

**The Fragmentation of Social Services: Factors Hindering the Delivery of Social Services to
Unaccompanied Child Migrants in Johannesburg, South Africa.**

A report on a research project presented to

**The Department of Social Work
School of Human and Community Development
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**In partial fulfillment of the requirements for the degree Master of Arts by Coursework and
Research Report in the Field of Social Development**

By

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DECLARATION

I hereby declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts (in Social Development) to the University of the Witwatersrand, Johannesburg. I have correctly referenced all sources utilized using the APA referencing style. This research report has not been submitted before for any other degree or examination in any other university, nor has it been prepared under the auspices or assistance of any body, organization or person outside the university.

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Natasha Z. Mboyisa

.....day of.....2014

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To the Lord Almighty God, thank You for being all that You say You are to me in Your Word. You have been everything that is good; a faithful and wonderful, merciful Savior. For Your counsel, love and guidance, I thank You. Your grace has indeed been sufficient for me!

DEDICATION

I would like to dedicate this report to all unaccompanied child migrants and every other child in the country, who has to fight their way through unwelcoming situations in the country and those who have been exposed to and been victims of abuse and neglect. I hope I have been able to document the concerns and issues that matter to you and that this report ultimately assists further your cause and assists make your rights real.

ABSTRACT

The situation of children who migrate without an adult dependent makes them particularly vulnerable. Inequalities in development, natural disasters, and political conflict and warfare that are characteristic of most countries today have contributed greatly to the cross border migration of children to the country with and sometimes without their parents and/ or any other form of legal adult guardianship. The Bill of Rights in the South African Constitution, Act 108 of 1996 Section 28 (1) (c) guarantees every child in the country the right to social services. Informed by the human rights-based approach, the study ventured into exploring how this right talks to the situation of unaccompanied child migrants in the country. This study focused on factors that hindered the delivery of services to unaccompanied child migrants and data was collected from nine social service provider and officials, one working at a state department and eight from five Non- Government Organizations in Johannesburg. The method of data collection used was interviews and semi- structured interview schedule was used as a data collection instrument. The data collected from the participants was analyzed using a rigorous analysis process referred to as thematic content analysis. The findings deduced from this analysis reveal that unaccompanied child migrants are exposed to various challenges when accessing social services in Johannesburg. The findings also demonstrate that the inability of unaccompanied child migrants to access social services does not have a negative impact on unaccompanied child migrants alone, but their situation has a negative impact also on the overall country's functioning, especially on the country's development. Continued education and training to social service providers about legal frameworks and on unaccompanied child migrants, the country's overall political interest and will on international migration and the presence of a clear guideline to social service providers on unaccompanied child migrants, were all possible intervention strategies that participants argued would be best able to promote the right of unaccompanied child migrants to social services.

Key words: social services; unaccompanied child migrants, social service providers

LIST OF ABBREVIATIONS

1999 ACRWC	The 1999 United Nations Convention on the Rights of the Child
CoRMSA	Consortium for Refugees and Migrants in South Africa
LHR	Lawyers for Human Rights
NGO	Non-Governmental Organization
NGOs	Non-Governmental Organizations
UNCRC	United Nations Convention on the Rights of the Child
SADC	Southern African Development Community

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CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introduction

Cross border migration of children is most popular in Africa with 28 percent of children and adolescents in this region migrating to other countries (Committee on the Rights of the Child, 2012). Globally, most child migrants move with their families. However, even though majority of child migrants move with their families, significant numbers also move independently. This group of child migrants, that is, unaccompanied child migrants, have been identified as being amongst the list of the most vulnerable and abused groups of migrants both in the country and globally (Magqibelo, 2010; Fritsch et al., 2010; Gambaro et al., 2008; Schreier, 2011). Phrases such as “the world is on the move”, “South Africa, the African migrant hub”, have become very common over the past few years. Though there is agreement that migration has always been part of human history (Castles, 2009), it is also accepted that, not until recently, an important element of this phenomenon was largely ignored.

Not until recently, the cross border migration of children either with their parents or caregivers or on their own to other foreign countries was largely ignored in both literature and policy (Hashim, 2005; Trew, 2009). It was only after the rising socio-economic and political instability in countries such as Zimbabwe in the early 2000s and in Sudan, which saw children migrating to countries such as South Africa in numbers, that literature and debates on this group of migrants also began to grow significantly (Save the Children, 2007; Dottridge, 2008; Elphick, & Amit, 2012). It became widely accepted that for it to be understood better, child migration needed to be looked at as an independent phenomenon to that of adult migration (even though these may be interlinked at times) (Save the Children, 2007; Committee on the Rights of the Child, 2012).

However, like adult migrants, child migrants are a diverse group. Amongst the list or categories of groups of child migrants found in the country and a group that has been receiving great attention in both policy and literature over the years, are unaccompanied child migrants. Although it is challenging to account for them in numbers, it cannot be denied that the beginning

of the second millennium saw South Africa receiving a large number of this group of migrants in the country (Fritsch, Johnson, & Juska, 2010; Magqibelo, 2010; Palmary, 2009). A large number of factors were and have been attributed to this trend, they include but are not limited to; the growing inequalities in development between countries, natural disasters, conflict as well as political wars (CoRMSA, 2011; Gambaro et al., 2008; Committee on the Rights of the Child, 2012).

Various themes and issues have been discussed and covered on this group of children in both literature and policy discussions, and amongst these, include unaccompanied child migrants' rights as children in the context of international migration. Both as children and as (international) migrants, unaccompanied child migrants are guaranteed various human rights and protective rights in the country's legal framework. By law children such as unaccompanied child migrants, who are without legal adult supervision and care, are considered vulnerable and thus in need of care and protection (Children's Act of 2005). The right to social services is guaranteed to every child in the country in Section 28 (1) (c) of the Bill of Rights Constitution of South Africa, Act 108 of 1996 plays a significant role in ensuring that children, particularly vulnerable children, realize all their rights and that they are properly cared for and protected (Dutschke, 2006; Dutschke, 2007). Although the realization of this right (social services) for unaccompanied child migrants would appear to be valuable and important, unaccompanied child migrants in the country continue to be reported to experience challenges in accessing this right (CoRMSA, 2011; Solidarity Peace Trust, 2010; International Federation for Human Rights, 2007).

This was the premise under which the study was based on. Informed by the human rights-based theoretical approach, the study focused on analyzing unaccompanied child migrants' ability to access social services in the Johannesburg city, South Africa. It focused on the analysis of unaccompanied child migrants' ability to access social services in the city and explored factors that are contributing to the challenges in seeing effective delivery of this legal entity to this group of children. With this mind, this chapter provides the reader with a background of the study through discussing the statement of the problem and rationale of the study. The purpose and the overview of the research design and methodology that informed the study are also discussed before providing a roadmap on the structure and organization of the chapters to follow in this report.

1.2 Statement of the Problem and Rationale for the Study

Social services play an important role in addressing some of the most difficult challenges faced by vulnerable groups in the country. The right to social services guaranteed to every child in the country in Section 28 (1) (c) of the Bill of Rights Constitution of South Africa, Act 108 of 1996 plays a significant role in ensuring that children, particularly the most vulnerable children in the country such as unaccompanied child migrants, realize all their rights and that they are properly cared for and protected. Such a right guarantees every child in the country, the right to education, health care services, shelter and amongst others, services such as counseling from state practitioners such as social workers (Evers, 2005, Dutschke, 2007; Committee on the Rights of the Child, 2012).

Although the Constitution is the supreme law in the country, South Africa has also developed and ratified various international, regional and national laws that further promote this right, that is, the right to social services for every child in the country (Lawyers for Human Rights, n.d; Dutschke, & Monson, 2008). However, even though some of these policies are argued to be integrative and progressive, unaccompanied child migrants have been reported to experience challenges when accessing social services in the country (Schreier, 2011; CoRMSA, 2011; Solidarity Peace Trust, 2010). On top of experiencing challenges during their journey of migrating to the country, unaccompanied child migrants have been reported to experience discrimination and denial in accessing social services; important services that play an important role in children's development and on ensuring that they are protected from the exposure and experience of homelessness, unlawful detention and deportation and abuse, which are all challenges that unaccompanied child migrants have been reported to experience in the past (Schreier, 2011; CoRMSA, 2011; Elphick, & Amit, 2012). Therefore, the study aimed to explore and to find out if unaccompanied child migrants in Johannesburg are able to access social services.

Schreier (2011), in reporting on the situation of unaccompanied and separated child migrants in the country, states that many unaccompanied child migrants in the country continue to experience challenges in accessing social services such as shelter and education. He attributes

this challenge to various factors, including social service practitioners' xenophobic attitudes towards unaccompanied child migrants, and their lack of knowledge of the legal entities that should inform their practice when working with this group of children. In their study on unaccompanied child migrants in Musina, South Africa, Elphick and Amit (2012) also highlight a number of noteworthy challenges faced by unaccompanied child migrants' when trying to access social services in the country. They note that many unaccompanied child migrants experience challenges upon their arrival in the country and are often ill-treated because their right as children to social services is never met. This study aimed to find out if this challenge was also a reality on unaccompanied child migrants in Johannesburg, that is, to explore how unaccompanied child migrants are treated in Johannesburg.

According to Elphick and Amit (2012) due to challenges in accessing social services, unaccompanied child migrants experience homelessness; and at times even when they are able to get shelter, the shelters are so under resourced that some children even decide on their own to live on the streets. Counseling services also constitute social services, unaccompanied child migrants are often exposed to different traumas in their journey to get to the country, and are often further exposed to secondary- traumatic events when they get to the country. According to Elphick and Amit (2012) though this is well known, unaccompanied child migrants hardly ever receive therapy or counseling to assist them overcome their trauma. Besides Schreier (2011) and Elphick and Amit (2012), other reports also indicate that unaccompanied child migrants in the country often do not get adequate access to social services and are exposed to further vulnerabilities when trying to access social services in the country (CoRMSA, 2011; Lawyers for Human Rights, 2013; Solidarity Peace Trust, 2010, Save the Children, 2007; Timngum, 2001).

What are the factors contributing to this, what factors are contributing to unaccompanied child migrants' inability to access social services in the country? Do these reports on the fragmentation of social services for unaccompanied child migrants even hold true? These are some of the questions that formed the basis of this study. Could it be that it is because unaccompanied child migrants are first looked by social service providers as "foreign and cunning migrants" before they are looked at as children as suggested by Schreier (2011). Or are the challenges reported to be experienced by unaccompanied child migrants when accessing social services caused by other factors that social services practitioners, unaccompanied child migrants and society at large have

yet to understand? This is what the study aimed to explore and found out. The study was aimed at exploring what the factors hindering the delivery of social services to unaccompanied child migrants in the country are.

Acknowledging that the study would be too suggestive if it only focused on what the reports suggest on the situation of unaccompanied child migrants' in accessing to social services in the country, the researcher took on a holistic approach to the study, by not only focusing on the challenges that have been reported to be encountered by this group of children when accessing social services but by also exploring the overall situation and ability of unaccompanied child migrants in Johannesburg to access social services. The study was aimed at exploring and providing an account of social service practitioners' in Johannesburg views on how they not only interpret the right to social services, but also if they thought unaccompanied child migrants in the city were able to access these services.

1.3 Purpose of the Study

Looking at a human rights-based perspective, the study aimed to explore the realities of unaccompanied child migrants in accessing social services in the Johannesburg city. Doing this required that the researcher also take into account the reports that have come from some authors about the situation of unaccompanied child migrants in the country in accessing social services. The study looked at whether or not unaccompanied child migrants are able to access social services in the city and explored social service practitioners' views on the argument from some practitioner based reports that access to social services for unaccompanied child migrants in the country is fragmented. It was with hope that such a study would contribute to the knowledge and practice base of social service practitioners that work with unaccompanied child migrants. A better understanding of unaccompanied child migrants' situation in the country and their ability to access social services would assist policy makers and social service practitioners understand the state of these children in the country better and also help them development (if need be) more effective strategies of meeting unaccompanied child migrants' right to social services. This would ultimately improve the livelihoods of unaccompanied child migrants and the implementation of policies protecting such groups in the country.

1.4 Definition of Terms

1.4.1 Access

Able to get, have or use something. In this study, access, refers to unaccompanied child migrants ability to get and use social services.

1.4. 2 Child/ Children

According to the Children's Act No 38 of 2008, as amended in 2008, a child refers to a person under the age of 18 years.

1.4.3 Children's Rights

Those rights that are considered by law to be crucial for all persons below the age of 18, these rights are guaranteed in national, regional, and international policies and treaties.

1.4.4 Human Rights

Rights that people are entitled to on the simple basis of them being humans.

1.4.5 Non-Governmental Organizations (NGOs)

For the purposes of this study, NGOs referred to non-profit structures organized on a local and national level that perform a variety of services including those of rendering social services, and or, of advocating and monitoring the situation of and policies concerning unaccompanied child migrants in the country.

1.4.6 Social Services

Benefits and facilities that are provided by both the state and civil society such as free and non-discriminatory education, shelter, health care services and counseling which are aimed at promoting the well-being of all, especially, the most vulnerable and disadvantaged in the country.

1.4.7 Social Service Practitioner

According to the Children's Act 38, 2005, as amended in 2008, a social service practitioner is anyone who cares for the child, and includes probation officers; development worker, child and youth care worker, and a registered social auxiliary worker and social worker. However, for the purpose of this study, a social service practitioners referred to all practitioners that work in fields where one of their responsibilities is to provide services or create an enabling environment for unaccompanied child migrants to access social services in the country. Social service practitioners in this study referred to social workers, psychologists, human rights advocacy officers and lay counselors.

1.4.8 Unaccompanied Child Migrants

Migrant children, who have crossed country borders to get to South Africa and are without legal adult care and supervision.

1.4.9 Vulnerable Groups

For the purpose of this study, vulnerable groups referred to people, who are prone to discrimination, marginalization and whose well-being is under threat.

1.5 Overview of the Research Design and Methodology

A qualitative research approach that was exploratory and descriptive in nature was used to investigate the aims and objectives of the study. Purposeful sampling, a type of non-probability sampling technique, was used to recruit the nine participants who participated in the study. These participants were drawn from five organizations in Johannesburg that serve unaccompanied child migrants as their service beneficiaries or recipients and conduct local and national studies on the situation of international migrants in the country, and one state department that is by law responsible for the provision of social services to children in the country.

A semi-structured interview schedule was used as a research instrument to collect data from the research participants. This instrument was pre-tested before use to test if the instrument would be

able to answer the research question, aim and objectives. Face to face interviews of approximately one hour in duration were conducted to collect data from the research participants. Responses from the research participants were analyzed using thematic content analysis. Once the data had been collected from the research participants, the researcher familiarized herself with the data by reading and rereading the data thoroughly. Once familiar with the data, the researcher summarized and categorized the data into emerging themes. These themes were interpreted and integrated with related literature on the study. The discussion of these findings found in chapter four of this report was linked to the research questions, aims and objectives of the study.

1.6 Limitations of the Study

The limitations inherent in the study included the following:

- The small, purposeful sample precluded generalization of findings to the broader population of social services practitioners concerning the provision of social services to unaccompanied child migrants in the Johannesburg city. However, since the study was qualitative and exploratory in nature, generalization of the findings was not intended.
- Various studies on unaccompanied child migrants have indicated the need for unaccompanied child migrants' voices to be heard in research studies. Not including unaccompanied child migrants as research participants could have served as a limitation of the study. The information would have perhaps been more in-depth and sincere if it was provided by the recipients of social services (unaccompanied child migrants) and not the social service practitioners.
- The subjectivity of participants' views and accounts on unaccompanied child migrants' ability to access social services in the country is another possible limitation of this study. One of the limitations of qualitative methods of data collection is the subjectivity of research participants' responses (de Vos et al., 2011). Research participants' own personal views about migration and unaccompanied child migrants may have, for example, impacted how research participants viewed the situation of unaccompanied child migrants in Johannesburg. Also, the participants were all working in organizations that uphold different values and objectives on how to service international migrants

(unaccompanied child migrants included), this may have in turn influenced how research participants viewed social service provision for unaccompanied child migrants in the city of Johannesburg.

1.7 Organization of the Report

This chapter has provided an overview and orientation of the study. Chapter Two that follows focuses on the review of literature and theory related to unaccompanied child migrants and the right to social services. The methodology and methods of both data collection and analysis that informed the study are discussed in Chapter Three. Chapter Four represents the analysis and discussion of data collected during the study. Chapter Five, which is the last section of the research report, summarizes the major findings of the study and offers recommendations that emerged from the study for practice, research and policy.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Unaccompanied child migrants are a challenging group to study. Knowledge (2013), Elphick and Amit (2012) note that this is primarily because many unaccompanied child migrants in the country are “invisible”. This in turn makes it easier for society to ignore and make issues that pertain to them invisible as well. They note that, in their strategies to survive, many of the unaccompanied child migrants who cross the country borders of border posts such as the Beitbridge border post, scatter to urban cities such as Johannesburg, making it difficult for them to be traced (Knowledge, 2013; Elphick, & Amit, 2012; Palmay, 2009). The contents of this chapter offer a review of literature on this “invisible” group of international migrants as well as a theoretical background to the study. The literature in the chapter is drawn from three main fields, namely, practitioner-based, academia and policy or legal frameworks.

De Vos et al. (2011) note that one of the main purposes of reviewing literature is to assist offer a clear understanding of the nature and meaning of the problem being studied. This is what this chapter does. To offer a clear understanding of the situation of unaccompanied child migrants and their ability to access social services in the country, particularly in Johannesburg, the chapter offers a detailed description of the process and dynamics of the migration of these children. It offers an extensive description of the situation of unaccompanied child migrants in the country by looking at how and why they migrate to the country and the role thereof of social services in their lives.

The literature shows that there is no clear cut or a clear definition of what social services are or should be, or who is responsible for delivering these. However, what is clear, is South Africa’s legal stance on both these issues. Most of the South African laws and policies on children are not exclusive to South African citizens and indeed extend to all children in this country, including unaccompanied child migrants. The Constitution of South Africa grants every child in the country, the right to social services in section 28 (1) (c). The literature review shows that, even though South Africa can be argued to have adopted a human rights-based approach to the delivery of social services to children in the country and that by saying every child, the legal

entity implies that all children, unaccompanied child migrants included, should enjoy this right, that is, the right to social services; this is not the case in reality. Areas covered in the literature review reveal that there provision of social services to unaccompanied child migrants in the country is fragmented. There continues to exist challenges in the delivery of these services to this particular group of children.

2.2 A Human Rights-Based Approach to Social Service Provision

Human rights and the protection and promotion of such rights have become central subjects in South African discourse. South Africa, like many other countries in the globe (particularly those who are member countries of the United Nations), have adopted a human rights-based approach to the delivery of social services for its people (United Nations, 2004). The country has adopted the human rights-based approach in how it responds and addresses social ills and responds to the vulnerabilities of specific population groups in the country. A human rights-based approach is a framework that is based on national and international human rights standards and is operationally directed to promoting and protecting human rights for all (United Nations High Commissioner for Human Rights, 2006). The approach focuses on addressing inequalities and redressing discriminatory practices that impede on the well-being of individuals within a given society as well as those that impede on the well-being of the society as a whole (Cornwall, & Nyamu-Musembi, 2006).

With specific attention on the marginalized and vulnerable groups in the country, South Africa has adopted a human-rights based approach with the ultimate aim being to promote equality for all in the country (United Nations High Commissioner for Human Rights, 2006; Cornwall, & Nyamu-Musembi, 2006). As rights are legally enforceable entitlements (Cornwall, & Nyamu-Musembi, 2006), the human rights-based approach states that, role-bearers or role-players must ensure that their practices and procedures are grounded in human rights laws and that vulnerable groups such as unaccompanied child migrants are not discriminated against and denied access to their rights. The right to social services is enshrined in both national and international laws as being among the list of the most fundamental human rights for children, particularly for children without adult care or supervision. Informed by the legal framework(s) guaranteeing this right, social service practitioners have a responsibility according to the human rights-based approach to afford unaccompanied child migrants social services in an equal and non-discriminatory

nature(African Charter on the Rights and Welfare of the Child, 1999; Convention on the Rights of the Child, 1989).

2.3 Migration: A National and Global Issue

Migration has become a critical human right and development issue in South Africa and beyond (Posel, 2003; Elphick, & Amit, 2012). It is a current and historical reality that impacts directly on society's functioning and its people; it is a reality that has come to shape South Africa significantly over past years. Although the country has a long history of migration, the last two decades have marked South Africa as one of the primary destination countries for many international migrants (Adepoju, 2003; Solidarity Peace Trust, 2010; Schreier, 2011). Broadly, migration can be referred to as the movement of people across various geographic areas (Posel, 2003). It involves the movement of people within the borders of their country, which is commonly referred to as internal migration or outside of their country borders, which is referred to as international migration.

Although it is argued that international migration is more significant than internal migration(Polzer, 2010), both types or rather classifications of migration are interlinked and have almost similar characteristics. Internal and international migrations are complementary and supplementary processes (Adepoju, 1998). They both often signify the developmental inequalities that exist between different geographical areas as well as the belief from migrants that one geographical area has better opportunities than the other (Adepoju, 1998). Migrants, that is people who migrate internally or internationally, are thus often motivated to migrate to other geographical areas by either one of these factors described above. Providing statistical representation for both these forms of migration is difficult.

Although it is difficult to provide accurate statistical representations of the number of migrants found both globally and nationally, in their report on Migration and Health in South Africa. Vearey and Nunez (2010) state that internal migrants are estimated to account for a total of 740 million people across the world, and that international migrants make- up 214 million people- roughly 3.1 percent of the world's population. Whilst estimates of the cross- border migrant population within South Africa vary, analysis of national census and community survey data suggest that there are approximately 1.6 million cross- border migrants in the country, which

equates to 3.4 per cent of the South African population (Vearay, & Nunez, 2010; Polzer, 2010). Focusing on international migrants, international migrants are clustered into two main categories, namely voluntary and/ or involuntary migrants.

Voluntary migration involves the migration of people across the borders of their country out of free- will whilst involuntary migration also referred to as forced migration, refers to the migration of people to other countries due to push factors beyond their control (Adepoju, 2003). Whilst voluntary migrants migrate to other countries merely seeking better opportunities, involuntary migrants cross their country borders for protection. Voluntary migrants migrate to the country either for economic or academic reasons. They migrate on study permits for example with the purpose of studying in the country for certain period of time. Other voluntary migrants migrate to the country for business or employment purposes (Posel, 2003). They may, for example, be transferred to the country by their employers who have some of their business branches in the country. Involuntary migration is quite a complex and diverse phenomenon and process to voluntary migration.

The history of involuntary migration can be traced back to the pre- colonial and colonial times (Castles, & Miller, 2009). In South Africa, a large number of people were seen going to exile, that is, migrating to other countries for protection during the Apartheid era. However, after the dawn of democracy in 1994, South Africa's migration patterns experienced changes. South Africa began receiving a large number of international migrants from all over the world, but especially more so, from neighboring countries. A large proportion of this group is argued to have been involuntary migrants, that is, international migrants who were forced to leave their country for South Africa, out their free will. Forced migrants, that is, refugees, flee persecution and war, or natural disasters, severe poverty and starvation; concerns and social ills which have come to characterize many of the countries in the African region (Posel, 2003; Castles, & Miller, 2009; Solidarity Peace Trust, 2010).

2.4 Child Migration

International migration is a very complex process. It is for this reason that there also exist different categories of migrants even within both classifications of voluntary and involuntary migrants defined in literature. The estimated 1.6 million population of international migrants

found in the country can be clustered into different categories and these include a category or a group of migrants referred to as child migrants. Three forms of child migrants can be distinguished, namely: 1) children who migrate with their parents or caregivers even if it is not their parents (family migration), 2) internal child migrants, and 3) unaccompanied child migrants (van de Glind, 2010). Of the estimated 214 million international migrants in the world, it is estimated that 33 million, that is, 16 percent of the world's population are children.

2.5 Unaccompanied Child Migrants Understood Better

Unaccompanied child migrants are defined differently across different sectors and this is largely because they are not a homogenous group (Gambaro et al., 2008). They are driven out of their home countries for various reasons. For this reason they can fall into different categories of migrants, for example, some can fall under the classification of refugees, some as asylum seekers whilst others can also fall into the category of sale or trafficked children (Gambaro et al., 2008). For the purposes of this study, unaccompanied child migrants referred to any persons below the age of eighteen (18) who have migrated to the country or were separated from their parents or any sort of legal adult care and supervision upon their arrival to the county and are thus residing in the country without any form of adult care or supervision.

Any person below the age of eighteen is according to the South African law a child and is guaranteed a large number of 'special' protective rights as they are categorized as being amongst the list of the most vulnerable in the country (Children's Act, 2005). However, even with this provision and concept of what a child is the status of a child as a migrant in the country has presented itself as a serious dilemma. Recent studies in the country have illustrated that international migrants are perceived as a threat to society, that they are also often perceived as illegal, and cunning and as such receive great hostility from some South African citizens (Fritsch et al., 2008; CoRMSA, 2011).

On the other hand, however, the various policies and programs that have been developed in the country such as the Children's Act as well as the attitudes of people on children describe a different view of what people think children are and how they believe they should be treated. Children are seen as a vulnerable population group, weak and passive, and thus in need of care and protection (Davidson, 2011). In the words of Davidson (2011), the 'child migrant' is almost

a contradiction concept, innocent and vulnerable on the one hand, and a threat and cunning at the other extreme. This contradiction and dilemma may contribute greatly to how unaccompanied child migrants are treated in the country and also affect their ability to access social services. Though the need to treat child migrants as children first than as migrants is always stressed, unaccompanied child migrants in the country are often treated as migrants first before they are seen and treated as vulnerable and as children in need of care and protection (Schreier, 2011; Department of Social Development).

Most unaccompanied child migrants are undocumented (irregular) as they tend to have few legal channels through which to migrate (Elphick, & Amit, 2012; Committee on the Rights of the Child, 2012). This exposes children to additional dangers in transits to reach the country and creates a dependency on adults, who may take advantage of children's vulnerability and dependency to abuse and/or exploit them (Elphick, & Amit, 2012; Committee on the Rights of the Child, 2012). As an undocumented migrant, an unaccompanied child migrant will be more vulnerable to exploitation at destination and have even more difficulties accessing social services (Committee on the Rights of the Child, 2012). However, although unaccompanied child migrants in an irregular migration situation are the most at risk of human rights violation, children with regular migration status are also vulnerable to discrimination and exclusion from basic rights and services. According to the United Nation's Committee on the Rights of the Child (2012), both documented and irregular unaccompanied child migrants are most likely to face challenges when accessing social services in their host countries. The sections to follow provide a thorough description of the situation of unaccompanied child migrants in the country. The analysis below shows the diversity and complexity of migration in terms of its characteristics and motivations (Bloch, 2006).

2.6 Motivations for Migration

Unaccompanied child migrants are motivated by a large number of different but interrelated factors to leave their home countries for South Africa. Broadly, the migration of unaccompanied child migrants to South Africa can be influenced and determined by political, socio-economic and environmental factors (Elphick, & Amit, 2012). Famine, floods and natural disasters are amongst the list of environmental factors that force unaccompanied child migrants to migrate to South Africa (Gambaro et al., 2008). Political factors that motivate unaccompanied child

migrants to migrate from their countries to South Africa include but are not limited to, warfare, conflict, and other serious situations of human rights violations (Elphick, & Amit, 2012). Poverty as well as limited access to social services such as education and employment opportunities are amongst the list of the key socio-economic factors that cause unaccompanied child migrants to migrate to the country (Save the Children UK, 2007).

Unaccompanied child migrants are often forced to migrate in order to find means (employment) that will help them support their poor families in their home countries (CoRMSA, 2011). Although they sometimes participate in planning for and in the decision making process of their migration, unaccompanied child migrants also at times migrate to the country without having had anticipated or planned to migrate. This often occurs when they are forced to migrate to South Africa for exploitative purposes for example, through trafficking for sex or labor. Encompassing socio-economic, political and environmental factors, the death of parents, a caregiver or the whole family may also be a determining factor to the migration of children to the country (Clacherty, 2005). Broadly, what is evident from the description of the factors that cause unaccompanied child migrants to migrate to the country is the need for better livelihoods (Elphick, & Amit, 2012). The factors identified here as motivators for the migration of unaccompanied child migrants also illustrate how complex and serious a human right issue the migration of unaccompanied child migrants is (Gambaro et al., 2011). The seriousness of the situation and migration of unaccompanied child migrants is also noted in the challenges that unaccompanied child migrants experience when migrating to the country and upon their arrival and integration to the country.

2.7 Unaccompanied Child Migrants' Journeys to Reach the Country Borders and Challenges to Migrating

Child migrants that migrate to South Africa on their own use different methods to reach the country. While others are smuggled into the country by smugglers, others are forced to travel to the country by foot (Frisch et al., 2010; Elphick, & Amit, 2012). There are unaccompanied child migrants who also use mini-buses and trucks to get to the country. Important to note, a challenge that was highlighted earlier on is that, for many unaccompanied child migrants the travel to the country is often illegal. For this reason unaccompanied child migrants often avoid the formal border post due to their lack of documents required by the South African law for international

migrants to have in order for them to reside in the country (Elphick, & Amit, 2012). Thus, for many unaccompanied child migrants, travelling to South Africa does not come without challenges. During the migration travels, unaccompanied child migrants are vulnerable to sexual abuse, robbery, death and other forms of torture and violence from police, immigration officers and the notorious “Magumaguma” (Elphick, & Amit, 2012; Save the Children, 2007). The magumaguma is a notorious gang that is known to exploit and abuse migrants who to the Musina border separating Limpopo (South Africa) and Zimbabwe. They (the magumaguma gang) take people’s goods and money and also hit and rape immigrants.

Upon arrival, integrating into the country also becomes a challenge for most unaccompanied child migrants. Lacking knowledge of their rights as children and as migrants, unaccompanied child migrants suffer exploitation from employers such as farmers. Some are also victims of trafficking, homelessness, unlawful detention and deportation (Lawyers for Human Rights, no year, as cited in CoRMSA, 2013). This is where role of social services should come in. Social services play a significant role in addressing the challenges faced by unaccompanied child migrants and in ensuring that as children, unaccompanied child migrants are properly cared for and protected at all times. They also have an important role to play in ensuring that these children (unaccompanied child migrants) are able to participate in mainstream society, through services such as schooling, which is an important socialization and economic endeavor (van der Burg, 2009).

However, even with the recognition of the significant role that social services have on the well-being of children, unaccompanied child migrants are often denied access to social services on the basis of their inability to produce identity documents or permits giving them the right to reside in the country (CoRMSA, 2011; Polzer, 2010). There have also been reports of unaccompanied child migrants being discriminated against and not being provided social services, not only on the basis of their inability to present the legal documents but also on the basis of them just being mere ‘foreign migrants’ (Palmary, 2009; CoRMSA, 2011). With such challenges faced by unaccompanied child migrants in the country, it would seem as though the country does not have policy frameworks and interventions in existence that protect such groups of children from experiencing such challenges or that address the challenges they are faced with. Children in the country are guaranteed the right to social services, important services in promoting and

protecting the well-being of children in the country. The protection of unaccompanied child migrants in the country is prescribed by both international and domestic law. The analysis and discussion below offers a background on the legislative and policy framework of unaccompanied child migrants in the country in relation to their right to social services.

2.8 The Right to Social Services

In the Bill of Rights Section 28 (1) (c) of the Constitution of South Africa, Act No. 108 of 1996, every child in the country has a right to social services and there is no similar mirror right for other population groups in the country (van der Berg, 2009). Although it may appear to be a straight forward term, the term/concept ‘social services’ is not used consistently by the different service providers in the country and as such tends to be an elusive term with no definition of what social services are (Dutschke, 2006; Dutschke, 2007). Many have struggled to provide a definite definition of the term. For the purposes of this study, using Dutschke’s (2007) definition, social services refereed to the interventions and social programs that help people deal with social problems arising from social, economic or economic change, these included services such as access to shelter, schooling, and health care services. All social services play a significant role in enhancing the well-being of those of whom they are provided to and also contribute to the overall quality of life for the individuals and the society as a whole (van der Burg, 2009).

South Africa has not only committed itself to achieving access to social services for all but has also committed itself to achieving equality for all in the country. The Bill of Rights in the Constitution grants everyone the right to equality; this then means that children’s right to social services must be read in the context of this right (Dutschke, 2007). When this read, it would mean that all children, including unaccompanied child migrants are equally entitled to social services. Because social services are developed to respond to the welfare of the society, particularly the vulnerable, the right to equality in accessing social services means that unaccompanied child migrants are entitled to specific services that address the cause and effect of their vulnerability as children who are migrants and without legal adult care and supervision (Dutschke, 2007).

However, a combination of challenges such as inadequate documentation by the children, ignorance, and discrimination, continue to ensure that many unaccompanied child migrants in the

country do not access critical social services they are entitled to by law (Landau, 2005). Landau (2005) reports that documentation is important for migrants in accessing social services in the country but also that this is often a barrier to international migrants' chances or ability to access social services as many international migrants lack the necessary documents required by officials to access such.

The reality of unaccompanied children is that many of them migrate to the country without legal documentation (CoRMSA, 2011; Elphick, & Amit, 2012). However, even with these issues, the country's laws appear to include international migrants in the provision of social services. Section 5(1) on the South African Schools Act 84 of 1996, declares that, a public school must admit learners and serve their educational requirements without unfairly discriminating in any way. Importantly, this provision does not distinguish between citizens and international migrants. Article 27(g) of the Refugee Act (130 of 1998) states that: "Refugees as well as refugee children are entitled to the same basic health services and basic primary education as citizens".

Despite these provisions, unaccompanied child migrants continue to face obstacles and discrimination in accessing the educational services to which they are entitled. A similar pattern of exclusion is reflected in accessing health services even though Section 27(1) of the Constitution states that everyone has the right to health care services. Already highlighted, unaccompanied children are also victims of homelessness, abuse and exploitation and unlawful deportation. The right to social services should ensure that all children have shelter, are protected from harm and abuse and are treated with dignity, a possible reality that has yet to be realized for unaccompanied children. The reality in South Africa is that many of its progressive laws have yet to be successfully implemented. The right to social services for all children in the country is amongst the list of these. Many reports on unaccompanied children and their right to social services have suggested that the challenge to the realization of this right to social services has not been with the policies that make provision for such services but rather that the challenge has been the failure of the country to implement these policies to practice (CoRMSA, 2011; Schreier, 2011).

It is evident that social services for unaccompanied child migrants are largely fragmented in the country. The development of a practical guide by the Department of Social Development on working with unaccompanied child migrants in the country can be read as the state's recognition

that there are serious challenges that need to be addressed in the plight of these children. The rights declared in the country's legal frameworks have yet to be fully implemented in practice. For this reason, vulnerable populations in the country such as unaccompanied child migrants continue to face challenges in integrating into the country and live under environments in the country that are not friendly for a child's development and which do not uphold the progressive human rights-based approach that South Africa is said to be embracing in legal framework and policy on children's rights. The section below offers an analysis on who literature argues is or should be responsible for the provision of social services. Other sectors besides the government have been given the responsibility of providing for the right to social services.

2.9 Whose Responsibility are They?

For every right there are a range of people with the obligation to make sure that such right is met. These people are called duty bearers or role-players (Dutschke, 2007). According to the Constitutional Court as cited in Dutschke and Monson (2009), every child is entitled to parental and family care. The parent(s) or the family has a responsibility to ensure that they meet all the needs and the welfare of children. However, if these are lacking, the state has a direct responsibility to provide care and protection for children who do not enjoy family care. The state has a responsibility to provide services to address causes of children's vulnerability (Dutschke, 2007). However, even though the state plays the centre role in providing social services for children, a variety of actors and institutions, including states, markets, communities, non-governmental organizations and external donors also provide or finance social services. It has been reported that many of social services that government is obliged to provide in terms of this law are delivered by civil society (Magqibelo, 2010; Alphick, & Amit, 2012). As in the past, Non-Government Organizations have continued to deliver the bulk of social services to children, particularly unaccompanied child migrants.

Social services are part of government's constitutional obligation and give a firm foundation to prioritize reform and delivery. Failure by government to ensure that this law is realized fully is an indication of the State's failure in meeting its obligations towards children (Dutschke, 2007). The right to social services is important for children because it implies the provision of social workers and other services necessary for their welfare. In country, the state has given the Department of Social Development the main responsibility for providing social services for

children in the country. In recognition of the increasing number and vulnerability of unaccompanied child migrants in the country and the present challenges social welfare services are facing in ensuring their care and protection the Department of Social Development released a guide on unaccompanied child migrants in the country. In this guide the Department acknowledges that unaccompanied child migrants are vulnerable and are often exposed to abusive and exploitative circumstances. The guide was developed out of the recognition of the need to have guidelines for unaccompanied child migrants in the country to ensure that they are able to access social services, which include, food, shelter, education, health and psychosocial support, and services that ensure that they are not exploited and abused.

The Guideline states that unaccompanied child migrants should be referred to state social workers or police officials should they be found to be in need. Unaccompanied child migrants should be assumed to be children in need of care and protection and may be placed in temporary safe care; this in reality should imply that no migrant child should be found homeless in the streets of this country. In acknowledgement of the role of civil society, particularly NGOs, the guide also highlights the importance of the existence of a collaborative relationship between state institutions such as Home Affairs, the Department of Social Development and the South African Police Service and NGOs in providing social services for unaccompanied children in the country and from protecting them from neglect and abuse (Department of Social Development). The legal framework and policy on unaccompanied child migrants' right to social services in the country is discussed below. This review of the legal framework and policies that inform and make provision for the rights of children in the country illustrate that, even though the country's policies are progressive and promote the right to access social services to every child in the country, the Immigration Act challenges this position.

2.10 The Legal Framework on Unaccompanied Child Migrants

General and child- specific national, regional and international frameworks in the country contain provisions recognizing the unique needs of children, particularly those who are not under the care of parents or a guardian (Elphick, & Amit, 2012). What is evident in all the legal frameworks that give provisions to the rights of children is that they all seek to protect children such as unaccompanied child migrants from harm and ensure that their best interests as children are met at all times.

2.10.1 International Frameworks

Section 39 of the Constitution (as cited in Mira Dutschke, 2006, p. 27) states that: “When interpreting the Bill of Rights, a court must promote the values that underlie an open democratic society based on human dignity, equality and freedom; must consider international law; and may consider foreign law.” South Africa has signed and ratified a number of international and regional laws that speak to and promote the rights of children. The laws set out in these treaties are legally binding to the country. In recognition of the unique situation of unaccompanied child migrants, a number of international and regional laws make provision and respond to some of the unique needs of these children. Both international and regional laws state that a child’s best interests should always be of first priority when working with children. Although none of the international and regional laws discussed below specifically refer to the right to ‘social services’; they all make provisions that speak to this right. The treaties discussed below suggest that, as children, unaccompanied child migrants should be given equal status and access to social services such as social security and education, regardless of their nationality or immigration status, that is, whether they are deemed as irregular or legal immigrants.

2.10.1.1 The 1989 United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child (UNCRC) is amongst the list of legal treaties which the country has signed and ratified. The UNCRC is legally binding for the country. The country has a responsibility to promote and uphold the rights enshrined in this legal treaty. The UNCRC requires that all children are granted protection in South Africa without discrimination of any kind (Article 2) and that the best interests of the child be of primary consideration in any actions involving them (Article 3). In the case of unaccompanied child migrants, detention and deportation, for example, should only be done by countries if such is in the best interest of the child. Furthermore, the UNCRC confirms that all children should be given equal status regardless of their nationality. The preamble of the treaty affirms that children are entitled to special care and assistance. The treaty states that, children without family protection, must be given special protection, including the provision of alternative care (Article 20). In honoring this legal principle, South Africa has an obligation to provide alternative shelter and care for unaccompanied children as they are without family care. According to the UNCRC unaccompanied child migrants also have the right to social services such as social security and

education and should be provided these without any form of discrimination. Since the laws in the CRC are legally binding to South Africa, the state has an obligation (Article 3 of the UNCRC) to protect, care and promote the well-being of unaccompanied child migrants and to ensure that the necessary social services are delivered to them by competent officials as declared by this legal entity, the UNCRC.

2.10.1.2 The 1995 Convention on the Rights of the Child Committee, the General Comment No.6 on the Treatment of Unaccompanied and Separated Children Outside their country of Origin

The general Comment No.6 was developed by the Convention on the Rights of the Child Committee in response to the global trend of the increase in the number of children migrating to other countries on their own. All state members of the UNCRC (South Africa included) are obliged to the regulations upheld in this legal entity. The treaty affords unaccompanied child migrants priority in allocating resources in realizing child migrants' rights. According to this Comment or legal piece, upon identification, unaccompanied child migrants must not live without the care of a guardian or advisor. This legal entity protects unaccompanied child migrants in South Africa and affords them special rights such as alternative shelter and appropriate guardianship by the state. In adhering to this law, unaccompanied child migrants in South Africa also have the legal right to health, schooling and quality care and protection as with other children who are South African nationals. Unaccompanied child migrants in South Africa have been reported to be particularly vulnerable to child exploitation and abuse (Elphick, & Amit, 2012; CoRMSA, 2011), for this reason, paragraph 50 of this treaty, that is, the General Comment No.6 affords unaccompanied child migrants special protection. The treaty puts it upon the state to protect and ensure that unaccompanied child migrants live in child safe environments and that they are protected from abuses and exploitation such as child labor and sexual abuse.

2.10.2 Regional Binding Law to the Country

2.10.2.1 The 1999 African Charter on the Rights and Welfare of the Child (ACRWC)

The 1999 African Charter on the Rights and Welfare of the Child (ACRWC) sets out a number of universal and non-discriminatory rights for children in Africa (Schreier, 2011). Acknowledging that the global context represents just a segment of the realities of the African

continent, the 1999 ACRWC was set to respond to the situation and specific needs of children in the African continent. It addresses children's right to family care and appropriate alternative care as well as the right to be protected against maltreatment, abuse, neglect and degradation, situations of which unaccompanied child migrants are most prone to be exposed to. The Charter builds on the principles of the best interests of the child, as such all children in South Africa, unaccompanied child migrants included, are according to the 1999 ACRWC, Article 25, entitled to appropriate alternative care and should be protected from all forms of abuse and exploitation. All children are and must be guaranteed the right to free primary schooling, placement and shelter regardless of their nationality. The national legislation on unaccompanied child migrants in the country is discussed below.

2.10.3 The National Legal Framework

Except for the Immigration Act, South Africa legislation policies are said to have adopted a human rights-based approach on the provision of children rights' to unaccompanied child migrants in the country. Schreier (2011), as well as Elphick and Amit (2012) state that, South Africa has a well-developed and integrative legal and policy framework for the provision of the rights of children, unaccompanied child migrants included, which promotes equality and is non-discriminatory. The legal entities such as the Constitution, the Children's Act and Refugee's Act, all provide protections for unaccompanied child migrants that are largely in accordance with the principles and rights set out in both regional and international treaties (Schreier, 2011).

2.10.3.1 The South African Constitution No. 108 of 1996

The Constitution is the supreme law in the country. Most rights upheld in this legal framework apply to "everyone" in South Africa. Furthermore, Section 28 of the Constitution sets out special rights of children in the country. Like the international laws described above, the Constitution (Section 28) also emphasizes that the 'best interests of the child' is of primary importance in every matter concerning a child. According to the Constitution, every child in the country has the right to appropriate alternative care when not in the care of family or parental care. In interpreting this, this would mean that unaccompanied child migrants would not be expected to be reported to be homeless, and not be heard to experience abuse or exploitation. By law, they have the right to have a legal practitioner assigned to them by the State and treated in a manner

and kept in conditions that take into account their age as children. The Constitution also states that children should be protected from exploitative labor practices, neglect, and abuse. The right to social services in this legal entity (the Constitution) makes provision for unaccompanied child migrants to access all services important to promoting their well-being and safety, important social services such as state shelter, schooling and state counseling from state officials, such as social workers.

2.10.3.1 The Children's Act No. 38 of 2005

All children in the country in the country are protected by the provisions in the Children's Act (Lawyers for Human Rights, n.d). Although there are no special provisions in this Act for unaccompanied child migrants, the provisions in the Act are read to apply to all children in South Africa including international child migrants (Elphick, & Amit, 2012). The Children's Act defines a child in need of care and protection to include children who are abandoned and are without any visible means of support, and a child who lives and works on the streets or begs for a living (Section 150). Unaccompanied child migrants fall into this category as they are not only without the care of adult caregivers but are also most likely to be found in the streets and without any visible means of support or assistance. The Children's Act covers various rights all linked to the ultimate provision of social services to children. The provisions in the Act are seen as paramount to ensuring that the ultimate well-being of all children in the country is promoted and protected. Since unaccompanied child migrants are below the age of eighteen, the Children's Act affords unaccompanied child migrants special rights as children which in turn should protect them from challenges of homelessness, exploitation, abuse and unlawful detention and deportation, which are all challenges that unaccompanied child migrants have been reported to experience (Save the Children, 2007; Solidarity Peace Trust, 2010).

2.10.3.2 The South African School's Act No. 84 of 1996 (SASA)

Section 5 (1) of the SASA declares that state schools, that is, public schools must admit learners and serve their educational requirements without unfairly discriminating in any way. The Act does not make any distinction between national and unaccompanied migrant children for this reason all unaccompanied migrant children are interpreted to be included in this provision. Unaccompanied child migrants are according to the Constitution and SASA entitled to the basic

right to free basic education in South Africa. However, though the law says that all learners must be admitted to schools without being unfairly discriminated, child migrants (unaccompanied child migrants), have continuously been reported to be refused admission at government (public) schools. The Forced Migration Studies Programme (2007) reported that schools were denying a number of child migrants access to education on the basis of them not being able to present documentation legalizing their stay in the country. Ignoring the standards set out in the supreme law of country (the Constitution) and those set out in the international and regional laws the country which the country has signed and ratified, Head of schools were reported to adhere to the Immigration Act that prohibits the provision of schooling to international migrants who are undocumented.

2.10.3.3 The Immigration Act No.13 of 2002

The Immigration Act regulates the entry and exit of international migrants to South Africa. There are no special provisions in relation to unaccompanied child migrants in this framework but the framework is useful in determining the situation of detained unaccompanied child migrants. Unaccompanied child migrants who are found to be unlawfully in the country are often subjected to detention and deportation. The Immigration Act regulates who is an illegal international migrant in the country and sets out provisions for the detention and deportation of illegal international migrants. The Immigration Act does not provide any age limits to detention and deportation and for this reason, many child migrants, who are deemed by this policy as irregular immigrants, have been reported to be detained and deported by immigration officials (Lawyers for Human Rights, n.d). However, the importance of reading this law in relation with the rights enshrined for unaccompanied migrant children in the legal frameworks that have already been discussed above is always been argued for.

The UNCRC, 1999 ACRWC and the Section 28 of the Constitution state that a child should not be detained except as a measure of last resort, and only for the shortest appropriate period of time and to be detained separately from adults, and in a manner that takes into account the child's age. As previously noted, this is hardly the case in South Africa. Unaccompanied child migrants without documents have been reported to be arrested and detained with adults and in centers that are not child-friendly (Schreier, 2011). The Immigration Act prohibits and challenges

international migrants who are in the country without documentation legalizing their stay in the country ability to access and enjoy their rights in the country.

2.10.3.4 The Refugees Act No. 130 of 1998

The Refugees Act sets out the rights and obligations of refugees in South Africa. Some unaccompanied child migrants can fall into this category of international migrants. Refugees refer to migrants who have fled their home countries due to fear of their lives being at risk, due to political conflict, warfare, or fear of persecution on their grounds of their religion, ethnicity, race or political alliance. Section 32(1) of the Refugee Act 2008 makes specific reference to the protection of unaccompanied child migrants who appear to have a claim for a refugee status in the country. It stipulates that unaccompanied child migrants should be brought before a Children's Court. Furthermore, the Refugee Amendment Act No. 33 of 2008, states that the children's Court may then order that the child be assisted in applying for asylum. The child is referred as a state child, and a social worker from the Department of Social Development is assigned to the case. If an unaccompanied migrant child who has received asylum seeker documentation in the country later also receives status as a refugee they can, according to the Social Assistance Amendment Act 2004 as amended in 2012 access social services such as social grants. Unaccompanied child migrants who are refugees or who wish to apply for a refugee status in the country must and should be guaranteed a social worker. Furthermore, the right to social services automatically falls into play and should be providing for, once the child receives refugee status.

2.11 Summary

This chapter has provided a review of the literature on unaccompanied child migrants and moreover, on what the right to social services is and means for unaccompanied child migrants. Informed by the human rights-based approach which is based on value of non-discriminatory acts and the principle of equality, the literature covered in this chapter has shown that except for the Immigration Act; the national, regional and international frameworks all acknowledge the importance and need to promote and protect children's right to social services. However, though by law unaccompanied child migrants have the right to social services, unaccompanied child migrants who when in the country are particularly vulnerable to and have been reported to be

exposed to and experience abusive acts and exploitation, often experience challenges in accessing social services and are often denied access to social services. The literature that was reviewed for the study suggests that there are challenges between policies and practice. Unaccompanied child migrants continue to experience challenges in accessing social services such as education, shelter, social workers and health care services even though Section 28, 1 (c) of the Constitution states that every child has a right to social services. Access to social services for unaccompanied child migrants is fragmented. The chapter below provides the reader with details on which methods and methodology informed the study. The chapter also details the research question and aim and objectives from which the study was based on.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

Research on international migration has expanded significantly over the years. However, regardless of this progress, Knowledge (2013) notes that there continues to be challenges and limitations on research in this field which though important to address, are often ignored. She notes that the greatest of these challenges or limitations on research on unaccompanied child migrants, concerns issues around the failure of organizations (notes that research on unaccompanied child migrants is largely practitioner-based rather than from academia) to provide thorough and detailed explications of their research methodology and methods (Knowledge, 2013). Taking into account this challenge, this chapter provides the reader with a thorough and detailed description and explanation of the underlying logic of this research, that is, it provides a detailed explanation of the methodology of the study. The methods used to collect and analyze data that was collected for the study are also described. The limitations of these methods are also integrated into this discussion. Strydom (2011) in de Vos, Strydom, Fouche and Delport (2011) states that ethical aspects are imperative to consider when conducting research with human beings as units of analysis. For this reason, the chapter describes all the ethical principles that were considered when conducting this study. This is done after a detailed description of the trustworthiness of the study is provided.

3.2 Research Methodology

3.2.1 Epistemological and Ontological Considerations

People hold different views on what is or forms the realities of our society and our experiences (ontology) as well as what we should hold as truths and knowledge (epistemology). With a number of approaches to choose from, the research drew on the constructivism approach in determining what would form the knowledge base of the study and how this knowledge would be acquired (de Vos, Strydom, Fouche, & Delport, 2011). Central to this approach is the emphasis put on the active voice of the participants. The constructivist approach holds the assumption that in order to understand people, social action or any phenomena; research must be

understood through the eyes of the participants, that is, through the eyes of the people involved in and the people who work in the social setting or realities researchers aim to study (Mir, & Watson, 2001). It argues that reality is socially constructed, that reality is as much a manifestation of our own social construction as it is of natural forces beyond our control and understanding (Mir, & Watson, 2001).

Informed by this approach (the constructivist approach), this research took on the stance, that is, that the reality of social service provision for unaccompanied child migrants and their ability to access these services is socially constructed. We can only understand the realities of the social service provision of unaccompanied child migrants in Johannesburg through the eyes of those involved in and affected by this phenomenon, in this case, social service providers. The researcher took on an inductive ontological stance in approaching the study. The researcher did not have a predetermined hypotheses of what was the reality of social service provision for unaccompanied child migrants in Johannesburg, but rather went to the field with an open mind, to study, collate and report on these realities as experienced and viewed by social service providers (Creswell, 2003).

3.2.2 Research Approach and Research Design

The study took on the form of an exploratory-descriptive research design. Exploratory research is conducted in order to gain insight into an unexplored situation, individual or phenomenon. Knowledge (2013) notes that though vast in practice-based organizations, research on unaccompanied child migrants in academia remains very limited. Thus this study was exploratory because it explored a relatively unpopular phenomenon in scholarly research. It aimed to explore the situation of social service provision for unaccompanied child migrants in Johannesburg. The study was also explorative in nature as the researcher aimed to explore the different views and experiences participants have on the phenomenon that was studied (Sandelowski, 2006).

As was already noted, the research was not only explorative but also descriptive. Descriptive research refers to a more intensive examination of phenomena and the deeper meaning attached to such phenomena which ultimately lead to a thicker description of phenomena (Creswell, 2003). The research strived to provide a deep description of unaccompanied child migrants'

experiences in accessing social services in Johannesburg by examining the situation of social service provision in Johannesburg through the use of the explanations and definitions, challenges and recommendations that the research participants shared with the researcher regarding unaccompanied child migrants situation in the city and their access to social services.

An explorative-descriptive design was most appropriate in this study. The exploratory design gave the researcher an opportunity to get an initial background of the phenomenon of child migration, specifically the migration of unaccompanied child migrants in the country and the Johannesburg region as experienced and viewed by research participants. Once the background of the phenomenon of the migration of unaccompanied child migrants in the country and their ability to access social services in the country was established, the descriptive design component of the study gave the researcher an opportunity to explore and explain the phenomenon she was studying in more detail, thus expanding the understanding of the whole phenomenon. Using the descriptive design allowed the researcher to answer the research question and also provide detailed description of unaccompanied child migrants experiences in accessing social services in Johannesburg, Gauteng-South Africa. The two designs, thus, complemented each other.

The study was informed by the qualitative research approach. De Vos et al. (2011) note that, the qualitative research approach is most appropriate to use when conducting descriptive or exploratory studies. The qualitative research approach in its broadest sense refers to research that elicits participant accounts of meaning, experience or perceptions (Creswell, 2003). It produces descriptive data in the participant's own written or spoken words (Seale, 1999). The study strived to provide an encounter of the experiences, views and meanings participants had on access to social services for unaccompanied child migrants in Johannesburg from participants own words. One of the strengths of a qualitative method is its inductive, naturalistic strategy of approaching a setting without a predetermined hypothesis such an approach to research assists combat research challenges such as researcher bias. As the research question below and the aim and objectives of the study illustrate, the researcher approached the study in a natural manner, without any preconceived hypothesis for the study.

3.3 Research Question

The study was guided by the following question:

- What are the factors hindering the delivery of social services for unaccompanied child migrants in South Africa?

3.4 Primary Aim and Secondary Objectives of the Study

3.4.1 Primary Aim

The main aim of the study was to explore factors contributing to the country's inability to deliver quality and non- discriminatory social services to unaccompanied children in the country.

3.4.2 Secondary Objectives

The secondary objectives of the study were:

- To identify the different interventions strategies and social services currently rendered to unaccompanied children in Johannesburg.
- To establish the views and interpretation of social service providers of the right to social services for children as declared in the South African Constitution Act of 1996, Act No. 108, particularly on what this law means or applies to unaccompanied children.
- To explore whose responsibility social service providers think it is to provide unaccompanied children with social services.
- To establish how unaccompanied children in Johannesburg access social services.
- To establish factors hindering the effective delivery of social services or intervention services to unaccompanied children.
- To explore efforts made by different key role players to address the challenges (if any) that unaccompanied children face in accessing social services in Johannesburg.
- To explore ways of improving intervention strategies and social services rendered to unaccompanied children.

3.5 Research Methods

3.5.1 Population, Sample and Sampling Procedures

The target population was social service practitioners from the Department of Social Development and civil society organizations. The researcher had proposed that their sample size would include a total of twelve participants; however the researcher was only able to get a sample size of nine participants. It was proposed that the sample size would include two social service practitioners from a state department referred to as the Department of Social Development as well as ten social services practitioners from five Non-Governmental Organizations (NGOs). This report captures the realities of one social service practitioner working as social worker in one of the regional offices of the Department of Social Development in Johannesburg. Five NGOs from around the Johannesburg city were also selected to participate in the study.

The research site was Johannesburg because Palmary (2011) notes that majority of unaccompanied child migrants in the country are found in two main provinces, namely, the city of Johannesburg which is situated in the Gauteng province and Limpopo. Except for the two organizations that could only provide the researcher with one participant; two participants were selected from each organization to participate in the study. The main aim of this study was to explore unaccompanied child migrants' ability to access social services in Johannesburg as experienced and accounted for by social service providers or practitioners working in the different institutions or organizations of social service provision.

Consequently, a non-probability sampling technique was used to select the participants for the study. Researchers using non-probability sampling seek out individuals, groups and settings where the specific events or processes being studied are most likely to occur in order to assist collect the richest data. The researcher used a type of non-probability technique referred to as purposeful sampling to select the participants for the study (Grinnel, & Unrau, 2011). Using purposeful sampling the researcher purposefully choose research participants who were best fit for the study, that is, those who were best fit to answer the research question (Grinnell, &Unrau, 2011). The participants had had more than two years of experience of working within the field of international migration issues, including on issues concerning unaccompanied child migrants.

The participating organizations were purposively selected using the Consortium for Refugees and Migrants in South Africa Social Services guide. The Consortium for refugees and Migrants in South Africa produces a national directory booklet annually for international migrants. In this directory is a list of names and addresses of all institutions or organizations that provide social services to international migrants in the country, unaccompanied child migrants included. The researcher used this guide to identify and select the five organizations from which research participants would be selected. However, even though the organizations and the state department that were to participate in the study were identified, convincing some of these organizations to participate in the study was a challenge.

3.5.2 Research Instrumentation

A semi-structured interview schedule with open-ended questions was used as a tool to collect data from the research participants. The questions covered aspects such as what the research participants thought social services were, who the different role players in social service provision for children are and amongst other themes, challenges in unaccompanied child migrants accessing social services in Johannesburg. Though they include a clear list of issues to be addressed and questions to be asked, unlike other research tools, for example, such as structured interview schedules, semi- structured interviews schedules are more flexible and allow the respondent to speak more broadly about the questions or issues posed on them (Greeff, 2002). Ritchie and Lewis (2003) state that interview schedules with open-ended questions allow for in-depth responses from participants and provide the interviewer with the opportunity to ask participants or respondents for further elaborations and clarity on responses they do not understand. For this reason, through the use of this research tool, the researcher was able to get a more accurate account of the views and experiences of social service providers on the unaccompanied child migrants' ability to access social services in Johannesburg. This in turn enhanced the trustworthiness of the data collected (Ritchie, & Lewis, 2003).

3.5.3 Pilot Study

A pilot study, also referred to as pre-testing, was conducted. According to de Vos et al. (2003), a pilot study represents the final stage in constructing a research interview schedule. The purpose of a pilot study is to determine whether the relevant data can be obtained from research

participants using the research instrument the researcher has chosen to collect data with (de Vos et al., 2003). Pilot studies help determine or rather estimate the actual time it will take to carry out the interviews and to identify and obtain feedback from the respondents of the test on any problems or challenges they may identify with the research instrument. Pre-tests thus enhance the validity and reliability of the research instrument (de Vos et al., 2003).

The researcher conducted a pilot study of the research instrument on one managing director from one of the five organizations that volunteered research participants in her study. This participant is a social worker by profession and is managing a national organization that works with issues concerning the well-being of all groups of international migrants (unaccompanied child migrants included) in the country. The pilot study was conducted with a person from a Non-Governmental Organization (NGO) working with unaccompanied child migrants in order to check whether the interview questions were relevant and appropriate for participants' settings and the research question. The participant from the pilot study suggested that rather than referring to 'unaccompanied children' by this term, the researcher use the term 'unaccompanied child migrants'. The participant shared that the term 'unaccompanied children' was too vague, that it could refer to any child. The participant shared that, the term 'unaccompanied child migrants' gave a clear indication of the type of children the researcher was studying on.

3.5.4 Methods of Data Collection

Interviews were used to collect data from participants. Data collected through interviews are interactive and thus enable the researcher or interviewer to ask for clarity where answers are ambiguous as well as confirm with participants understanding and interpretations of participant's responses (Sturges, & Hanrahan, 2004). In order to allow for flexibility and a high response rate, data was collected from the research participants using semi- structured interviews. Researchers use semi- structured interviews to gain a detailed understanding of participants' thoughts and accounts on a particular topic (Sturges, & Hanrahan, 2004). To achieve the aims and objectives of the researcher needed to gain a detailed understanding and capture a true account of the views of participants. As semi- structured interviews are more flexible, the researcher was able to follow up on particular avenues that emerged during the interviewing process which assisted the researcher to gain a detailed understanding of the research participants' accounts or views (Cho, & Trent, 2006).

All nine of the interviews that the researcher conducted were tape-recorded. This was done with the consent of the participants. Tape-recording was done in order to prevent loss of information as well as to help enhance the accuracy of data capturing and analyzing (Legard, Keegan, & Ward, 2003). All participants were comfortable with the researcher audio-recording the interviews. Initially the time that was allocated for data collection was four weeks after the researcher's fall of the first semester. However, due to the challenges the researcher encountered in getting organizations and the actual participants to participate in the study, data collection spanned to a period of four months- from August to December 2013.

3.5.5 Data Analysis

Thematic content analysis was used to analyze the data collected from the research participants. Thematic content analysis refers to the process of analyzing and interpreting data using themes (Cho, & Trent, 2006). The thematic content analysis procedure unpacks the internal logic of the data that is being analyzed and provides a map of the important and interrelated themes contained in text. There are various steps that are followed when analyzing data using the thematic content procedure and these are grouped into two main processes. Thematic content analysis is characterized by two processes referred to as data management and data interpretation process (Brynam, 2004).

Data management process- During the first step of the data management process the researcher must familiarize themselves with the data they collected. To achieve this, upon finishing transcribing, the researcher read through the data collected many times. Doing this assisted the researcher to check for patterns and induce themes that would help capture research participants' perceptions and experiences on unaccompanied children and their access to social services. Key during this process is capturing the data as presented by the participants. de Vos et al. (2011) state that, rather than using abstract theoretical language, the researcher should use participants' language. This process promotes greater credibility of findings.

Data interpretation process- The ultimate goal during the interpretation stage, that is, the second stage or process of the thematic analysis process, is to ensure that the data collected is interpreted in a way that ensures that the true expressions of research participants are revealed (Grinnell, & Unrau, 2011). During this stage or last process, the researcher wants to explain or give meaning

according to the beliefs and experiences of those who provided the data (Grinnell, & Unrau, 2011). This process entails coding, that is, making different sections of the data as being instances of, or relevant to, one or more themes identified. This step of code is then followed by what is referred as the elaboration process. This involves the researcher exploring the themes more closely together and checking if the different themes the researcher has come up with do not overlap. The final step is interpretation and checking, here, the researcher goes through the interpretation carefully to try and strengthen weak points after putting together interpretation. Although such an analysis is able to capture the accounts of participants more accurately, amongst the list of its limitations is that the thematic analysis process is prone to researcher bias (Grinnell, & Unrau, 2011).

3.6 The Quality/ Trustworthiness of the Study

3.6.1 Credibility of the Study

The credibility of a research study refers to the extent to which a researcher is able to capture and reflect on the perceptions and experiences of research participants accurately (Seale, 1999). Cho and Trent (2006) report that qualitative analysis is best able to do this as it involves a rigorous process of direct transcribing and capturing of data as presented by the participants. The researcher used a qualitative analysis technique referred to as thematic content analysis to assist enhance the credibility of the study. A qualitative analysis technique such as that of thematic content analysis ensures that participants' responses and the data collected from them are reported on authentically and accurately (Grinnell, & Unrau, 2011). The first step that the researcher took in this process was to transcribe the tape-recorded interviews word-for-word. This process was necessary if the researcher was to be able to accurately reflect and report on the accounts of the participants. As detailed in section 3.5 of this chapter, thematic content analysis is a very rigorous process that involves a thorough and authentic procedure to reporting of data collected (Cresswell, 2003).

3.6.2 Confirmability

De Vos (2004) emphasizes the need to ask whether the findings of the study can be or have been confirmed by others. The researcher employed two techniques to achieve this, namely, member checking and correspondence checking. In member checking the interpretation, that is, the

findings, of the research is given to the participants in order to check the authenticity of the findings (Babbie, & Mouton, 1998). The comments or feedback of participants serve as a check on the viability of the interpretation. Member checking can be done during the interview process, at the conclusion of the study, or both (Babbie, & Mouton, 1998). The researcher did member checking during the interview process with the participants. When doing member checking during the interview process, the researcher restates or summarizes what the participants share with them and they ask the participants to determine accuracy of their interpretation (Babbie, & Mouton, 1998).

Member checking at the conclusion of the research finding is argued to be favorable as it gives research participants the opportunity to confirm if indeed what the researcher is presenting as findings truly represents or reflects the realities or views of participants, mere checking during the interview does not give you the opportunity to do this. Taking into light the challenges (the resistance) from participants into getting them to participate in the study, the researcher opted against conducted member checking at the conclusion of the research process. Correspondence checking was used to assist enhance the confirmability of the findings. The researcher's supervisor checked the student's categorization of themes to check if they represented the realities presented on the findings.

3.6.3 Transferability

The transferability of a study is another important concept in research (Cho, & Trent, 2006). The term refers to the process by which findings of a study can be transferred or applied to other contexts of society. Migration issues are context specific (Hashim, 2005), for this reason the findings of the study may not be transferable to other contexts or segments of society. Issues on policy frameworks are also complex and ever changing, for this reason as well, it cannot be guaranteed that the same findings of the study will be acquired if the study is repeated with the same participants in the same context in the future. Developments may occur in the delivery of social services for unaccompanied child migrants and the legal framework may change thus also changing participants' accounts of the concept and situation of unaccompanied child migrants' ability to access social services in Johannesburg. Also, the small sample which was purposively selected precluded generalization of the findings.

3.7 Ethical Considerations

One of the fundamental principles in social research is protecting the well-being of research participants and maintaining the integrity of the research process (Marlow, & Bonne, 2005). It is of vital importance for a researcher to be aware of the general guidelines on what is right and wrong to do in research; a social researcher must be aware of and adhere to social science ethics (de Vos, Strydom, Fouche, & Delport, 2002). Amongst the list of the most common and important ethical principles in social research which the researcher adhered to are: obtaining informed consent, voluntary participation, doing no harm to participants, as well as adhering to the right to confidentiality and anonymity (de Vos et al., 2002).

3.7.1 Avoidance of Harm

The fundamental ethical rule of social research is that it must bring no harm to participants (Babbie, 2007). Participants can be harmed in a physical and/ or emotional manner. Participants may experience concrete harm with regard, for example, to their family life, relationships or employment (Babbie, 2007). It is important for researchers to protect participants from such harm. Though there was no anticipated harm for participants in participating in this study, to make sure that participants were protected from harm such as loss of employment, the researcher has protected the names of the participants and the name of the organizations they work for. In this way no one (including participants' employers) will know which participant said what. De Vos (2011) state that maintaining anonymity of participants is often crucial in ensuring that no harm is done to participants, especially when or if they share with you information or give opinions that they may consider unpopular or which would upset other people, such as their employers.

3.7.2 Informed Consent

Respect for persons requires that subjects be given the opportunity to choose what will or will not happen to them. Obtaining informed consent implies that participants are informed about all possible or adequate information on the goal of the study, the expected duration of the participants' involvement; the procedures which will be followed during the investigation; the possible advantages, disadvantages and dangers which participants may be exposed (de Vos et al., 2011). All interviews were conducted with the informed consent of the participants. Before

participating, all research participants were provided with copies of the participant information sheet detailing the topic of the study, the purpose of the study, and the nature and extent of their participation(de Vos et al., 2011). Written informed consent is a necessary condition in social research. The researcher provided accurate and complete information to all research participants. It is argued that this is good as it assists participants to fully understand the details of the study and consequently be able to make a voluntary, thoroughly reasoned decision about their possible participation(de Vos et al., 2011). All participants were legally and psychologically competent to give consent and they were made aware that they had the right to withdraw from the investigation at any time.

3.7.3 Voluntary Participation

Participation should at all times be voluntary and no one should be forced to participate in a study. Participation was not forced on anyone; thus adhering to the ethical principle of voluntary participation (Marlow, & Bonne, 2005). The researcher explained this verbally to the research participants. The participation information sheet provided to research participants explained to participants that their participation was voluntary and that they would be no rewards or penalties for them choosing not to participate or withdrawing from the interviews.

3.7.4 Deception of Research Participants

Deception refers to misleading participants, deliberately misrepresenting facts or withholding information from participants (de Vos et al., 2011). It involves withholding information or offering incorrect information in order to ensure the participation of the research participants when they would have otherwise possibly refused it(Marlow, & Bonne, 2005). Deception occurs when the researcher intentionally misleads (possible) participants by way of verbal or written instructions. The research participants in this study were not deceived into participating in the study. The researcher provided all participants with accurate details of the study and the nature of their participation. The participation information sheet which was provided to all research participants gave a detailed explanation of what the study was about, why their participation was needed and their (participant's) nature of participation in the study(see Appendix A).Were clarity was needed, the researcher provided this verbally.

3.7.5 Confidentiality

Sandelowski (2006) states that participants are freer to participate in studies if they know that the private information they share during the process of gathering data will not be spread to the public, that other people will not have access to the private information they share with their researcher or interviewer. The handling of information in a confidential manner is referred to as confidentiality (Sandelowski, 2006). The researcher adhered to this ethical standard throughout the research process, including in the reporting of the results. Any information that the participants might have shared during the interview process with the researcher which the participants asked to be kept confidential were not included or discussed in any parts of this report.

3.7.6 Anonymity

Participants' names and names of the organizations they work for are kept anonymous in the study. Coding is used in place of using the actual names of the research participants. All participants signed forms stating that their names would be kept anonymous in the study.

3.8 Summary

The methodology and methods of data collection and analysis of the study were discussed in this chapter. The researcher also explained and provided the reader with the research questions that informed the study. The research aim and objectives, research strategy, units of analysis and sampling procedures, research instruments, the trustworthiness of the study, together with the ethical considerations of the study have also been discussed in this chapter. The rest of this report deals with the findings regarding unaccompanied child migrants' ability to access social services in Johannesburg. The following chapters, that is, Chapter Four and Chapter Five of the report afford the reader an opportunity to judge whether the data collected through the semi-structured interviews from the research participants was able to answer the research question.

CHAPTER FOUR

FINDINGS AND DISCUSSION

4.1 Introduction

The chapter focuses on the presentation and discussion of the research findings on unaccompanied child migrants' experiences on accessing social services in Johannesburg, Gauteng. It describes research participants' views on the South African legislature on children's right to social services and whether this legal entity, that is, the right to social services, is and if it should be enjoyed by unaccompanied child migrants as well. Having used the thematic content analysis technique to analyze the data collected, the researcher captures the views and personal accounts of these participants on this issue in different but interrelated themes. These themes are discussed in relation to the research aim and objectives, research question and the theory that informed the study. However, the researcher first begins by providing the reader with a detailed profile of the research participants from whose views the findings discussed in this chapter have been drawn from.

4.2 Profile of Research Participants

Of the nine (9) participants that participated in the study, four (4) were female and five (5) were male. Participants' qualifications ranged from bachelor's degree in Psychology, Social Work, Community Development and research. All research participants had either been involved in advocacy work concerning human rights violations of unaccompanied child migrants or serving as social service providers to this group of children and other groups of international migrants in the country. Appendix E provides a clear profile of the research participants. The research participant's views and accounts of unaccompanied child migrants' ability to access social services in Johannesburg and how they speak to the overall research question, to the theoretical framework that informed the study and research aim and objectives are captured below.

4.3 Results and Discussion of Findings

4.3.1 Locating and Tracing Unaccompanied Child Migrants in Johannesburg

The research participants' comments revealed the same challenges highlighted in literature in accounting for unaccompanied child migrants in the country. The findings revealed that though the research participants understood the phenomenon (the migration of children independently) and accepted that there are unaccompanied child migrants in the country and the Johannesburg city; participants also believed that unless they reach out, identifying this group of children in the country and in the country's regions was difficult. Participants identified a number of reasons why they believed that unaccompanied child migrants are not easy to trace or account for in figures/statistically. One of the research participants had this to say about the issue of identifying unaccompanied child migrants in Johannesburg, "It is really difficult to give an account of the number of these children (unaccompanied child migrants) in the city or the country on a whole. Thing is (however), though we are not sure how many they are or at times even where they are, we do know that they are there. That we do know?"

Although vast literature now exists on the migration of unaccompanied child migrants to the country (Schreier, 2011; Elphick, & Amit, 2012; Hiller, 2007, Save the Children, 2007), literature on this group of migrants argues the same, that is, that providing accurate and reliable statistical representations of this group of children remains a challenge. This is also evident in the literature review chapter; most literature reviewed on unaccompanied child migrants for this study often did not provide a statistical representation of unaccompanied child migrants in the country (see Save the Children, 2007; Schreier, 2011; Knowledge, 2013; CoRMSA, 2011). The few that provided statistical representations of unaccompanied child migrants in the country were quick to make known that unaccompanied child migrants are a challenging group to account for in numbers and often only provided local community-based statistics and did not provide national accounts (Reale, 2008; Solidarity Peace Trust, 2010).

Some authors have highlighted some of the challenges encountered with providing (accurate) statistical accounts of unaccompanied child migrants in the country. Amongst the list of challenges that have been noted in the past in providing accurate numerical accounts of unaccompanied child migrants include but are not limited to, the lack of an appropriate system

by the country's Department of Home Affairs in identifying and accounting for these children (Save the Children, 2007; Hiller, 2007). Participants also highlighted other challenges encountered in providing accurate and definite accounts of unaccompanied child migrants within the city of Johannesburg and the country as whole. Research participants noted that the challenge to accounting for unaccompanied child migrants in the country is that they are difficult to trace once in the country. Three main challenges were noted by the research participants as key factors to why unaccompanied child migrants are difficult to trace and locate, these are discussed in-depth below.

4.3.1.1 Avoidance and Lack of trust in the Legal/ Immigration System

The research participants shared that in their experience of working with unaccompanied child migrants they have found that there are unaccompanied child migrants who hide themselves from the country's legal/ immigrant system, that is, from being identified. Participants shared that unaccompanied child migrants decide to hide themselves from the legal system because they often fear that they will be abused by officials or that they will be detained and sent back to their home countries. The participants noted that, they believed that this was so because often, unaccompanied child migrants found in the Johannesburg city are often those who have crossed the country's borders illegally, that is, those who have crossed the country's borders without presenting legal documentation required by immigration officials to give them authorization to reside in the country. One of the research participants explains this particular situation in this way: "It is well known that most unaccompanied minors (unaccompanied child migrants) enter this country illegally, they don't cross via the legal border. For this reason, they hide themselves from the system. Another participant, comments: "They (unaccompanied child migrants) are here illegally, they fear persecution, arrest and deportation so they hide...Most don't have legal documentation; it's easy for them to get arrested. Without documentation they get arrested just as it is with adults."

Although not specifically referring to unaccompanied child migrants, Polzer (2010) makes note of this challenge encountered by international migrants. Polzer, (2010) states that international migrants without documentation often choose not to make themselves known and hide from the host country's legal immigrant system for fear of being persecuted by immigrant and police officials, and/ or hide for fear of being arrested and sent back to their home countries. The

comments above from the research participants suggest that the challenge of hiding from the legal system is not one seen in adult migrants alone, but one seen and experienced by all types of migrants as well, including, undocumented unaccompanied child migrants. Olivier (2011) highlights the challenge that comes with residing in a country illegally. He notes that being marked as an irregular or illegal international migrant poses itself as a threat to international migrants' ability to access social services and any right they may be entitled to as many of the international migrants who are deemed as illegal immigrants hide themselves from the legal system and from being identified by officials. By hiding, like any other type of international migrant, unaccompanied child migrants are inevitably not able to access social services (Olivier, 2011). They are not able to enjoy their rights, including the right to social services, for fear of being detained or convicted while seeking access to such services (Landau, 2005; Olivier, 2011). However, as we will see below, the fear of persecution was not the only reason why participants believed unaccompanied child migrants' hide themselves from officials and the immigrant system.

4.3.1.2 Unaccompanied Child Migrants' Dislike of Places of Safety

One participant shared that the fear of persecution and being sent back home were not the only reasons why they believed unaccompanied child migrants hide themselves from the country's immigration system. The participant explains: "Sometimes you find that these children (unaccompanied child migrants) hide because they don't want to be accommodated to a place of safety; they come here looking for work. So if they are placed in a place of safety it means that they will just be there, not doing anything, not working." Economic migration, that is, migrating for the purposes of seeking a job or business opportunities, is argued to be the most prevalent form of migration in the world (Olivier, 2011).

Migrating in pursuit of better living standards and finding work has often been identified as one of the key motivators to unaccompanied child migrant's migration to the country (Oliver, 2011; Solidarity Peace Trust, 2010; Save the Children, 2007; Hiller, 2007; Elphick, & Amit, 2012). As captured in the participant's comment above, for unaccompanied child migrants who have migrated to the country for no other reason but to seek possible employment, living in a place of safety or shelter (as they should be if they are without any other form of legal adult care or supervision) would mean that they are not able to pursue their goal of finding work. Though this

was a challenge noted by only one of the nine participants in the study, hiding from the immigrant system and from accessing social services such as state shelter would make sense if the main reason for migrating to the country was to earn money to support yourself and/or your family at home. Ansell and Van Blerk (2010) state that children's migration for the purposes of finding employment has long been a strategy that children have used to assist meet their needs and those of their families.

4.3.1.3 False Guardianship Claims

Three of the research participants that participated in the study pointed out that another concern to the challenge of tracing and locating unaccompanied child migrants in the city was the challenge with false guardianship claims made by adults in the country over these children. In their vulnerable situation, meeting an adult who promises to look after you and make sure that you have a safe place to live in would seem like an opportunity to be never missed, a blessing for the desperate situation unaccompanied child migrants sometimes find themselves in when they first arrive to the country and during their integration process. This is the situation that participants shared they have seen unaccompanied child migrants' face when they get to the city. They (unaccompanied child migrants) are lured in by adults (often males) to come stay with them and sometimes their families with the promise of a "better" life. Not knowing anyone and with nowhere to go, participants shared that, these children are lured in by these promises and agree to live with adults who end up claiming false guardianship of them and abusing them. One participant shared of her encounter with one of her clients (an unaccompanied child migrant): "I had a case where a child was taken in by a man who promised would look after her. She was fourteen. She is now pregnant with this man's baby, he left her."

Another research participant shared that they had had a similar experience with one of their clients as well. Giving the researcher the impression that both participants were referring to the same child, both research participants provided similar details of an encounter they had had with an unaccompanied child migrant who came to them as a client. The possibility that both participants were referring to the same client is most likely because both the research participants worked in organizations that work in close unison with each. The experience captured below is from a social worker from the Department of Social Development who often receives client (or case) referrals from NGOs, including the organization the research participant whose encounter

with an unaccompanied child migrant has already been captured above. “I had a case in which a man brought in an unaccompanied minor claiming that they were related only to discover that they were not. The man took the child to his house, though married, he impregnated the girl, and the girl was only fourteen years old. A child gave birth to a child.”

Abuse and exploitation have been argued to be some of the most pressing challenges faced by unaccompanied child migrants in the country (Schreier, 2011; Save the Children, 2007; Palmay, 2009). Elphick and Amit (2012) also did a study on unaccompanied child migrants in Musina, they too also report on the issue captured in the participants’ comments above. According to Elphick and Amit (2012), not knowing anyone in the country and not having anywhere to go, a place to call home, makes it easy for unaccompanied child migrants to fall into traps of abuse and exploitation from other adults in the country. Such a finding suggests that this might be a challenge that all unaccompanied child migrants face irrespective of which region or city they may be in. Elphick and Amit (2012) reflect on the challenge of false guardianship and false claims made by adults in this country over unaccompanied child migrants. They note that men lure unaccompanied child migrants in, to either abuse them or exploit them through, for example, claiming social assistance grants from the government through them (Elphick, & Amit, 2012). This particular situation provides a clear indication of the vulnerable situation that unaccompanied child migrants in this country and in the Johannesburg city find themselves in. Reale (2008) states that this vulnerability (the abuse and exploitation) becomes a barrier for unaccompanied child migrants when they try to access social services.

4.3.2 “Every Child has a Right to Social Services”

4.3.2.1 What are Social Services?

The research participants saw social services as an important legal entity for every child, unaccompanied child migrants included, to enjoy. All nine participants shared a common understanding of what social services are and their role and importance in the lives of child migrants who live and stay alone without legal guardianship of an adult. The research participants defined social services as a broad spectrum of services that include being able to access and to be admitted into a school, access to shelter, counseling, and amongst others, assistance with accessing legal documentation to reside in the country legally. A social worker

by profession and advocacy officer for unaccompanied child migrants rights in practice had this to say when asked what they understood social services to be: “Well, its common sense, when we talk of social services; we are referring to things such as shelter, food for sustenance, and education.” Sharing the same sentiments with the above participant, another participant gave this explanation of what they understood social services as: “Social services range from placing children in a home, providing them with food, water, a place to live...all the way to getting children documentation because you need these in order to go to school and to be provided with basic health care services.”

Overall, two of the nine research participants, had this to say about social services: “Social services are anything that allow you to live...Anything that can benefit the well-being of the child.” As evident from the research participants’ statements, the term social services is an umbrella term that covers a large number of different services which include: education, health, counseling and amongst others recreation services (Dutschke, 2007). Although the participants’ understanding and interpretation of what social services are was important to grasp as the research participants are amongst the list of the people in the country who are at the forefront of responding to and at times addressing issues that concern unaccompanied child migrants, perhaps what was most important was exploring the understanding research participants had of the role of social services on children, especially so on the role they have or play on the lives of unaccompanied child migrants.

The role of social services in the lives of unaccompanied child migrants is captured in this participants’ comment: “Social services are very important, they are particularly important for unaccompanied migrant children, because they don’t have parents, people to fend for them. They ensure that they are protected and provided for.” This participant’s view on what social services are and their role in children’s lives is also encapsulated by Dutschke (2007). Dutschke (2007) states that social services and the right to such services is important for children because it implies the provision of social workers and other services necessary for their well-being and development. Furthermore, the right to social services also means that vulnerable children such as unaccompanied child migrants are entitled to special protection (Dutschke, 2007). This legal right gives effect to the right to family or parental care, and special protection such as appropriate alternative care as well as the right to protection from any form of abuse and neglect.

Social services become important interventions that help people deal with social problems arising from social, economic and/ or political change (Dutschke, 2006). Such services would be of great benefit to children who experience these changes; children who are without adult supervision and care, children who are on their own in a foreign country and who are prone to abuse and exploitation. Such services would be of great benefit to unaccompanied child migrants.

4.3.2.2 Who is Responsible for the Delivery of Social Services?

On who is or should be responsible for the provision of social services to unaccompanied child migrants, the participants shared that it was a collective effort. They shared that it was a collective effort, one requiring that the state, local government and civil society, particularly NGOs, collaborate and work together cooperatively in promoting and providing for all the rights of unaccompanied child migrants, in this case, the right to social services. However, although they argued that the provision of social services to unaccompanied child migrants was a collective effort, all participants agreed that the responsibility to provide social services to unaccompanied child migrants in the country was ultimately the government's, through the Department of Social Development. One participant in particular was very specific on who they thought should be responsible for the provision of social services to unaccompanied child migrants, and commented that: "Social services should be provided by the Department of Social Development and all organizations registered with the department as NGOs."

Another participant placed all the responsibility of social service provision to the state, through the Department of Social Development. When asked who is responsible for the provision of social services, the participant had this to say: "The government of course, through the Department of Social Development. The government is responsible for the provision of social services to unaccompanied child migrants." Also making no mention of the role civil society members such as NGOs play, Dutschke (2007) states that social services are or should be implemented and delivered by the government. Furthermore, he notes that, social workers are the ones who have the authority to co-ordinate these services. The Department of Social Development' (n.d) standard operating procedures document on unaccompanied child migrants details a number of officials who serve as key role-bearers on working with unaccompanied child migrants.

The Department of Social Development's (n.d) guideline on working with unaccompanied child migrants makes it clear that the most important role players on issues that concern unaccompanied child migrants are social workers who work for the state at the Department of Social Development. However, the guideline also acknowledges and encourages the role that is and should be played by other role players in addressing the concerns of unaccompanied child migrants. The guideline states that the successful implementation of unaccompanied child migrants' right and their protection thereof, can only be successful if there is integrated and coordinated work between social development, other relevant state departments and NGOs (The Department of Social Development, n.d).

When asked who is responsible for the provision of social services, one participant answered: "It's a collective effort. It is of course the government mandatory role, but NGOs also play an important role in the delivery of these services. In fact sometimes we forget that it's actually the government's role as there are many NGOs who offer help to migrants." Although the research participants were all in agreement on who is responsible for the delivery of social services to unaccompanied child migrants, and also on the view that, unaccompanied child migrants are too also entitled to the right to social services; there were other issues that research participants were indifferent on. The research participants did not share the same views on all issues that were discussed during data collection. Their views on whether or not unaccompanied child migrants are able to access social services in Johannesburg differed.

4.3.2.3 Unaccompanied Child Migrants' Ability to Access Social Services in Johannesburg

Whilst a participant from the Department of Social Services shared that she thought that unaccompanied child migrants can access social services in Johannesburg and are not denied access to these services; eight of the nine participants who participated in the study did not share the same sentiments shared by this particular participants. These participants shared that, though they believed that by law, unaccompanied child migrants should be guaranteed the right to social services, this was not the case or reality in practice. Participants shared that though there are unaccompanied child migrants who do access social services, they believed that it was just a small fraction of these children who access these services successfully. They noted that a large number of unaccompanied child migrants who are in the city often encounter challenges when accessing social services. These challenges, participants highlighted, often prevent

unaccompanied child migrants from accessing social services. The challenges identified by the research participants as key factors preventing unaccompanied child migrants from realizing their right to social services are discussed in detail below.

4.3.3 Factors Preventing Unaccompanied Child Migrants from Accessing Social Services

4.3.3.1 Awareness of Rights

A person can only claim a right if they know of such a right and are aware that they are entitled to that right, this is what one participant highlighted when explaining what they thought were the reasons to unaccompanied child migrants' inability to access social services in Johannesburg. The participant noted that amongst the list of the challenges that prevent unaccompanied child migrants from accessing social services has nothing to do with social service providers or social services organizations or structures but rather more to do with unaccompanied child migrants themselves. The participant explained: "There is a vast list of reasons why unaccompanied child migrants don't access social services. These children sometimes hide themselves from the system. Also, some often don't know where to get help, where to get assistance; they don't know their rights, they lack knowledge of their rights."

Landau (2005) identifies that amongst the list of the reasons why international migrants are not able to access social services in the country, is because they often do not know their rights, they often do not know the rights they are entitled to. He states that international migrants often lack information on how to access their rights and on how to access social services such as education and health-care services (Landau, 2005). State departments and officials who have first contact with unaccompanied child migrants would play a significant role in responding to this challenge. The officials and social service providers who are in contact with unaccompanied child migrants should educate and inform these children about their rights. A person cannot claim a right, if they are not aware that such a right exists, and that, they too are entitled to it. An issue that has already been touched on briefly is that of the lack of legal documentation by unaccompanied child migrants. The country's intolerant attitude towards international migrants who migrate to the country illegally and those who are without legal documentation permitting them to be in the country was also identified by participants as one of the key challenges to unaccompanied child migrants' ability to access social services in Johannesburg (Crush, & Williams, 2008).

4.3.3.2 Lack of Documentation

The research participants reported that they believed that a significant number of unaccompanied child migrants in the city were undocumented. This particular challenge came up from all research participants almost throughout the interview process. The respondents noted that lack of documentation and unaccompanied child migrants' state of irregularity thereof was amongst the list of the key contributing factors to unaccompanied child migrants' inability to access social services in the country. One of the research respondents is quoted saying: "Most do not have legal documentation. Social service organizations deny unaccompanied minors (unaccompanied child migrants) social services on the ground of them not being able to provide documents legalizing their stay in the country."

Another participant commented: "A challenge when working with unaccompanied minors (unaccompanied child migrants), is filing documents for them. The documentation process is not easy, without documentation, you will struggle to get some of these social services, including education." Drawing from the research participants' comments it would appear that, without documentation, unaccompanied child migrants are in a very vulnerable situation. According to the United Nations Children's Fund and University of Lanus (2010) child migrants face a wide range of constraints and obstacles to the full enjoyment of their rights. They too note that unaccompanied child migrants are especially vulnerable to the denial of their rights, particularly when they are undocumented and when they are 'unaccompanied' (United Nations Children's Fund, & University of Lanus, 2010). Important as these factors are, lack of documentation and lack of knowledge on what their rights are, were not the only challenges identified by the research participants as barriers to unaccompanied child migrants' ability to access social services in Johannesburg. This is explained in detail below.

4.3.3.3 Variations in Vulnerability Factors

One of the research participants shared that she thought that it was of vital importance that when we talk about the vulnerability of unaccompanied child migrants, that we not limit it to their nationality, but that we recognize and acknowledge that the situation of unaccompanied child migrants in the country is a complex one and that as such, there are also different factors that contribute to their vulnerability and to whether or not they are able to access social services in

the city. This viewpoint is articulated in depth in the research participant's comment below: "We need to understand that the migration status of these children is not the only determining factor to the challenges that these children face when accessing social services in this country." The participant further explains that: "Access to social services is determined by different factors; these include, gender, location, and yes your migration status. All these factors must be considered."

Though other research participants did not make note of this factor, the participant's view may be an important one to note. The CoRMSA 2012 service guide has a list of the organizations and institutions found through-out the country that provide social services to international migrants, including services to unaccompanied child migrants. Of all the nine provinces in the country, the Gauteng province and the Limpopo province had the largest number of NGOs offering social services to child migrants in the country. This could mean that unaccompanied child migrants in these two provinces would have a better chance of accessing social services. The issue of location is one that Palmary (2009) also notes in her report on the situation of child migrants in the country. Her study for UNICEF showed that child migrants (unaccompanied child migrants included) had a better chance of accessing social services, that is, they were enrolled more in schools and could access health-care services easily if they lived in an area such as Johannesburg which has a vast number of civil society organizations that offer such services to child migrants than they could in any other places in the country (Palmary, 2009). Not sidelining other factors or challenges to unaccompanied child migrants ability to access social services, unaccompanied child migrants' place of residence in the time of their stay in the country, may have an important role to play in their ability to access social services.

4.3.3.4 Officials' Lack of Knowledge and Training on Legislation of Unaccompanied Child Migrants

Eight of the research participants noted that one of the challenges to unaccompanied child migrant's ability to access social services was social service officials' lack of knowledge and understanding of the rights of unaccompanied child migrants in the country, and particularly on what the law says about unaccompanied child migrants' ability to access social services in the country. Research participants shared that, unaccompanied child migrants are often simply denied access to social services because social services providers or practitioners often lack

knowledge on how to work with and serve unaccompanied child migrants as declared by the law. One of the participants is quoted saying: “These practitioners are incompetent; if it’s not on textbook then they don’t know what they are doing. Practitioners are not educated enough to deal with some of these issues (referring to issues concerning unaccompanied child migrants).”

Asked what they thought were the reasons why they believed that unaccompanied child migrants in the city were not able to access social services as they should, another participant had this to say: “Lack of knowledge and understanding on how to implement policies remains a challenge. Practitioners do not understand the procedures that are involved in the process of helping these children (referring to unaccompanied child migrants).” Schreier (2011) also identifies this challenge highlighted by the research participants in his analysis of the situation of unaccompanied child migrants in Cape Town, South Africa. The lack of knowledge and understanding to apply proper laws and policies by social services providers when working with unaccompanied child migrants can be a threat to unaccompanied child migrants’ ability to access social services. According to Schreier (2011), many unaccompanied child migrants in Cape Town experience challenges in accessing social services such as schooling and access to the Department of Social Development’s social workers, because social service providers, including state social workers, lack knowledge and understanding on how to work with unaccompanied child migrants and on what policies and laws speak to the situation of these children. Without the knowledge of and ability to apply the legal policies that pertain to unaccompanied child migrants, the successful implementation of these policies and protections for unaccompanied child migrants will continue to be a challenge. There will continue to be challenges and gaps between policy and what is happening on the ground in practice level.

4.3.3.5 Policy versus Implementation

All participants stated that they believed that South Africa had good legislature; one that can protect and meet the needs of all in the country, including unaccompanied child migrants. However, participants noted that, even though the country has good legislature, the implementation of these rights and legal protections remained a challenge. Participants argued that, although unaccompanied child migrants have a right to social services, the implementation of this right to this particular group remained a challenge and was fragmented. Participants shared that, what is often on paper regarding the right of children in the country often did not

speak to the reality on the ground, that is, the reality at practice level: “Most of these children (unaccompanied child migrants) are denied access to social services. The practicality does not go along with policy. Policy says every child, but this often does not represent the reality of unaccompanied migrant children’s experiences.” One of the research participants was very clear on who they thought was to blame for this challenge: “South Africa has so many policies on paper but implementation is the problem, the government fails to implement policies.”

Some authors also make note of this challenge on unaccompanied child migrants’ ability to enjoy their rights in host countries. Even when legislation and policies prohibit the restriction of international migrants’ rights or discrimination against migrants with regards to enjoying their rights, Olivier (2011) states that many countries employ practices by which international migrants are either denied or restricted from accessing their rights. He notes that these practices are rooted in a variety of factors, which are often complementary, these factors include: xenophobic attitudes of the host population and/or public authorities; inaccurate information and prejudices about the impact of migration on the host society; *lack of training of civil servants, particularly regarding human rights*; and the absence of public policies meant to disseminate information on states’ human rights obligations and the rights of migrants. Most of the South African laws and policies concerning the rights of children are not exclusive to South African citizens and extend to all children in this country, including unaccompanied child migrants. In theory, Mayer, van Garderen, Handmaker and la Hunt (2007) note that such a legal framework pertaining to children in South Africa creates a satisfactory basis for the protection of child migrants and the maintenance of their socio-economic rights. However, Mayer et al. (2007) note that practices such as those highlighted above in bold by Olivier (2011), which include social service provider’s (civil servants) lack of knowledge on the rights that child migrants are entitled to, continue to serve as barriers to child migrants’ (unaccompanied child migrants included) ability to access their rights in host countries such as South Africa.

4.3.3.6 South Africa is facing a Challenge with all its Children

The situation of children in the country is one of great concern. This is perhaps the reason why all nine of the research participants highlighted how the current situation of children in the country relates to and impacts on whether or not unaccompanied child migrants in specific are

able to access social services in Johannesburg. A participants' view on the situation of children in the country is captured below:

“Children across the country are faced with a difficult challenge. They are exploited, they are in a very vulnerable situation...they face abuse from their guardians, fathers, uncles and grandfathers. South Africa has a problem with dealing with children in general. Working with children just in general is a challenge every day.”

A participant who has worked in close liaison with organizations whose mandate is to protect the rights of unaccompanied child migrants and provide and link unaccompanied child migrants to social services had this to say:

“In some way or the other the challenges faced by unaccompanied minors in the country are a lot like the challenges that children in the country face. They (unaccompanied child migrants) are subject to many of the challenges that poor South African children face, such as being in need of food and abuse.”

South Africa has very high rates of child neglect and child abuse; some of these abuses include physical assault, sexual assault and murder (Dutschke, 2007). The country's high poverty and unemployment rates are argued to be amongst the key contributing factors to the challenges faced by children in South Africa. Even though DSD, DWCPD and UNICEF (2012) in their report on “violence against children” note that child abuse occurs across all socio-economic levels, they also note that in many cases, poverty has been found to be an important cause of child abuse. Unemployment and poverty affect children both directly and indirectly. One route for this is that high levels of unemployment and poverty can cause family stress and frustration which, in turn, can result in child abuse.

Reporting on violence against children in the country, DSD et al. (2012) state that 793 children were murdered between 2011 and 2012. Furthermore, seven hundred and fifty eight (758) cases of attempted murder of children are reported in this report to have occurred during the same period. The report highlights a number of violent acts that were performed against children between 2011 and 2012. Beside the murder and attempted murder acts reported on, 25 862 cases of sexual offences against children are argued to have been recorded in the same period. 12 645 cases of common assault and 10 630 cases of grievous bodily harm against children are also

reported to have occurred in the same period between 2011 and 2012 (DSD, DWCPD, & UNICEF, 2012). However, though these numbers capture the essence of the situation of children in this country, DSD et al. (2012) reports that, the real rate of child abuse can be assumed to be higher as many crimes against children are not reported.

Social services such as access to alternative shelter are generally considered as important interventions that help children deal with the social problems discussed above. These services protect children from abuse and neglect (Dutschke, 2007). Although the challenges of abuse and neglect which all children in the country are likely to face and are vulnerable to are important to note, the research participants who stressed on this concern were also quick to highlight that we should not be quick to sideline the unique challenges faced by unaccompanied child migrants in the country. The participants shared that in as much as all children in the country, especially poor children, were in a vulnerable situation and that unaccompanied child migrants were faced with the same challenges as with the rest of these children, participants believed that there are specific challenges that unaccompanied child migrants face that are unique to their situation. One participant in particular explains: "...Of course they face some additional, unique challenges to their situation such as lack of documentation, detention. These are children that are socially excluded and don't have caregivers and it is difficult to access social services without a caregiver." The section below explores the assumed consequences of unaccompanied child migrants' inability to access social services in the city (Johannesburg). The research participants identify the challenge of being regarded as non-existent (stateless), detention and possible deportation and increased social problems as key challenges that are likely to occur if and when unaccompanied child migrants are denied access to social services.

4.3.4 What Happens when Unaccompanied Child Migrants do not Get Access to Social Services?

4.3.4.1 Statelessness

Participants reported that being without legal documentation declaring that you are acknowledged as a resident in the country accounts you as stateless. They shared that state of being stateless is a situation that most unaccompanied child migrants are bound to face if their right to social services is not met and they are not assisted by social workers and other relevant

state departments in accessing relevant documentation legalizing their stay in the country. This challenge was starkly captured in the following response: “Children without the legal documents end up being a problem because when they reach the age of eighteen they end up being stateless.”

The Children’s Act declares that any person below the age of eighteen, who is without any visible form of adult care or supervision, automatically falls within the category of being a state child. That is, any person who is below the age of eighteen and who is without visible legal adult supervision and care becomes the responsibility of the state (Children’s Act, 2005). When a person reaches the age of maturity, which is the age of eighteen, unless they are for example, living with a disability, the state stops acting as their legal ‘guardian’. Without such form of legal guardianship, accessing documentation becomes a challenge for unaccompanied child migrants, who as children are the state’s responsibility through the Department of Social Development. One of the responsibilities of social workers from the Department of Social Development is to assist unaccompanied child migrants with filing for documentation (Schreier, 2011, Lawyers for Human Rights, n.d). What the comment above from the research participant highlights is that by being denied social services such as accessing state social workers, unaccompanied child migrants who are in the country irregularly and who are without legal documentation, face the possibility of experiencing greater challenges and barriers to changing their status (‘illegal’ immigration status) once they reach the age of maturity.

4.3.4.2 Child Detention

Another challenge that was identified by research participants that arises when unaccompanied child migrants are denied access to social services is detention and deportation. One participant comments on this issue: “detention is also a serious problem for unaccompanied child migrants, here (in detention centers) they are stripped of every human dignity they might have...beatings, put in crowded cells.” Lawyers for Human Rights (n.d) states that detention and deportation are amongst the list of the severe challenges that unaccompanied child migrants face in the country. While this is contrary to the international and regional laws that provide for child migrants’ rights which South Africa has signed and ratified, many migrant children (unaccompanied and accompanied) are detained for breaching immigration laws, such as irregular entry or stay.

A challenge which the research participants also highlighted, the United Nations Children's Fund (2010) states that children are often deported based on breaches of migration law without consideration for their best interests or their specific rights and needs. Lawyers for Human Rights (n.d) states that according to the law, detention and deportation should only occur if it is in the best interest of the child. Rather than being put in detention centers, children are to be placed in a family-like environment and, only if that fails, are they to be placed in a suitable institution for a child. Various problems have been identified with the settings in detention centers. Olivier (2011) and the United Nations Fund Children's Fund and the University of Lanus (2010) state one of the challenges with detention and deportation measures is they often do not incorporate a child perspective or account for the socio-economic rights of children. Child migrants in the detention centers in South Africa have been found in the same holding cells as with adults, which is against the law. The detention centers in South Africa have also been reported to be costly, inhuman and unjust (CoRMSA, 2011; Amit, & Zeladi-Aprili, 2012; Amit, 2010). Furthermore, and perhaps most importantly, the enjoyment of unaccompanied child migrants' rights such as the right to social services is often constrained during detention due to a general absence of policies meant to ensure that their rights are upheld even during their detention period.

One of the research participants argued that the reason why unaccompanied child migrants are detained is because, the immigration laws and the Constitution do not speak to the reality experienced by international migrants on the ground. She argued that, unaccompanied child migrants continue to experience challenges in the country and are detained, because the law on migration does not take into light, the human rights-based policies that are in place in the country. However, some of the participants highlighted that progressive laws such as the Constitution, also do not take into consideration the migration patterns and dynamics of the country. The general provisions in relation to detaining international migrants in the country are set out in the Immigration Act which two participants shared, is restrictive and has been set out to control and manage the cross border migration of international migrants to the country, rather than to protect them and make sure that they access and enjoy their rights, in this case for unaccompanied child migrants, the right to social services. One of these participants shares of her views of this particular policy (the Immigration Act): "the Immigration Act is by no means

progressive or integrative. It was developed for one thing, and that is, to control and make sure that poor and unskilled migrants do not enter this country.”

According to the United Nations Children’s Fund and the National University of Lanus (2010) other threats to the enjoyment of human rights by international migrants are linked to migration control mechanisms. The provisions stated in ‘migration control policies’ such as the Immigration Act as argued by the participant, inhibit international migrants from seeking assistance and exercising their rights. Controlling migration and detaining unaccompanied child migrants in jail-like centers not only challenges unaccompanied child migrants’ ability to access social services in the country, but can also challenge their ability to access other human and child specific rights of which they are by law entitled to (Olivier, 2011). Perhaps a concept that sums up the experience or situation of unaccompanied child migrants in Johannesburg who are unable to access social services is what one of the research participants referred to as the “double jeopardy experience”.

4.3.4.3 The Double Jeopardy Experience

A theme captured by all research participants throughout the data collection process was that which one participant termed ‘the double jeopardy experience’. As discussed in the literature review, unaccompanied child migrants are often exposed to a vast number of challenges during their migration process. Expecting to lead better and more fulfilling lives in Johannesburg; participants report that unaccompanied child migrants are often faced with and exposed to even far greater challenges when they are here in the country. After sharing with the researcher unaccompanied child migrants’ situation in detention centers, the research participant explains the concept of the ‘double jeopardy experience’ to the researcher in this way:

“The government does not take into consideration the trauma that these children experience. We call it the double jeopardy experience. You are vulnerable from your country of origin then you come to the country and your detained, exploited and exposed to all these sorts of abuses. You become more vulnerable.”

The participant’s comment is captured in many reports on unaccompanied child migrants. Save the Children (2007) states that unaccompanied child migrants undergo many forms of humiliation and pain during the migration process. Elphick and Amit (2012) note some of the

challenges unaccompanied child migrants are faced with when they are in their home countries, during the migration transition process and the challenges they experience upon their arrival in the country. Some unaccompanied child migrants migrate to South Africa to escape persecution, abuse and amongst other the poverty in their home countries. Expecting to need better lives in the country, unaccompanied often experience the opposite (Elphick, & Amit, 2012). They are especially vulnerable to exploitation, coercion, deception, and violence. Some of the challenges that have been discussed highlight these challenges.

Detention and deportation processes, abuse and exploitation by adults in South Africa upon arrival to the country or host community, and discrimination on the basis of one's migration status, are all challenges that unaccompanied child migrants face in their quest of a better life. They face the 'double jeopardy experience'; they migrate to escape the vulnerable situation in their home countries, only to face the possibility of experiencing further trauma in the country. Important to consider in such a situation, is not only the impact that such a situation has on these children but also the impact that this situation which arises as a result of unaccompanied child migrants not being able to access social services, has on the total functioning of the host communities such as Johannesburg and on the country on a whole.

4.3.4.4 Increased Social Problems

Participants shared that they believed that failure to ensure that unaccompanied child migrants' right to social services is promoted and protected at all times would lead to increased social challenges in the country. Of the nine participants that participated in the study, eight reported that failure to provide social services to unaccompanied child migrants was most likely to lead to greater challenges for both the country and unaccompanied child migrants. Participants shared that the inability of some unaccompanied child migrants to access social services would lead to this group of children falling into social ills such as child prostitution and crime. Sharing their views about this situation, two participants commented: "These kids (referring to unaccompanied child migrants) we tend to ignore, what will happen to them? They will end up in the streets. The next thing we talk of crime here in South Africa, they will end up stealing. Their inability to access social services is going to be a social problem for all of us."

And,

“Without documentation and most of them don’t have, you cannot attend school, they can’t get a job...by denying documents, you are putting them in a very vulnerable situation. What are these children supposed to do, I mean eventually they are going to turn to crime and prostitution.”

The United Nations Children’s Fund and the National University of Lanus (2010) make note of this challenge as being amongst the list of the negative effects that come with denying international migrants (unaccompanied child migrants included) their rights. They report that, by denying international migrants their rights such as the right to social services, countries increase the vulnerability of these migrants but further obstruct social cohesion and integration, and impede on development in both short and long-term (UNICEF, & National University of Lanus, 2010). The National Development Plan 2030 identifies crime as being among the list of factors that impede on the country’s development. If indeed unaccompanied child migrants are denied access to social services, and that in their attempts to fend for themselves, they resort into criminal acts, the role identified in the country’s development plan of crime in the country’s overall functioning suggests that, the criminal acts of these children would have a negative impact on the overall well-being and development of the country.

4.3.5 The way Forward: Strategies and Programs

All the research participants highlighted that there was still need for development in the provision of social services to unaccompanied child migrants. The research participants whose line of work with unaccompanied child migrants ranged from providing legal advice and legal representation, counseling services, and other social services such as shelter and food; all shared a general agreement that unaccompanied child migrants experience a variety of different but often interrelated challenges when trying to access social services. Different intervention strategies and solutions were highlighted by the research participants to help respond to and address the needs of unaccompanied child migrants in accessing social services, a legal entity, which all nine participants shared that every child, including unaccompanied child migrants, are entitled to and should be able to enjoy. This section of the chapter provides the reader with an analysis of the findings of research participants’ views on which intervention strategies they believed would be most effective in addressing the challenges to unaccompanied child migrants’ ability to access social services.

4.3.5.1 Better Collaboration between the Different State Departments and between Countries

The need for a more collaborative effort between social service institutions and personnel in addressing the challenges to unaccompanied child migrant's realization of their right to social services was one highlighted by all research participants. This is articulated in the following response: "all children should have the right to social services in relation to social policy in the country. But this has yet to become a reality. The problem is that there is no collaboration between the different government departments that unaccompanied migrant children often go to. Home Affairs, the Department of Social Services and the Department of Education, all these are conflicting. They have different policies in relation to how to deal with people."

Respondents highlighted that integration is needed not only between government departments, but also between the government departments and NGOs working with unaccompanied child migrants, and also between the state and the other sending states. This particular viewpoint is articulated below: "a more integrated system between the government and NGOs is needed. There is need for more integrated intervention. Even when they send them back home, there should be programs installed at their (unaccompanied migrant children) home countries to assist with their integration. Networks exist in Johannesburg but coordination between government departments and other sending countries is still needed." Olivier (2011) states that the inability of sending and host countries to develop integrative policies on migration often undermines human rights developments in countries, especially more so, in receiving countries. As of yet, South Africa has no clear common approach towards immigration with other countries, more especially so, with neighboring countries. In light of the challenge that has already been discussed on South Africa's Immigration Act, Olivier (2011) argues that immigration laws and practices within the Southern Africa are not geared towards honoring a human rights approach or towards encouraging and supporting migration, but are more so, geared towards restricting access, controlling movement and regulating presence in the host country.

4.3.5.2 Education and Training for Social Service Providers and other Officials who work with Unaccompanied Child Migrants

A challenge noted earlier on to unaccompanied child migrant's inability to access social services in Johannesburg, was social service providers lack of knowledge and understanding on the legislature that pertains to unaccompanied child migrants rights, including, the right to social services. Participants stated that continued staff development and training on the legislature and on unaccompanied child migrants would assist social service providers to better implement and provide social services to all children, including unaccompanied child migrants. One of the research participant's views on who education and training should be provided to is captured below: "Social workers need to be trained on issues of unaccompanied minors (unaccompanied child migrants) and the laws that govern how this group should be treated."

Polzer (2004) states that a host country's structural setting such as its legal framework, has an important role to play in determining international migrants' experiences in that host country or host community. Social service providers' lack of knowledge and understanding of the legal framework that informs practice in this country, and how these laws speak to unaccompanied child migrants, will play a significant determining role in unaccompanied child migrants' ability to access social services. Related to the importance of social service provider's knowledge of the legal framework on unaccompanied child migrants and their rights, is the concern of the need to set clear standards on how unaccompanied child migrants who are in the country should be treated.

4.3.5.3 Finalize and Adopt the Standard Operating Procedures Guide

Four of the research participants highlighted that one of the ways to assist respond to the challenge of implementing the progressive policies the country is said to have developed and adopted was to develop and implement a clear and standard policy guideline on working and dealing with issues that concern unaccompanied child migrants and their rights. The comment bellow captures a general viewpoint that was held by all nine of the research participants on the concern on the challenges between policy and implementation: "South African policy good on paper, progressive rights orientated, very inclusive but there is a difference between paper and practice. The paper is beautiful, but the practice is ugly." Another participant shares that: "in

terms of vulnerability and human rights we have good laws. The key issue is around implementation and around again clarifying implementation.”

One of the research participants shared that the best solution to responding to the challenge of implementing the policies that have been put in place for social service provision and for working with children would be to clarify the policies themselves and to also clarify and give guidelines on who should do what. A research participant’s viewpoint on this issue is captured below: “the first and easiest thing is to clarify things. Clarify which department will do what and issue those memos to clinics, schools...to say this is what you should be doing.” An important policy document that one of the research participants argued would be best fit in addressing the current challenges to unaccompanied child migrants’ ability to access social services is the Standard Operating Procedure policy document. Asked what interventions or possible programs could be developed to respond to the situation of unaccompanied child migrants not being able to access social services, the participant shared that the Department of Social Development needed to: “finalize and adopt the Standard Operating Procedure. Then the government will be able to improve service delivery for unaccompanied migrant children.”

Standard Operating Procedures (SOPs) for Unaccompanied Child Migrants offer guidance and guidelines on how to protect unaccompanied child migrants. The Department of Social Development put a SOPs into place in 2004 which has never really been truly effective, as even though, there is a SOPs guideline in place, unaccompanied child migrants in the country continue to experience challenges in integrating and realizing their rights. The comment above is from a research participant who at the time of the interview was sitting on the committee of the group of people involved in the preparations of a new SOP for working with unaccompanied child migrants. The research participant shared that a SOPs document was being developed in a collaborative effort by the Department of Social Development and UNICEF. This document, the participant shared, would assist people working with unaccompanied migrant children and serve as a directive to guide practitioners, social workers, the police and immigration officers on what to do and on the guidelines to follow when they find or are working with and are services an unaccompanied migrant child. This, the participant shared, would assist in protecting these children.

4.3.5.4 Political Will

Participants highlighted that political will also had an important role to play in the provision of social services to unaccompanied child migrants. Participants shared that, they believed that it was government's political will on migration issues that influences or determines if and how unaccompanied child migrants access social services. One participant is quoted saying: "everything depends on political will. It is only now that we are seeing development on issues that concern unaccompanied migrant children with the new Minister Thabile of the Department of Social Development." Another participant shares: "the government lacks political will, the political will of the government needs to be energized. Government has to take a stand, and a bold one for that matter to improve social service provision for unaccompanied migrant children."

Agreeing that political will is important and needed in order to improve the delivery of social services for unaccompanied migrant children, one participant had this to say: "political reform is needed. The government needs to accept that secular migration is a phenomenon of Southern Africa. Government's negative views of migration need to stop, otherwise nothing will change." The country's negative attitude towards international migrants, especially towards African international migrants, has been well documented (see CoRMSA, 2011; Landau, 2005; Crush, & Williams, 2008; Olivier, 2011). Bloch (2010) states that most countries in Southern Africa, South Africa included, tend to view migration to their countries as a threat, and as such create immigration policies that serve to restrict migration and which ignore human rights standards. Without, political will, or interest on international migrants, including unaccompanied child migrants, participants' comments suggest that unaccompanied child migrants will continue to encounter challenges when trying to access social services.

4.4 Summary

The discussion of the findings in this chapter was mainly guided by an attempt to answer the research question of the study and to locate the findings within the literature and theoretical framework that guided the study. Although the Constitution of South Africa, Act No. 108 of 1996, Section 28, 1 (c) states that children have a right to social services. The findings of the study discussed above revealed that various challenges continue to prevent and challenge

unaccompanied child migrants' ability to access social services in Johannesburg. Furthermore, the findings demonstrate that access to social services for unaccompanied child migrants is, as also suggested in literature, fragmented. Although the law says that every child has a right to social services, the actual situation of unaccompanied child migrants in Johannesburg in accessing social services presents a different reality to what the law says, that is, a reality that does not speak to what the Constitution says. The findings reveal that access to social services has yet to be informed by the principles of the human rights-based perspective. The human rights-based approach argues for equal and non-discriminatory access to rights to all people regardless of their national or ethnic background yet unaccompanied child migrants in Johannesburg were reported by research participants of experiencing challenges and of not being able to access social services on the basis of their nationality and immigration status. The chapter below, which is also the final chapter of the report, provides a summary of the research's main findings. The conclusions of the study provided in the following chapter were drawn from the discussion of the findings above. Recommendations for research, practice and policy are also discussed in the final chapter.

CHAPTER FIVE

MAIN FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

Using the qualitative research approach, the study aimed to explore and capture social service providers' views and accounts on unaccompanied child migrant's ability to access social services in Johannesburg, South Africa. Though the study's main focus was on exploring factors contributing to the fragmentation of these services to this group of children, the study took on a holistic perspective, by not only seeking to find out the challenges to accessing these services, but by also exploring social service provider's understanding and definition of what social services are and if, they thought that unaccompanied child migrants, were entitled to this legal entity. The study was informed by the human rights-based theoretical framework. That is, participant's views and accounts on the situation of unaccompanied child migrants in accessing social services were reported on in the previous chapter (Chapter 4) using the human rights-based framework. This chapter forms part of the researcher's evaluation of the research findings and how they speak to policy, practice and research. The researcher offers a summary of the major findings of the study and the conclusions thereof. Recommendations and areas for further research are also suggested. These recommendations provide possible solutions to some of the challenges to social service provision to unaccompanied child migrants in Johannesburg.

5.2 Summary of main Findings

The findings discussed in Chapter Four demonstrated the complexity and diversity of the situation of unaccompanied child migrants in the Johannesburg city. Research participants shared a common understanding of what social services are and on whether or not unaccompanied child migrants are or should be entitled to this legal entity. Participant's interpreted the right to social services as an equal right, one which every child, irrespective of their nationality was entitled to. However, although there was general agreement that access to social service should not be based on a child's nationality. Participants highlighted that, unaccompanied child migrants in the country continue to experience challenges in accessing these services in Johannesburg. Challenges to access to social services for unaccompanied child migrants are summarized below:

Irregular Migration/ Lack of Legal Documentation

A challenge that has also been highlighted in literature; the challenge of the irregular migration of unaccompanied child migrants to the country, and their inability to present legal documentation to legal authorities such as police or immigration officers, was a challenge that participants shared was amongst the list of the key challenges to unaccompanied child migrants' ability to access social services in Johannesburg (Schreier, 2011; Elphick, & Amit, 2012; Solidarity Peace Trust, 2010). This in turn may imply that unaccompanied child migrants' ability to access social services is dependent or influenced by their ability to present documents acknowledging their migration status in the country. This provides an impression that unaccompanied child migrants are provided with social services based on their migration status and not based on them being children. Such an act would be against international, regional and even the country's national legal frameworks and policies on children, as they state that every child, must be treated as a child first before they are treated as immigrants (international migrants) (also see The Department of Social Development, n.d).

Lack of Knowledge of Legal Frameworks and Policies on Unaccompanied Child Migrants

It was established in this study that the lack of knowledge of and understanding on how to implement the legal framework and policies as stipulated by law was a challenge for social service providers in Johannesburg. Participants shared that a challenge to social service provision to unaccompanied child migrants was that some of the social services providers were incompetent and not knowledgeable on issues that concern unaccompanied child migrants and about the provision of social services to such children. Participants suggested that there was a need to educate and continuously train social service providers on issues and policies that concern unaccompanied child migrants. One participant highlighted that, unaccompanied child migrants experience challenges in accessing social services, not because, they are not entitled to such services, but because some social services providers are not innovative and knowledgeable on issues that concern unaccompanied child migrants.

However, the challenge to the lack of knowledge on the legal policies and frameworks that pertain to unaccompanied child migrants was not one found with social service providers alone. Drawing from research participants' views, the previous chapter indicated that there is also a

need to educate unaccompanied child migrants about their rights, how and where they should or can access these. Like social service providers, unaccompanied child migrants are sometimes not aware of their rights as children, as international migrants and as human beings. Education, training and counseling, are needed by both social service providers and unaccompanied child migrants who are in the city.

Disintegrated Policies

South Africa has developed and adopted various laws, majority, in line with the human rights-based perspective. The Constitution is progressive and integrative. Except on the right to vote, the Constitution, which is the supreme law of the country, states that “everyone” is entitled to the rights enshrined in this policy? The human rights-based approach upholds the principles of equality, dignity and non-discriminatory act and these are all highlighted in the Constitution Act, which in its Section 28, 1 (c) states that “every” child has a right to social services. Progressive and integrative as this sounds, two of the research participants in this study argued that this was not clear cut for the situation of unaccompanied child migrants in the country. The Immigration Act of 2002 is argued to be very restrictive and challenges what is upheld in the Constitution and the human rights-based principles. One participant shared that they believed that, the Immigration Act is strongly used in the country to control, manage and prevent international migrants (unaccompanied child migrants included) from coming to and integrating into the country. This Act sets out guidelines on who is an immigrant, the types of immigrants found in the country and how an international immigrant is to be acknowledged as a “legal immigrant” in the country. The Act was not developed from a human rights-based perspective. The challenge in working with unaccompanied child migrants with this piece of law in place, is in integrated the Immigration Act with other international, regional and national laws such as the Children’s Act and the Constitution Act which protect unaccompanied child migrants. The Immigration Act speaks a different tune to that which is spoken in policies such as the UNCRC. At the same time, the Children’s Act was not developed taking into light the country’s context in terms of migration, one participant noted that this particular Act is difficult to interpret and work on in the situation of unaccompanied child migrants (Interviewee 4).

Lost Childhood

South Africa has a high unemployment and poverty rate, which speaks to the situation or context in which children in this country are being raised in. The number of AIDS orphans in 2012 was 3 million. Apart from this, there continues to be reports on child abuse and neglect throughout the country. Children are raped by their families and trusted neighbors. Physical abuse and other forms of child abuse, are also continuously being reported on. It would appear that many children in the country are losing their childhood early on in their lives. A question would then be then, how does one expect children from other nationals to integrate in such a setting? Social services would play an important role in addressing these challenges faced by these children in the country. What is important to establish is if the challenges that are experienced by unaccompanied child migrants in accessing social services are unique to them or if, even children who live, and who were born in the country also experience these challenges. The study showed that, though, some children in the country (the poor and orphaned) experience some socio-economic challenges that are similar to what an unaccompanied child migrant experience or face. Unaccompanied child migrants encounter other challenges that are unique to their situation as well. Child detention is a challenge unique to international child migrants.

Providing solutions to any problem faced is of vital importance. Doing so brings a sense of hope and affirmation that change (effective change) is possible. This is what is drawn from this study. Although there are challenges to unaccompanied child migrant's ability to access social services in Johannesburg, participants indicated that, there were ways they believed the situation of unaccompanied child migrants in the country (and the Johannesburg city) could be addressed. The recommendations below are mainly based from the recommendations and proposed intervention strategies discussed in the previous chapter which were suggested by research participants.

5.3 Recommendations

For Practice

- Train and educate social service providers on legal frameworks and policy that concern unaccompanied child migrants.

- Adhere to the Batho Pele principle and place children's well-being at the center when and/ or if working with unaccompanied child migrants. Promote and protect the human rights of all children regardless of their nationality or immigration status; the Constitution declares that South Africa belongs to all who live in it.
- Put the interest of the child first. International, regional and national laws stress that the best interest of the child should always be what informs any decisions that concern the child. Social service provision or denial thereof should be informed by and based on this principle. A social service provider should ask themselves this question, by denying or providing this unaccompanied child migrant social services, am I acting in the best interest of the child?

To the State:

- State should adequately monitor the implementation and enforcement of the policies and laws that concern children, especially in the context of international migration. Monitoring could be than by either the state or civil society.
- Do not detain unaccompanied child migrants due to their immigration status, place them in places of safety, consistent with a protection approach, that aim to ensure the best interest of the child.
- Support cooperation and partnership initiatives that promote the best interests of unaccompanied child migrants. Promote and support networks between state departments, the three spheres of government and NGOs working with unaccompanied child migrants.

For Policy

- Unaccompanied child migrants must also be active participants in producing the knowledge that will inform policies and practices which will in turn affect the quality of their lives.
- Finalize the Standard Operating Procedures dealing with unaccompanied child migrants. This will assist speed up the process of getting these children appropriate care. The role played by all relevant state departments and civil society (including NGOs) in working

with unaccompanied child migrants and providing social services should be clearly spelled out.

- Review existing legislation, the Immigration Act in particular, with the intention of eliminating discriminatory and inhuman regulations against unaccompanied child migrants. Such a review should look at and consider how the Immigration Act speaks to the Children's Act, the Constitution Act and the situation of unaccompanied child migrants in the country.

For further Research

- In order to assist improve the credibility of studies on this group of children; researchers should include unaccompanied child migrants as informants in their studies. Unaccompanied child migrants should serve as primary informants about their well-being and all other issues that concern them, including on issues that concern their ability to access social services. The lack of credible child specific data and the absence of unaccompanied child migrants' own voices in research and discourse on issues that affect and concern them should be addressed (Save the Children, 2007; Knowledge, 2013).
- Conduct comparative study, comparing the situation of international child migrants and South African children in the country. This will assist explore if the challenges faced by international child migrants in the country are unique to them, or if all children in the country experience the same challenges, not only just in accessing social services, but in functioning fully in the country. Such a study would help establish, whether the country needs separate intervention programs and policies in responding to challenges faced by international child migrants in the country, or mainstream programs that will cover and speak to the needs of all children, both national and non-national.

5.4 Conclusion

The South African Constitution declares that South Africa belongs to all who live in it, furthermore, it Section 28, sub-section 1 (c), the Constitution states that every child has a right to social services. Though this component of the Act, makes provision of other rights, such as the right to education, literature covered in Chapter Two of this report and the findings discussed in Chapter Four indicate that social services encompass all the other provisions made in Section 28,

1 (c) of the Constitution. Social service providers working with unaccompanied child migrants and literature defines social services as all services that promote the well-being and development of a child. These services include, shelter, education, counseling and amongst others, health care services. Though participants shared a general agreement that every child, including unaccompanied child migrants should be entitled to the right to social services, participants all agreed that was not the reality of these children in practice. The disintegration of policies and legislature, the inconsistency in policy and practice as well as lack of knowledge by unaccompanied child migrants' of their rights, were amongst the list of challenges which were identified as the key challenges to unaccompanied child migrant's ability to access social services in Johannesburg.

Though there are solutions to these challenges, the continued challenge and inability to access social services for unaccompanied child migrants means that they will continue to experience challenges of abuse, exploitation, unlawful detention and arrest as well as homelessness. However unaccompanied child migrants' inability to access social services, will not be a challenge to these children alone, but may in the future present itself as a social problem for the country as a whole. Participants highlighted that, by ignoring and not responding to the needs of these children, the country may face a challenge of further social problems, such as increased crime and child prostitution.

The study has shown that there is a need for developments in practice and policy in issues that concern the protection of unaccompanied child migrants in Johannesburg and in their ability to access social services. Important to this, as noted by the research participants, effective delivery of social services to unaccompanied child migrants and effective strategies to responding to their challenges can only be effectively addressed through an integrated and collaborative effort from different state departments, civil society, including NGOs and from integrated and co-operative strategies from the country and other sending countries, especially so from those within the SADC region.

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APPENDIX A

PARTICIPATION INFORMATION SHEET

Good day,

My name is Natasha Mboyisa and I am a post-graduate student at the University of the Witwatersrand. As part of the requirements for my degree, I am conducting research on the fragmentation of social services for unaccompanied children in the country. It is with hope that the information gained from the research will assist develop an understanding on the factors contributing to the country's inability to deliver social services to unaccompanied children and thereby assist social practitioners better implement this legal entity into practice.

I therefore wish to invite you to participate in my study. Your participation is entirely voluntary and refusal to participate will not be held against you in any way. If you agree to take part, I shall arrange to interview you at your work place at a time suitable for you. The interview will last approximately one hour and you may withdraw from the study any time. You may also refuse to answer any questions that you feel uncomfortable to answer.

With your permission, the interview will be tape- recorded. No one other than my supervisor and I will have access to the tapes. The tapes and interview schedules will be kept for two years following any publications or for six years if no publications emanate from the study. Please be assured that your name and personal details will be kept confidential and no identifying information will be included in the final research report. It is my understanding that the study will not pose any risks or result in any benefits for you.

If you feel that you have concerns regarding the study or if you require additional information, please contact me on these contact numbers, 079 6677 250 or email me at Natasha.mboyisa@students.wits.ac.za or contact my supervisor MrsMotlalepuleNathane-Taulela at 011 717 4471 to discuss these further. The results of the study will be reported in a form of a research report and will be made available at the university's library and website. Those with access to the university's library and website will have access to the report. Should you wish to receive a summary of the results of the study, an abstract will be made available to you on request.

Thank you for taking the time to consider participating in the study.

Kind Regards

Natasha Mboyisa

APPENDIX B

CONSENT FORM FOR PARTICIPATION IN THE STUDY

I hereby consent to participate in the research project. The purpose and procedures of the study have been explained to me and I agree to be interviewed. I understand that my participation is voluntary and that I may refuse to answer any particular items of the interview or withdraw from the study at any time without any negative consequences. I understand that my responses will be kept confidential.

Name of Participant:

Date:

Signature:

Name of Witness:

Date:

Signature:

CONSENT FORM FOR AUDIO- TAPING THE INTERVIEW

I hereby consent to the tape- recording of the interview. I understand that my confidentiality will be maintained at all times and that the tapes will be destroyed two years after any publication arising from the study or six years after completion of the study if there are no publications.

Name of participant/ interviewee:

Date:

Signature:

Name of Witness:

Date:

Signature

APPENDIX C

INTERVIEW SCHEDULE

RESEARCH TOPIC: The Fragmentation of Social Services: Factors Hindering the Delivery of Social Services to Unaccompanied Children.

RESEARCH QUESTION: What are the factors hindering the delivery of social services for unaccompanied children in South Africa?

Interviewee Code:

Interviewer: Natasha Mboyisa

Age:

Name/ Code of Organization+/ Department:

Position Held:

Highest Education Level:

Years of Experience:

Date of Interview:

QUESTIONS

1. What is the vision and mission of your organization?
2. Can you please give me a brief background of the organization?
3. What are your roles in the position you hold?
5. There have been a growing number of unaccompanied migrants in the country over the past years, what are your views on the migration of unaccompanied children to this country and the Johannesburg city?

6. As residents of the country, do you think that unaccompanied children should be guaranteed the human rights (both socio and economic rights) enshrined in the South African law?

7. The South African Constitution Act 108 states that every child has a right to social services, in your view what does this mean?

8. What does this right imply for unaccompanied children, are unaccompanied children also entitled to this right? Please give reasons for your answer.

9. Who is responsible for the delivery of social services?

10. What role, if any, does your organization/ Department play in delivering and ensuring that children have access to social services as guaranteed to them by law?

10. 1 If it has any responsibilities in assisting deliver social services to children, do you think that the organization/ Department is effectively and efficiently fulfilling this role? Please give reasons for your answer?

11. In the position you hold, what role do you play in delivering social services to children?

11. 1 If your responsibilities in your position include you promoting and protecting the right to social services for children, do you think that you have been effective in fulfilling this role?

12. Various studies indicate that unaccompanied children are often denied access to social services and are also often discriminated against by social service practitioners, in you view, how accurate do you think this is?

12. 1 If your answer for question 12 was that unaccompanied children are indeed denied access to social services and experience discrimination from social services providers, what do you think is the reason or cause for this?

12. 2 What do you think should be than about this?

13. What intervention strategies or programs do you think would be most effective in delivering social services to children?

13. 1 Would you expect unaccompanied children to benefit from such intervention strategies or programs?

Thank you for taking your time to participate in my study.

APPENDIX D

ETHICS CLEARANCE CERTIFICATE



Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Mboyiso

CLEARANCE CERTIFICATE

PROTOCOL NUMBER H13/06/25

PROJECT TITLE

The fragmentation of social services: factors hindering delivery to unaccompanied children

INVESTIGATOR(S)

Ms NZ Mboyisa

SCHOOL/DEPARTMENT

Human & Community Development/Social work

DATE CONSIDERED

21/06/2013

DECISION OF THE COMMITTEE

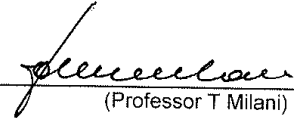
Approved Unconditionally

EXPIRY DATE

13/08/2015

DATE 14/08/2013

CHAIRPERSON


(Professor T Milani)

cc: Supervisor : Ms MS Nathane-Taulela

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10003, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

Signature _____

Date _____

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

APPENDIX E

RESEARCH PARTICIPANTS' PROFILE

Interviewee Profile

Interviewee Number	Age Category	Gender	Occupation	Career in the field of working with Unaccompanied Migrant Children
1	30-39	Female	Researcher	Advocacy work and mediator between state departments and unaccompanied migrant children needed assistance
2	30-39	Male	Social Worker/ Advocacy Officer	Lobbying for the rights of unaccompanied migrant children; member of the Gauteng Unaccompanied Minors Steering Committee
3	40-49	Male	Advocacy Officer	Lobby's for and contributes to policy making through mobilizations
4	30-39	Female	Psychologist/Researcher	Has knowledge of and has conducting research about and reported on the situation of unaccompanied

				migrant children in the country
5	20-29	Female	Human Rights Lawyer	Provides legal advice and representation
6	40-49	Male	Community Development Worker	Provides social services to and links unaccompanied migrant children to government social services
7	20-29	Male	Advocacy Officer	Works in an organization that provides social services to non-nationals including unaccompanied migrant children
8	30-39	Male	Social worker	Support and Counseling services
9	40-49	Female	Social worker	Probation Officer