%20e-version.pdf>

South African Department of Social Development (<http://www.dsd.gov.za/>)

The South African Council for the Social Service Professions (<http://www.sacssp.co.za/>)

Any of the Universities that train social workers (<http://www.hesa.org.za/sa-universities/all-campuses>)