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**The impact of unregistered births of children in South Africa and  
how their rights to essential services and basic education are  
affected**



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Degree in Development Studies.

The Faculty of Economics and Management Sciences

Institute for Social Development

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## **Abstract**

Civil registration has not been recognised as a matter of concern or public interest in South Africa. It has not been part of discussion in platforms concerned with children's rights including the government. Consequently, led to failure in understanding the implications it has on children's lives, in realising their rights and having access to other significant and essential services (Brito, Corbacho & Osorio, 2013). Birth registration proves to be a global problem and a concern for children. Thus many countries have made it a priority and a matter of urgency as indicated in the Sustainable Development Goals for 2030. The objective is for every child to be registered before the year 2030 to ensure that all children are accounted for and prevent invisibility and them having no access to their rightful services.

This current study's objective is to establish the impact that unregistered birth has on the lives of children and how their rights are affected including their right to access essential services in South Africa. In this study, both qualitative and quantitative research methods were utilised (mixed methods) to give the insight to the study. Through literature review, interpretations and that incorporated the international, African and national views about the problem were investigated. The study employed both the secondary and primary data collection process, interviews were conducted with the care givers of children who don't have birth certificates while secondary data was collected from existing data such as Statistics South Africa and the Demographic Health Surveys. The study employed human capital as the theoretical framework that is concerned with human development. The study results showed that unregistered birth does have a negative impact on the lives of unregistered children; it has impact on how they access and receive services such as the welfare as well as education opportunities. Thus unregistered birth has negative implications on the development of children and their families.

## **List of Abbreviations**

ACPF: African Child Policy Forum

AECT: Association for Educational Communications and Technology

ACRWC: African Charter on the Rights and Welfare of the Child

DHA: Department of Home Affairs

DHS: Demographic Health Surveys

ICCPR: International Covenant on Civil and Political Rights

IMF: International Monetary Fund

SAHRC: South African Human Rights Commission

SDG's: Sustainable Development Goals

UNESCO: United Nations Educational Scientific and Cultural Organisations

UNICEF: United Nations Children's Fund

UNCRC: United Nations Convention on the Rights of the Child



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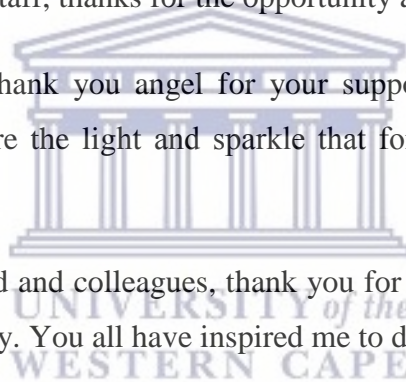
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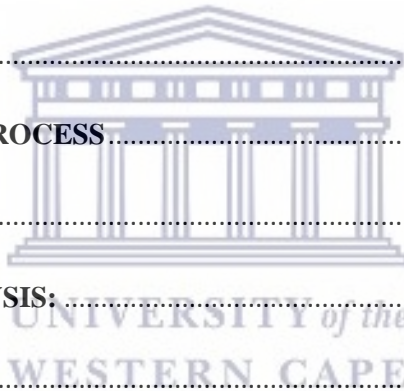


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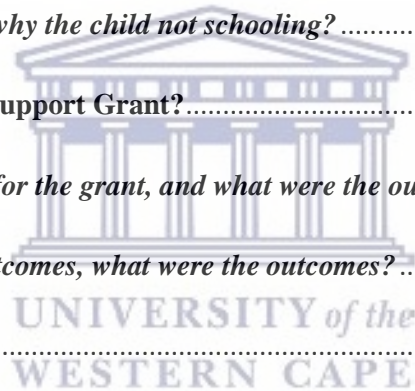




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# **CHAPTER 1: INTRODUCTION AND SCOPE OF THE STUDY**

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## **1. INTRODUCTION**

According to UNICEF's (2013), 230 million children under 5 years of age worldwide are reported not to be registered. The highest percentage of 59 is reported to come from Asia and 37 percent coming from the sub-Saharan Africa. Sub-Saharan Africa is reported to be the slowest in achieving high rates of birth registration. United Nations (2014) birth registration overview report indicates that, the number of unregistered births of children under the age of 5 years is estimated to escalate to 115 million by the year 2030. Additionally, there seems to be an increasing trend in late birth registration which is defined as registration after 30 days of birth as regulated in the Birth and Death Registration Act of 1992. This estimation places a challenge for South Africa to achieve its aims for Sustainable Development Goals (SDG's) of 2030. The vision 2030 places Children's Rights at the centre of its interventions and forms an integral part in ensuring security and development. Despite the commitment to speed up the process to achieve universal birth registration, effective implementation of this vision seems to be lacking behind. "Today, children in South Africa live in a culturally diverse multi-racial society under a Constitution that has the highest regard for their rights. Yet numerous socio-economic and political conditions still render children vulnerable and hinder the realisation of their rights." (UNICEF, 2009:22).

### **1.1 SIGNIFICANCE OF THE STUDY**

Birth registration has been identified by UNICEF (2011) as one of the social challenges affecting the lives of children worldwide. The study will investigate the reasons why so many children are not being registered if birth registration is considered as a human right of every child. The study will look at the implications of being unregistered or having no birth certificate on child's education. It will also look at how these implications impact on the development of the child later in life or as an adult. The outcomes of the research will be utilised to formulate recommendations and strategies on how to improve and deal with the challenge especially for stakeholders, policy makers and government departments involved in birth registration.

## **1.2 THEORETICAL AND CONCEPTUAL FRAMEWORK**

### **1.2.1 Theoretical Framework to Benchmark the Study**

The researcher will be employing the economic development theoretical framework to embark on the study. The decision is influenced by the capacity of economic development to see development as an inclusive political process that is concerned with monetary, scientific and social aspects of human life. Thus development is seen as means to fight poverty and inflict change into systems to support the wealth of the nations and its people. Economic development is concerned with good economic governance that invest in developing effective policies and comprehensive education system that produces positive outcomes. For the purpose of this study, the researcher has selected Human Capital as the most relevant framework to explain and give direction to the study. (Coccia, 2010).

### **1.2.2 Human Capital Framework and its Assumptions**

According to Todaro and Smith (2009), the theory of Human Capital was made popular in the field of economics by Adam Smith, Gary Becker and Theodore Schultz. This framework is mostly utilised in academic studies and policy development. The framework assumes that education is an investment and essential element to production. This framework is concerned with correlation between education, economic growth and social wellbeing. Human Capital theory is based on the assumption that, any country that invests in the education system of its people will yield positive economic results. According to Mahroum (2007), in economic development, Human Capital is described as the backbone to development with high production. It is seen as an indispensable method to human development and economic growth. This framework believes that, educated and trained individuals bring together a strong force of flexible skills, knowledge, competence and intelligence to economic growth including wage increase. Human Capital theorists argue that, any country or organisation that invests its resources in human capital is more likely to achieve high and better outcomes compared to the ones that are not.

### **1.2.3 Strengths and Weaknesses of Human Capital Framework**

Human Capital to Netcoh (2016) is known for its ability to provide researchers and policy developers with the platform to analyse relationship between the invested resources (education) and achieved outcomes. In employing this approach, the researchers are able to establish if resources were utilised effectively and indeed yield the intended outcomes. They

are also better able to make recommendations based on the outcomes. Todaro and Smith (2009) indicated that, quality of education and training was later added as an essential component of development in Human Capital. Thus Human Capital framework is providing support to developing new policies and programmes while removing obstacles to achieving development. It also helps individuals and government to better invest in resources that are more able to create benefits and cut on unnecessary costs.

Human Capital framework like any other theories has been criticised for its shortcomings. According to Becker (1993) Human Capital has been criticised for over emphasis on the ability of education to produce growth and high wage. Other theorists felt it fell short in seeing some other aspects of economic development that might influence higher income such as dedication and time. The framework failed to explain how some highly educated people were unable to earn high income if education was the only means to earning high income. It also failed to identify differences in how people learn or achieve what they have been taught. The anti-human capitals argue that people generally don't have the same capabilities and that their social context and background will always have an impact on how resources are allocated and how education is attained.

The researcher will employ this approach to examine and evaluate the relationship between unregistered birth and education. If education is seen as a priority, form of development and growth for the country and its citizens, why do we still have children not having access to education? The researcher will evaluate how existing and developed policies are accommodating and providing options for the socially excluded children to have access to education as their human right to achieving growth and development. If government sees education as means to development, is it able to recognise and remove obstacles such as not having a birth certificate being the reason for children not to have access to education and other essential services. Examine if policies are able to recognise this challenge and if there are any strategies in place to address the problem. Evaluate if problems is with policy development or implementation of policies to achieve outcomes and benefits. Look at what is available and if it is able to address the problem and facilitate inclusion for the children.

Examine strengths, weaknesses and identify gaps in policies and programmes. Examine if these policies in place are able to cater for the unique needs and challenges that led to children not being registered or implementation is based on generalisation.

## 1.3 LITERATURE REVIEW

### 1.3.1 Birth Registration as an every child's fundamental right and the legal framework

Birth registration is a fundamental human right that constitutes legal proof of a child's existence and nationality (UNICEF, 1989). Article 24(2) of the International Covenant on Civil and Political Rights (ICCPR) clearly states that "every child shall be registered immediately after birth (within 30 days of birth in South Africa) and shall have a name." Birth registration is recognised at both International and National level as every child's fundamental right. It is endorsed by essential legal bodies and treaties such as the Universal Declaration of Human Rights, The Convention on the Rights of the Child, the United Nations Human Rights Council and Constitutions of different countries including South Africa. Under the United Nations International Covenant on Civil and Political Rights, birth registration is recognised as a legally binding obligation for all states. (Cody, 2009). The Children's Act of 2005 clearly indicates in Section 9 that, in any matter concerning the child, the best interest of the child should be of paramount importance. Nonetheless, Cody argues that more than 51 million children's births are still unregistered demonstrating lack of development and commitment to provide children with their legal rights.

Brito, Corbacho, and Osorio (2013) describe birth registration as the key and essential human right that institutes legal proof of a child's existence and nationality. Dow, 1998 cited in Amo-Adjei and Annim (2015:1) sees birth registration as the "first ticket to citizenship without which an individual does not legally exist and could be denied privileges and rights a nation allows." Birth registration is the key instruments leading to a child receiving a birth certificate which is regarded as an initial document to confirm that a child does exist and is a legal citizen to a specific country. Unregistered birth has serious implications for children, they are not recognised and their human rights are compromised.

Adjei and Annim (2015) see civil registration as a double-edged sword: on one hand, it helps widen opportunities for development at the individual and societal levels, and on the other, it can have exclusionary effects if proper safeguards are not respected. A birth certificate is not the only document that can be utilised as the proof of identity, but it is a necessity for requesting other documents, such as a national identity card or a passport. Failure to possess identity document denies a child or young person the benefits from the conventional society

and be excluded and unable to fully participate in society (Harbitz and Tamargo, 2009). Individuals without proper identity status can suffer social exclusion, and they are likely to remain in the throes of continuous cycle of social exclusion. The challenge of unregistered children is according to Lopez, Sejersen, Oakeshott, Fajth, Khili and Panta (2014) highest amongst the already poor citizen's thus social exclusion has dire implications. Proudlock (2014:18) adds that, "recognising that it is the most vulnerable children who struggle to access birth certificates, enforcing a rigid requirement that a birth certificate must be produced to access services is likely to further marginalise the already vulnerable children, thus aggravating the denial of their rights to survival, development and protection."

According to Adjei and Annim (2015) in many countries, identity documents are required to obtain civil rights and to gain access to benefits, such as school certificates and health services. Research suggests that where individuals have limited or have not been provided with adequate citizenship right through birth registration and issuance of a birth certificate, the capacity of individuals to fully assert their civic, political, legal and social identities are significantly constrained (Adjei and Annim, 2015). The implications of being unregistered does not only become a challenge for an individual or immediate family but also the state and development, contributing to countless irregularities in access to rights and benefits. Ackermann (2016) further states that, in a country like South Africa where accessing a service such as entering a library requires an identity document, life for an unregistered person has severe limitations. Cody (2009) argues that, birth registration might not be an answer to all problems facing children but it forms a foundation to addressing challenges facing children in the World. An identity document therefore forms an essential part for one to fully participate in society.

### **1.3.2 Education as a human right and implications of unregistered birth**

"Education is a basic human right and the best investment in ensuring a sustainable future and leaves no one behind. This is true for every country and every region. However, millions are deprived of educational opportunities every day, many as a result of social, cultural and economic factors. Education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Indeed, without major progress on education, it is clear that the world will not be able to achieve all the Sustainable Development Goals" (United



Nations Educational, Scientific and Cultural Organisation (UNESCO), 2019:4). According to UNESCO (2013) education is described as a “multiplier right” based on its capacity to unlock and increase opportunities to access other rights. UNESCO further states, the principle to access education is not only concerned with getting children to school but to ensure that children remain at school to benefit from education and avoid school dropout. The Right of children to Free and Compulsory Education Act and the South African Schools Act No 84 of 1996 indicates that, education should be free and compulsory for every child until the age of 15. Section 5(1) of the South African Schools Act states that, “a public school must admit learners and serve their educational requirements without unfairly discriminating in any way.” It is in the same policy that it is stated that, “no child may be excluded from school on the grounds of her or his race or nationality, or lack of identification documentation.”

Despite these legal instruments, UNICEF (2013) reported that millions of children are still refused their right to access education by many public schools due to their births being unregistered. According to Proudlock (2014:20) for South Africans, parents and care givers are required to produce birth certificate, clinic cards and school reports when registering children at school while immigrant children are obligated to produce either their permanent residence or refugee permit and their children’s birth certificates, or proof of their asylum or residence application made to the Department of Home Affairs. Failure to produce these documents leads to a child refused access to study. The findings of research by UNESCO (2013) reveal that not having a birth certificate is associated with lower educational attainment. According to Brito, Corbacho, and Osorio (2013) lack of birth registration can jeopardize a child’s education to the extent that an educational centre may refuse to offer its services to children that have no documents to prove their identity and family situation. Harbitz and Tamargo (2009) find lack of adequate identification as an obstacle to registering children in school and attaining qualifications. The study that was conducted in Bolivia, Dominican Republic, Guatemala, Nicaragua and Peru revealed that having no birth certificate is associated with lower probability of attaining education with 5 to 10 percent. (Bruto et al., 2013). Comparison between registered and unregistered children to finish primary school revealed that unregistered children have 20 percent lower probability to finish school compared to registered children. Unregistered children also have lower probability to register at school compared to registered children.

The negative relationship between the lack of birth registration and access to education and educational attainment reinforces the importance of birth registration as a development goal. Lopez et al (2014) state that, civil registration impacts on how people access their rights and services throughout their life course. Lacking a birth certificate poses problems in childhood when attempting to access educational services, and as an adult when trying to attain employment and access health services moreover in old age when trying to claim pension and other welfare services. Access to education is often given as a reason for obtaining a birth certificate (Apland et al., 2014). Without birth registration and ensuring birth records, it is impossible for governments to have a complete list of potential school-age children, making the concept of compulsory education meaningless (Powell, 1980).

### **1.3.3 Reasons for unregistered child's birth**

Cody (2009) describes the reasons for unregistered birth as a very complex issue because parents, states and caregivers have different reasons for the problem. Brito, Corbacho, and Osorio (2013) regard the experience of being deprived right to access public services due to unregistered birth as one of the greatest and patronising experiences anybody can suffer from. Unfortunately this form of social exclusion is a sad reality for the millions of children around the World. Cody states that, reasons for unregistered birth varies from the centralisation of registration offices, distance from rural areas to urban areas, financial obligations, social, cultural and ethnicity problems. Parents who are staying far from the offices indicated that it is expensive to access the offices and at times they are turned away without being assisted. Some children grow up with their grandparents because parents are working and can only return home once or twice a year.

The Ministry of Home Affairs and Immigration report of Namibia (2010) identified some of the barriers to birth registration. Cultural practices and beliefs to register a child under the father's surname was one of the reasons as to why children were not registered. Biological mothers choose to wait for the father that is working outside the rural area to come back to be able to register the child. There is also a belief that women cannot register their children under their own surname if they are married. In some instances it was discovered that biological mothers of children whose paternity has been denied prefer to take time and convince the father about the paternity of the child than registering children under their own surname indicated pressure and cultural beliefs from the society. Proudlock (2014) indicates

that research participants indicated challenges such as disappearance of parent's especially biological mothers. Home Affairs refusal to assist or register the child without the presence of the mother. Other children have their parents in prison or working in remote areas such as farms where there are no registration offices and are not allowed time off to go and register their children during the week and hours when the offices are operating. Lack of infrastructure, offices and resources to service communities pose another challenge to achieving high birth registration. People complain of waiting in long queues to get assistance and that in some areas they are requested to speak languages they don't understand.

According to Brito, Corbacho, and Osorio (2013) there is evidence that points to the level of education of the biological mother as playing a major role in registering or not registering a child. There is a high rate of birth registration among the children of educated mothers. A child born of unregistered mother is more likely to be unregistered, spreading the disempowerment cycle as Ackermann (2006) argues. Unregistered mothers get demotivated of their own suffering and give up on the system thus they don't attempt to register their own children. Orphaned children often lose their documents or their parents especially if the mother died before registering the child. They are unable to claim benefits such as policies due to having no birth certificates. Some children migrate to South Africa and lose or never had their identities registered standing no luck to get their existence registered. Children who migrate are mostly running away from different hardships back in their countries of birth and having no time or opportunity to take documents with if they do exist. According to Proudlock (2014) there is also a burden placed at caregivers to go from different departments to get proof or reports from social workers to be able to apply for birth certificates of the children they care for. There are also fees expected to be paid for some of these identity documents such as the reprint of birth certificates and in South Africa, the different birth certificates such as the Unabridged and Abridged certificates have financial implications for care givers. (Proudlock, 2014).

According to Proudlock (2014) the Birth and Death Registration Act requirements to register child's birth has implications for applicants, especially the next of kin. The Act requires only the biological mother to register a child's birth if parents are not married making no exception for children that are cared for by biological fathers. Fathers have to prove or provide evidence through paternity test that he is indeed the biological father of the child.

This places a lot of pressure on the father especially if he does not know the whereabouts of the mother and he has to pay for the paternity test. The Act only allows relatives and care givers the opportunity to apply for child's registration is only when parents of the child are deceased ignoring the fact that 3 million children in South Africa are living with their relatives despite their parents being alive. This according to Proudlock (2014) is the reality that the Act fails to take into consideration and failing the millions of children who have their birth not registered. South Africa is one of the countries with high rate of migration, Proudlock (2014) and Statistics South Africa (2010) indicated that in 2011 there were 220 000 immigrants in South Africa and only 63 000 were accounted to have received documentation by the end of the same year. This according to Proudlock is due to delays and requirements to produce documentations from countries of origin that some did not have at their disposal. This results to backlog and a number of children not being registered as they cannot be registered if parent has no legal documentation.

According the study conducted by Ackermann (2017) separated and unaccompanied children struggle to access the system and fail to meet requirements by the Refugee Act. The results indicated that out of the 109 children that participated, 55 percent did not have birth certificates and 40 percent were not accessing education due to lack of documentation. The children who were reported to have been born in South Africa were not registered because the mother who is the only person recognised by DHS to register child birth did not have the required documents. According to Ackermann, being born in South Africa does not grant foreign children nationality, they are still considered to be none citizens and therefore required to follow similar procedures as those that migrated into the country. In a country like China where child birth is controlled, the number of unregistered children is on the increase. According to Zhou (2005) in China it is the state that regulates how many children a family can have and in most cases only married couples are allowed to have children. Failure to adhere to these regulations has serious implications for the family but mostly for the children. Having more children than the stipulated number and out of wedlock, children are not only considered to be illegitimate but are also intentionally denied access to basic services such as education, health care and welfare services. Children do not only suffer from being excluded by the state but their own families hide them to avoid punishment from the state. They are not counted during census, meaning they don't exist and will never belong to any nationality and thus will never have legal documentation.

## **1.4 THE SOUTH AFRICAN CONTEXT**

### **1.4.1 Birth registration**

The United Nations Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and United Nations Children's Fund are some of the few international instruments of which South Africa affiliates, that enshrines birth registration as a child's fundamental right, a world concern and a priority for every state and government. (The African Child Policy Forum (ACPF), 2005). In South Africa, the Constitution of the Republic of South Africa (1996) is one indispensable document developed to redress and ensure the rights of all citizens especially those of children are realised and protected. Chapter 2 (Bill of Rights) of the Constitution is dedicated to identifying and achieving these rights. Section 28(1)(a) indicates that "Every child has a right to a name and nationality from birth." In South Africa the mandate to register and access this fundamental right is with the Department of Home Affairs (DHA) directed by the Birth and Deaths Registration Act 51 of 1992. According to Giese and Smith (2007) the act stipulates that DHA has an obligation to take on its mandate to register and ensure the child is provided with a birth certificate. According to Proudlock (2014) birth certificate is the only document in South Africa that proves that the child's birth registration and that child's details are included in the National Population Register. The same document affords children their right to access other fundamental rights, for instance the child's birth certificate is required for the child to be enrolled in school.

UNICEF (2005 cited in Giese and Smith (2007:18) indicate that "the official recording of the birth of the child by Government as the fundamental human right and an essential means of protecting the child." The National Population register forms an integral part to the mandate of the DHA to keep accurate records of births, deaths, marriages to enable accountability and for statistical purposes. The Birth and Deaths Registration Act 51 of 1992 administers and outlines the requirements to register and access birth certificate. Section 9 of this Act stipulates that any child that is born alive must be registered within the 30 days of birth. The child can be registered by biological parents or anybody entrusted by parents. Failure to register the child within this period but within a year of birth, the person must give reasons for the delay. However, if registration happens after a year, rules and regulations to late birth registration will apply. This include providing proof of documents that child belongs to them including affidavits by the South African Police Services stating why child was not

registered. Failure to provide proof for approval of late birth registration, only the Director-General has the obligation and mandate to investigate and approve registration if satisfied with the outcome.

According to Proudlock (2014), when the Act was amended in 1997 it brought with a lot of challenges for South African citizens especially those in dire need to register their own, relative or even orphaned children. Amending the Act imposed stringent requirements and proof to register the child especially if the child is registered after the 30 days of birth. The Act implies that only biological mothers are eligible to register children and any other person including grandparents, relatives and biological fathers have to provide evidence and proof that they are indeed providing care for the child. These requirements include the daunting experiences for grandparents to seek reports from Social Workers and fathers doing expensive paternity tests for them to be allowed to register the children. The child cannot be provided with a birth certificate if parent's details don't reflect on the register. (Birth Registration Amended Act 18 of 2010. This form of practise is not only denying children their birth registration right but also takes away the opportunity to access other essential services such as education and child support grants. Birth certificate forms part of the list of enabling documents which according to Giese and Smith (2007) has the capacity to open doors and achieves other rights.



In 2011, the South African Statistics published a report that illustrated that birth registration reached an estimate of 95 % which indicated a lot of increase and closer to complete birth registration. The findings were challenged by Nannan, Dorrington and Bradshaw (2019), they argue that this might not be a true reflection of what is happening with the civic services of South Africa. They indicated that there are limitations to the findings, the data was collected from Health institutions and yet not every child is born in a health facility. The same study yielded different results when different methods of data collection were employed. The household survey indicated 11% of children younger than 3 as being unregistered in the same period and the Department of Home Affairs indicated that 90% of birth registration was achieved. This opened the research to so many questions, that the outcomes were the true reflection of what is happening in South Africa or just proof of what Brito, et, al (2013) and Adjei, at, al (2015) have indicated that, unregistered children are invisible and unrecognised.

Despite improvement in the number of children registered, South Africa is still faced with some challenges that need to be addressed before reaching its goal to register every child born alive. This according to the ACPF (2005) if the battle against birth registration has to be achieved, there is a need to look beyond birth registration as just means to obtaining a birth certificate. The consequences of not possessing a birth certificate have detrimental impact in the development and lives of African children. Todres (2003) and UNICEF (2002) state that, the issue of birth registration has reached a point where effective laws that protect the children's rights are implemented. Currently, the system in place fails to acknowledge the diversity of challenges facing families in South Africa and continues to disadvantage the poor. Governments and states should take immediate action that places value to birth registration and children's rights.

#### **1.4.2 The Right to Basic Education**

In South Africa, the right to education has been previously confronted with lots of challenges including inequality and discrimination between the rich and the poor. Post-apartheid, the right to education has gained a lot of attention and acknowledgment from both international, national laws and legislation. The Universal Declaration of Human Rights, the United Nation's Convention on the Rights of the Child as well as the African Charter on the Rights and Welfare of the Child are just the few legal bodies that perceives education as the fundamental and priority to child's development. In South Africa, the right to education as a fundamental right is enshrined in Section 29 of the Constitution of the Republic of South Africa (1996) with basic education regarded as the "cornerstone of any modern, democratic society that aims to give all citizens a fair start in life and equal opportunities as adults." Arendse, 2011:101.

The South African Human Rights Commission (SAHRC) regards basic education as the legal and fundamental aspect underpinning progressive development in South Africa. The SAHRC is mandated with the obligation to support and monitor the progress and ensure that South Africans receive access to quality education. Entrenched in its mandate, the commission believes that all citizens require a minimum of education in order for them to be able exercise any other rights effectively. The South African representative for UNICEF Aida Girma, sees the right to education as an invaluable contribution in eradicating poverty and ensure that South Africa achieve its aim and vision for Millennium Developmental Goals (2000). She

also believes that this same structure will be able to “contribute to the renewal and re-commitment, to quality basic education for all children in South Africa.” (SAHRC, 2012). In 1996, the Department of Education envisioned a “South Africa in which all people have equal access to lifelong education and training opportunities which will contribute towards improving the quality of life and build a peaceful, prosperous and democratic society.” The department also refers to education as a development strategy to assist the poor escape poverty.

According to the SAHRC (2012) South Africa has made a lot of effort in identifying challenges and developing transformative framework to ensure that the right to education is realised. The National Plan of Action by the Department of Education is one key instrument illustrating the plans and efforts of the Department to achieve its obligation to compulsory and free education. To assist South African children especially the poor to improve access to education and remove obstacles thereof, that hinders them from achieving their right to education. According to Arendse (2011) these obstacles include the financial burden to pay school fees, assisting children to access education in the language they know and understand and better infrastructure as well as improving the quality of education in poor and rural areas. Parents and caregivers are exempted from paying fees and schools are not allowed to exclude or impose any discriminatory practices on learners that will interfere with them achieving basic education. The element of compulsory and free education encompasses the enforcement of laws that it obligates everyone including the state and parents to ensure that children attend school. Simultaneously, parents can be fined or sentenced to imprisonment for not allowing children to attend school at this crucial stage of their lives. Section 29(1)(a) of the Constitution of the Republic of South Africa places obligation to the state to provide basic education for everyone. Furthermore, the state cannot prohibit anyone from exercising this right but have to ensure that it does everything to remove obstacles and ensure that the right to education is realised.

The SAHRC (2012) and Arendse (2011) regard this right as an immediately realisable and do not depend on the notion of realisation and availability of resources. South Africa has since put a lot of measures and identified challenges and obstacles preventing its citizens from realising their right to education. The exclusion of vulnerable groups, inequality, poor education, and lack of infrastructure, language barriers and the number of qualified teachers



are some of the few challenges identified by the SAHRC. Proudlock (2014) argues that it is unfortunate that despite its impact on education, the issue of birth registration is never mentioned or made a priority in the list of challenges. Despite all the mandates and plans to promote access to the right to education, there is still a huge gap between law and practice. Unregistered children are still discriminated and excluded from gaining access to education. According to Churr (2015) the South African education system is not where it's supposed to be in helping the children to access their right to education. A number of children are still discriminated and excluded from accessing education for one reason or the other.

### **1.5 PROBLEM STATEMENT**

Article 7(1) of the Convention on the Rights of the Child indicates clearly that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality.” Section 7(1) (Bill of Rights) of the Constitution of South Africa describes the Bill of Right as the cornerstone that applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.” Section 28 (1) (a) stipulates that “Every child has a right to a name and a nationality from birth.” (Constitution of South Africa, 1996: 6-12). United Nations Children’s Fund (UNICEF) (2008:10) “defines birth registration as an official recording of the child’s birth by the administrative level of the state and coordinated by a particular branch of the government, which is a permanent and official record of a child’s existence and establishes the child’s legal identity.” It is recognised as a fundamental right of every child’s life. It enables the state to have the accurate statistics on the number of existing children to plan and formulate policies regarding children’s interventions. While South Africa has seen a steady increase in birth registration over the years, specific groups are still recording low levels of registration (Statistics South Africa, 2017). Sloth-Nielsen and Ackermann (2016) state that in a country like South Africa where there is no encampment policy for asylum seekers, immigrant children frequently find themselves “doubly vulnerable.”

Unregistered children are faced with multiple social challenges such as access to health, education and other welfare services. United Nations Educational Scientific and Cultural Organisations (UNESCO) (2019:4) regards “education as a basic human right and the best investment that we can make to ensure a sustainable future and leave no one behind. This is true for every country and every region. However, millions are deprived of educational

opportunities every day, many as a result of social, cultural and economic factors.” The vision 2030 of the Sustainable Development Goals clearly indicates its aims to create a comprehensive, equal education system that is going to encourage ultimate learning opportunities. International Monetary Fund (IMF) (2019) regards education as one of the determining factors of the labour force production, unemployment and thus affects economic growth. Regardless of all these challenges and the high rate of unregistered births, the birth certificate seems to make the top list of requirements to register a child’s education. Evident to a number of schools and institutions is the birth certificate and failure to produce this document might mean the end to a child’s dream, to be educated. The requirements indicate forms of rejection and exclusion of unregistered children even before they make their way into education system.

Given that in South Africa a birth certificate is required for school enrolment, this thesis examines the effect of unregistered birth in accessing education. The researcher will investigate how unregistered (vulnerable) children are being denied or limited the opportunity to practice their fundamental right to participate in education. The investigation will look at the challenge of unregistered children in Khayelitsha, a township from the City of Cape Town in the Western Cape. The paper will investigate how denied access to education affects both South Africans and African immigrant children. The paper will further investigate the reasons to why the children are not registered or have birth certificates inclusive of the costs attached to accessing the document. The researcher will look at how government and different role players can intervene and assist to ensure that vulnerable or children at risk have access to this fundamental document.

According to UNICEF (2017) birth registration is the first step in realising children’s rights; it confirms child’s identity and existence. Failure to register children can have dire consequences for children and their families. UNICEF (2013) indicates that children at risk are the children who are already identified to be vulnerable such as the orphaned, abandoned and immigrants. They find themselves excluded from immigration system because they are minors and they are also rejected by the child protection system because they are unregistered or stateless. Unregistered births lead to failure for children to possess a birth certificate which is a vital record confirming the birth of a child and may be the only document opening opportunities to the children’s rights. Included to the rights are the rights of children to access

health services, education and welfare services which play a pivotal role in child's development. Unregistered children have no identity and may according to UNICEF suffer from statelessness which is described as a person whose nationality is not recognised by any state. Children who are not registered might be denied their rights to access welfare services, education, and health and might be victims of child labour and child trafficking because they are not counted anywhere.

Unregistered children are denied opportunity to access essential services targeting the poor such as Child Support Grant that assist them and their families to alleviate poverty. Although the Social Assistance Act No 13 of 2004 states that all South African children and none South Africans are entitled to such services, having no birth certificate denies children this right. Proudlock (2014) argues that it was only after 2008 that the Department of Social Development amended the regulation and introduced the provision for children to access Child Support Grant and other grants such as Foster Care grants without birth certificates. She further states that, the number of children is still very low with an estimated 11 184 of children receiving the CSG against the 2.35 million children who are qualifying to receive the grant. The number is influenced by the fact that not many parents are aware of this provision. According to South African Social Security Agency and UNICEF (2013) the Child Support Grant has been identified as one of the indicators that have positive influence on the well-being and nutritional health of children especially if received in the first 3 years of the child's life. It also influences school enrolment and children remaining in school. According to Cody (2009) numerous reasons can be given to children not being registered.

In Africa, the Civil Registration system is one of the key areas failing to increase child registration. Children who are born of parents not having identity documents are more likely not to be registered. Some parents are unaware of the importance of registering a child until later in life when the child needs the document to be registered at school. People who live in remote rural areas are more likely to be affected by the distance from service provider's office and having to pay a high travelling fee to access services. Lack of awareness campaigns by the responsible organs of state to encourage people to register children on time has negative impact. The regulations and requirements such as paying a fee to register a child by the institutions responsible to register children might be too daunting for other parents and discourage them to register children on time.

## **1.6 RESEARCH QUESTIONS**

- What impact does unregistered birth have on the lives of unregistered children and their immediate families?
- What are the contributing factors for unregistered births?
- What effects does unregistered birth have on children's access to basic education and other services?
- What future implications do unregistered children experience later in life?
- What perceptions do caregivers of unregistered children have about birth registration?

## **1.7 AIMS AND OBJECTIVES OF THE STUDY**

According to De Vos et al (2011) the aim of research is to direct the fundamental thrust of the study and objectives identify the particular problems the researcher intends to investigate. This paper will examine the following objectives

- Look at the current trends of unregistered births in South Africa especially for children under the age of 5 years.
- Examine implications of unregistered birth in accessing education in South Africa
- Are there gender differences in child birth registration in South Africa
- Are there rural and urban differences in child birth registration in South Africa
- Are there Provincial differences in child birth registration
- Are there differences between the rich and the poor

### **1.7.1 Hypotheses**

Barbie and Mouton (2001, 643) describe the concept of “hypothesis as an expectation about the nature of things derived from a theory and is a statement of something that should be observed in the real world if the theory is correct.” According to Hepworth and Larsen (2006), hypothesis is an important aspect of research in that it keeps researchers thinking about what they want to achieve and also have an idea of what they want to achieve by undertaking the study. De Vos et al (2011) describe it as a dream of the researchers about the outcomes of research.

**In this research I hypothesise that:**

- Child's birth registration or possessing a birth certificate will improve the chances of the child's access to education
- Enhance development opportunities to achieve better economic outcomes for themselves and their families.

**1.8 RESEARCH DESIGN, METHODS AND PROCEDURES**

**1.8.1 Study Area**

According to the City of Cape Town (2016), Khayelitsha is less than 20 km away from the Cape Town International airport. Khayelitsha developed under the leadership of the apartheid government. Its development was influenced by the Group Areas Act of 1950 which was developed to force the black population away from the CBD's. It developed as a strategy to accommodate the legal Cape Flats, mostly Crossroads residents while illegal residents were sent back to their places of birth. The majority of Crossroad dwellers were Black Africans. Crossroads was overpopulated and only had limited serviced space to afford its residents with brick houses. In 1983, the residents of Cape flats were promised to be moved to an alternative home, Khayelitsha to access housing. Some people came to Khayelitsha willingly from Crossroads, while others used it as an escape from the violent leadership of Ngxobongwana and the Witdoeke vigilants.

Seekings (2013:2) describes "Khayelitsha as comprising of endless and uniform sea of shacks, overcrowded and impoverished, with an ever-growing population fuelled by incessant immigration." According to Statistics South Africa (2011), the population of Khayelitsha was estimated to be 1, 2 million in 2011. 90. 5 % of the population was reported to be Black Africans, 8.5 % Coloured and 0.5 % being White. The majority of Khayelitsha residents are traced to be originated from Eastern Cape and Xhosa speaking. The population is reported to be relatively young, with 7 % being over the age of 50 years. It is reported to be the second biggest Black townships in South Africa with Soweto being the first. It is also one of the poorest communities, faced with a high rate of unemployment.

Khayelitsha is known to be one of the poor communities with half of its population living under severe conditions of poverty. Khayelitsha survey of 2011 reported that 52 % of young men and women of 20 to 30 years of age were unemployed and an approximate of more than 10 % is discouraged job seekers. The job seekers reflected to have given up or lost hope in

ever finding a decent job. Most households were reported to have 1 or 0 person employed. A huge amount of Khayelitsha population was reported to be surviving on some form of a social grant, ranging from Child Support Grant, Old age Grant and Disability Grant. Khayelitsha survey of 2005, indicated that 25, 000 old age grants, 132, 000 child support grants and 24, 000 disability grants were being paid to Khayelitsha residents monthly.

In 2016, the City of Cape Town conducted a socio-economic profile on education focusing on matric dropout. The results indicated that 33. 7 % of grade 12 learners had dropped out of school. According to City of Cape Town, the causes for dropout indicated socio economic factors such as poverty, teenage pregnancy and unemployment. Even though the study encompassed City of Cape Town as a whole, the results have implications for Khayelitsha as part of the City. The prevalence of HIV and AIDS was reported to be 30 % amongst women compared to 8 % of men ranging from the age of 20 to 30 years of age. According to Seekings (2013) 13, 500 of the Khayelitsha population were registered to be receiving anti-retroviral medication from public health centres in Khayelitsha. Moreover, substance abuse is reported as a social challenge affecting Khayelitsha. The young generation is been reported by the City of Cape Town (2013) as finding pleasure in substances such as alcohol, methamphetamine (tik) dagga and other drugs. More than half of Khayelitsha residents (55%) were reported to be residing in informal settlements. They have limited or no access to basic services such as clean running water, electricity and proper sanitation. In 2015, the township was reported to have high crime rates including robbery, attempted murder and common assaults.

### **1.8.2 Study Design**

The researcher will be using sequential explanatory design, described by De Vos et al. (2011) as “a two phase mixed methods design. According to Plano Clark (2011) this type of design requires the researcher to collect and analyse quantitative data following with qualitative data as a method to refine and elaborate on quantitative outcomes. “The rationale for this approach is that, quantitative data and their subsequent analysis provide a general understanding of the research problem. The qualitative data and their analysis refine and explain those statistical results by exploring participants’ views in more depth (Rossman and Wilson, 1985; Tashakkori and Teddlie 1998; Creswell 2003 cited in Ivankova, Creswell & Stick, 2006). The design is accused of applying an unequal priority to research approach favouring quantitative

data over qualitative however, it is a less complicated approach in that a researcher is able to focus on only one phase of data collection at a time.

Creswell (2003) justifies that, in sequential explanatory design the unequal priority is due to the requirement to follow the sequence of conducting quantitative investigations and followed by qualitative investigations to refine data. He further states that the issue of unequal priority is mainly influenced and directed by the interest of the researcher, the audience and what researcher needed to emphasise in research. Hanson, Creswell, Plano Clark, Petska, and Creswell (2005) concurs and further state that, researchers should not be much concerned about unequal priority but integration of data between the two approaches as it is what formulates the significance of the study.

### **1.8.3 Research Methods**

In the research the researcher will be utilising mixed methods research methodology. The researcher will be utilising mixed method research because of its strength and ability to mix different methods, namely qualitative and quantitative approaches in a single study. Louw and Edwards (2004) define qualitative research, as a method of gathering information in a form of words which gives us in depth understanding of the nature of people's experiences. A researcher decides on using this approach due to its ability to enable the researcher to study human experiences in great depth. Swartz et al (2008) argues that qualitative method enables researchers to study human experiences in great deal of depth, it further allows researcher to participate in the process. This means the researcher spend time with the participant on the face to face environment. The researcher gets the opportunity to probe and ask more questions during the interview as well as being able to study the reactions of the participants.

According to Henning, van Rensburg and Smit (2004:6) in qualitative "the purpose of research is for researchers "to find out what the actions of the people in the setting are what they think and also what they feel, what their setting looks like and what the significance of the signs and symbols in the setting is." This allows the researcher to gather thick description of the situation studied from research participants. Utilising qualitative research method allows the researcher the opportunity to gather more data regarding experiences of care givers of unregistered and children who don't have birth certificates. The method will allow the

researcher the opportunity to get the perspective of the problem directly from research participants through face to face interviews.

De Vos et al (2011:64) described quantitative research as “an inquiry into a social or human problem, based on testing the theory composed of variable, measured with numbers and analysed with statistical procedure in order to determine whether the predictive generalisation of the theory hold true.” Kumar (2005:12) views quantitative approach as a structured approach because everything that forms the research process-objectives, design, sample and measuring instruments are predetermined.” Ivankova, Creswell and Plano Clark 2007:255 cited in De Vos et al. (2011) state that, “the goal of quantitative approach is to describe the trends or relationship between two or more variables.” It is mostly or commonly used to quantify the degree of the problem being researched. The study begins with a general question and only after extensive data has been collected about the research problem the researcher can develop hypothesis on the matter. It is also known as a structured type of approach due to the fact that all processes of research are pre-determined. The approach uses numbers to calculate or quantify the extent of the problem and its findings are generalised. The approach is also known to identify certain variables as the focus to research. The researcher will be able to utilise this approach to get a descriptive picture of the problem through numbers and trends thus enabling to measure the severity or extent of the problem.

The researcher will investigate data from existing surveys such as the Demographic Health Surveys (DHS) and databases (data sets) that have already been conducted. Through quantitative method, the researcher will be able to formulate substantive arguments and collaborate the numbers with qualitative findings to make valuable argument while creating a clear picture of the problem. Creswell and Plano Clark (2007) argue that the value to mixed method research rests on its mixing principle that produces more complementary strengths rather than weaknesses. The method offers various techniques to scholars to look at the world around them. Based on Creswell and Plano Clark (2007) view, collaborating techniques and methods of both qualitative and quantitative paradigm affords the researcher with the prospect to better understand the research problem from different perspectives rather than utilising a single approach. It forms a more complete picture of the research problem as Creswell and Plano Clark explain. The method allows the opportunity to investigate numerical findings through quantitative as well as in depth experiences through qualitative



research providing a platform to produce rich data findings (Henning, Rensburg & Smit, 2004).

Mixed method research is described by De Vos et al. (2011:437) as one of the controversial methods in research, one that has elicited provocative debate among researchers. The debate arises based on two issues that researchers were concerned about relating to the method, they were concerned firstly about “paradigm-method fit and “best paradigm.” According to Hanson et al. 2005:225 cited in De Vos et al. (2011) paradigm-method fit was concerned about the ability of mixed methods to fit together two different competing methods under either qualitative or quantitative research. Researchers viewed this type of method as flawed, incompatibly and idealistic. These are researchers who believed that qualitative and quantitative researches are purely different research paradigms, or the purists as Rossman and Wilson (cited in De Vos, 2011) view them, and that at no stage should be integrated. The second debate was according to Hanson et al. (2005: 225) researchers questioned and were concerned about the “philosophical paradigm that was best foundation for mixed methods research.” Teddlie and Tashakkori (2009) argue that all these debates were of no significance to this method. To them, research in mixed methods is not concerned about what is true and real about research problem. It is concerned with “what works” as the truth about research problem or question.

Subsequent to the debate, various definitions regarding the method were created based on the two different views. Creswell and Plano Clark (2007) state that some authors viewed mixed method research as a separate methodology based on its own theoretical assumption and thoughts for methods of inquiry while others view it as utilising combination of techniques or methods of collecting and analysing data in both qualitative and quantitative paradigms. Johnson and Onwuegbuzie 2004:17 cited in De Vos (2011) view mixed methods research as “the class of research where the researcher mixes or combines quantitative and qualitative research techniques, methods, approaches, concepts or language into a single study.” Tashakkori and Teddlie (2003:711) understand mixed method research as “a type of research design in which qualitative and quantitative approaches are used in types of questions, research methods, data collection and analysis procedures, and/or inferences.” Ivankova et al. 2007:261 cited in De Vos (2011) refer to mixed methods research as “a procedure for collecting, analysing and mixing both quantitative and qualitative data at some stage of the

research process within a single study to understand a research problem more completely.” Creswell and Plano Clark’s (2007:5) definition gained momentum in respect of mixed methods research because it is one that is regarded by De Vos et al. (2011) as being inclusive and encompassing of all aspects that distinguish the method from others. They define “mixed methods research as a research design with philosophical assumptions as well as methods of inquiry. As a methodology, it involves philosophical assumptions that guide the direction of the collection and analysis of data and the mixture of qualitative and quantitative data in many phases in the research process.” It is based on this background that the researcher chose to utilise the mixed methods approach as the method that has a promising and capability to illicit more data regarding the problem of unregistered children in South Africa.

### **1.9 Ethics Statement**

Mixed methods research incorporates qualitative and quantitative research thus it is essential for researchers to adhere to ethical considerations of both approaches. According to De Vos et al. (2011) human beings are not merely just subjects to the study but human. They need to be respected and protected from any risks and harms they may be exposed to during the research. Obtaining data should never supersede the well-being of participant; researcher needs to take precautionous decisions in selecting research participants and limit risks and harm. Research participants should be well informed and be in a state of mind where they can voluntary take the decision to participate or not to participate in research and should never be forced. Hakim 2000: 143 cited in De Vos et al (2011) describes informed consent as a “necessary condition rather than a luxury or an impediment.” Researchers have the obligation to be transparent of what research entails and thus informed consent needs to be agreed on and signed before research takes place.

Tashakkori and Teddlie (1998) argue that, researchers should be professional and respectful enough to their research participants that they treat their information with utmost confidentiality and ensure that they cannot be at any stage linked to the data. They should have their identity protected and remain anonymous. This according to Creswell (2011) is extremely important for researchers using explanatory designs because they use large quantities of data that might require refinement through qualitative interviews. In this regard, researchers need to be aware that not all participants may refuse to allow their data to be used or linked to their identities therefore; permission needs to be granted to avoid ethical issues.

They have to be informed and be cultural sensitive towards cultural practices of research participants.

According to De Vos et al. (2011) in social sciences research, people are often required to share or revisit their life experiences being it positive or traumatic experiences. It is crucial that, research participants are provided with debriefing sessions after research is completed. Debriefing provides research participants with a platform to reflect on their experiences and iron out any concerns and misconceptions about the research. According to De Vos (2011) debriefing sessions provide the necessary space to reflect on the relationship between the researcher and participants. It should be provided in a supportive and therapeutic environment to enable participants to share their experiences and emotions without fear or constraints. (De Vos et al, 2011). According to Creswell (2011) mixed methods researchers favour the use of quality inference to elude perceptions of neither quantitative nor qualitative research for addressing trustworthiness or reliability and validity issues. The researcher will take into consideration all the relevant ethical considerations especially because research is about children. The researcher fully understands that children cannot be directly interviewed to illicit data thus only caregivers would be interviewed on behalf of children to reflect on how the challenge of unregistered children has impacted on their children's education and development.

### **1.10 SCOPE AND LIMITATION**

In this study, the researcher will be conducting a mini-thesis research, meaning the study is already limited in time and structure. A mini-thesis requires research to be completed within a short period of time and accommodates for a limited population of study. The researcher selected Khayelitsha as the area of study which takes up a small proportion of the population (391.749) of the Western Cape Province which according to the City of Cape Town (2017) is 3. 740, 026. The researcher is very much aware that this population is very small and cannot be accounted to make generalisation on the outcomes of the study for South Africa. In the study, the researcher will be using the mixed methods design to counteract the problem. The researcher will be utilising existing quantitative studies that have been conducted with large population samples regarding the birth registration problem and the outcomes will be utilised to support and justify the outcomes of the study to stand truth. This will also enable the researcher to identify similarities or differences in experiencing this challenge between rural

and urban dwellers. The researcher will also select and conduct in depth interviews with the caregivers of children whose birth has not been registered or have no birth certificates to get an indication of how this challenge has affected their children. The interviews will be analysed to establish if any relationship does exist between non birth registration and access to education.

## **1.11 CHAPTER OUTLINES**

The research paper will be outlined as follows:

### **Chapter 1**

- Abstract
- Background and contextualisation
- Problem Statements
- Key terms (definitions)
- Aims and objectives of the research study
- Research Questions
- Theoretical Framework
- Research Methods
- Area of Study
- Significance of the study



### **Chapter 2**

- Literature review
- The overview of non-birth registration
- Birth Registration is Every Child's Fundamental Right
- Legal frameworks on birth registration
- Implications of non-birth registration on child's education
- Reasons for not being registered
- Gender disparities
- Urban and rural disparities

### **Chapter 3**

- Research Methodology
- Research approach and design
- Selection of participants (sampling approach)

- Recruitment Process
- Methods and tools of data collection
- Data collection and safekeeping of data phase
- Analysing data phase
- Establishing trustworthiness
- Ethics and limitations
- Conclusion

#### **Chapter 4**

- Interpretation of data
- Identifying themes and subthemes
- Interpretation of research findings
- Summary of research findings and hypothesis
- Conclusion and recommendations for practice and research
- Remarks
- References



#### **1.12 CONCLUSION**

The first chapter outlines the significance of the study, why it was important to conduct the study as well as anticipated outcomes or what the researcher expects in conducting such a study. Furthermore, the chapter outlines the process that would be followed by the researcher in undertaking the study. Incorporated in the chapter are the previews of the major research considerations to be implemented in the study such as the theoretical framework, literature review, ethical considerations as well as the overall structure of the study. The chapter overlay the path and give an idea of what the study hypothesise as well as to what the researcher aims to achieve with conducting the study. The same chapter gave an illustration of how other researchers view, interpret and understand the problem of unregistered births in both the world and in South Africa. Through literature review, the researcher was able to better understand the problem from and broader perspective. However, the following chapter, literature review will provide more information, the magnitude as well as the impact unregistered birth has in the lives of children.

## CHAPTER 2: LITERATURE REVIEW

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### 2. INTRODUCTION

Birth registration is regarded as a fundamental human right and a critical step that constitutes legal proof of a child's existence and nationality. It is a vehicle through which access to other child significant rights can be achieved (UNICEF, 1989). The purpose of this chapter is to investigate and assess the existing knowledge to formulate background of the research study. The chapter will illustrate how the other researchers view and understand the problem of unregistered birth to be and what impact does it have to children. The problem of unregistered births will be firstly reviewed from the world's perspective and later, from a South African perspective with a dire consideration of what existing statistics are illustrating as well as what projections can be considered. The child rights perspective and focus on educational aspect of children's rights will be utilised to review the problem.

The chapter will look intervention strategies that have been developed and utilised from different countries to ensure that the problem of unregistered birth is prioritised and resolved. The literature review will therefore give a clear picture of how countries, especially South Africa are progressing with the aim to achieve the universal birth registration by 2030.

#### **2.1 Birth Registration as every child's fundamental right, and the legal framework.**

Article 24(2) of the International Covenant on Civil and Political Rights (ICCPR) clearly states that "every child shall be registered immediately after birth (within 30 days of birth in South Africa) and shall have a name." Birth registration is the process through which a child's birth is registered under the civil registration system. It is the primary steps in ensuring that children are lawfully recognised and their rights are protected and making sure that any violation of their rights are accounted for. Birth registration is recognised as a fundamental right at both International and National levels. It is endorsed by essential legal bodies and treaties such as the Universal Declaration of Human Rights, The Convention on the Rights of the Child, the United Nations Human Rights Council and Constitutions of different countries including South Africa. Under the United Nations International Covenant on Civil and Political Rights, birth registration is recognised as a legally binding obligation for all states. (Cody, 2009). The Children's Act of 2005 clearly indicates in Section 9 that, in any matter concerning the child, the best interest of the child should be of paramount importance. Despite all these obligations, Cody argues that more than 51 million children's

births are still unregistered in the World, demonstrating a lack of development and commitment by government to provide children with their legal right.

Brito, Corbacho, and Osorio (2013) describe birth registration as the key and essential human right that institutes legal proof of a child's existence and nationality. Dow, 1998 cited in Amo-Adjei and Annim (2015:1) sees birth registration as the "first ticket to citizenship without which an individual does not exist legally and could be denied privileges and rights a nation allows." Birth registration is the key instrument leading to a child receiving a birth certificate which is regarded as an initial document to confirm that a child does exist and is a legal citizen to a specific country. UNICEF regards birth certificate as a protective and effective document in children's lives. The document encompasses the power not only to prove the child's age but to protect children from risks such as child labour, child marriages, being arrested and wrongfully charged. Unregistered birth has serious implications for children, they are not recognised and their human rights are compromised.

Adjei and Annim (2015) see civil registration as a double-edged sword: on one hand, it helps widen opportunities for development at the individual and societal levels, and on the other, it can have exclusionary effects if proper safeguards are not respected. A birth certificate is not the only document that can be utilised as the proof of identity, but it is a necessity for requesting other documents, such as a national identity card or a passport. Failure to possess identity document denies a child or young person the benefits from the conventional society and be excluded and unable to fully participate in society (Harbitz and Tamargo, 2009). Individuals without proper identity status can suffer social exclusion, and they are likely to remain in the throes of continuous cycle of social exclusion. The challenge of unregistered children is according to Lopez, Sejersen, Oakeshott, Fajth, Khili and Panta (2014) highest amongst the already poor citizen's thus social exclusion has dire implications. Proudlock (2014:18) adds that, "recognising that it is the most vulnerable children who struggle to access birth certificates, enforcing a rigid requirement that a birth certificate must be produced to access services is likely to marginalise these already vulnerable children further, thus aggravating the denial of their rights to survival, development and protection."

According to Adjei and Annim (2015) in many countries, identity documents are required to obtain civil rights and to gain access to benefits, such as school certificates and health

services. Research suggests that where individuals have limited or have not been provided with adequate citizenship rights through birth registration and issuance of a birth certificate, the capacity of individuals to fully assert their civic, political, legal and social identities are significantly constrained (Adjei and Annim, 2015). The implications of being unregistered does not only become a challenge for an individual and his or her family but also affect the state, development and contributing to countless irregularities in access to rights and benefits. Ackermann (2016) further states that, in a country like South Africa where accessing a service such as entering a library requires an identity document life for an unregistered person has severe limitations. Cody (2009) argues that, birth registration might not be an answer to all problems facing children but it forms a foundation to addressing challenges facing children in the World. An identity document therefore forms an essential part for one to fully participate in society.

## **2.2 Education as a human right and implications of unregistered birth**

“Education is a basic human right and the best investment that any country can make, to ensure a sustainable future and leave no one behind. This is true for every country and every region.

*“In recognition of the legal and developmental value of education, South Africa has afforded this target the highest priority. Our Constitution recognises universal access to quality education as a fundamental human right, and is seen as a fundamental precondition for achieving national development goals, notably reduced poverty and inequality, by the National Development Plan (2030).”*

However, millions of children and adults are deprived of educational opportunities every day, many as a result of social, cultural and economic factors. Education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to fully participate in their communities. Indeed, without major progress on education, it is clear that the world will not be able to achieve all the Sustainable Development Goals for 2030 (United Nations Educational, Scientific and Cultural Organisation (UNESCO), 2019:4). According to UNESCO (2013) education is described as a “multiplier right” in that it has the capacity to unlock and increase opportunities to access other rights. UNESCO further states that, the principle to access education is not only concerned with getting children to school but to ensure that children remain at school to



benefit from education and avoid that children dropout of school. The Right of children to Free and Compulsory Education Act and the South African Schools Act No 84 of 1996 indicates that education should be free and compulsory for every child until the age of 15. Section 5(1) of the South African Schools Act states that, “a public school must admit learners and serve their educational requirements without unfairly discriminating in any way.” It is in the same policy that it is stated that, “no child may be excluded from school on the grounds of her or his race or nationality, or lack of identification documentation.”

Despite these legal instruments, UNICEF (2013) has reported that millions of children are refused access to their right to education by many public schools only because their births were never registered. According to Proudlock (2014:20) yet for South Africans, in reality parents and care givers are required to produce birth certificate, clinic cards and school reports when registering children at school. Whereas, immigrant children are obligated to produce their permanent residence or refugee permit, their children’s birth certificates, or proof of their asylum or residence application made to the Department of Home Affairs. Failure to produce these documents leads to a child refused access to study. The findings of research by UNESCO (2013) reveal that not having a birth certificate is associated with lower educational attainment. According to Brito, Corbacho, and Osorio (2013) lack of birth registration can jeopardize a child’s education to an extent that an educational centre may refuse to offer its services to children that have no documents to prove their identity. Harbitz and Tamargo (2009) find lack of adequate identification as an obstacle to registering children in school and attaining qualifications. The study that was conducted in Bolivia, Dominican Republic, Guatemala, Nicaragua and Peru revealed that having no birth certificate is associated with lower probability of attaining education with 5 to 10 percent. (Brito et al., 2013). Comparison between registered and unregistered children to finish primary school revealed that unregistered children have 20 percent lower probability to finish school compared to registered children. Unregistered children also have lower probability to register at school compared to registered children.

The negative relationship between the lack of birth registration and access to education and educational attainment reinforces the importance of birth registration as a developmental goal. Lopez et al (2014) state that Civil registration has an impact on people’s access to rights and services throughout their life course, lacking a birth certificate poses problems in

childhood when attempting to access educational services, as an adult when trying to attain employment and access health services, and in old age when trying to claim pension and other welfare services. Access to education is often given as a reason for obtaining a birth certificate (Apland et al., 2014). Without birth registration and ensuring birth records, it is impossible for Governments to have a complete list of potential school-age children, making the concept of compulsory education meaningless (Powell, 1980).

### **2.3. Reasons for unregistered child's birth**

Cody (2009) describes the reasons for unregistered birth as a very complex issue because parents, states and caregivers have different reasons for the problem. Brito, Corbacho, and Osorio (2013) regard the experience of being deprived right to access public services due to unregistered birth as one of the greatest and patronising experiences anybody can suffer from. Unfortunately, this form of social exclusion is a sad reality for the millions of children around the World. Cody states that reasons for unregistered birth range from centralisation of registration offices, the distance from rural areas to urban areas, financial obligations, social, cultural and ethnicity problems. Parents who are staying far from the offices indicated that it is expensive to travel to these offices and at times they are turned away without being assisted. Not forgetting that some have moved to different Provinces and the costs to travel just to get a Notice of Birth from a local hospital appears to be unreasonably. In many cases this document is not allowed to be faxed or email, service providers require the original document. Proudlock (2014) emphasise the impact of distance as costly for children living in rural areas. They ultimately have to pay for transportation that might not be a once off as often families are required to return for the services. They also have to pay for the actual issuing of documents. This becomes worse for the children that have to apply for late birth registration as they are required for a number of documents accessibly from different service providers. The experience becomes detrimental especially for those children that were not born in health care facilities and have no notice of birth to prove their actual birth. Some children grow up with their grandparents because parents are working and only come back to rural areas only once.

The Ministry of Home Affairs and Immigration report of Namibia (2010) reported some of the barriers to birth registration. The report indicated that cultural practices and beliefs to register a child under the father's surname was one of the reasons as to why children were not

registered. Biological mothers choose to wait for the father that is working outside the rural area to come back and be able to register the child. There is also a belief that women cannot register their children under their own surname if they are married. In some instances it was discovered that biological mothers of children whose paternity has been denied paternity prefer to take time and convince father about the paternity of the child than registering children under their own surnames. This also indicated pressure and cultural beliefs from society. Proudlock (2014) indicates that research participants indicated challenges such as disappearance of parent's especially biological mother. The Department of Home Affairs refuses to assist or register the child without the presence of the mother. Other children have their parents in prison or working in remote areas such as farms where there are no registration offices and are not allowed time off to go and register their children during the week and hours when the offices are operating. Lack of infrastructure, offices and resources to service communities pose another challenge to achieving high birth registration. People complain of waiting in long queues to get assistance and that in some areas they are requested to speak languages they don't understand.

According to Brito, Corbacho, and Osorio (2013) there is evidence that points to the level of education of the biological mother as playing a major role in registering or not registering a child. UNICEF (2019) reported that 80 percent of children under the age of 5 that are registered are reported to have mothers who have reached secondary education as compared to the 60 percent that are accounted to mothers who have no formal education. According to this report, parents who have some form of education are more likely to have knowledge and better understanding of the value and significance of possessing a birth certificate. The 2005 UNICEF study conducted in Columbia revealed the same patterns; the mothers with no formal education achieved the lowest rate of 76% in comparison with 86% achieved by mothers with primary education while mothers with secondary education achieved 96% of birth registration.

A child born of unregistered mother is more likely to be unregistered, spreading the disempowerment cycle as Ackermann (2006) argues. Unregistered mothers get demotivated of their own suffering and give up on the system thus they don't attempt to register their own children. The South African survey conducted by the Human Sciences Research Council in 2005 revealed that young mothers from the age of 16 years did not have Identity documents.

The results indicated 66 % of 16 year olds, 54 % of 17 year olds and 28 % of 18 year olds had no identity documents or only have a birth certificate. This meant that infants born by these teenagers were not able to be registered as one of the mothers indicated in the survey that she was not allowed to register her child with her own birth certificate. UNICEF (2005) reported that children who are living with both their parents are more likely to be registered compared to those living with either a father or a mother. Proudlock (2014) indicates that this trend might be influenced by the fact that both parents will willingly register the child and more likely, they don't have to provide any proof except the notice of birth and their own identity proofs. Therefore, there is no threat or fear to register the child, and the process is predicted to be a smooth one.

Orphaned children often lose their documents or their parents especially if the mother died before registering the child. They are unable to claim benefits such as policies due to having no birth certificates. We can also not run away from the possibility that some parents died without proof of registration and to require such document to register a child is simple ignorance. Some children migrate to South Africa and lose or never had their identities registered standing no luck to get their existence registered. The UNICEF (2019) reports that children who migrate are mostly running away from different hardships back in their countries of birth living them with no time or opportunities to take documents with if they do exist. According to Proudlock (2014) there is also a burden placed at caregivers to go from different departments to get proof or reports from social workers to be able to apply for birth certificates of the children they care for. There are also fees expected to be paid for some of these identity documents such as the reprint of birth certificates and in South Africa, the different birth certificates such as the Unabridged and Abridged certificates have severe financial implications for care givers. UNICEF (2013) concurs with Proudlock in this regard and further states that financial implications not only are a burden but are discriminating against poor families.

According to Proudlock (2014) the Birth and Death Registration Act requirements to register child's birth has implications for applicants especially the next of kin. The Act requires only the biological mother to register a child's birth if parents are not married making no exception for children that are cared for by their fathers.

**“A notice of birth of a child born out of wedlock shall be made by the mother of the child on Form DHA-24 illustrated in Annexure 1A or Form DHA-24/LRB illustrated in Annexure 1A, whichever applicable.”( Birth and Death Registration Act, 2002)**

Father has to prove and provide evidence through paternity test that he is indeed the biological father of the child. This places a lot of pressure on the father especially if he does not know the whereabouts of the mother and he has to accumulate costs for the paternity test. There is a high possibility that he is unemployed and cannot cover the costs of the test which is currently provided at private health facilities. The Act only allows relatives and care givers the opportunity to apply for child’s registration is only when parents of the child are deceased ignoring the fact that 3 million children in South Africa are living with their relatives despite their parents being alive. This according to Proudlock (2014) is the reality that the Act fails to take into consideration and failing the millions of children who have their birth not registered.

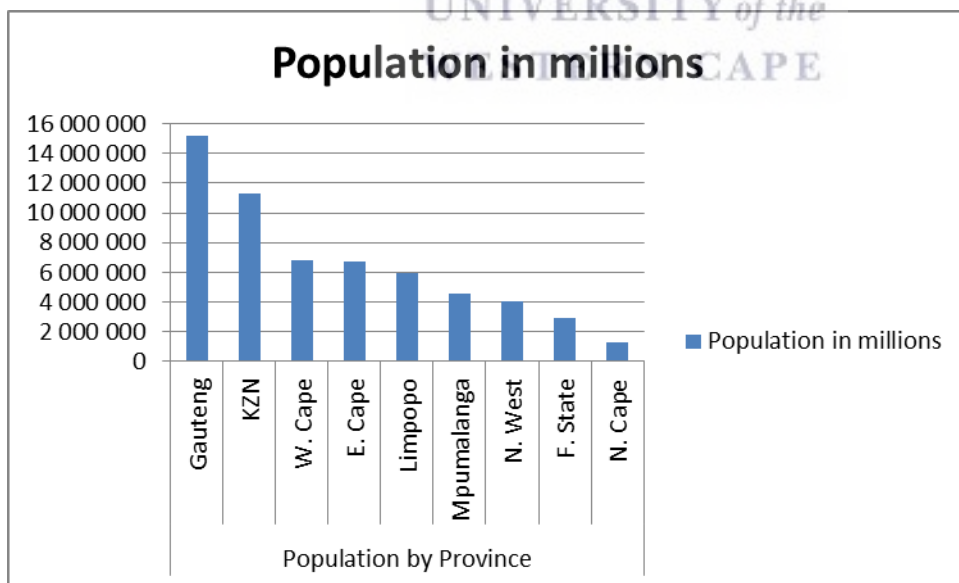
South Africa is one of the countries with high rate of migration, Proudlock (2014) and Statistics South Africa (2010) indicated that in 2011 only, there were 220 000 immigrants in South Africa and only 63 000 were accounted to have received documentation by the end of the same year. This according to Proudlock is due to delays and requirements to produce documentations from countries of origin that some did not have at their disposal. This results to backlog and a number of children not being registered as they cannot be registered if parent has no legal documentation. According the study conducted by Ackermann (2017) separated and unaccompanied children struggle to access the system and fail to meet requirements by the Refugee Act. The results indicated that out of the 109 children that were studied, 55% did not have birth certificate and 40% were not accessing education due to lack of documentation. The children who were reported to have been born in South Africa were not registered because the mother who is the only person recognised by DHS to register child birth did not have the required documents. According to Ackermann being born in South Africa does not grant foreign children nationality, they are still considered to be none citizens and therefore required to follow similar procedures as those that migrated into the country.

In a country like China where child birth is controlled, the number of unregistered children is on the increase. According to Zhou (2005) in China it is the state that regulates how many children a family can have and in most cases only married couples are allowed to have

children. Failure to adhere to these regulations has serious implications for the family but mostly for the children. Having more children than the acceptable number and out of wedlock children are not only considered to be illegitimate but are also intentionally denied access to basic services such as education, health care and welfare services. These children do not only suffer from being excluded by the state but their own families hide them to avoid punishment from the state. They are not counted during census, meaning they fall in to the life time trap of statelessness and thus will never have legal documentation. Having no legal document will continue to hurt them even later in life as they cannot access any form of fundamental services to improve their lives.

## 2.4 South African by Population

According to Stats SA (2019), South Africa is home to an estimation of 58 775 022 million people. Below is the table that shows the number of population based on the 9 Provinces of South Africa. Gauteng has the highest number of citizens and according to World Bank (2005) that might be influenced by the number of immigrants and refugees residing in the Province as well as employment attractions such as mines. The second Province with high population is KwaZulu Natal with Free State and Northern Cape having the least numbers of populations.



**Figure: Population of South Africa per Province (Stats SA, 2019).**

## 2.5 Birth registration in South Africa

The current birth rate for South Africa is 19.662 births per 1000 people with a decline of 1.67% from year 2020. According to UNICEF's (2013), 230 million children under 5 years of age worldwide are reported not to be registered. The highest percentage of 59 is reported to come from Asia with 37 percent coming from the Sub-Saharan Africa. Sub-Saharan Africa is reported to be the slowest in achieving high rates of birth registration. The United Nations Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and United Nations Children's Fund are some of the few international instruments of which South Africa affiliates, that enshrines birth registration as a child's fundamental right, a world concern and a priority for every state and government. (The African Child Policy Forum (ACPF), 2005). In South Africa, the Constitution of the Republic of South Africa (1996) is one indispensable document developed to redress challenges and ensure the rights of all citizens especially those of children are realised and protected. Just like in other countries, children in South Africa are seen as a priority and investment for better future thus the country committed to do everything in its power to ensure the needs of the children are met.

Chapter 2, the (Bill of Rights) of the Constitution of South Africa (2006) is dedicated to identifying and achieving these rights. Section 28(1)(a) indicates that:

***“(1) Every child has the right—  
(a) to a name and a nationality from birth;”***

In South Africa the mandate to register and access this fundamental right is with the Department of Home Affairs (DHA) directed by the Birth and Deaths Registration Act 51 of 1992. According to Giese and Smith (2007) the act clearly stipulates that DHA has an obligation to take on its mandate to register and ensure the child is provided with a birth certificate. According to Proudlock (2014) birth certificate is the only document in South Africa that proves that the child's birth registration and that child's details are included in the National Population Register. The same register is utilised in planning and ensuring that relevant and effective services are developed and implemented based on the number of children included in the register. According to UNICEF this method of measuring services might be faulted at times as the number of children reflected in the register might be totally different to a number of children requiring services. The same document affords children

their right to access other fundamental rights, for instance in South Africa a child's birth certificate is required to be enrolled at school and apply for social grants.

UNICEF (2005 cited in Giese and Smith (2007:18) indicate that "The official recording of the birth of the child by Government as the fundamental human right and an essential means of protecting the child." The National Population register forms an integral part to the mandate of the DHA to keep accurate records of births, deaths, marriages to enable accountability and for statistical purposes. The Birth and Deaths Registration Act 51 of 1992 administers and outlines the requirements to register and access birth certificate. Section 9 of this Act stipulates that any child that is born alive must be registered within the 30 days of birth. Section 9 of the Births and Deaths Registration Act No 51 of 1992) states that:

***"in the case of any child born alive, the birth must be registered within 30 days. Either of the biological parents can register the birth, or, if neither of the parents are able to do so, a person caring for the child or a person assigned by the parents can register the birth. If birth registration happens after 30 days but before 1 year, the informant has to provide reasons for late registration."***

However, if birth registration happens after a year, rules and regulations to late birth registration will be applied.

***"Where the notice of a birth is given more than one year from the date of birth (Republic of South Africa 1992), the birth will not be registered unless the parents comply with the prescribed requirements for a late registration of birth. "***

The regulations include providing proof of documents that the child belongs to them including affidavits by the South African Police Services stating why the child was not registered. Failure to provide proof for approval of late birth registration, only the Director-General has the obligation and mandate to investigate and approve registration and, if satisfied with the outcome will issue the document. According to Giese and Smith (2007) the regulation encompasses financial implications for the family a cost has to be paid for the birth certificate to be issued.



According to Proudlock (2014), when the Act was amended in 1997 it brought with a lot of challenges for South African citizens especially those in dire need to register their own, relative or even orphaned children. Amending the Act imposed stringent requirements and proof to register the child especially if the child is registered after the 30 days of birth. The Act implies that only biological mothers are eligible to register children any other person including grandparents, relatives and biological fathers have to provide evidence and proof that they are indeed providing care for the child. These requirements include the daunting experiences for grandparents to seek reports from Social Workers and fathers having to prove paternity to be allowed to register their children. According to Stats SA (2007), in South Africa the reality is that, children are often not staying with their mothers especially in poor communities. Parents often migrate to other provinces for better education and employment opportunities. Children are therefore left with either grandparents or other relatives. The child cannot be printed or provided with a birth certificate if parent's details don't reflect on the register. (Birth Registration Amended Act 18 of 2010. This form of practise is not only denying children their birth registration right but also takes away the opportunity to access other essential services such as education and child support grants. Birth certificate forms part of the list of enabling documents which according to Giese and Smith (2007) has the capacity to open doors to access and achieve other fundamental rights for the children.

In 2011, the South African Statistics published a report that illustrated that birth registration reached an estimate of 95 % which indicated a lot of increase and closer to complete birth registration. These findings were challenged; Nannan, Dorrington and Bradshaw (2019) argue that this might not be a true reflection of what is happening with the civic services of South Africa. They indicated that there are limitations to the findings, the data was collected from Health institutions and yet not every child is born in a health facility. The same study yielded different results when different methods of data collection were employed. The household survey indicated 11% of children younger than 3 as being unregistered in the same period and the Department of Home Affairs indicated that 90% of birth registration was achieved. This opens the research to so many questions, that the outcomes are true reflection of what is happening in South Africa or just proof of what Brito, et, al (2013) and Adjei, at, al (2015) have indicated that unregistered children are invisible and unrecognised. In the number published, they don't exist and not accounted for.

Notwithstanding, improvement in the number of children registered, South Africa is still faced with some challenges that need to be addressed before reaching its goal to register every child born alive. This according to the ACPF (2005) if the battle against birth registration has to be achieved, there is a need to look beyond birth registration as just means to obtaining a birth certificate. The consequences of not possessing a birth certificate have detrimental impact on the development and lives of African children and this continue to harm children even later in life. Todres (2003) and UNICEF (2002) state that, the issue of birth registration has reached a point where effective laws that protect the children's rights are implemented. Currently, the system in place fails to acknowledge the diversity of challenges facing families in South Africa and continues to disadvantage the poor. Governments and states should take immediate action that places value to birth registration and children's rights.

## **2.6 The Right to Basic Education**

*According to the National Development Plan (2030:5), "in recognition of the legal and developmental value of education, South Africa has afforded this target the highest priority. Our Constitution recognises universal access to quality education as a fundamental human right, and is seen a fundamental precondition for achieving national development goals, notably reduced poverty and inequality."*

This report indicates that, a visible progress of 96% has been made to prove the countries commitment of achieving goal 2 of the Millennium Development Goals. In South Africa, the right to education has been previously confronted with lots of challenges including inequality and discrimination between the rich and the poor. Post-apartheid, the right to education has gained a lot of attention and acknowledgment from both international and national laws and legislation. The Universal Declaration of Human Rights, the United Nation's Convention on the Rights of the Child as well as the African Charter on the Rights and Welfare of the Child are just the few legal bodies that perceives education as the fundamental and priority to child's development. In South Africa, the right to education as a fundamental right is enshrined in Section 29 of the Constitution of the Republic of South Africa (1996) with basic education regarded as the "cornerstone of any modern, democratic society that aims to give all citizens a fair start in life and equal opportunities as adults." (Arendse, 2011:101).

The South African Human Rights Commission (SAHRC) regards basic education as the legal and fundamental aspect underpinning progressive development in South Africa. The SAHRC is mandated with the obligation to support and monitor the progress and ensure that South Africans receive access to quality education. Entrenched in its mandate, the commission believes that all citizens require a minimum of education in order to be able to effectively exercise any other rights. The South African representative for UNICEF Aida Girma, sees the right to education as an invaluable contribution in eradicating poverty and ensure that South Africa achieves its aim and vision for Millennium Developmental Goals (2000). She also believes that this same structure will be able to “contribute to the renewal and re-commitment, to quality basic education for all children in South Africa.” (SAHRC, 2012). In 1996, the Department of Education envisioned a “South Africa in which all people have equal access to lifelong education and training opportunities which will contribute towards improving the quality of life and build a peaceful, prosperous and democratic society.” The department also refers to education as a development strategy to assist the poor escape poverty.

According to the SAHRC (2012), South Africa has made a lot of effort in identifying challenges and developing transformative framework to ensure that the right to education is realised. The National Plan of Action by the Department of Education is one key instrument illustrating the plans and efforts of the Department to achieve its obligation to compulsory and free education. To assist South African children especially the poor to improve access to education and remove obstacles thereof, that hinders them from achieving their right to education. According to Arendse (2011) these obstacles include the financial burden to pay school fees and assisting children to access education in the language they know and understand, better infrastructure as well as improving the quality of education in poor and rural areas. The one important obstacle is unregistered births that children with no birth certificate are at risk of not getting access to education. Parents or caregivers are exempted from paying fees and schools are not allowed to exclude or impose any discriminatory practices on learners that will interfere with them achieving basic education. The element of compulsory and free education encompasses the enforcement of laws that obligates everyone including the state and parents to ensure that children attend school. Simultaneously, parents can be fined or sentenced to imprisonment for not allowing children to attend school at this crucial stage of their lives. Section 29(1)(a) of the Constitution of the

Republic of South Africa places obligation to the state to provide basic education for everyone. Furthermore, the state cannot prohibit anyone from exercising this right but have to ensure that it does everything to remove obstacles and ensure that the right to education is realised.

The SAHRC (2012) and Arendse (2011) regard this right as an immediately realisable and do not depend on the notion of realisation and availability of resources. South Africa has since put a lot of measures and identified challenges and obstacles preventing its citizens from realising their right to education. The exclusion of vulnerable groups, inequality, poor education, and lack of infrastructure, language barriers and the number of qualified teachers are some of the few challenges identified by the SAHRC. Proudlock (2014) argues that, it is unfortunate that the issue of birth registration is never mentioned or made a priority in the list of challenges despite the visible impact it has on education. In spite of all the mandates and plans to promote access to the right to education, there is still a huge gap between law and practice. According to Churr (2015) the South African education system is not where it's supposed to be in helping the children to access their right to education. A number of children are still discriminated and excluded from accessing education for one reason or the other.

## **2.7 Legislations Pertaining to Birth Registration and Children's Rights in South Africa**

In investigating and assessing the problem of unregistered births, a number of legislations need to be considered. **The Constitution of the Republic of South Africa (1996)** also referred to as the “supreme law of the Republic of South Africa forms the list to such legislations. The Constitution, introduced as a legal instrument under the democratic government. Its purpose is to redress the injustices of the apartheid system and ensure that all citizens of the country are treated equally and fair. It is in the same Constitution that the Bill of Rights (Chapter 2) is encompassed with special consideration to Children's Rights. The Constitution recognises that children are particularly vulnerable to violations of their rights and that they have specific and unique interests. Section 28 of the Constitution outlines the Children's Rights that needs to be recognised and adhered to in any matter involving the child.

**The Births and Deaths Registration Act of 1992** is the legislation governing the process of birth registration under the mandate of the Department of Home Affairs in South Africa. It is

based on this Act that the Department of Home Affairs is able to approve or reject birth registration of the child.

**Immigration Act No 13 of 2002** is the mandatory act in determining the coming and going of immigrants in South Africa. It is based on this act that the Department of Home Affairs is able to determine the legal and illegal immigrants in the country and therefore able to assist or reject birth registration of the child.

**The Service Delivery Charter for the Department of Home Affairs** outlines the commitment of the Department to respect the Constitution of the country and Batho Pele Principles in services delivery. The department commits itself to provide services that will adhere and respect human dignity and achievement of equality.

**The Children's Act No 38 of 2005** is another legal instrument fundamental to the child's life. The aim of this instrument is to safeguard children's rights and ensure children are cared for and protected at all times. Under this form of legislation, children are a priority and their best interest is paramount in any decision that involves the child.

**The Child Justice Act No 75 of 2008** forms an essential aspect of child protection and realisation of children's rights. The aim of this Act is to create a justice system suitable for the children, recognise children's rights and ensure they are protected from any harm or harsh sentences. Chapter 2 of this Act is mainly concerned with assessment of the age of the child in order to ascertain the capacity of the child to commit a crime. Knowledge about the age of the child assists Justice to determine appropriate sentence and the court to trial the child. An unregistered child lacks proof of age and is much at risk to be inappropriately sentenced.

**The South African Human Rights Commission (SAHRC)** the commission has the mandate to support the Constitution of the country by ensuring that human rights are respected and protected at all times. The commission holds the power to hold any organ of state accountable if any of human rights are violated. It has the responsibility to ensure that human rights are achieved including those of the children.

## **2.8 How Far With Achieving the 2030 Goal for Universal Birth Rate**

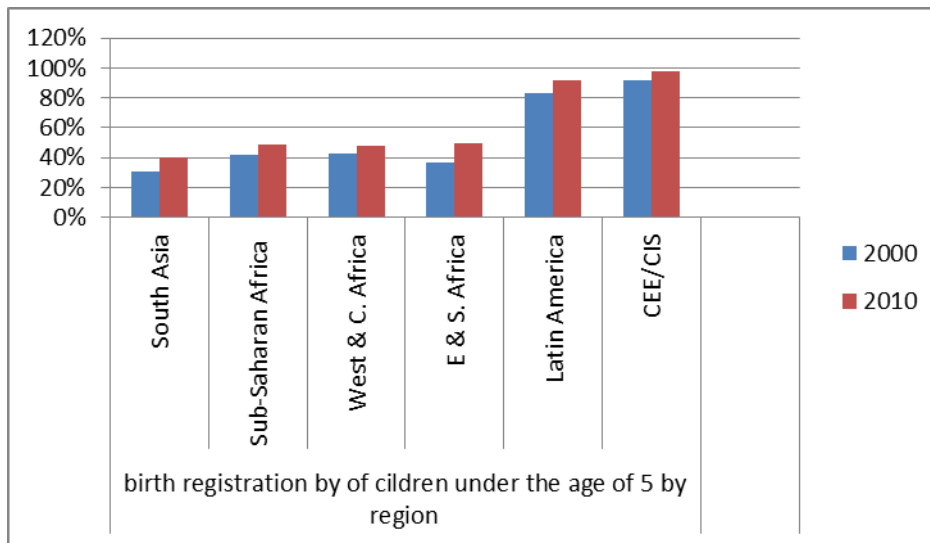
In the 2015 summit on Sustainable Development Goals, governments from different countries made the commitment to achieve universal birth registration by the year 2030. Currently, research findings are showing increase in birth registration for the World in the past 10 years.

Estimations indicate that a promising 3 in 4 children are registered before the age of 5 years in comparison with 6 in 10 children which was the case 10 years ago. However, this might not be the case for other countries where stagnation or decline has been identified. The report compiled by UNICEF, 2019 investigating progress on the World revealed that economic status has an impact on how a particular country progresses with this vision. The National income per capita of more than US\$6.000 has proven to be an imperative variable to describe the existence of fully functioning and effective record-keeping coordination with probability of reaching more than 80 percent in birth registration. Economic flourishing countries are showing high progress and promising to achieve the 2030 goal. The economic flourishing countries showed progress for both rich and the poor communities which seems not to be the case in the Sub-Saharan Africa.

Birth registration progress seemed to be high for the rich communities compared to their poor counterparts. This according to Proudlock (2014) is a serious concern as the poor are already in the vulnerable status and require birth certificates to access services. The Sub - Saharan countries progress is standing at 1 in 3 children rate in birth registration. This shows a lot of concern especially because UNICEF, 2013 reported birth registration to be slow in the region 10 years ago. Projections indicate a high possibility for failure in reaching the 2030 vision.

The table below is an illustration of how rich countries have been at the favour of reaching the vision of universal birth registration as compared to their poor counterparts. The Sub-Saharan Africa achieved 7% increase followed by South Asia with 9% in 10 years. Latin America and the CEE/CIS are at the highest with increase above 80% in 2000 and above 90% in 2010. These are according to UNICEF (2008) some of the countries promising to achieve vision 2030 goals of universal birth registration.

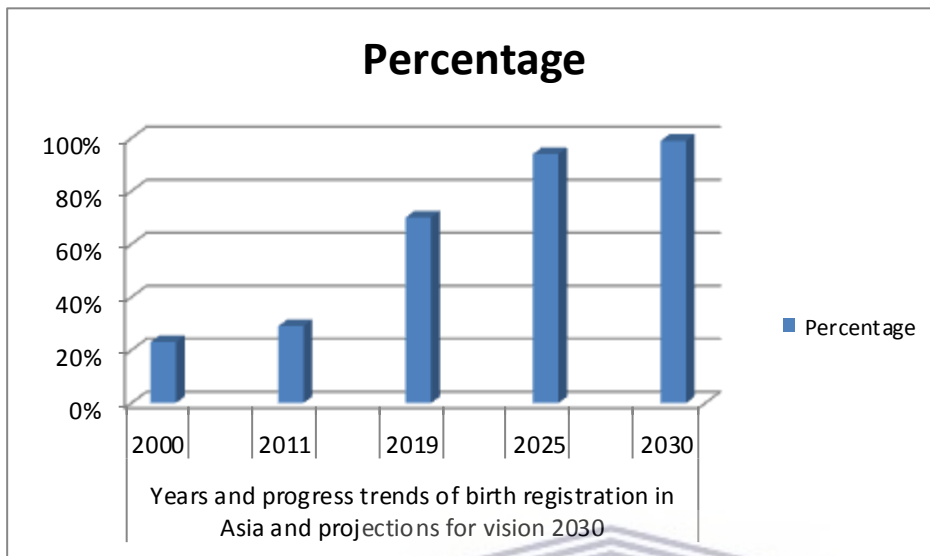
**Table: Birth registration progress by World regions, rich or poor countries**



Despite these concerns, there are countries that seem to be showing positive results for Africa such as Liberia. The progress indicates an increase from 4 to 25 percent from 2007 to 2013. UNICEF speculates that if progress were to be a priority and interventions to accelerate, a possibly 55 to 65 percent of birth rate can be achieved. However, the same cannot be said about the majority of Eastern and Southern African countries. Progress seemed to have been motionless and declined for some regions with exception to Botswana, Mozambique and Namibia that seemed to be the only areas where progress has been identified. Proudlock (2014) emphasises that if significant change of strategies and investments to this vision are not made, a high price of not achieving the goal can be paid. Estimations of progress for 2030 are just 3 percent above half of what other countries are projected to achieve.

South Asia is one of the countries that are showing promising results for the vision 2030 despite the doubts that were projected from the progress they made from 2000 to 2010. South Asia made a major turnaround on its efforts to achieve the 2030 vision of birth registration with a high 59% of unregistered births that were reported 10 years ago. Between the years 2011 to 2019, South Asia managed to achieve an increase of 28% showing a lot of effort and commitment by its government. The current estimations show that Asia has moved from 23% to a high rate of 70%. This acceleration of progress was mainly influenced by the improvements made in areas such as Bangladesh, India and Nepal. Estimations indicate a

high probability for South Asia to achieve the 100 or fall in 94% of birth registration by 2030 especially if the delays in Pakistan and Afghanistan are addressed swiftly.



**The graph illustrates the massive progress made by Asia and the promise to achieve its commitment for SDG goal 16 (UNICEF, 2013).**

Vietnam is also reported to be progressing very well that in 2000 the country was reported to have accomplished 73% of birth registration for children younger than 5 years. In the report conducted in 2013, the same country achieved a massive increase of 95% in birth registration. UNICEF indicated that Vietnam placed a lot of emphasis in revising its laws and developing child protection interventions. The country also invested in educating and raising knowledge about the importance of birth registration and encouraged its citizens to register their children.

Turkey also seemed to be making remarkable progress in achieving its vision of universal birth rate. The surveys conducted by UNICEF 2013 and DHS 2008 shows massive progress in its attempt to balance level of birth registrations for both the rich and the poor. Turkey's main focus on finding balance for its citizens is clearly demonstrated in the percentages that have been achieved in rural areas. Between the years 2003-2008 a decline in the number of unregistered children in rural areas decreased by 13% compared to the 8% of children in urban areas. The trends seemed to be very well increasing for the population from poor quintile than richest quintile.



In Sub-Saharan countries, Botswana appeared to be one of the countries that took the world by surprise. Despite being known to be one of the poor countries in Southern Africa, Botswana was able to derive strategies that made birth registration a priority. This turnaround strategy yielded positive results that saw a rapid increase in birth registration within a short period of time than expected. According to the World Bank (2015) report, Botswana regained its independence in 1966 and prior to this; the country had been on the lowest quantile of US\$100 of income per capita. Agriculture was mainly the form of generating food and income for the country. Immediately after gaining its independence, Botswana became the most economic flourishing country with its discovery of raw materials such as diamond mines. The country capitalised on its stable democracy and invested in its groundwork by developing effective fundamental services such as health, education and effective civil registration. Vital statistics report (2018) explained how the government of Botswana in collaboration with UNICEF made commitment and decided to invest its resources in finding out the problems that were affecting civil registration. According to the World Bank, (2015: xi) the massive progress on birth registration began in 2003 when its government decided to invest in “an organic link between birth registration, national registration, and death registration through a unique identifier to ensure that birth registration becomes a credible foundation for identity management beyond just serving as a source of vital statistics and conferring rights on individuals.” In 2012, Botswana was reported to have achieved 73.1% of birth registration and within 6 years (2018) the country was reported to have achieved the status of completeness in birth registration.

According to the World Bank (2015) the link was reported to have yielded massive positive outcomes for Botswana, outcomes ranging from the death registration that informs government to end identity of a dead individual to feeding transport systems, government payroll systems and used to access social service benefits. This system has a capacity to electronically feed information to the central civil registration system. The system is also extended with the electronic stations in all the country hospitals with the flexibility to services community members in hospital beds. This process allows registration officials to register the birth and deaths as they transpire reducing the possibility of late registration. The prescribed time for birth registration is within 60 days of birth. A notice of birth is completed by a health official immediately after birth occurred. The form is then sent to the onsite or nearest service point for validation. The child will be provided with a birth certificate even

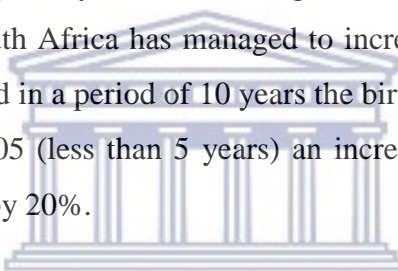
before discharged from the hospital. The family Health Survey report that was conducted in (2007) illustrated that a substantial (94%) of birth registration are done by the health workers in hospitals. Botswana introduced the strategy of one department, the Civil and National Registration to provide registration services for both the civil and national registration increasing stability in the system as well as immediate and consensus in decision making. The Botswana Vital Statistic report issued in 2018 reported an estimation of 100% birth registration in Botswana. Interpretations of the report pointed that almost all the children that were born in 2018 were registered and 99.8% of this success was reported to have been occurred in health facilities. This indicates a true reflection of what Proudlock (2014) sees as an advantage in integrating public services.

Between the years 2014 and 2015, government of Botswana removed the fees attached to birth registration which was a serious consideration for its poor communities. Following this strategy was the decision to remove the burden of documents required to prove the birth of the child especially for the people living in remote areas. Documents such as affidavits and witnesses are mainly required in case of late birth registration to prove birth and avoid fraud. In addition, Botswana embarked on mobilising its community by allowing community leaders the role to confirm child birth for their communities. This initiative added more success to the progress of birth registration as leaders were allowed to voice their confirmation compared to list of documents allowing a speedy and effective process. Government of Botswana went as far as providing lamination of documents to assist its community members to safe keep their fundamental documents. Centralization of services provides community members with the freedom and allowance to collect their documents at any office of the Department of Civil and National Registration (DCNR) as all system are connected to the central database. The government of Botswana developed a collaborative relationship with the University of Botswana specifically, the Department of Population Studies. This was an innovative strategy for the University to continuously assist in creating and providing training for registration officers. The programme not only provided the officers with relevant information but motivated and encouraged them to pursue qualifications in identified field while increasing their capacity to work better and smart. Another innovative strategy was with the Police Services of Botswana where identified number of police officials are trained with specialisation skills in identifying fraudulent documents. The initiative does not only provide police officials with skills but also ensure that civil registration of the county

is not contaminated with fraudulent activities. Botswana also invests a lot of money in (P 56 million) in its civil registration process. The country continuously revises and implements new strategies to fulfil its commitment to achieve universal birth registration. (World Bank, 2015).

## 2.9 Current Birth Registration Rates in South Africa Compared to Other Countries

The history of South Africa regarding any services is very complex compared to other countries. The country has been for so many years been under the rule of apartheid which reinforced segregation and discrimination amongst its citizens. The apartheid practice created a huge gap between the poor and rich. Services were also distributed following the same trends of discrimination. This is still very much visible in the current state over 20 years of democracy. According to Stats SA (2013) South Africa has managed to maintain a steady increase in birth registration especially for children registered within their year of birth. The table below illustrates how South Africa has managed to increase birth registration with the lowest being in 1991 at 24% and in a period of 10 years the birth rate increased with 26% and between the year 2001 and 2005 (less than 5 years) an increase of 25% was achieved and from 2005 birth rate increased by 20%.



Year	Percentage
1991	24%
2001	50%
2005	75%
2012	95%

**Progress of birth registration within a year of birth (UNICEF, 2013 & Statistics SA, 2018)**

According to UNICEF (2013) the trends were influenced by the initiative from South African government to service the poor and vulnerable population. After the elections, the democratic government embarked in so many ground breaking initiatives with effort to bring services and benefits to equity. This initiative introduced the system of secure registration centres and identified health facilities as civil registration points. Multipurpose centres and mobile service centres were also introduced to help to speed up the process. It is in the same time that birth certificate was introduced as a requirement to apply for social welfare grants. This was used

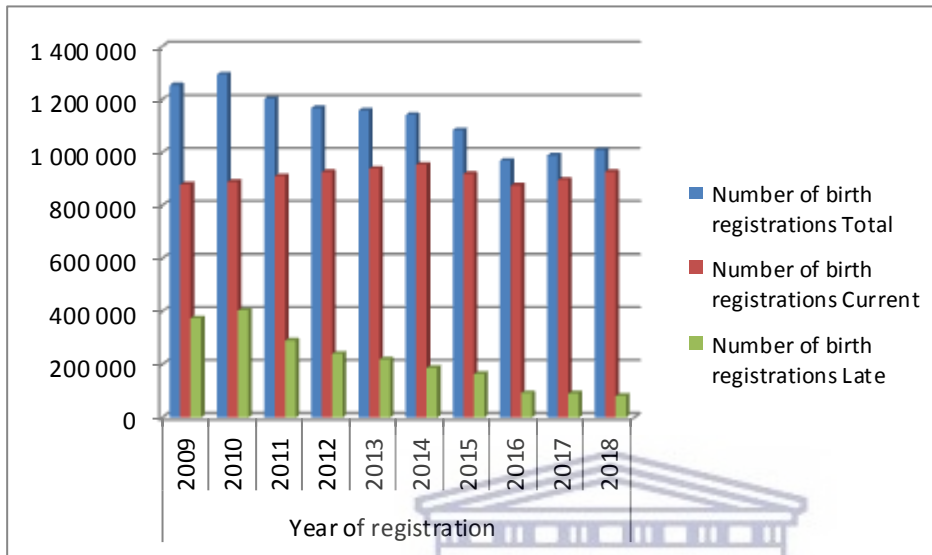
as a form of incentive especially for the poor and as a motivation to encourage them to apply for this fundamental document.

In South Africa, birth registration is not easily measured because it's faced with lots of disparities ranging from race, province, poor, rich, and gender, rural and urban. According to Maluleke (2017), the South African civil registration is mainly a paper based system thus opened to a lot of discrepancies and delay in service delivery. Generally, birth registration has been reported to have been very slowly amongst the Sub-Saharan countries. It is only recently that in South Africa, Botswana and Namibia a steady progress has been established. Following its gain for democracy, South Africa introduced a lot of changes including the Birth and Death registration Act of 1992. The Act introduced a lot of changes regarding the civil registration of the country with birth registration being compulsory for all citizens. The study, Completeness of birth and death registration in rural area of South Africa that covered birth registration trends from the year 1992 to 2014 revealed a lot of discrepancies in birth registration reports. Surveys and demographic surveys yielded debateable results. In 2001, the United Nations Population Division estimated the number of birth to be 1.088 million compared to the 1.076 million discovered by the South African Statistics and the 0.947 that was extracted from the Census report of 2001. The difference in results between the studied is from 9% to 10% high. This according to Garenne, Collinson, Kabudula, Gómez-Olivé, Kahn and Tollman (2016) was influenced by late birth registration that has shown increase since the compulsory of birth registration. A study that is conducted in a year is able to produce results pertaining to birth registration done within a year of birth but later the number of children registered to be born in the same year increases as late births are being finalised.

According to Statistics South Africa (2018), South Africa recorded over a million live births in 2018 and these records were retrieved from the National Population Register administered by the Department of Home Affairs. In that million, 927 113 was recorded within the year of birth while the 81 952 constitute of late birth registrations which is births registered after 30 days. According to Maluleke, (2017) South Africa has made a massive progress in addressing the challenge of late birth registration. In 1998, late births were standing at 78% and within a period of 10 years, they have declined to less than 10%. The 2018 results shows a decline of 14% in the number of late birth in comparison with the 26% that was achieved in 2014. A

difference of 12% decline has been achieved in less than 5 years. The table below indicates the trends in progress of birth registrations including the late births.

**The trends of birth registration in South Africa within a period of 10 years (Stats SA, 2018)**

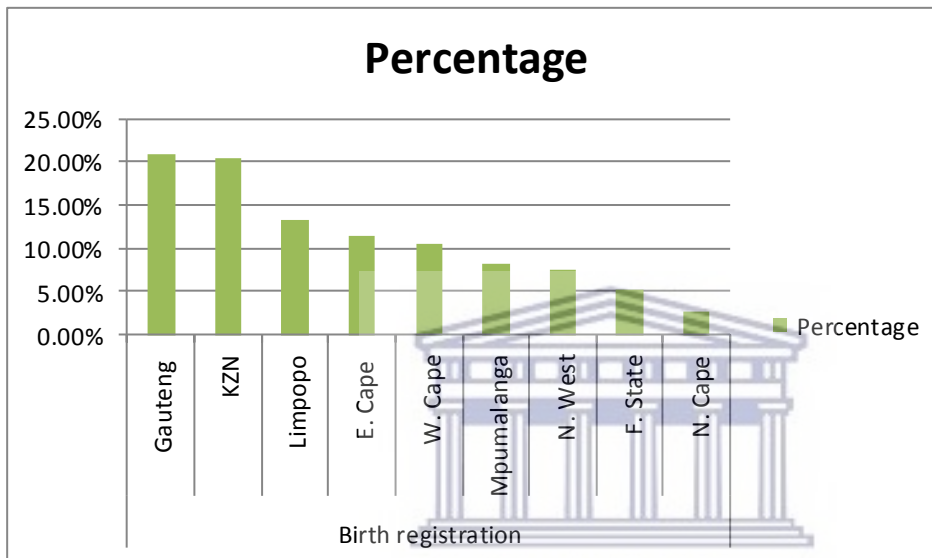


The above table illustrates an evident increase in the total number of birth registration for the years 2009 to 2011 and the late births were also high for the same period. The year 2012 saw a decline in the total number of births as well as the late births. The trends of late birth maintained a decline and achieved the lowest of 8% compared to 31% that was achieved in 2010. The current birth registration rates have been increasing throughout the period of 10 years. In 2009 current birth rates were seating at 70%, increased into 84% and in 2018 South Africa were reported to have achieved 91, 9%.

The study also indicates that birth registration improves or decline with the age of the mother. Stats SA illustrated that mothers from the ages of 25 – 34 accounted for the highest rate (95, 6%) of birth registrations within the year of birth and mothers from 35-39 achieved 94, 3%. The late births are highly popular from the age group of 10 -14 years with 60, 2% and between the ages of 50-54 years is 48, 6%. This trend demonstrates evidence to the argument made by Proudlock (2014 and UNICEF 2013) about challenges facing teenage mothers, relatives and grandparents. Young mothers are reported to be more likely to delay birth registration because they themselves have no form of identification or simple not allowed to register their children with their birth certificates. There is a high possibility that older parents are discouraged or delayed by the process of acquiring the list of documents required to prove

child's birth before a child can be registered. Birth progression differs with Provinces and population as well; the study recorded high birth rates of 20, 9% in Gauteng and 20, 4% in KZN with the lowest 2, 6% in Northern Cape and 5.1% in the Free State. The only exception in population was the high rate of teenage mothers that was high in the Eastern Cape with 317 compared to KZN with 310.

**Table: Provincial trends of birth registration in South Africa**



The above table illustrates trends followed by the Provinces in South Africa. Gauteng and KZN achieved highest percentage of above 20% while Northern Cape is at the lowest with 2.6%. According to the Stats SA (2018) these trends are more influenced by the number of population in each Province. The Provinces with high population are showing high rates in birth registration which the Census of 2011 confirmed to be Gauteng and KwaZulu Natal. The trends represent the progress of birth registration between the years of 2014 to 2018.

South Africa as a country is showing a promising progress especially in comparison with other African countries. The progress is visible in the studies but Proudlock (2014) argues that, the country can do better if the aim is to achieve universal birth registration. The Stats SA report of 2018 indicates some discrepancies on how South Africa is rolling out birth registrations programmes. There is a high need to review the legal frameworks, prioritise and implement effective services. South Africa has a number of civil servants organisations that can be utilised for service integration and help increase birth rates. The failure to outline

responsibilities and obligations for different departments is negatively impacting on the progress of birth registration. The other challenge facing South Africa is the Provincial governance that despite having laws and framework in place but Provinces are still allowed to decide on how they operate and implement such services. Unlike in the case of Botswana, decisions are made nationally and operated under the same mandate. South Africa is also opened to a lot of political affiliation that are interfering with what should be done versus what a political party wants to achieve. Some Departments or officials don't seem to understand their mandate in the process of birth registration or even deny their responsibilities because legally, they are not obligated to perform such duties. It is often a secondary responsibility than a primary role.

South Africa has for so many years had the service to register children's birth in health facilities yet people still come out of the same hospitals with no proof of their children's birth registration. Some are not even aware if such service does exist in the institutions. The schools can be also utilised as service points where instead of turning unregistered children away, they can be used as service points to identifying children with no birth certificates. The information can be passed through to relevant service providers such as Home Affairs or Social Development to follow up and investigate how children can be assisted. If government were to invest in this service and ensure that resources are provided for as well as competent personnel, the country would do better than it is doing. Mostly, people depend on the limited Department of Home Affairs service points which are in most cases full or incapacitated to service the communities. People are standing in long queues or even turned back because they could not be assisted.

Proof of birth registration is at the centre of service delivery in South Africa, anybody to be able to access or register for fundamental services such as education, welfare services and employment needs to produce the document. Proof of birth is mandatory and compulsory for the most essential services. There is also a need to increase service points for the community. South African government needs to invest in technology in terms of creating more service points for its civil registration services including the use of mobile centres to reach the poor and people living in rural areas. There is also a need to rely on improved technology through cell phones to collect data and make the process of birth registration accessibly and less stressful for people. Home Affairs used to have community outreach programmes where

mobile centres will be stationed in communities including schools to reach people and listen to their challenges.

The use of technology is on the rise that for most services, people have to complete electronic forms and often these forms are identity locked. Identity Number is often the first requirement of which without, one can never be able to continue or complete the application. Mostly, the section is marked “compulsory” with a red star that will pop up and remind the applicant that it’s not completed. A clear example for this practise is the new system introduced by Education to register children for schooling. The system has its advantages; school registration is completed on time and provides accurate data to measure services such as building of schools and awareness of how many children have been registered on time. This helps the department with allocating preventive measures such as to where books or furniture and teachers are mostly required.

For the child that does not have an identity number, the system is detrimental; the child cannot be registered or accounted for in allocation of services. This places a lot of pressure to parents and caregivers as they have to physically go to school to request space for their children. In many cases, not successful and have to be turned away several times before securing space for the child. Those who were fortunate enough to get school entry will somewhere in life go through the same experience if for some reason or the other was unable to get the identity document. The child would not be allowed to seat for Matric exams without the identity document, If fortunate to complete Matric, the child would not get entry to the tertiary education institution. This practice does not end with education, welfare services also provided to a child that can present a form of identification.

### **1.10 Unemployment and Poverty Rates in South Africa**

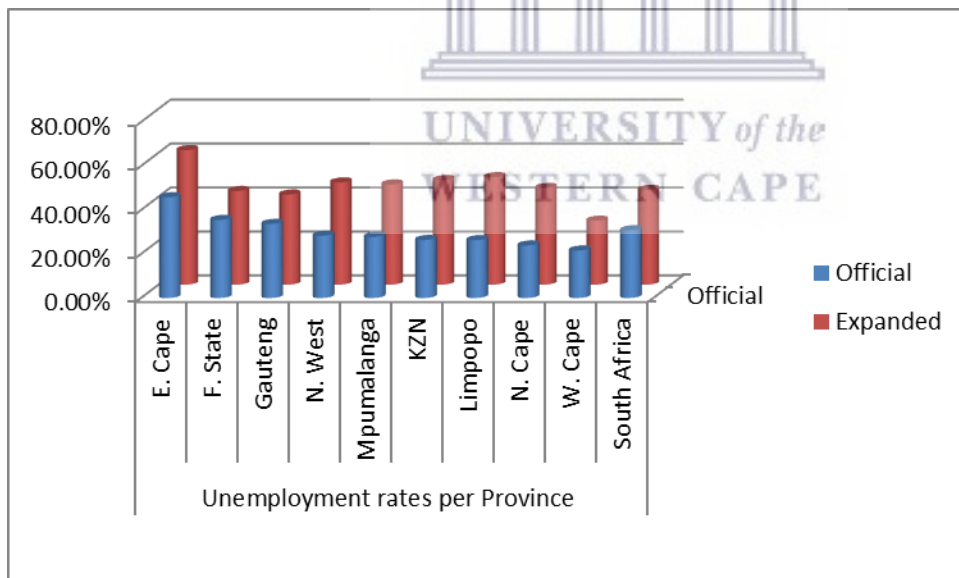
*“In the year 2000 the South African Government, along with other members of the United Nations (UN), committed to a national and global plan of action to reduce poverty and ensure the development of its people.” Stats SA, 2015:2).*

Furthermore, the National Development Plan (NDP) 2030 also shared its commitment to completely eliminate poverty and inequality by 2030. According to the NDP, South Africa can achieve this goal by relying on the capabilities of its citizens and its government to develop effective strategies and efforts to ensure that this goal becomes a reality. NDP further shared its concern about the increasing rate of unemployment in South Africa. In the past 15



years, the country has failed to improve its economic status and create employment for its people. The research also indicated that, unemployment is predominantly affecting young people of South Africa. This means that, South Africa is failing to achieve its commitment to the Millennium Development Goals to eradicate poverty. Between the years 2001 and 2011 unemployment contributed a rise in poverty from 33% to 40%. (Stats SA, 2015).

Nolutshungu (2011) describes unemployment as the most challenging problem for South Africa, especially the young. Despite their efforts to study or even participate in trainings to capacitate themselves, South African economy still fails to create needed jobs. Nolutshungu further states that out of 17.4 million people who show potential for employment the 13 million accounts for employed and 8,5 million are unemployed and lost interest in looking for employment. High rate of unemployment have negative repercussions for the economic development of the country and limits the opportunity for development. According to Stats SA (2011) unemployment rate rise from 23,3% to 30,8% in 2020. This illustrates a pure indication of how South African economy is failing to create jobs. Instability and high inflation rates play a major role in ensuring that South African economy does not progress.



**Figure: South African unemployment rates inclusive of the National rate (Stats SA, 2011).**

The above table illustrates patterns of unemployment in South Africa per provinces with Eastern Cape taking the lead on both, the official rate and expanded rate. The National rates are standing at above 30% while its expanded rate is at 43%. This according to Stats SA is an indication that South Africa is not winning the unemployment battle. No jobs are being

created, instead people are losing more jobs and the number of people depending on Social grants is at the peak.

## 2.11 The Impact of Social Protection in Addressing Poverty

The beginning of democracy created opportunity to develop innovative policies and the Constitution that serve the needs of all South Africans. In 2019 report by Stats SA, 18 million of South African population were reported to be receiving social grants. Social policy was at the centre of these innovative policies with specific considerations, to reduce poverty. Chapter 2 (Bill of Rights) of the Constitution of South Africa 2006:13) chapter 27(c) indicates that:

### “27 Health care, food, water and social security

*c) Social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.”*

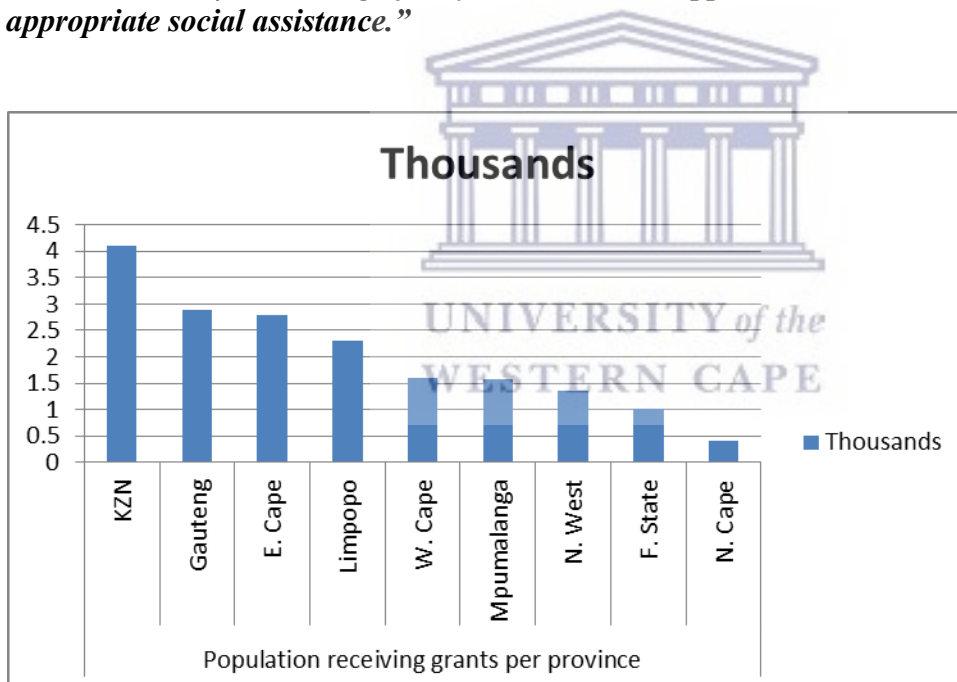
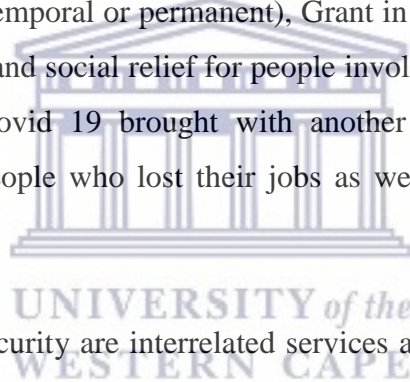


Figure: Number of people getting social grants in the 9 South African Provinces

Above picture is a presentation of distribution trends of social grants across Provinces in South Africa. KwaZulu Natal has the highest number of grant recipients followed by Gauteng and Eastern Cape. This trend is projected by Stats SA to be influenced by the number of population per Province. The programme of child support grant was introduced in 1998 in South Africa and according to the Centre for Global Development (2010) only 22 000 children were registered. The South African government reviewed policies and eligibility for

a child to qualify for this social benefit and in 2012, 11 million children were registered as beneficiaries.

Social grants in South Africa play a critical role in decreasing poverty and supporting social development. (Social Development, 2004). The International Monetary Fund (2011) failure for government to implement strategies for economic development led to them looking for other strategies to ensure that their people don't die of hunger. Social protection (grants) has been developed to ensure that families, especially children and the vulnerable groups (elderly and disabled) are not left with empty stomachs. South Africa likewise followed on this trend and developed different grants for the vulnerable groups. The South African Security Service Agency (SASSA) is responsible for the implementation of this service in South Africa. Social protection in South Africa is provided in cash transfers and targeting different poor and vulnerable groups. The cash transfers are offered in different grant forms. The grants range from older person, disability (temporal or permanent), Grant in Aid, Care dependency, Foster Care and Child Support Grant and social relief for people involved in disasters such as floods and fires. The outbreak of covid 19 brought with another form of social grant where government decided to pay people who lost their jobs as well as those who were already unemployed.



Social protection and social security are interrelated services and in South Africa is a social right enshrined in the Constitution of the country. According to this right, government has the responsibility and obligation to ensure that the poor access this service. Social security differs for different countries or by whom it is targeted to serve. It can be inform of cash, vouchers or food depending on the budget and identified service. Slater and Farrington (2009) state that, each and every country is entitled to decide how; they identify the poor and vulnerable. How the country sees and describe who the poor and vulnerable are and this will inform the decision for implementation of services. In South Africa, social protection was introduced post democracy as a strategy to address poverty for the poor, mainly black people that were segregated by the apartheid system.

The agency utilises the biometric system, every beneficiary has a card used to identify and withdraw the cash every month end from the Post Office and major Banks in South Africa. This does not only increase security improvements but also ensures that beneficiaries receive

their money on time. In South Africa, social grants increase every financial year with the Presidential budget speech. Social grants have since its inception been applauded for its positive outcomes in addressing poverty, improving health and education especially for the children. According to the report compiled by Social Development on the impact of social security, the results show that a child that receives child support grant is more likely to attend school than the one with no grant. Parents are more likely to be motivated to send their children to school because the grant caters for unpredicted costs in education. Children residing far from school are able to afford transport that without social grants, they will not be able to afford. The same social grants are praised for influencing positive family expenditures, families invest in affording basic things such as food, education and health needs of their households. With receipt of child support grant, there has been invisible result in decreasing malnutrition. Despite these positive outcomes, there are also concerns that social security creates dependency and discourage South Africans from finding jobs. Social grants are blamed to have an influence to reduce private domestic savings as the upper income groups from which taxes are collected to pay for grants have higher savings rates than the lower income households to whom the grants are distributed.

Notwithstanding these outcomes, applying and qualifying for social grant has never been free from challenges. The unfortunate part is that, for any South African to apply and qualify for this service there is a list of documents that the applicant is required to have. In case of a Child Support Grant application, **the applicant needs to have a:**

- Identity Document (South African bar coded)
- Child's birth certificate
- Identity document of the spouse (if married)
- Marriage certificate
- Proof of income (bank statements)

**There is also a very contradicting claw that:**

*“If you do not have an ID or your child's birth certificate, you can still make an application. You will need to produce a sworn statement or affidavit. SASSA will help you with the forms you need to complete these.”*

Clients are often turned away without being assisted and in many cases nobody does explain the existence of such exception. This indicates what Proudlock (2014) has indicated previously that government fails to invest in training and providing knowledge for its officials. This negatively influence services and efforts directed to the public. With the high rate of unregistered children, it's not always possible for the caregiver to have an identity document or even the birth certificate for the child.

## **2.12. What can be done to Accelerate and Improve Birth Registration**

The World Health Organisation (2013) regards civil registration as a very complex process and thus a single resolution cannot address the problem. Giese and Smith (2007:57) state that “an efficient, accessible and appropriately designed birth registration system is essential in order to bring vulnerable children into the service net.” The United Nations Department of Economic and Social Affairs statistics Division (2010:16) argues that “national governments need to commit themselves toward improving civil registration and vital statistics as both have crucial impact on planning, decision making and monitoring development programmes.” Failing to commit may have negative outcomes and countries won't achieve the universal birth registration. A number of challenges have been identified regarding the progress of birth registration and thus different organisations working with children's rights have made recommendation on what needs to be done to achieve the 2030 vision.

UNICEF (2019) report indicates the importance in changing government strategies such as policies and laws to accommodate acceleration of birth registration. Government needs to particularly pay attention to outlining responsibilities and obligations to be performed by different service providers so as to avoid sending people from point A to B which is of no benefit to them. According to Proudlock (2014) the presence of the mother in birth registration is overrated and fail to acknowledge the fathers role especially unmarried fathers in raising children. The 44 million unregistered children from the East and Southern African countries are estimated to escalate to a considerable 55 million by 2050 if progression is not achieved. Integration of services such as health, education and social services to the Department of Home affairs has a potential to yield positive results in identifying and assisting children with birth registration processes. These service providers will not only serve as the entry point for birth registration but also help in keeping the accurate records of registered children and feed these services to the civil registration system.

A focus in birth registration should according to UNICEF employ a “getting it right from the start” approach. This approach proposes that children should immediately be provided with their birth certificate after registration of birth. There is a strong view that government of all countries should eliminate the element of costs attached to birth registration. No child should be excluded from birth registration because they don’t have the money to pay, children’s rights should never be cost depended. This was another resolution made by Botswana in 2014 and so far has been generating good results for the country. There is also a great need to increase service points, especially for remote and rural areas.

For the purpose of this research paper, there is a need to look at what is happening in Khayelitsha with regard to birth registration. The population was estimated to be 350, 000 to 600,000 which is estimated by Business Trust Report (2007) to grow by 19, 500 people or 5, 500 household every year. According to the City of Cape Town, Khayelitsha is an ever growing community with people migrating from other provinces as well as the high rate of informal settlement. This trend is influenced by the fact that, the youth of Khayelitsha requires their independence from parents and want to have their own spaces. Due to unemployment, the same youth does not qualify to buy formal houses because of their requirements to earn certain amounts. Unemployment is also rife that most community members rely on social grants to feed their families.

Khayelitsha is regarded as one of the biggest townships in Cape Town, characterized by a lack of sufficient and affordable housing, poor education, poor health, unemployment, poverty and malnutrition. The township developed under the leadership of the apartheid government. Its development was influenced by the Group Areas Act of 1950 which was developed to force the black population away from the CBD’s. It developed as a strategy to accommodate the legal Cape Flats, mostly Crossroads residents while illegal residents were sent back to their places of birth. The majority of Crossroad dwellers were Black Africans. Crossroads was overpopulated and only had limited serviced space to afford its residents with brick houses. In 1983, the residents of Cape Flats were promised to be moved to an alternative home, Khayelitsha to access housing.

In 2016, the City of Cape Town completed a study on the socio-economic profile of education focusing on matric dropout in Khayelitsha. The study revealed that, 33. 7 % of

grade 12 learners had dropped out of school. Reasons for dropout showed evidence of socio economic factors such as poverty, teenage pregnancy and substance abuse. The prevalence of HIV and AIDS was reported to be 30 % amongst women compared to 8 % of men ranging from the age of 20 to 30 years of age. According to Seekings (2013) 13, 500 of the Khayelitsha population were registered to be receiving anti-retroviral medication from public health centres in Khayelitsha. Substance abuse is another serious social challenge affecting Khayelitsha. The young generation is been reported by the City of Cape Town (2013) as finding pleasure in substances such as alcohol, methamphetamine (tik) dagga and other drugs. More than half of Khayelitsha residents (55%) were reported to be residing in informal settlements. They have limited or no access to basic services such as clean running water, electricity and proper sanitation. In 2015, the township was reported to have high crime rates including robbery, attempted murder and common assaults. In the report compiled by the Department of Provincial and Local government (2007) 45% of people reported to have indicated their fear of crime as residents of Khayelitsha.

Seekings (2013:2) describes “Khayelitsha as comprising of endless and uniform sea of shacks, overcrowded and impoverished, with an ever-growing population fuelled by continual immigration.” 66% of housing is reported to be shacks and only 40% of the population is residing in formal serviced houses. Land invasion is the most practiced method in building the shacks. The majority of Khayelitsha residents are traced to be originated from Eastern Cape and Xhosa speaking. The population is reported to be relatively young, with 7 % being over the age of 50 years. It is reported to be the second biggest Black townships in South Africa with Soweto being the first. It is also one of the poorest communities, faced with a high rate of unemployment.

Khayelitsha is known to be one of the poor communities with half of its population living under severe conditions of poverty. Khayelitsha survey of 2011 reported that 52 % of young men and women of 20 to 30 years of age were unemployed and an approximate of more than 10 % is discouraged job seekers. The job seekers reflected to have given up or lost hope in ever finding a decent job. Most households were reported to have 1 or 0 person employed. A huge amount of Khayelitsha population was reported to be surviving on some form of a social grant, ranging from Child Support Grant, Old age Grant and Disability Grant. Khayelitsha survey of 2005, indicated that 25, 000 old age grants, 132, 000 child support grants and 24, 000 disability grants were being paid to Khayelitsha residents monthly.

Initially, the existing infrastructure was planned to accommodate a population of 250, 000 people which has almost doubled with the current years. Throughout the years, Khayelitsha seemed to have enjoyed its share of fair services since democracy. The number of schools, health facilities including the District Hospital has increased significantly. With regard to birth registration, community of Khayelitsha continue to depend on one Home affairs service point. The office does not only provide birth registration but also has mandate to provide other services such as officiating marriages, registration of deaths and issuing of death certificates as well as immigration services and application for visas. The office only operates during the week from 08:00 to 16:00 of which no client can be seen or serviced outside those time frames. With Khayelitsha being reported as one of the high risk areas to crime, this method is placing people's lives at risk. They have to wake up early and travel to the service point to make it into the number that is accommodated. They can be robbed or even killed because there is no protection offered to safeguards them while offices are not opened.

Even though the initiative of birth registration has been reported to have been introduced in 2012 for South Africa, there are still traces of parents with infants standing in the queue at Home Affairs. This can either be based on the assumption that people don't have knowledge about this service or that programme is not effective. This might just be a confirmation of what Stats SA (2013) reported as just existing mere services. Services needs to be developed, correctly implemented, be monitored and evaluated to be serving its intended purpose. In most cases programmes become effective and are able to be reviewed if these above factors were to be taken into consideration. Proudlock (2014) argues that, there is a lot of effort and in most cases costs attached to developing programmes and when they are not effective, they are simple a waste of already scarce resources. If South Africa is to achieve its goal of universal birth registration, there is a great need for the country to learn from its neighbour's programme of integrating health facilities to accelerate birth registration rates. Botswana is being applauded for almost having every child being born in hospital being discharged with a proof of birth and a birth certificate. If population of Khayelitsha is rapidly rising from 19, 500 people a year then one Home Affairs service point is certainly not enough.

Utilisation of already available resources in communities such as schools and churches can ensure that people are able to access services and can bring services closer. Government should consider the increase of using mobile registration centres with fully trained and competent officials that are going to provide innovative and effective services to the



community. (Giese and Smith, 2007). As illustrated in the case of Botswana, investing in training and building capacity of officials enables them to provide effective services. Creating manuals and trainings will ensure that officials are fed the same information and can be able to reach consensus in decision making. Issues such as what documents to provide as proof for birth of a child seem to differ per office or even per Province. For instance an official working in Provinces where traditional leaders are practising might be able to accept an affidavit signed by a traditional leader as proof of birth while someone residing in urban areas might be reluctant to accept such a document.

Tanzania and Pakistan are some of the few countries that showed innovative initiative and improvement in use of technology. Their officials were introduced and trained in using smartphones to collect and upload birth registration data which later can be transferred to the civil registration system. This initiative does not only improve progress of birth registration but it is a cost effective initiative for both governments and communities. It makes it possible to reach as many people as possible in a short period of time with much focus on those residing far from service points such as remote rural areas. Governments should also invest in the power of their own people through public awareness programmes that will empower especially parents with knowledge and importance of birth registration. Educate and advocate for children's rights by including birth registration in school curriculum.

Government should also invest in education as education proves to be another innovative vehicle in the progress of birth registration. Eliminate any requirements that reinforce gender and ethnic disparities in birth registration. Laws and policies should be open for exceptions in unique cases affecting birth registration for children. A child whose parent died without proof of identity should not be denied the opportunity to register birth. It is not only unfair but unjust to the innocent child. Challenges reported at service centres should be used as means to investigate existing problems and thus require effective measures and strategies to fully address the challenges including amendment of laws and policies. Language is also another barrier that needs to be addressed when dealing with birth registration. Not everybody that visits the Department of Home Affairs is educated to understand or even read the forms. Officials need to understand their client's and accept the responsibility to go an extra mile to ensure that clients understand what is required of them. The use of internal language poses

another challenge, the use of abbreviations and other terms only understandably to employees should be minimal.

### **2.13 Conclusion**

The review indicates that unregistered birth is still a throbbing problem for the world at large. Despite the efforts and strategies to prioritise the problem, but statistics are still showing concerns. This is a clear indication that even though countries have been signatories to committees and children's rights bodies such as The United Nations Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and United Nations Children's Fund, a lack of commitment is still evident. Children are still being severely strained by the problem of unregistered birth. Nevertheless, it is encouraging to see that some countries are showing massive progress in addressing this problem. South Asia made a massive progress especially given the fact that 10 years ago it was counted to have the highest rate of unregistered births in the world. It is now seating at a greater position to achieve its commitment of universal birth registration in 2030. Botswana holds the flag for the Sub-Saharan countries despite its history of economic failure. The country made a promising turn around and should stand motivation for other African countries that are still behind with birth registration. South Africa as well, has shown a lot of progress in the process but with a lot of room to improve and given that it is one of the countries that are regarded to have made progress economically; a lot can be achieved if strategies and programmes were to be improved.

## CHAPTER 3: THEORETICAL FRAMEWORK

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### 3. INTRODUCTION

In this chapter, the researcher outlines the selected theoretical framework to articulate the foundation and basis of the study. Human capital is the research framework selected for the study and it is in this framework and its principles that the researcher will base the study and interpret the research findings. The chapter will outline and highlight the origins of the framework, define its values and assumptions as well as how this theoretical framework can be applied in education and other developmental fields especially for South Africa. Lastly, the chapter will also take into consideration the weaknesses and critiques against human capital as a research approach.

#### 3.1 History and Origins of Human Capital Theory as a Framework

The concept of Human Capital originates from the field of economics. It can be traced back to the 18<sup>th</sup> century and according to Akinyemi and Abiddin (2013:150) “theories in social science are respected road map for the process of scientific inquisition and knowledge building.” The evolution of Human Capital theory (also known as theory of earnings) was according to Wuttaphan (2017) predominantly influenced by the work of Adam Smith, “a prominent figure in economics school of thought” as described by Akinyemi et al (2013) in his attempt to advance the significance of production in human capability. According to Akinyemi et al (2013) the work of Smith in human capital development influenced the occurrence of two different schools of thought. The two schools differed on views and how they see human capital to be. The first school of thought claimed that there was a difference between learned capabilities and the person as a human. Meanwhile, the second school of thought saw the person (human being) as capital which works out to be an asset. The initial approach is accused to have employed cognitive lenses into human capital thus the interpretation to see human and acquired skills as separate entities while the latter is appraised for employing a holistic approach to human capital by seeing a person as a whole. It is on this basis that Blaug (1992) claims that the traditional economists were clearly blamed for misinterpreting the economic significance of education in attributing the observed association between production and schooling to the influence of education on cognitive knowledge. While Pritchett (2001) accused human capital approach to schooling as one sided approach because it only focused on the positive factors and fail to accept that at times the

cognitive skills that are gained through schooling are negatively utilised. The implications therefore would be wasteful expenditure for the company as compared to being investment.

Following the work of Adam Smith, one of the most influential pioneers in the study of economics, Theodore Schultz developed the concept of human capital. Investment in Human Capital was his first journal to feature the concept. Schultz (1963) sees human capital as “attributes which are valuable and can be augmented by appropriate investment.” Another influential economist to the development of human capital is Jacob Mincer who developed the concept of “the schooling model” in economics. (Berker, 1975). The schooling model focused on finding evidence on how education and training influenced high earnings on the job market. Schooling model is understood as that aspect of education that present an educated person as being skilled and ready for employment. Mincer later met with Schultz, and their collaboration in developing human capital popularised human capital and later attracted interest from Gary Becker another significant stalwart in the development of human capital.

Gary Becker is well respected for his impact and influence in popularising the concept of ‘human capital.’ His interest and work in human capital awarded him with the novel prize for publishing the book, Human Capital theory. This happened at a time when Becker almost lost interest in the study of economics blaming it to its lack of interest in studying relevant social issues. His breakthrough came from his decision to move from Princeton to pursue his career in Chicago. It is in Chicago that Becker’s interest in economics was restored and mainly influenced by the work of Schultz and Lewis. Becker’s theory of human capital attracted a lot of interest from other academic economists because he added a twist into what others have assumed and known to be human capital. His studies incorporated social issues in the study of economics which was rather new or extremely unusual at the time as Teixeira (2014) claims.

According to Pedro (2014) the 1950’s marks the era for the advancement of human capital not as a concept but as a logical research programme aimed at discovering the economic effects of education and training. Fisher (1946:6) extends that subsequent to this research outbreak, “human progress had been too much handicapped by neglect of our human capital.” Becker saw human capital as physical means to production that incorporates human skills, knowledge and abilities. He extended that individual traits, a person’s intelligence and

behaviour would be additional to the aforementioned. Becker added and emphasised the value of people in economic development. In his study to define the differences in income of college former students, he suggested that education, training courses, health are all forms of capital because they have ability to influence increase in incomes. According to Mutamba (2016) Becker actually referred to human as investments in human capital. His reasoning to this claim was based on his belief that people can never be separated from their skills, knowledge and health. Thus human capital is applauded to apply a holistic approach to a human compared to orthodox economists that sees a person as a separate entity. The findings of his study proved his theory that claims ‘the more educated the person the more production received.’ In his study, he discovered that college students were being paid 45 percent more on their earnings compared to high school graduates. The difference in education that was later associated with difference in human characteristics is what formed an argument for Becker and therefore reason enough to believe his hypothesis that education increases production. (Woodhall, 1997).

Moreover, Becker described people as assets worth to be invested upon. He elaborated that, families, companies and government should recognise human as assets and start to develop effective strategies to invest in them. To Becker, investing in human has greater benefits for the economy than that of an individual. Akinyemi et al (2013) extends to Becker’s ideology and emphasizes the significance of labour and its influence in production. He praised human capital as an important lighthouse that beacons on the importance of labour and therefore sees human capital as a necessary task. Human capital has shown to have influenced structural changes in the field of labour. In the study that was conducted by Becker (2014) revealed that, traditionally women in America were known for losing interest in education after high school, rather choose marriage over college. This was the case even though women were reported to have been doing very well in passing high school compared to men. Those few that made it in college were known to pursue careers in the fields of education and health, very much associated with female abilities. Popularising human capital in the field of education saw many women bypassing general norms, gaining interest to pursue college education and not only that but also challenging themselves and enter the male dominated fields such as engineering, business and law fields. According to Wuttaphan (2017) this approach did not only influence structural change but also impacted positively in the labour market. Women added more value in production even in their own homes. This rapid change

was also witnessed in terms of race. The number of educated black women increased to an extent that some were reported to be occupying positions that allowed them to receive earnings equal to those of white women. Becker argues that even the capacity to make decisions such as when to get married or to have kids is owed to the skills and knowledge gained through education. According to Teixeira (2014) Becker has always been inspired to apply or test economics in new topics and areas of human behaviour.

Walker (2000) explains investment in the context of employment and claims that investing in the intrinsic value of human beings is reciprocally beneficial to both the employer and employee. He further indicates that if an employer invest and recognise its employees valuable, the production of the company will be greatly increased. Bassi and McMurrer (2008) concurs with both Becker and Walker and extends that, investing in human capital creates extensive achievements but most employers miss out on this benefit due to negligence and tendency to overlook this benefit. The other aspect that differentiates Becker's description of human capital was his distinct belief in education. He saw education as an essential element to enhance growth. Becker's concept of education encompasses education that is achieved in diverse forms. It can be in a form of formal or informal education, training and health. Education can be accumulated from different levels, primary, secondary and tertiary education not forgetting trainings. According to Mutamba (2016) both Schultz and Becker understand education and training inclusive of the "on the job" trainings to be the most significant investments in human capital. Bassi and McMurrer (2008) describe the concept of on the job training as the silent internal training that requires no instruction or prescription. The worker learns at own pace with no pressure from management. This type of training is so flexible in that a conversation with a colleague can simple translates into a worker gaining more work experience. According to Becker, individual growth can easily transform to that of a family, community to a societal growth.

Another important aspect of human theory is the concept of human health. Human capital prioritises the health especially in companies that invest in human capital. According to Becker (1998) there is a great need for government and companies to invest in the health care of their employees. Unhealthy person is a risk in human capital because the person cannot make production. Akinyemi et al (2013) describes the health function in human capital as "waste avoiders." Human capital believes in investing in the physical and intellectual health of workers to rich optimum results in production. Human capital gained momentum and has

been very much utilised by governments and companies to develop education, health and other significant policies in development. Akinyemi et al (2013) places human capital at the forefront of both the national and universal human development. In his view, human capital can be classified as both an applied and implied theory worldwide. Human beings can be developed from different levels, as individuals, companies, communities and nations but the outcome remains, the higher productivity.

It is in the same distinct belief that his approach of human capital was overly criticized. Most economists argued that he overemphasized the ability of education.

Education, health, assets, investment, production and human are regarded as key concepts of human capital. These are the concepts that differentiate human capital from any other theory. (Becker, 2014).

### **3.2. Defining Human Capital Theory**

Human capital has received a lot of interest and those interested have attempted to develop definitions that translate to their understanding or what they view human capital to be. Akinyemi et al (2013) blames the various explanations and definitions to human capital theory to what he describes as “the syndrome of definitional pluralism.” They describe this syndrome as the tendency of researchers to look at a specific concept from different lenses or fields of study such as psychology, sociology and economics. The various explanations and definitions are not exactly difference in theory but the difference in perspective. In spite of these differences in definitions, Poteliene and Tamasauskiene (2014) argue that a lot of commonalities can be easily identified and a number of significant concepts in human capital seem to influence the definitions therefore consensus in understanding of human capital can be realised. Thus according to (Schutt, 2003) cited in Akenyemi et al (2013:152) “the effect of human capital should be the main concern and pointers in defining the concept of human capital.” If the focus is on the effect it is very much possibly for all the economists to see what human capital has been trying to explain in the first place. Hence Bouchard (2008) refers to human capital as a renewable resource and unlike other forms of capital; there is no theoretical limit to its supply. In essence, human capital is not concerned about being theoretical correct but its aim is invested in the significance of the investment outcomes.

According to Mutamba (2016) Schultz defines human capital as “the knowledge and skills that people acquire through education and training being a form of capital and this capital

being a deliberate investment that yields returns.” While Becker (1993) describes human capital as a form of investment by individuals in education up to the point where returns in extra income are equal to the costs of participating in education. Akinyemi et al (2013:153) also concur with this view and describe human capital as “the framework that covers and explains education as investment in human which are reaped in multiplicity in the long run.” Becker’s description of human capital has two folds to education returns; he sees returns as being both public and personal. They are public because they increase production and personal because they increase income. According to Walker (2000) Smith concurs with Becker on the value of human beings; he sees them as investments that have capacity to generate returns. Schultz and Becker’s definition of human capital share the same sentiments; both believe that education is means to production therefore worth investing on for future returns.

Thomas and Diez (2013) see human capital as a source of value in human development and growth. Subsequently, the value of human capital to yield production cannot be ignored. Matamba (2016:4) further states that, it is within these returns that a collaborative initiative was developed between Schultz, Becker, Drucker and Reign to enhance the idea of “global knowledge economy.” Knowledge economy is the concept built based on the notion that education forms the foundation of global development. Baron and Armstrong (2002) define human capital as the sum of knowledge, skills, experience and other relevant workforce attributes that reside in an organisation’s workforce and drive productivity, performance and the achievement of strategic goals. McGregor et al (2004) see human capital as the combined knowledge, skill, innovativeness and ability of the company’s individual employees to meet the task at hand.

According to Bontis et al (1999) human capital represents the human factor in the organisation; the combined intelligence, skills and expertise that gives the organisation its distinctive character. The human elements of the organisation are those that are capable of learning, changing, innovating and providing the creative thrust which if properly motivated can ensure the long term survival of the organisation.

The oxford dictionary describes human capital as the skills the labour force possesses and is regarded as a resource or asset. It encompasses the notion that there are investments in people



(education, training and health) and that these investments increase an individual's productivity. (Goldin, 2014).

Broekhuizen (2009:4) summarised human capital as “the sum of all physical, mental, and psychological personal experiences, characteristics and capacities that have bearing upon an individual's potential and realized labour market productivity.”

Despite all the definitions and meanings that different economists declared to be their understanding of human capital, a lot of similarities have been identified. Education, skills, investment and production formulates the most common aspects in describing human capital.

### **3.3 Assumptions, Values and Strengths of Human Capital Theory**

According to Wuttaphan (2017) human capital employs the lenses of economist in analysing and describing the phenomena of human capital. It is through these lenses that the theory is able to proclaim that investing in human capital has beneficial gains for the investor in terms of growth and sustainability being it business or personal gain. According to Becker, Mincer and Porath, human capital is based on three fundamental assumptions (Albrecht, 1976: 2).

- “Labour skills are durable and malleable
- Current productivity both contributes to the current earnings and affects future productivity
- There is a positive association between amounts of schooling and individual earnings.”

Investing in education enhances not only skills and knowledge but develops an opportunity for growth and production for both, the educated human and the person or company that invested in educating the person. Human capital theory is according to Lucas (1998) cited in (Mutamba, 2016) based on the view that people's learning abilities are of equivalent worth to other resources involved in the production of goods and services. Woodhall (1997) claims that human capital is constructed based on the notion that expenditure and investment is enormously valuable and significant in increasing production. McLean (2006) supports Woodhall's claims and elaborated on his example of Japan as being one of the countries that are capitalising on the benefits of human capital theory. He claims that Japan as a country does not enjoy the advantage of having natural resources but because the population of Japan

is mainly highly educated, Japan's economic production is flourishing. Despite its lack of raw material, Japan is able to import and is by far having the most powerful source of energy compared to most countries that own raw materials. Therefore, the hypothesis of human capital that investing in individuals increases production for society proves to be valuable in this context.

Human capital theory view human beings as assets and capital in the production or economic growth of any country. This theory implies that the commitment shown by both government and employers to invest in human capital is motivated by outcomes or returns. They themselves stand a great chance to benefit from their investment thus the benefit is regarded as reciprocal. According to Akinyemi et al (2013) and Becker (1975) the value of human capital cannot be overlooked by government, policy makers and employers. Human capital proves to refuse to be ignored even in the modern societies where technology seems to be taking over. Human capital theory believes that modern technology and the use of machinery requires educated and trained individuals to be operated and utilised correctly especially if increased production is expected. According to human capital, advancing technology where there are unskilled workers adds no value to technology; in fact is more of a loss for any country, company or government. Schultz (1976) concurs with the importance of training and further elaborates that if untrained, unskilled workers are stagnant, they remain the same throughout their working years and their levels of production will be none existent. Furthermore, trainings afford workers the opportunity to get raise in their earnings due to high production. A confirmation of what Becker has been arguing earlier, that education and training translate to advances in technology. In fact Mincer expressed that \$200 billion of production achieved yearly is owed to the on job trainings. On the job training is described by Mincer as the silent type of learning, very different to what workers have experienced from the time of tertiary learning. On the job learning is free from the planned and prescribed kind of learning where one needs to attend classes and submit assignments. This type of learning is according to Becker (2014) a rare to notice type of education because it happens in normal work settings. It can be between two colleagues having conversation during work or lunch time. An Experienced worker sharing knowledge and skills with a newly employed worker, this method is according to Mincer a transferable type of learning.

According to Becker (1964) on job training has two folds, the general and specific training. The general training is described as the ability of the employee to follow interpret and follow

instructions, be able to read and write. Any training that is provided to the worker would be mainly to ensure that this aspect of production is achieved. According to Schultz, the decision of the employer to raise salaries mainly depends on the value that these trainings provide in production. It is within the same context of on the job trainings that the employer safeguards its investment in the worker. The employer provides the worker with contract to bind self into the company so that the worker is not attracted to completion or lured away from the company. Human capital forms the fundamental aspect of what is known as modern economist theory. The ability of human capital to consciously recognise education and health as investments in human beings places human capital at an advantage compared to its counterpart of traditional economist that places its efforts in tangible assets such as the land, technology and minerals. (Mutamba, 2016).

Thus, Human capital is applauded for providing methods sufficient to measure the economic growth of different countries that led to the possibility to differentiate countries based on their economic status, the developed, developing and underdeveloped countries. Akinyemi et al (2013).

### **3.4 Human Capital and Education**

Throughout this paper, education seemed to form most of the discussion or to be the significant aspect of human capital. Thus what influenced the choice of the writer to employ the framework for the research paper, to look at what extent can the framework be utilised in the education system in South Africa as a form of investing in children especially those that their birth have not been registered. Human capital theory claims that education regulates the peripheral productivity of labour and this determines production.

Human capital views education as an investment in human capital. According to Becker (2014) it is based on this view that human capital is able to explain and understand the interest of people to improve their production through education. The possibility to gain new skills and knowledge has a role but that of earning more has substantial motivation. Becker further explains that in human capital, education does not only refer to formal education because even the educated person is not fully equipped with labour skills in college. Therefore, there is a great need to empower and prepare people for work. Thus job specific training is required to prepare and empower the person or maximise production for the

company. A trained worker does not waste resources but utilise them to the most of ability to ensure that both private and public production are increased. Thus Solomon (1993) claims that quality of education is the ‘missing ingredient’ in human capital theory because just education is not enough. The type of education that one receives as preparation for the labour market makes all the difference especially if one has to be deemed employable. In his response Becker argues that to distinguish between educated and non-educated person is an easy task just like identifying trainings that the person has received but to measuring quality of education is an overwhelming exercise.

Amali (2012) recommends that any country that needs to increase its human development needs to invest in the application of human capital in all its educational systems. McConeell, Brue and Macpherson (2009:85) indicated that, “a more educated, better-trained person is capable of supplying a larger amount of useful productive effort than one with less education and training.” According to Mutamba (2016) the purpose of education is to afford prospective workers with skills that will increase their production capacity and consequently encourage economic growth.

Pedro (2014) claims that education can play significant role in restoration and production of any country if available resources were to be dedicated into developing the human resources. Akinyemi et al (2013:153) states “as a matter of fact, it has been sufficiently theorised that a country with highly educated population tends to be a very productive population” like in the context of Japan. Woodhall (1997) states that, ‘an educated population is a productive population.’ Education and trainings should therefore be a priority at all levels including because it has not only proved to influence production growth in human factor but also enhanced fairness in distribution of remunerations. Human capital stresses the significance of education and training as the key to participation in the new global economy. If education is found to be primarily productive, as per the human capital theory, then social spending on education is justified since greater investment in education leads to greater aggregate productivity for society. According to Marginsons (2017) the dominance of human capital theory in the economics of education is matched by its authority in public and policy development domains. Marginsons views education as the starting point for an explanation of a career and earnings, higher education is understood to be the preparation field for work and career not family income, cultural attributes or social networks.

Evidence reflects positive outcomes proving the assumption of human capital of significance of education to be true. The case of East Asia indicates such outcomes, the economic growth of countries such as Singapore and Korea have been identified as have followed exactly what human capital suggested.

### **3.5. Human Capital Theory Application in South Africa**

Broekhuizen (2009) utilised the human capital approach to explain the labour market returns to South Africa. He states that conducting research in the labour market of South Africa requires one to acknowledge and understand the historical background that shaped labour and economy of South Africa. According to Broekhuizen, South Africa is still faced with obstinate and persistent racial inequalities. In his study, he employs Human capital theory and the Sorting hypothesis (a process of categorising i.e. race, sector and employment) to find the nature of causality between education and productivity and provide rationalization for the connections between education and earnings. Both theories are claimed to be consistent in the view that human capital incorporates all the elements within an individual that impact production. Broekhuizen claims that his choice to utilise these theories was influenced by the popular use of theories by companies as method to search for employees with high level of education thus more capable to increase their company's production. Both human capital theory and sorting hypothesis are regarded as reliable in detecting affirmative relationship between education and earnings renders the debate over their legitimacy. Broekhuizen states that not much research has been done in South Africa to investigate how far have both theories succeeded in the South African labour market. This does not come as a surprise to Broekhuizen because he claims that the difficult part of the task is conduct research across the different racial groups. Any outcome from the study has to be presented based on the differences applicable per race being it an advantage or disadvantage.

The study employed a method called multinomial sample selection correction regression analysis to examine sorting for blacks, whites and coloured racial groups in public, private and self- employed divisions of labour market in South Africa. (Psacharopoulos, 1979 cited in Broekhuizen, 2009). According to Broekhuizen (2009) the observed results indicated that education carries out both a productivity-augmenting and innate productivity-reflecting function in the South African labour market. Meanwhile sorting is found to have a durable racial dimension accounting for high rate of Whites in the private sector, Blacks to occupy mostly the public sector, and least overall for the Coloured race group. These outcomes

relatively have positive outcomes but Broekhuizen warns that, the difference in racial dimension for South Africa might just be an indication of how through education, the country still promotes racial segregation. This trend might be just another indication of how resources and economic benefits continue to favour certain groups over the others even more than 20 years in democracy.

Human capital is based on the assumption that “education renders people more productive, that it raises the marginal product of an educated worker relative to one not so educated.” Based on this assumption, Van der Merwe (2010:107-109) decided to examine and analyse if human capital theory does explain the value of higher education in South Africa. Van der Merwe shared “if it is true that formal education makes people more productive and that this is a significant reason that they invest in the commodity then one might, at least, expect the labour market expectations and labour market experiences of higher education graduates to be reasonable close.” The assumption on this statement is that graduates should not struggle to receive jobs specific to their field but that is not really the case for South African graduates.

According to Smith and Kruger (2005, cited in Van der Merwe 2010) graduates are more likely to expect financial and non-financial benefits from the workplace. For anybody coming from a student life needs to start building a future. On top of the list, graduates will need financial stability; they have to earn salaries to be able to buy the necessary commodities that will deem them workers and independent. They are more likely to invest in commodities such as house, cars being able to get loans as well as being entitled to medical aid, different leaves and benefits such as retirement benefits. Koen (2006) reports that, in South Africa there has been a stagnant reasoning to the inability of graduates to secure jobs in the workplace. The opportunity to score a job mainly depends on where a particular graduate is situated, the gap between graduate skills and the needs of the work market, unavailability of graduates in specific fields (high demand) as well as the institution where the person graduated. This according to Koen is based on the reality that certain companies require certain skills for the graduate to be employed or even look at the type of qualification does the graduate have i.e. a degree or diploma. Some companies have preferential in institutions of study based on the status of the institution being a known institution to produce well capacitated graduates.

Certain companies don't have time or budget to invest in training graduates therefore require people who are more likely to be productive with a little or no effort to the company.

According to Koen (2006) the outcomes on the institutional graduate labour market research revealed that 3% to 25% attend their graduation unemployed, mostly graduates enter the field of employment through contracts and part time jobs. While 75% - 90% of graduates believed that they acquired enough and efficient skills from their studies and expect that to be enough to secure jobs in the workplace. Gender and race disparities were also identified by Koen, that black females were the group that seem to take longer to secure employment.

According to Moleke (2005) only 60% of the South African graduates were reported to be able to secure jobs instantly after their studies, while 28% of graduates took from a month to six months before securing a job, 6% secured employment after 7 months to a year after graduation while the other 6% was unable to secure a job a year later after they have graduated. Out of these numbers 66% of graduates secured permanent positions, 19% were employed as temporal workers while the 15% accounted for contract workers. What is motivating in the outcomes is that a high percentage of 73.9 accounted for a number of graduates that were able to secure jobs in the field of their affiliated studies. Graduates from the specialised fields or fields of demands such as medical care and engineering were reported to have not struggled in getting jobs compared to those that have skills in general fields with (less demand) such as teaching and nursing. Evidence of previous social stratification in South Africa was evident in the research findings that white graduates were able to secure employment quicker and half of them secured work in their field of study compared to the Black graduates.

### **3.6. Critiques and Weaknesses of Human Capital**

According to Marginsons (2017) human capital as the theory has been subjected to repeated and often devastating criticism. He claims that only few scholars from outside the mainstream of economics with close research knowledge have shown support to human capital theory. Another justification would be that human capital introduced a new or rather strange method in development economics. Scholars rooted from the political mainstream have substantially challenged the theory. Human capital theory has been overly criticized for its over emphasis on education as means to create production.

At the forefront of economists that criticised human capital is the known sociologists, Martin Throw, Pierre Bourdieu and David Backer, says Marginsons (2017). These theorists viewed human capital as a necessary but not sufficient theory. They blamed human capital of being too enthusiastic about its view on education as process to production that the theory fails to see anything beyond education. Van der Merwe (2010) extends that human capital fails to explain what exactly it is that makes people productive in education. Education or schooling alone cannot be the only phenomena in accumulating production, Amalia (2012) contends that structural and attitude change can play a major role in supporting education. He believes there is a lot that countries and their government needs to change including educational institutions and their policies. If institutions of education are not accessible to some, how are they then expected to gain the skills and knowledge locked into these institutions? According to Mutamba (2016) human capital is blamed for overrating the degree of returns in education. The debate is based on the notion that human capital was able to recognise difference in education as an important aspect but failed to understand that difference in education might also give possibility of difference in other aspects of human life such as individual characteristic that in the end might also have impact on difference in income. Psacharopoulos (1989) to some extent agrees with the method to use perceived earnings to measure profits of investment in education and training. He states that there is a high possibility that the orthodox methods might fail to appreciate the true social productivity of education.

Becker's is further criticised for his failure to recognise workers experience in production. Oliveira and Da Costa (2014) claims that a person's experience should form part of human capital because the knowledge and skills that the person has gained in the years places the person at an advantage to earn more than the others as well as to perform duties better than the new worker. On the contrary, Becker sees this person's ability as declining because of age and health. Becker believes that the older a person gets the less productive he becomes. The same theorists continue to criticise human capital on the basis that it placed a lot of emphasis on formal trainings and forgot the value of informal trainings. Oliveira and Da Costa believes that it is similar important for workers to be able to learn as they do or learning from experience, and the value of this type of learning cannot be ignored. Erupt (1998) adds the concept of workplace learning and argues that sometimes it is necessary for workers to learn through unplanned and specified environment. Learning from experience assist workers to achieve what is known as double loop learning. Double loop learning is described by Eraut as



the ability of workers to modify their own goals and make decisions based on what they have experienced. This form of learning also incorporates the concept of socialisation which is regarded as key to worker's experience.

Eraut indicates that human capital failed to see autonomy in workers and further states that workers need to be given opportunity to facilitate their own learning. The learning that affords them the space to learn at their own pace, identify their own needs as well as what trainings they require to improve their own skills. Armstrong (2014) concurs with Eraut's view and adds that self-directed learning is based on the assumption that people learn and have the ability to remember what they have taught themselves more compared to what they have been told. According to these economists, self-learning is on the rise especially for people who are interested in developing new trends and programmes such as software. Self-motivation seems to be the main aspect that drives development and progress in these fields.

It is in the same context that Acemoglu and Pischke (1999) blames Becker for the division of human skills to either being general or specific to a certain job. They claim that skills are sometimes industry specific in that they are almost unusable or of no value outside the specific industry. Human capital regards these skills general and believes that they can be utilised outside the specific industry.

Human capital is further criticised for being a single lens, closed system that employed unsuitable methods of mathematical tools and multivariate analysis of mutually dependent variables. Human capital view tertiary institutions as sites of investments with economic returns but traditional economists believe that tertiary institutions are fields for competitive positions. They argue that tertiary institutions have little or no control over productions. In fact, Bourdieu argues that the only investment achieved from an educated person beyond basic education is the benefit of an educated person rather than of a country. They also identified declining trend in private returns and that outcomes for students are unequal. Tertiary students compete for scarce resources; degrees increase segregation and the hierarchy of scaling salaries. Human capital is blamed for not being able to explain the method employed to measure production and also have failed to provide justification for the inequality in earnings for educated people. Bourdieu sees family culture social capital networks as central to production and believed that family life cannot be simple arbitrated by education. Peers (2015:58) argues that the period between child birth and schooling time is

very long, parents or families cannot wait that long to start their process of investing in the child's future and as the matter of fact, they view this as being risky. Human capital cannot expect parents to take a back seat and wait for when education starts to invest in their child. Therefore, the child is sent to school already invested upon by family. Traditional economists regard family as a "symbol of limitless natural resource." To them, family supersedes education and they speak of family as being key and central to human capital.

The issue of measurement provides another platform for economists to criticise human capital. Lengnick – Hall (2003) contends that measuring in human capital might be difficult but definitely not impossible. In fact some companies have managed to develop strategies sufficient to their internal measurements. Companies utilise factors such as measuring the age, number of years spent in the company, the number of contract, full time and part time workers as well as the type of job that one is expected to perform. Even though in agreement with the view that education increases production, but most theorists still argue that they cannot measure the level of production and so does the quality of education. Bassi and McCurrer (2008) argue that human capital fails to maintain consistency in measuring production across companies and therefore there is a great need for this theory to observe a comprehensive range of factors across different classifications in order to ascertain the most closely related to the conclusions. Especially because people can be employed in by the same company but perform different jobs. On the job training is also regarded as another gap in human capital theory. Unlike in the context of schooling where one can be able to identify a schooling person from the one that is not schooling, people receiving or not receiving on the job training are not easily identifiable. This is also owed to the fact that this type of training is informal and not evidence based. There are no prescribed documents or point of reference to check if indeed the person did receive the training.

Another issue with human capital is according to Backer (1997) the issue of screening instrument in placing and aligning workers in labour market based on the level of attained qualifications in education. This is evident in the statement made by Mutamba (2016:5) that education provide workers with "marketable skills and abilities relevant to job performance." These skills are what influence the employer's decision to employ, promote and raise earnings for the employee. Barker contends that having attained higher qualification in education does not translate to having more ability to increase production. The use of this method as a determining factor to increase earnings or place someone in high ranking

position at work is flawed. Backer emphasises that for any employer it is easy to access the educational status of a worker prior being employed but the same cannot be said about the person's ability to perform the job. Backer and other traditional economist agree to some extent with the view of human capital that level of education could be correlated with high productions but it is definitely not the cause for production. Human capital is also criticised for presenting the concept of human as if all humans are equal and the same. According to Peers (2015) human capital reduced the meaning of humanity in that every kind of human is at ultimately the same. Teixeira (2014) agrees with this notion and further extends that human capital's failure to identify differences in human influenced the ignorance in recognising women's contribution in household production. Women are only regarded as productive when joining the labour market. While women increased participation in labour market is a positive achievement it cannot be ignored that their household responsibilities remain making them more prone to be overworked, being sick and at times being seen as not productive at work. Hendricks (2002) cited in (Mutamba, 2016:10) builds on this assumption and argues against what he calls the "tendency to assume that workers of a given age and education have the same human capital endowments in all countries." According to Psacharopoulos and Layard (1979) cited in (Mutamba, 2016) this tendency of assimilation in human capital fails to capture the significant differences in human capital investment.

Lastly, human capital is blamed for being too individualistic in its approach. According to Mutamba (2016) human capital has been mostly praised for its capacity to support government in development and restructuring policies therefore its focus cannot be on individual. The challenges experienced by countries and government are mostly that of a society than individuals. Therefore, human capital needs to see beyond the individual when discussing and analysing the value of education and trainings as well as production.

Despite these critiques, Marginsons argue that these sociologists are unlikely to achieve to change or influence the mind set of those in favour of human capital such as policy makers and governments. According to Mutamba (2016) any critique against theory is an opportunity to explore more and extend on the existing theory thus the many critiques on human capital are not by any form disputes to theory but an opportunity.

### 3.7 CONCLUSIONS

Human capital shows to be a popular theoretical framework to be utilised by companies, individuals and other interventions concerned with development. It has the potential to encourage and yield positive results for both the companies and that of an individual growth and development. Its emphasis and principles embedded in seeing a person as a worth investment has attracted a lot of attention to invest and encourage employees and those concerned with development to fully participate in the process of development. However, it also has its own challenges but a framework that is worth investing in and if appropriately implemented, it has potential to improve growth.



## **CHAPTER 4: RESEARCH METHODOLOGY**

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### **4. INTRODUCTION**

Research is the foundation of knowledge for the sake of knowledge and an important source of providing guidelines for solving different business, government and social problems. The aim of this chapter is to unpack the journey through which the researcher is going to undertake the research process. This chapter is focused on the processes that the researcher is going to follow in investigating research problem, *“The impact of unregistered births of children in South Africa and how their rights to essential services and basic education are affected”* the techniques and strategies that are going to be utilised in order to discover the impact that unregistered birth has on the lives of children in South Africa, the reasons to it and lastly, identify recommendations on how to address the problem. The paper begins by outlining the concept of research, how is it defined, looking at the different meanings and definitions. It looks at research as a process, the methodology to be used, designs, procedures, techniques, ethics, methods and instruments of data collection as well as the population for the study. The chapter is an illustration of how the researcher plans to execute the study and the reasons to why and what had influenced the researcher to make such decisions with dire consideration of what scientific research mean and stands for in social science.

#### **4.1 WHAT IS RESEARCH**

Research originates from the French word “recerchier” meaning to search and search again (Kabir, 2016).The concept “research” implies that, there is a need to search again based on the notion that what was investigated can be re-investigated to build on, close gaps or improve the existing knowledge. Research is about answering questions and providing solutions to existing problems. It is an inquiry, thus Naidoo (2011:47) further state that “life without an inquiry is not worth living for a human being.” According to Naidoo, people continue to investigate and seek knowledge pertaining to their daily activities and the issues impacting their lives. De Vos, Strydom, Fouche and Delport (2011) further state that, people are fascinated by their own lives and the world they live in, thus motivated to investigate and analyse their daily activities. To Cohen, Manion and Morrison (2003) just as De Vos et al has indicated that research is all about being astonished at the world around us, and what we do to gather knowledge and understanding to the world. Barbie (2007:1) agrees with this notion and further state that research “is a way of learning and knowing things about the world

around us.” Initially, research starts by asking the right questions and taking suitable technique to explore the problem. Conducting research is about finding answers to problems under investigation. Neville (2017) speaks of research as the most exciting fragment for any course because it provides the researcher with the opportunity to regulate and have independence over what to study. According to Calvert and Martin (2001) different researchers have developed a number of competing definitions of research and little apparent agreement.

Despite the different arguments or what different theories view and understand research to be, it is clear that they all agree one way or the other that it is about learning and understanding, the people and their world as well as the meanings they give into their lives.

#### **4.1.2 Defining Research**

Mouton and Marais (1990:7) describe research “as a collaborative human activity in which social reality is studied objectively with the aim of gaining valid understanding.” Kerlinger and Lee (2000:14) see research “as the systematic, controlled, empirical and critical investigation of social phenomena, guided by the theory of hypotheses about the presumed relations between such phenomena.” While Barker (2003:406) and Neuman (2000:6) view research as the study of people’s beliefs, behaviour, interaction and institutions in order test hypotheses, acquire information and solve problems pertaining to human interrelationships.”

Saunders, Lewis and Thornhill (2003) describe research as an action that people undertake to discover new things in a logical way to increase and improve knowledge or as simple as Kabir (2016:2) puts, it is “a search for knowledge.” Redman and Mary extends that research is “a systematised effort to gain new knowledge. According to Neville (2007:1) research is a process of inquiry and investigation, it is systematic, methodological and ethical, research can help solve practical problems and increase knowledge. While Naidoo (2011) understands research to be the conscientious logical analysis into the nature and society to substantiate and improve on existing information and develop new one. Naidoo further warns that, research is not the mere collection of information and data collection but what Kabir (2016:2) refers to as “an art of scientific investigations, a movement from known to unknown.” In pursuit of the same argument about research, Kabir (2016) developed this lengthy definition and describes research as:

***“a scientific approach of answering a research question, solving a problem or generating new knowledge through a systematic and orderly collection, organisation, and analysis of information with an ultimate goal of making the research useful in decision- making.”***

Based on the above descriptions, research is seen as a process through which human beings study their own world, following an empirical method to achieve certain results and to gain new knowledge. The notion of increasing and improving knowledge is clearly stated in the latter definitions. In Coryn’s (2006) view, researchers share some fundamental commonalities in how they describe the concept of research. He sees research as “a truth-seeking activity which contributes to knowledge, aimed at describing or explaining the world, conducted and governed by those with a high level of proficiency or expertise.” The aim is to find knowledge being it already existing or simple finding new information. It is motivated by interest and curiosity to find more. In his description of research, Kabir has however, managed to capture the essence of what comprises the concept of research. His definition has identified embraced commonalities and yet captured what everyone else has been trying to outline research to be.

#### **4.1.3 Principles and Key Concepts to Good Research**

The concept of **systematic** is described as a fundamental aspect of what Kabir (2016) refers to as “good research.” He argues that systematic implies that research follows a detailed system adhering to the rules of scientific research. Systematic research make decisions and arrive to conclusions about research based on empirical evidence never assumes.

Research is regarded to be **logical** which according to Kabir “is the logical reasoning and logical process of both **induction** and **deduction** reasoning.” He further states that efficient application of logical reasoning is what brands research as eloquent in decision making.

Research is described as **empirical**. This concept is concerned with the assumption that research is based on reality and provides substantial evidence to prove validity to research findings. Research is viewed as **replicable**, meaning that the research findings proves to be sound and legitimate in verification (Kabir, 2016:6 & De Vos et al, 2011).

#### **4.1.4 Characteristic of Scientific Research**

According to Kerlinger and Lee (2000:14) scientific research is the systematic, controlled, empirical and critical investigations of natural phenomena, guided by the theory and hypothesis about the presumed relations among such phenomena.” Research is considered to be scientific because it is rooted in science. Science is described as “the intellectual and practical activity encompassing the systematic study of the structure and behaviour of the physical and natural world through observation and experiment (Oxford Dictionary of English, 2005). While Neuman (2003:7) refers to science as “a system for producing knowledge and to the knowledge produced from that system.” De Vos et al (2011) indicate that what make research scientific relies on its capacity to produce scientific knowledge. Scientific knowledge is therefore described as the body of propositions that are recognised and viewed to be binding and soundly accurate. Kabir (2016) concurs and extends that, scientific research is incomparable to other researches because of its capacity to produce consistent empirical evidence compared to intuition, applicable perceptions, consideration for research ethics; produce predictable results that can stand evaluation is based on validity and reliability and finally the ability to formulate general truisms. Scientific research is considered to be rigour and logical by nature and according to De Vos et al (2011); it is in this basis that scientific research is distinguished from other research as well as knowledge it produces.

#### **Research is based on identified objectives**

- It is an opportunity to develop new knowledge and resolve existing problems
- It investigates existing laws and regulations and makes recommendations critical to changing people’s lives.
- Develops new knowledge about studied phenomenon
- Change perceptions and prioritise knowledge
- Provides platform for fair and equitable expenditure
- Improve our life and human desires (Kabir, 2016) and (Neville, 2007).

#### **4.1.5 Research as a Process**

According to Naidoo (2011) research follows a logical process or what Kabir (2016) defines as scientific method to research. Kabir describe the process to research as an effort through



which we accomplish scientific answers to research question through research findings and finding solutions to the identified problem and some extended knowledge and understanding of the study. Research is a systematic approach in that it follows certain rules or methods to qualify as authentic research. According to Leedy (1993) the process of answering an unresolved problem follows exactly the same trend for contemporary scientists. Leedy understands research process as being cyclic in that it starts with a problem and is concluded when that problem is resolved. De Vos et al (2011:61) further clarify that “irrespective of what you want to learn, or what you want to discover, or what facts you want to acquire, there is a process involved, a systematic process of scientific inquiry, or standard sequence of steps to increase our understanding of the world around us.” Kabir (2016), Neville (2007) and De Vos et al (2011) agree that research as a process begins with the problem.

- **Research Problem**

Kabir (2016), states that in the problem stage, the researcher is faced with the most difficult and significant responsibility, to select and define the problem. The responsibility involves a lot of work including separating the main problem into smaller and manageable sub-problems, developing hypothesis and assessing problem for research capacity. A well-defined and formulated research problem removes unforeseen obstacles and motivates the researcher to continue and complete the study. If not, a researcher is more likely to lend into a meaningless study and lose interest in the process thus this stage is the core to research process. De Vos et al (2011) concurs and further warns that, researchers become very excited and enthusiastic to start with the process of research but in the process they might discover that the exercise is very strenuous and frustrating. Nevertheless, De Vos et al (2011) are still adamant and maintain that the same problem stage if well prosecuted has the potential to provide the researcher with “a smooth implementation and scientific rigour.” It is in the same stage that the direction and guidance of the study is identified. The exercise enables the researcher to select the most appropriate theoretical perspective and research techniques to make informed decisions when selecting data collection and analysis methods.

- **Research Methodology**

In the second stage, the researcher needs to clarify clearly the purpose and goals of the study and thus will be able to select the suitably approach (qualitative, quantitative or mixed

methods) to better fit the research problem. It is through this same stage that the researcher is able to make decisions to select participants, measuring instruments and research design (De Vos et al, 2011 & Kabir, 2016).

- **Data Collection**

According to De Vos et al (2011) and Kabir (2016) data collection stage is very much concerned with the implementation of what has been identified in the previous stage. This is a stage where piloting or rehearsing as De Vos refers is employed when necessary. Data collection is about collecting data from research participants using the appropriate measurement instruments. The researcher will also make use of data tabulation for interpretations in the following stage (Leedy, 1993).

- **Data Analysis**

This stage is about interpreting and presenting the results of research. According to Kabir (2016) it is a stage where the results are summarised and information is presented to test hypothesis of the study. According to De Vos et al (2011:416) interpretation of data is the phase where the researcher is given an opportunity to tell the world what the researcher learned from conducting research process. Presentation of new knowledge against the existing knowledge is done to provide arguments, conclusions and recommendations. Based on this process, a final research report can be compiled.

#### **4.1.6 The Purpose of Research**

Research is not haphazard conducted; therefore it is a purpose based activity. According to Kabir (2016:4) the aim of conducting research is to find new information about the problem under investigation using the applicable scientific methods. Hence, the purpose of research is firstly, to *explore* the problem under investigation.

- **Exploration**

Based on Kabir (2016) view, the aim of this design is to explore information or knowledge about the problem that has not been investigated or have limited information. It focuses on clarifying or refining what is available to the researcher with the aim to find more. Neville (2007) refers to exploration as the method mainly useful to those researchers that are

investigating the problem that lacks information or that has never been investigated before. According to Blaikie (2000) the purpose of exploration is to gain insight into the subject of the study. According to Kabir, it is through exploration that a researcher is able to build on the research question through developing own concepts, establish the areas of importance, articulate hypothesis and in the process develop design. Exploration is therefore regarded as the opportunity to explore and deal with gaps or what have not been investigated before.

- **Descriptive**

Secondly is the *descriptive* purpose, described as activities to data collection with the aim to provide answers to the “where, who, what and when” questions of the study. According to De Vos et al (2011) descriptive research is flexibly in that it can be used on both qualitative and quantitative research approach. Descriptive research focuses on investigating and refining knowledge on problems that has already been introduced or known. Kabir (2016) concurs and further state that descriptive research is also known as information gathering activity because this design is based on describing situations or events with the aim to answer the why, what, when and the where questions of the study. The concept “descriptive” will be unpacked later under designs as the type of design that will be utilised for the study.

- **Explanatory/causal**

Thirdly, is the *causal explanation also known as explanatory research* which according to Kabir (2016) is that study that is concerned with finding causal and effect relationship between two variables. Its purpose is to heighten knowledge through data collection and it focuses on explaining how a certain variable impacts the behaviour of the other. Blaikie (2000:75) defines it as the study that identifies causes of events and the factors that produce them.” According to Kabir (2016) researchers who are concerned about the “why” in their study as well as to how the why relates to the other variable they are performing an explanatory design thus the name is explanatory because is based on explanations and causal because it looks for the causal effect of the one to the other.

- **Predictive**

Lastly, is **predictive** purpose of research which according to Neville (2007) as the name suggests, it is based on logical predictions of upcoming events resulting from thorough investigation and analysis of existing data of cause and effect. Kabir (2016) concurs and further states that researchers utilising predictive purpose are able to predict events before

they occur and might also predict the possible outcomes to such events. They both made an example with workers embarking on strike. A researcher is able to predict this action through what have been happening (complaining about salaries) and unable to reach consensus with the employer

#### **4.2. WHAT IS RESEARCH METHODS AND METHODOLOGY**

According to Henning, van Rensburg and Smit (2004:36) “methodology refers to the coherent group of methods that complement one another and that have the goodness of fit, to deliver data and findings that will reflect the research question and suit the research purpose.” Schwardt (2007) sees methodology as the guide giving directions to the progress of an existing investigation. Research methodology refers to the guidelines and techniques through which knowledge is produced and shared (Bryman, 2008). Kabir (2016:21) comprehend research methodology to be a way to scientifically solve the research problem while he understands methods to be “the behaviour and instruments used in selecting and constructing research technique.” Putting it clearly, Kabir refers to research method as any form of method utilised by the researcher during the course of the study. He further illustrate that even though in some fields of research, methods and techniques are used simultaneously, they are different. Method refers more to the action taken by the researcher and technique refers to the tools utilised to achieve the task.

Kabir (2016) indicates that, the importance about methodology is not only about emergent of certain guides or calculations but about researchers being aware of what methods and techniques are relevant to the study. Methodology becomes a blueprint of what the study encompasses and the decisions made thereafter. According to De Vos et al (2011) researchers need to be aware that methodology is not a blanket strategy to research, it differs with the problem. Both De Vos et al (2011) and Kabir (2016) agree that, methodology is a logical process because it is based on context and it should at all time reflect why a particular method or technique was used compared to what was not used. The purpose of methodology is to evaluate assumptions, ideologies and processes in a specific method of the study. Methodology serves as the method in clarifying and outlines the problems worth exploring in research. The problem worth investigating is contextualised and fit into a relevant design, procedures and appropriate data collection methods. Methodology is therefore a scientific research tool to assess reliability, replication validity and trustworthy of the study.

### **4.3 RESEARCH DESIGN**

Swartz et al (2008) define research design as a specification of the most satisfactory actions to be performed in order to successfully answer the research question. Kabir (2016) view research design as the theoretical construction within research inquiry is conducted. He refers to the design as a logical outline through which the study is conducted from the planning phase to the completion stage. If it is properly prosecuted, the research design is able to answer all the questions about how the study is going to be conducted including the time, population and budget involved in the study. Thus, Burns and Grove (2001) describe research design as a distinct outline through which the study is applied. Whereas Akhtar (2016) refers to research design as the structure of research “glue” that holds all of the elements in research. The strength of research design relies on its ability to allow the researcher to identify and select relevant research stages before conducting the real study. Through this process, the researcher is able to know which methods, how to analyse data and how to present the findings. According to Akhtar, the research design is crucial because it allows the smooth sailing of the different research processes, afford the study the principle of professionalism and produce the maximum information in the shortest time and minimise unnecessary costs. According to Robson (2002), there are three possible forms of research design, namely the exploration, description and explanatory designs. These types of designs are complimented by approaches relating to their assumptions as well as outcomes projected by the study.

### **4.4 CHOICE OF RESEARCH METHODOLOGY: MIXED METHODS**

In this study, the researcher will be utilising mixed methods research methodology. The researcher chose mixed method research because of its strength and ability to mix different methods, namely qualitative and quantitative approaches in a single study. This method is regarded as time effective method in that the researcher is able to collect data at the same time. It provides a convenient method in that the two approaches are able to support each other and complement each other’s weaknesses and strengths during the study. “The rationale for this approach is that the quantitative data and their subsequent analysis provide a general understanding of the research problem. The qualitative data and their analysis refine and explain those statistical results by exploring participants’ views in more depth (Rossman and Wilson, 1985; Tashakkori and Teddlie 1998; Creswell 2003 cited in Ivankova, Creswell & Stick, 2006).

Burke and Onwuegbuzie (2005) state that, mixed method research assumes that separating or using a single approach is not enough to capture the meaning behind the researched problem. Therefore, applying both methods has the potential to produce substantive data. Burke and Onwuegbuzie refer to this method as “a third wave” research movement that moves past the paradigm wars by offering a logical and practical alternative to research methods. The strength to mixed method research rests on its ability to apply both *deductive*, described by De Vos et al (2011:48) as the method of reasoning implying that the researcher moves from the general to specific. In pursuit of the same, Babbie (2007:46) defines descriptive reasoning as a process where the researcher begins with far wide-ranging theoretical understanding, then formulates a probability and lastly attain a testable hypothesis. On the other hand, *inductive* reasoning to research is described by De Vos et al and Babbie as the researcher’s tendency to move from a particular to general approach. This type of reasoning is based on the researcher observing a particular phenomenon or behaviour from a small group (research population) later make conclusion of findings to the bigger population i.e. observe students from a particular class then later make conclusions about the school.

Mixed method research is described by De Vos et al. (2011:437) as one of the controversial methods in research, one that has elicited provocative debate among researchers. The debate arises based on two issues researchers were concerned about relating to the method *firstly*, they were concerned about “*paradigm-method fit* and “*best paradigm.*” According to (Hanson et al., 2005:225) cited in (De Vos et al., 2011) *paradigm-method fit* was concerned about the ability of mixed methods to fit together two different competing methods under either qualitative or quantitative research. Researchers viewed this type of method as flawed, incompatibly and idealistic. These are researchers who believed that qualitative and quantitative researches are purely different research paradigms that at no stage should be integrated. The second debate was according to Hanson et al. (2005: 225) researchers questioned and were concerned about the “philosophical paradigm that was best foundation for mixed methods research.” Teddlie and Tashakkori (2009) argue that all these debates were of no significance as research in mixed methods is not concerned about what is true and real about research problem but concerned with “what works” as the truth about research problem or question.

Subsequent to the debate, various definitions regarding the method were created based on the two different views. Creswell and Plano Clark (2007) state that some authors viewed mixed method research as a separate methodology based on its own theoretical assumption and thoughts for methods of inquiry while others view it as utilising combination of techniques or methods of collecting and analysing data in both qualitative and quantitative paradigms. Johnson and (Onwuegbuzie 2004:17) cited in (De Vos et al., 2011) view mixed methods research as “the class of research where the researcher mixes or combines quantitative and qualitative research techniques, methods, approaches, concepts or language into a single study.” Tashakkori and Teddlie (2003:711) understand mixed method research as “a type of research design in which qualitative and quantitative approaches are used in types of questions, research methods, data collection and analysis procedures, and/or inferences.” Ivankova et al. 2007:261 cited in De Vos (2011) refer to mixed methods research as “a procedure for collecting, analysing and mixing both quantitative and qualitative data at some stage of the research process within a single study to understand a research problem more completely.” A mixed method study encompasses the collection or analysis of both quantitative and/or qualitative data in a single study. Data is collected simultaneously or successively, and given a priority, and involve the incorporation of data at a particular stage or at all stages of the research (Gutmann & Hanson, 2002).

Creswell and Plano Clark’s (2007:5) definition gained momentum in respect of mixed methods research because it is one that is regarded by De Vos et al. (2011) as being inclusive and encompassing of all aspects that distinguish the method from others. They define “mixed methods research as a research design with philosophical assumptions as well as methods of inquiry. As a methodology, it involves philosophical assumptions that guide the direction of the collection and analysis of data and the mixture of qualitative and quantitative data in many phases in the research process.” Moreover, this approach in design do away with the belief that researcher has to favour a single research method over the other. It is on the basis of this background that I chose to utilise the mixed methods approach as the method that has a promising and capability to illicit more data regarding the problem of unregistered children in South Africa.

#### **4.5 QUALITATIVE RESEARCH APPROACH**

Louw and Edwards (2004) define qualitative research, as a method of gathering information in a form of words giving research in depth understanding of the nature of people's experiences. Swartz et al (2008) argues that qualitative method enables researchers to study human experiences in great deal of depth, it further allows researcher to participate in the process. This means the researcher spends time with the participant on face to face environment. The researcher gets the opportunity to probe and ask more questions during the interview as well as being able to study the reactions of research participants.

The goal of qualitative studies is a comprehensive summarization, in everyday terms, of specific events experienced by individuals or groups of individuals. Lambert & Lambert (2012).

According to Henning, van Rensburg and Smit (2004:6) in qualitative research "the purpose of researchers is to find out what the actions of the people in the setting are what they think and also what they feel, what their setting looks like and what the significance of the signs and symbols in the setting is." This allows the researcher to gather thick description of the situation studied from research participants. Utilising qualitative research method will allow the researcher the opportunity to gather more data on about the research problem. The method will allow the researcher the opportunity to get the perspectives of the problem directly from research objects through face to face interviews.

#### **4.6 QUANTITATIVE RESEARCH**

De Vos et al (2011:64) describe quantitative research as "an inquiry into a social or human problem, based on testing the theory composed of variable, measured with numbers and analysed with statistical procedure in order to determine whether the predictive generalisation of the theory hold true." Kumar (2005:12) views quantitative approach as a structured approach because everything that forms the research process-objectives, design, sample and measuring instruments are predetermined." Ivankova, Creswell and Plano Clark 2007:255 cited in De Vos et al. (2011) state that, "the goal of quantitative approach is to describe the trends or relationship between two or more variables." It is mostly and commonly used to quantify the degree of the problem being researched. The study begins with a general question and only after extensive data has been collected about the research problem the



researcher can develop hypothesis on the matter. It is also known as a structured type of approach due to the fact that all processes of research are pre-determined. The approach uses numbers to calculate or quantify the extent of the problem and its findings are generalised. The approach is also known to identify certain variables as the focus to research. The researcher will be able to utilise this approach to get a descriptive picture of the problem through numbers and trends thus enabling to measure the severity or extent of the problem.

The researcher will investigate data from existing surveys such as the Demographic Health Surveys (DHS) and databases (data sets) that have already been conducted. Through quantitative method, the researcher will be able to offer substantive arguments and to collaborate the numbers with qualitative findings to make more argument and create a clear picture of the problem.

Creswell and Plano Clark (2007) argue that the value to mixed method research rests on its mixing principle that produces more complementary strengths rather than weaknesses. The method offers various techniques to scholars to look at the world around them. Based on Creswell and Plano Clark (2007) view, collaborating techniques and methods of both qualitative and quantitative paradigm affords the researcher with the prospect to better understand the research problem from different perspectives compared to using a single approach. It forms a comprehensive picture of the research problem as Creswell and Plano Clark explain. The method allows the opportunity to investigate numerical findings through quantitative as well as in depth experiences through qualitative research providing a platform to produce rich data findings (Henning, Rensburg & Smit, 2004).

#### **4.4 DESCRIPTIVE STUDY DESIGN**

According to Streubert & Carpenter (1999:49) cited in (Akhtar, 2016) understand “descriptive research to involve direct investigation, analysis and description of the particular phenomena, as free as possible from unexplained presuppositions, aiming at maximum intuitive presentation.” Descriptive design is effective in capturing the subject of interest within in its reality form. According to De Vos et al (2011) descriptive study is conducted when the researcher wishes to describe and interpret behavior or phenomenon. Descriptive study refers to the thorough investigation of a phenomenon or situation to get the deeper meanings to gather thick description about the subject under the study. It is about describing

the reality of the researched subjects. It focuses on asking the how and why questions because it is often done when the researcher has a well-defined subject but wants it to be accurately described. De Vos et al (2011) argue that descriptive methods involve in depth and detailed study of an individual, multiple individuals, event and even a period of time.

According to Kabir (2016) the design provides the researcher with a clear picture of how things are at their natural setting. The study can be conducted through interviews, documents, observations and archives. The aim is to gain knowledge about the characteristics and behaviour of study population. This knowledge is gained through describing, explaining and validation of research findings which is according to The Association for Educational Communications and Technology (AECT) (2001). Descriptive research design is applauded for having the ability to be utilised by both qualitative and quantitative research approaches. Therefore, it is understandable that this design is able to yield thick description to the phenomena as well as able to offer a statistical comparison to the research findings. Descriptive design is then able to afford the researcher to make appropriate recommendations to the study findings. Just like any other research design, descriptive design has been critiqued by other researchers claiming that it is being less pure compared to experimental and either qualitative or quantitative research design and therefore prefer to use the single designs than the combined method Kabir (2016).

Due to utilization of the mixed methodology in the study, the researcher thought it was important to select a mixed method specific research design to complement with the descriptive method. The *triangulation* mixed method design does not only compliment mixed methods but also the use of both qualitative and quantitative research approaches which is the case for descriptive method. The purpose of triangulation is mainly to acquire validation of outcomes through merging of different perceptions. The point where different perspectives merge represents the reality about the study. Similarly to descriptive design, De Vos et al (2011:442) define triangulation as a one- phase design in which the researcher uses both qualitative and quantitative methods during the same time frame and with equal weight to best understand the phenomenon of interest.” The advantage in using this design is that instead of focusing on identifying the strength and weakness of the other method to disqualify or critique, it actually uses this as an advantage to build on the strength of either approach to ensure the study produces more of what is needed to be learned in the study. The design is based on the same principles and assumptions as descriptive design.

Even though the research is conducted simultaneously, the researcher is required to do a separate data collection and analysis to compare and contrast results and identify similarities or differences in findings. In an attempt to give a clear explanation of what triangulation means, Ivankova (2007) specifies that “triangulations comes from the same term used in surveying and in ship navigation when *multiple measurements* are used to provide the best estimate of the location at a specific point. Triangulation just as descriptive design is applauded for being a time effective approach to design with the capacity to yield more knowledge and research findings. According to Creswell et al (2007) triangulation design is not free from critiques. It is criticized to waste time because it requires researcher to do a separate data analysis and also leaves a question about what to be done if the research indicates differences or contradictions in the results.

The interest and choice of the researcher to choose these research designs was mainly influenced by the fact that both designs are time effective and places emphasis on the equal weight for both qualitative and quantitative research yet have an ability to yield both thick description and statistical knowledge. Due to the limited time the researcher has to conduct the study as well as limited population, the researcher required an efficient strategy to make up for the gaps and more knowledge on the subject of research. It is also influence by the view of Teddlie and Tashakkori (2009:164) that in selecting mixed method design the researcher needs to be “flexibly and creative because no one best design exist for a research project.”

#### **4.5 TIME HORIZON**

Time horizon in research is the emphasises of the importance of time and effective time utilisation to meet the identified time frames as well as utilisation of resources to achieve the aim of the study (De Vos et al, 2011). The researcher has limited time to conduct and complete the study. The study is a mini-thesis and with the new methods to learning time is very pressing. The due date for the completed thesis is during the month of August, meaning the researcher is left with one month to complete writing all the chapters and be corrected within the time frame.

## 4.6 POPULATION

### 4.6.1 Target Population

A population refers to any collection of specified group of human beings or of non-human entities such as objects, educational institutions, time units, and geographical areas, prices of wheat or salaries drawn by individuals. According to Louw and Edwards (2004) it is the researcher's responsibility to decide who should participate in the study.

### 4.6.2 Sampling Population

In order for any researcher to learn and understand anything about human behaviour, they need to study them. Select a number or few people that better represents the research problem (Kerlinger & Lee, 2000). Sampling is defined by Spicer (2006:69) as the technique of selecting a certain number of subjects from the whole research population. Polit and Beck (2004) concurs with Spicer and refers to sampling as process of selecting a portion of the population that conforms to a designated set of specifications to be studied. Jawale (2012) refers to sampling as an important tool of data collecting in the legal research. According to De Vos et al (2011:223) a sample is a subset of the population considered for actual inclusion. Sample is studied in an effort to understand the population from which it was drawn. It is done for gaining feasibility about the study because according to Babbie (2003) reaching every person of the population is never realistic.

De Vos et al (2011) and Creswell (2003) argue that even though sampling is possible for both qualitative and quantitative approach, there are always differences on how it is done. Quantitative follows the already explained sequence however, in qualitative sampling is regarded as not necessary when researchers use observation studies because the researcher almost want to observe everybody in the field of study. When conducting interviews the sampling is done on a rather flexibly method as compared to quantitative approach. The size of the sample is based on the researcher's discretion depending on what the researcher want to study.

### 4.6.3 Purposive Sampling

The researcher adopted a non- probability *purposive sampling* in choosing participants and Swartz et al (2008) defined purposive sampling as the type of sampling where researchers use their judgement about who to choose and select those who best meet the purpose of the study.

According to Richey and Klein (2007) the goal of purposive sampling is to select cases that have the potential to produce rich data to develop an understanding of the situation under investigation. Creswell (2003:185) understands purposive sampling to be the selection of locations or participants that will best help the researcher understand the problem and the research question and ethically, participants have to give permission and be willing to share their life experiences. Purposive sampling was used based on the judgement of the researcher and participants were selected based on their ability to answer the questions of the research as well as their experiences in being clients in the agency.

Selection of sampling also requires the researcher to select criteria of how the best sample will be selected. Sampling population has to share characteristics and behaviours that mostly describe the research question to be able to produce required data

#### **Characteristics of research participants**

- Research participants are selected because they are residents of Khayelitsha which is the community of research
- They are the caregivers of children whose birth was never registered with the Department of Home Affairs.
- They all have been selected based on the need for the child to receive a birth certificate
- Form part of the data of children in need of care at the Department of Social Development.

#### **4.7 DATA COLLECTION PROCESS**

According to Kabir (2016) the prerequisite in data collection is that the researcher makes the correct decision in selecting the appropriate method to better fit the research question. Production of quality and appropriate data depends on the choice of data collection method by the researcher. Objectives of the study are the driving force behind the data collection process and collection of data can take any form being it primary or secondary.

##### **4.7.1 Measuring Instrument**

Zohrabi (2013) refers to measuring instruments as the tool of data collection in research. Babbie (2003) agrees and further states that it is also used to measure, and analyse data related to your research interests. Zohrabi further states that in mixed method design,

measuring instrument tends to combine the mixed open ended and close ended interviews, questionnaires and observations. The research instrument must be rooted in a framework, be valid and reliable, be free from bias and be testable De Vos et al (2011). According to Yegidis and Weinbach (1996) measurement instrument require to be tested prior being utilised in the study to identify errors. For any study to stand feasibility there is a need to follow the same process to be followed by the study in order to be able to see the real errors.

#### **4.7.2 Interviews**

The researcher is going to use the one on one type of individual interviews in the study. These types of interviews are defined by de Vos et al (2011:342) as “attempts to understand the world from the participant’s point of view to unfold the meaning of people’s experiences, to uncover their lived world prior to scientific explanations.” Henning et al (2004) define research interviews as all of which assume that the individual’s perspective is an important part of the fabric of society and of our joint knowledge of social processes and of human condition. Burns (1999) refers to interviews as the second main type of data to be collected in the mixed method design. He argues that interviews are the most utilised data collection instruments extensively used by researchers using the mixed method approach. Merriam (1998:71) argues that, to this end, the researcher wants to get first-hand information directly from some knowledgeable informants. The inquirer intends “to obtain a special kind of information and investigates for himself/herself what is going on in the respondents.” Flick (2006) adds that the aim of interview is to share knowledge in a way that can be expressed in the form of answers and so become accessible to interpretation. According to Louw and Edwards (2004:37) “qualitative researchers often use only a small number of participants who are specially chosen because of their ability to describe a particular experience clearly and in detail. In this study, the care givers of children whose birth are not registered in Khayelitsha forms the group of participants defined by Louw and Edwards.

De Vos et al (2011) warn researchers using interviews that they should be competent in interviewing skills and avoid interviewer falsification which is the intention of the researcher to departure from the instructions of the interview as this will contaminate the data. According to Henning et al (2004) good qualitative researcher always strikes the balance between the researcher’s voice and that of the participant. Effective interviewing involves the ability of the researcher to let the participant to do the 90 percent of the talking, ask unambiguous questions as well as ability to let the interview shine than the interviewer.

These skills include probing, paraphrasing, eye contact nonverbal communication skills such as nodding.

The important issue in any interview encounter is the type of the questions that are asked. The interviewer can prepare questions according to the focus of the study. In order to obtain more relevant data from the interviewee, the researcher ought to ask good questions. To this end, Flick (2006) recommends that language is a critical aspect to obtaining substantive data therefore researchers must consider the use of language that research participants know and understand. The use of unfamiliar or unknown language limits the capacity of the participant to vocally express feelings and experiences thus limiting the smooth communication and quality of data. In adverse, language can create misunderstandings and affect the ethics and procedures of the study.

In this study, the researcher will use the *semi structured interviews* which are defined by de Vos et al (2011) as those interviews that are organised around areas of particular interest and allows flexibility. Semi structured interviews ensures that certain areas of questioning are covered but have no fixed sequences of questions therefore allows the researcher the freedom to probe and ask more questions during the interview. Zohrabi (2013) clearly, the most preferred type of interview is the semi-structured interview guide approach. This type of interview is flexible and allows the interviewee to provide more information than the other ones. This form of interview is neither too rigid nor too open. It is a moderate form in which a great amount of data can be elicited from the interviewee. According to Hagemeyer (2006) the semi structured interviews ensure that certain areas of questioning are covered but have no fixed sequences of questions therefore allows the researcher the freedom to probe and ask more questions during the interview. The researcher also has the opportunity to observe and study the reactions of the participants.

The researcher is going to conduct interviews with 15-20 caregivers of the children who were not registered with the Department of Home Affairs. The aim is to discover through their explanations, the reasons why the children were not registered at birth or at the first year of birth as stipulated by Home Affairs. The researcher needs to find out how has this impacted (especially their education) on the life of the child as well as that of the family. Also to check if there are any obstacles hindering the process as well as to find if any help can be provided

to ensure that these children are after the study assisted to get registered and be able to continue with their lives as other children.

#### 4.7.3 Validity and Reliability of the Measuring Instrument

Bannigan and Watson (2009) define reliability and validity as research techniques used to evaluate the truthfulness of measurement instruments. Blumberg (2005) defines validity as the degree to which an instrument measures what it asserts to measure. While Robson (2011) views validity as a research instrument that measures the amount to which the instrument measures what it is intended to measure in the first place and how trustworthy the results are. According to Oliver (2010) validity of research is an extent at which requirements of scientific research method have been followed during the process of generating research findings. Validity is regarded as an essential prerequisite in research. According to Haradhan (2017) validity as a measuring instrument serves different purposes for qualitative and quantitative research. Thatcher (2010) and Creswell (2014) are in agreement that, in quantitative research validity is the degree to which any measuring instrument measures what it is was aimed to measure while, in qualitative research it refers to those particular techniques that the researcher utilises to measure the truthfulness in research results. Messick (1989) understands validity to be a hypothesis for which evidence is collected in support of proposed inferences.

Validity explains how well the collected data covers the actual area of investigation. Validity measurement is divided into different types of validity based on the purpose of study and expected results thereof. For the purpose of this study, the researcher choose **convergent validity** which according to Taherdoost (2016) is a parameter often used in sociology, psychology, and other behavioural sciences, refers to the degree to which two measures of constructs that theoretically should be related, are in fact related. The purposes of convergent validity tests that constructs that are expected to be related are, in fact, related. The choice to select convergent purpose is based on the fact that, the researcher is conducting a study rooted in human behaviour and in the end the same study is expected to confirm the hypothesis of the study that, unregistered birth has an impact on children's right to education and accessing other basic services.

Blumberg (2005) defines **reliability** as a dimension that provides reliable results with corresponding values. Its purpose is to measure consistency, precision, repeatability, and



trustworthiness of a research. According to Feldt and Brennan (1989) reliability demonstrates the level of bias and check for errors hence insures stable measurement cross time and across the several items in the instruments. Some qualitative researchers use the term ‘dependability’ instead of reliability. Reliability indicates that the observed score of a measure reflects the true score of that measure. Creswell (2014) describes reliability as a necessary, but not sufficient component of validity. In quantitative research, reliability refers to the consistency, stability and repeatability of results, that is, the result of a researcher is considered reliable if consistent results have been obtained in identical situations but different circumstances. Huck (2007) argues that, testing for reliability is important as it refers to the consistency across the parts of a measuring instrument. Reliability is reported by Taherdoost (2016) to be measured based on 4 phases, excellent, high, moderate and low reliability. This illustrates the level to which then, the reliability is reported per study.

Due to the nature of the study that the researcher is conducting (time and population limited) the researcher decided to utilise the mixed method with qualitative as primary, focusing on gathering in depth data through interviews and use quantitative as secondary data. The researcher is therefore going to utilise existing data sets as well as statistics (DHS, Stats SA etc.) published about the numbers and measuring the problem. This method is going to benefit the researcher in measuring reliability as well as confirming the hypothesis of the study because the population is very small to generalise the results.

#### **4.8 PILOT STUDY**

According to Brink (1996:60) a pilot study is a small-scale version, or trial run, of the major study. The purpose of the trial run is to obtain information for improving the project or assessing its feasibility. Barker (2003:327) defines pilot study “as a procedure for testing and validating an instrument by administering it to a small group of participants from the intended test population.” According to De Vos et al (2011:241) the purpose of the pilot study is to improve the success and effectiveness of the investigation. It is critical for refining the expression, organisation, design, scrutinizing and trimming the structure of the interview or questionnaire. It is essential that the researcher test the feasibility of the study by conducting a trial of data collection through the identified method for possibly errors. The pilot study will afford the researcher to conduct test interviews which will be off essential benefit as Babbie (2001) indicates that no matter how carefully, a data collection is designed, there is always a

possibility for error. In this study, the researcher will use 3-5 interviews as the pilot study to identify errors and possible editing of questions if the need arise. This will be much valuable as the study conducted is time limited and researcher will be much likely unable to fix the errors during the real study process.

#### **4.9 TYPES OF DATA SOURCES**

In this study, the researcher will be collecting data through one on one interview with the research population. The researcher will be using semi-structured interviews to allow flexibility and allowance to probe and gather more data. This is relevant because the researcher is using the qualitative approach in the other aspect of the study.

The researcher will investigate data from existing surveys such as the Demographic Health Surveys (DHS), Statistics South Africa and other databases (data sets) that have already been conducted. Through quantitative method, the researcher will be able to acquire supportive data to support the qualitative data.

#### **4.10 ETHICAL CONSIDERATION**

Anyone that has conducted research in the field of social science will understand how and why ethics formulate the fundamental aspect in research and failure to adhere to this requirement has dire consequences in this field more than any other field of research. Ethics in the field of research have been overlooked in the past. According to De Vos et al (2011) ethics in social science are persistent and very complicated because this approach works with human beings. Human beings are not only subjects of the study but are people with feelings and prone to experiencing trauma if exposed to unethical practices. Thus researchers are ethically obligated to be competent, honest and sufficiently capable to assume the planned investigations. They need to be sensitive and have empathetic understanding towards people's experiences. Yates (2004) indicates that authors in the research field don't normally reach consensus about what they consider to be appropriate or inappropriate. **Informed consent** is one of the fundamental ethical requirements to be considered in social science research. According to Hepworth and Larsen (2006) informed consent requires researchers to fully inform their participants about the process of research and how it will affect them, the risks and the benefits of taking part as well as their right to refuse to participation. Informed consent in research is grounded on the assumption that any human participating in research

*autonomous* has the ability to make informed decision of what can and cannot happen to them. According to Babbie (2007) human beings are only able to make these decisions if they are in the first place made aware of the purpose, the aims and what information is required of them and what in the end is going to be done with the information. Hakim (2000) sees written informed consent as an indispensable component to research rather than an extravagant impediment. Written informed consent should be inclusive of all the necessary information in black and white. Thus

Neuman (2003) and Babbie (2001) believe that it should be a personal choice to be part or not part of research. Nobody should feel forced or even deceived to be part of any study as this is purely unethical. This process is regarded as *voluntary participation* in research terms. However, De Vos et al (2011) argue that giving research participants this freedom might be costly at times, as participants tend to change their behaviour when aware of being investigated. Some investigations require observations of people's behaviour in a certain social settings thus participants cannot be informed. Bryman (2000) does not support this notion and clearly state that any study conducted without gaining informed consent from participants is infringing the participant's right to autonomy and thus it should not be considered. If in any form the researcher was not being honest or did not gain informed consent, then research might cause more *harm* than good for the research participants. Babbie (2007) states that, the ultimate rule in social science is that research should at all cost avoid harming participants. Harm can take different forms in research including physical or emotional. As De Vos et al (2011:115) stipulates that "everything we do in life can possibly harm someone and therefore researchers should weigh the risks against the importance and possible benefits of the specific research project." Thus researchers have ethical obligation to protect research participants or what Grinnell and Unrau (2008) describe as beneficence, referring to the obligation that researchers have to maximise possible benefits while minimising harm. It is therefore of paramount importance that researchers inform participants of any potential harm in the study. At the time when research is conducted, participants should be legally and psychologically fit to allow them the opportunity to decide if they want to proceed or withdraw from the study. According to De Vos et al (2011) the harm can be fatal not only for participants but also for their immediate families. However, Ritchie and Lewis (2003) argue that harm in research should not be looked at from a single perspective. Researchers are also disposed to risks when conducting research especially those trying to get

information in strange and unknown fields. For them, negotiating for entry can be a fatal exercise.

The other important aspect in ethical research is the concept of *power*. According to De Vos et al, power in research refers to the tendency of researchers to present themselves as superior towards research participants and therefore influence the outcomes of research. Ethical considerations include respecting the rights of research participants to *privacy*, according to De Vos et al (2011) refers to the right to privacy as an individual right to decide about what part of their lives they want to remain private and what they want to share with who and at what time. Researchers at times tend to overlook the importance of this ethical obligation and infringe on people's rights by sharing private information or even exposing identities of their research participants without their consent. According to Babbie (2001) there is a great link between privacy and *confidentiality* even though they differ in practice. The concept of confidentiality is viewed by De Vos et al (2011:119) as "continuation of privacy, which refers to agreement between persons that limit other's access to private information." They further state that researchers follow this principle to uphold the right of the client to self-determination as well as their obligation to safeguard participant's information.

Confidentiality is all about who should have and who should not have access to the information shared by the research participant thus according to Robinson (1991) the information is considered to be privileged. In the process of research, some participants prefer to remain *anonymous* due to different reasons. Remaining anonymous is a choice that some participants prefer to make to ensure that the researcher and anyone else involved in the study are unable to identify or even link the findings to the person. Another fundamental aspect of ethical consideration is the issue of debriefing. Babbie (2001) and De Vos et al (2011) argue that because social science research is investigating people's lives, feelings and experiences. It is essential that researchers are able to provide support and care afterwards. Participating in research provokes feelings and often requires participants to re-live past experiences that might have been traumatic or emotional. Therefore it is important that researchers provide participants with the opportunity and space to share their feelings and even clear uncertainties especially about what will happen to their information. In this case, researchers are able to identify participants that might need intense trauma counselling or even be able to refer some to other service providers to ensure their challenges are addressed. The aim of collecting information is never to hurt or harm but to learn and build knowledge.

According to De Vos et al (2011) because research is a mutual learning experience, debriefing sessions provide the best platform to conclude the learning process. Any researcher is obligated to ask permission to conduct research being it with individual, an organisations or government department. The researcher obtained permission to conduct the study from the Department of Social Development in Khayelitsha.

The outlined ethical considerations were considered and adhered to by the researcher and the ethics board have approved applications to proceed with the studies.

#### **4.11 DATA ANALYSIS PROCEDURE**

According to Henning, van Rensburg and Smit (2004:101) “data analysis is a process that requires analytical craftsmanship and the ability to capture understanding of the data in writing.” Marshall and Rossman (2006:161) describe data analysis as a technique for the researcher to make written notes reflecting thoughts and important insights that moves the analysis from mundane and obvious to creative data. After completing the interviews the researcher had the responsibility to analyse the data that was obtained in the process of research. Data analysis in interviews involves transcribing recorded information as well as what Marshall and Rossman (2006:161) call another technique of data analysis where the researcher make written notes reflecting thoughts and important insights that moves the analysis from mundane and obvious to creative. In conducting data analysis the researcher followed the eight steps of Tesch in Creswell (2003: 1992). In quantitative approach, data analysis is defined by Rubin and Babbie (2005:552) as “the techniques through which researcher’s translate data to a numerical form and subject it to statistical analysis. Therefore, the purpose of data analysis is to reduce data into an intelligible and interpretable form so that the relations of research problems can be studied and tested.”

According to Tesch the researcher should get a sense of the whole by reading through all the transcriptions carefully. Jot down some ideas as they come to mind. De Vos et al (2011) argue that any researcher in qualitative approach should always be aware that changes are possible at any stage of the study.

### **The steps to data analysis**

- The researcher must select one interview. Go through it asking “what is this about?” think about the underlying meaning in information. Do not think about the substance of the information. Write thoughts that arise in the margin
- When this task is completed for several respondents make a list of all topics. Cluster similar topics together. Form topics into columns arranged into major topics, unique topics and leftovers.
- Take the list and return to the data. Abbreviate topics as codes or use different highlighters for the topics. Write codes next to the appropriate segments of the text. Try out this preliminary organising scheme to see whether new categories and codes emerge.
- Find the most descriptive wording for your topics and turn them into categories. Look to reduce your list of categories by grouping together topics that relate to each other. Draw a line between the categories to show inter – relationships.
- Make a final decision on the abbreviation for each category in one place and perform a preliminary analysis. De Vos et al (2011) speak of developing themes and codes to reduce data
- Assemble data material belonging to each category in one place and perform a preliminary analysis and
- Recode your existing data if necessary and critically assess the significance of the words used by the research participants.

(Extracted from Creswell., 2003 & De Vos et al., 2011).

The researcher will follow these steps as a guideline to analysing the data after the interviews have been completed.

### **4.12 DATA VERIFICATION PROCESS**

According to Swartz et al (2008) there are many different perspectives on how to make sure that qualitative data is trustworthy and rigorous. The researcher used Guba’s model to ensure that data is trustworthy of qualitative research. Guba (in Krefting, 1991) identified four aspects of measuring trustworthiness when conducting qualitative research. These four aspects are vital to researchers in designing ways of increasing consistency of their

qualitative studies and also for readers to use as a means of assessing the value of the findings of qualitative research.

- ***Truth value***

This is the most important criteria in assessing qualitative data and according to Guba (in Krefting, 1991) it is used to measure the confidence of the researcher about the truth in the research findings. Qualitative researchers assess the truth in findings by measuring how the threats or limits to the study have been managed. The truth in qualitative research is always subjective to the participant's experiences as it is obtained in the participants words. Sandelowski (cited in Krefting, 1991:216) "suggested that a qualitative study is credible when it presents such accurate descriptions or interpretation of human experience that people who also share that experience would immediately recognize the descriptions." In conducting the study the researcher believed that the client was the only person who can tell the experiences in the welfare organisations and used exactly the person's words to explain client experiences.

- ***Applicability***

Sandelowski (in Krefting 1991) is not very fond of the term applicability in qualitative research and believes that it is an illusion as qualitative researchers don't look for validity in their studies. He further stipulates that in qualitative research the strength is on its ability to conduct research in its natural setting without controlling any variables. Qualitative research does not aim to generalise any findings hence its findings is subject to the participant's experience of the world not that of the researcher. Lincoln and Guba (1981:216) "argued that as long as the original researcher presents sufficient descriptive data to allow comparison, he or she has addressed the problem of applicability." The interview was conducted in the premises of the welfare organisation representing the natural setting of where experiences happened. The data collected from the client represented his or her own experiences of service delivery as the client was not controlled during the research process.

- ***Consistency***

Following applicability is the issue of consistency in trustworthiness which according to Guba's model challenges the consistency of the research finding if the research were to be repeated with the same participants in the same setting. According to Guba (in Krefting, 1991) this is not the aim of qualitative researcher as research does not look at comparison but

takes into consideration of the uniqueness of the individual's experiences, the context and the time the research was conducted. A change in any of these factors will definitely impose change in the results of the research conducted with the same participants as well as setting. In qualitative research participants are there to learn from not to be controlled or manipulated by the researcher. The fact that qualitative research looks at range of experiences rather than average makes consistency a dependability factor. It depends on experiences and situation of the individual. During the interviews with clients the focus was on the uniqueness of each individual and uniqueness in the way they have experienced the services rendered to that specific individual because experiences of people will not be the same.

- ***Neutrality***

Neutrality means the freedom from bias in the research process and findings. According to this term the research findings depend entirely to the research participant and the belief that researcher should maintain distance from the participant. Lincoln and Guba (in Krefting 1991) are against this belief and state that in qualitative research, the researcher becomes part of the research and there is no distance between participant and the researcher. They emphasise that in qualitative research neutrality should not focus on the researcher but should be on the data. As the study was a qualitative research the researcher was not able to distance herself from the experiences of the client and the fact that the researcher has her own experiences of service delivery in welfare organisation was not let to influence the client's experience instead participants were listened to and given the chance to share their own experiences. The researcher used these four principles as the technique to measure trustworthiness of the research findings.

In this context, the researcher focused on the qualitative approach because it's the only approach that will be conducted as the primary data source. The quantitative data will be utilised as secondary data, meaning are the research findings that have already been examine and confirmed to stand verification process.

#### **4.13 CONCLUSIONS**

The chapter outlined the research process as what it means to the field of research as well as how it is going to be applied in the concerned study. The researcher has outlined the procedures and techniques that are going to be utilised in the study following the identified theory frameworks and guidelines. In this chapter, the researcher indicated that she will be



taking on a mixed method research and illustrated therefore, the reasons that motivated the choice. The research designs, processes of data analysis as well as the ethical considerations were outlined providing a picture of how the researcher will progress in the study.



## CHAPTER 5: DATA ANALYSIS

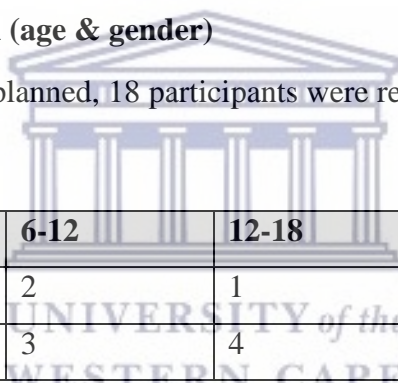
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### 5.1 INTRODUCTION

This chapter illustrates the presentation of data analysis following the interviews that were conducted as the strategy to collect data that will be utilised to dispute or support the research hypothesis in the following chapter. Graphs and tables will be utilised to demonstrate views of the research participants in response to research questions. The chapter will be presented per question to highlight the extent through which research participant's responses can be utilised to support or reject the research hypothesis formulated and answer the research question which is the impact of unregistered births of children in South Africa and how their rights to essential services and basic education are affected. Represented in this chapter are the views of 18 participants that participated in the research study.

### 5.2 Demographic presentation (age & gender)

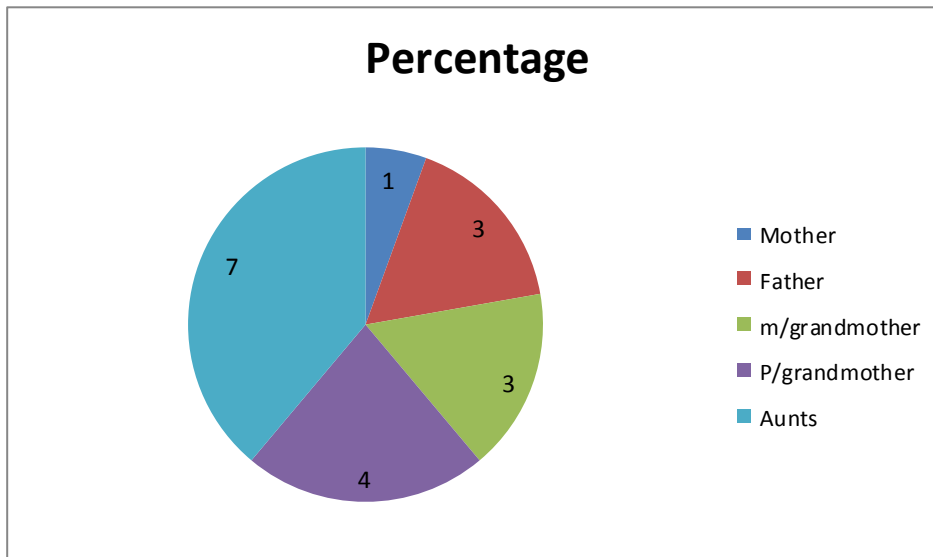
Out of 20 interviews that were planned, 18 participants were reached and 2 participants could not be allocated.



Gender	0-6 years	6-12	12-18	Total
Female	5	2	1	8
Male	3	3	4	10

**Figure 1** illustrates the ages and the gender of the children who don't have birth certificate in the care of the 18 care givers that the researcher interviewed for the study.

### 5.3: How are you related to the child (ren) e.g. mother, grandmother or.....?



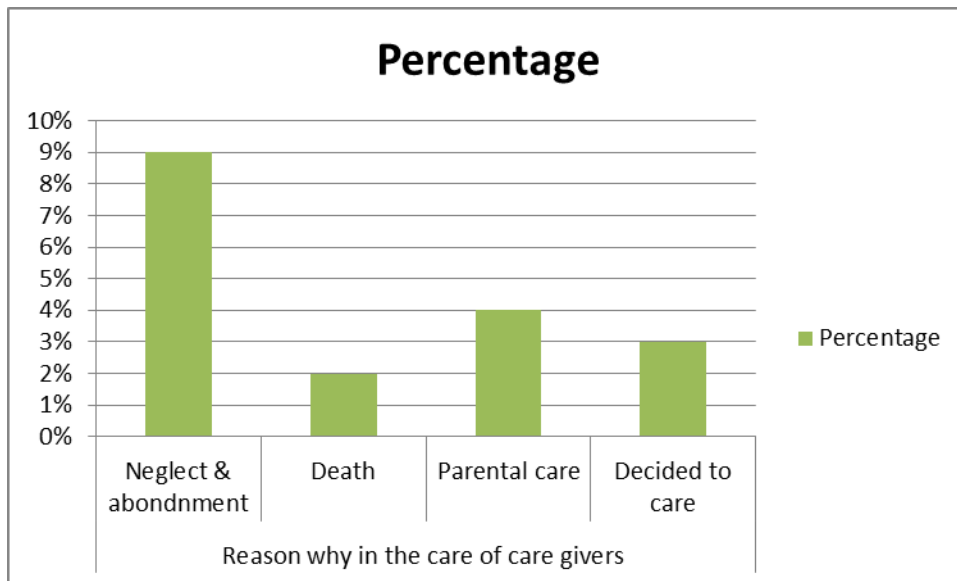
**Figure 2:** Gives an indication of how care givers are related to the children they are providing care for. The majority of 7 = (40%) children are in the care of their aunts from both the paternal and maternal families, 4 = (25%) children in the care of paternal grandmothers, while the fathers and maternal grandmothers are caring for 3 = (30%) children consecutively while 1 = (5%) child is in the care of the biological mother. Despite these findings that the majority of children without birth certificates are not cared for by their own biological parents but they seem to be growing up in the hands of their blood relatives. Care givers indicated that the death of mothers; neglect and abandonment are the main reasons why they are providing care and parental responsibilities for the children.

### 5.4 If not a mother, why are you caring for the child (ren)?

**5.4.1** *is the mother of the child alive or passed on?*

**5.4.2** *If alive, do you know her whereabouts and are you able to communicate with her?*

**5.4.3** *If passed on, was her death registered with Home Affairs (have a death certificate)?*



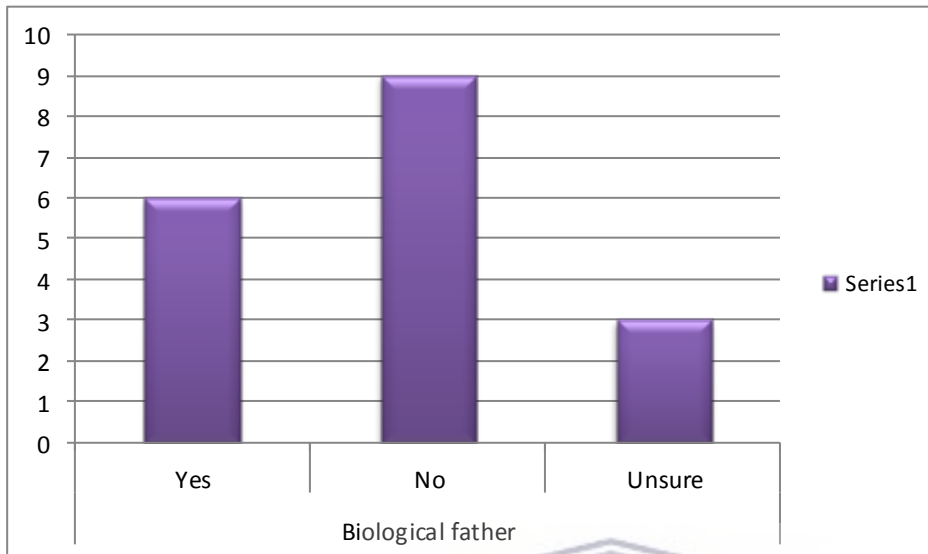
**Figure 3:** Demonstrates some of the reasons that led to the children who don't have birth certificates to be cared for by the care givers. Out of 18 care givers, 9 = (50%) reported that children were neglected or abandoned by their biological mothers, 4 = (25%) children are in the care of their biological parents, 3 (15%) of the children are in the care of their care givers because care givers decided to care for them because they felt they can provide better care for the children. Their reasons ranged from the mother being too young to care for the child or the child being at risk because the mother was using substances while 2 (10%) is in the care of care givers because their mothers passed away.

In cases where children were neglected or abandoned, care givers expressed that they don't know the whereabouts of the biological mothers while fathers are unknown or not interested in the wellbeing of the children. Two mothers were reported to have been of foreign countries, the one from Lesotho and the other from Swaziland. The care giver indicated that one did not have the legal permit to be in the country and when she left, she told her that she was going back home to sort out the permit and will be back as soon as that is sorted. This was also her reason for leaving the child behind. She used to contact the family but after she later stopped and they could not get hold of her. The number that she used to call them from was no longer working. The other one told the care giver that she was going to attend a funeral of a relative and she never came back. When care givers of the neglected and abandoned children were asked about when was the last time they saw or even communicated with biological mothers, the common response was few days after she left the child or some stated that they have never communicated with them at all.

The oldest child to be abandoned is 15 years in this year and according to the care giver the mother left her when she was only 6 months old. She only communicated with the care giver in the first year and after that she has never heard from her. The care giver further indicated that she even doubt if the mother is still alive. When the researcher asked the question of why the children were not registered with the Department of Home Affairs, one of the care givers responded that she has tried several times to register the child but unfortunately she has not been successful. She indicated that the birth of the biological mother of the child was never registered. She passed away unregistered and this is what is making it difficult for the child to be registered because Home Affairs requires proof that the child is who they claim to be. Some care givers expressed that the children are not registered because they as care givers have no access to the identity document of the mother despite them knowing that the mother has it in her position. The mother's whereabouts are unknown or simple because the mother does not want to do a reprint of the document in cases where the document went missing. Care givers don't know the identity numbers of the mother and thus unable to access their details at Home Affairs. In the findings, it was interesting to find out that children who are in the care of their own biological parents are also affected by the problem of not having birth certificates. One of the care givers stated that her problem for not being able to register her child begins with her own mother. She reported that her mother was issued with 2 different identity numbers at Home Affairs and unfortunately she passed away before the problem was addressed. She is now struggling because her name appears under a different identity number compared to the one in her mother's death certificate. Thus, she is now unable to register her own child's birth and all she is getting from Home Affairs is the same response that the matter is being investigated.

## 5.5 Do you know the biological father of the child (ren)

### 5.5.1 If yes, how often do you see him or communicate with you or the child?

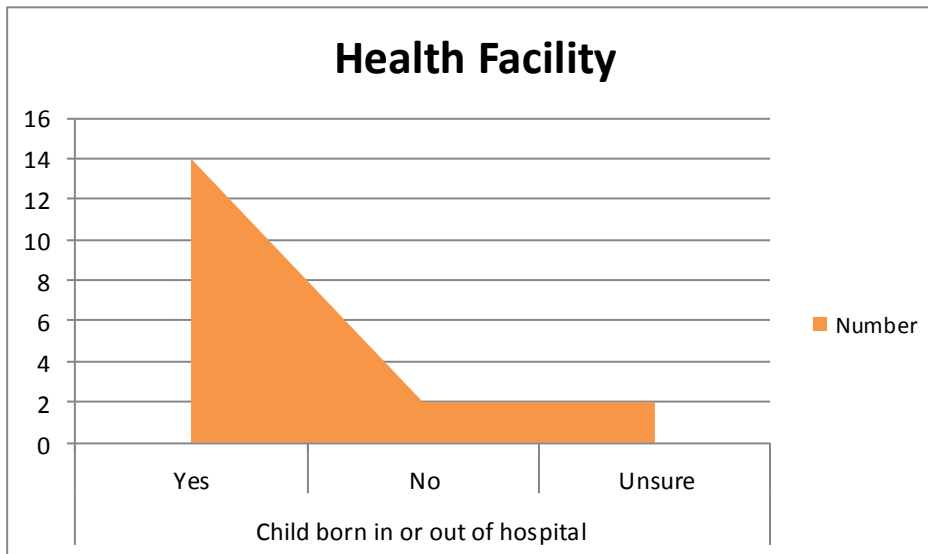


**Figure 4:** illustrates how the care givers responded to the question 5.5. Out of the 18 participants that the researcher interviewed 9 = (50%) reported to do not know the father of the child they are caring for, 6 = (35%) reported to know the father and the 6 is inclusive of the fathers that are caring for their own children while the other 3 = (15%) indicated to be unsure because they have heard from someone other than the mother and the said father has never taken the time to come forward or even taken the responsibility to care for the child. In cases where the father is known, they have been reported to have less or no role at all in the process to apply for the birth certificate of their children with the exception to the fathers that are care givers.

## 5.6 How long have you been caring for the child?

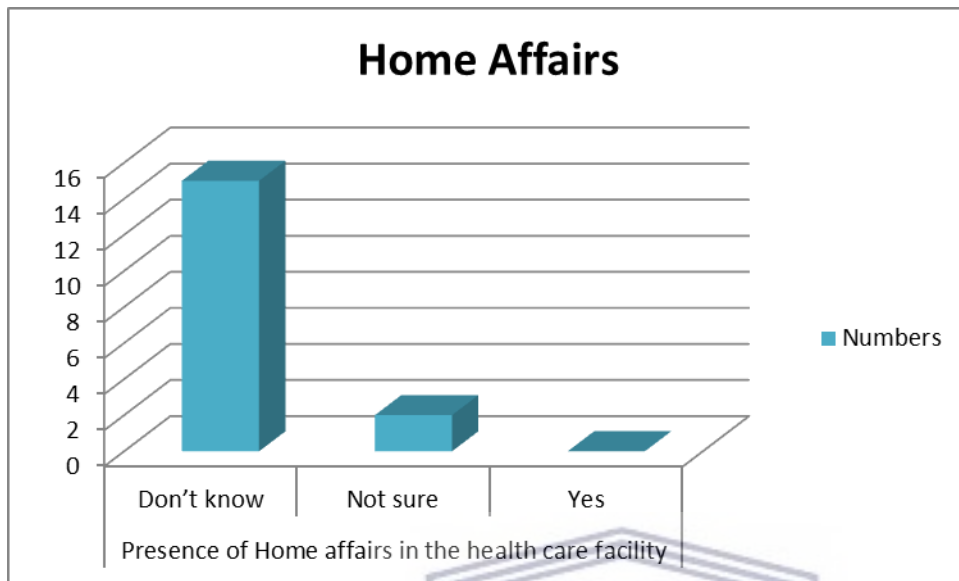
The care givers indicated different times in the children's lives that they started to care for, with the longest being from 2 weeks, a month and a year old. The findings indicate that, the majority of these children have been raised by their care givers and their care givers might be the only parent known to them. One of the care givers further indicated how she took the child for the first immunisation and attended to all the medical and basic needs of the child.

### 5.7 Do you know if the children were born in a health care facility (hospital)?



**Figure 5:** the above graph is an illustration of the research findings with regard to the knowledge of the care givers about where the children they are caring for were born. Majority of 14 = (80%) of the care givers confirmed to have knowledge that the children were born within a health facility. During the interview, some caregivers also shared the names of the hospitals or clinics where the children were born and some even confirmed to have accompanied or have visited the mother while in hospital. The health facilities that were reported were the Khayelitsha local day hospitals, Nonkqubela, Nolungile and Michael Mapongwana day hospitals and the main hospitals such as Khayelitsha District and Tygerberg hospitals. The 2 = (10%) care givers reported that they don't know if the children were born in a health facility. Care givers reported to have not received anything that confirms where the child was born (e.g. clinic card or road to health card). Some care givers indicated to only have the clinic cards that were issued to them while taking the children to the clinic because they were sick. The one care giver indicated to have received clinic card for the child because he had to go and make a duplicate because fortunately, he knew the health facility where his child was born. He also shared how he struggled to get the clinic card and was requested to provide sworn affidavit from South African Police Services to be assisted.

**5.8 Do you have any knowledge if there was a Home affairs office/official in the hospital or if an official made contact with the mother with regard the birth registration of the child?**



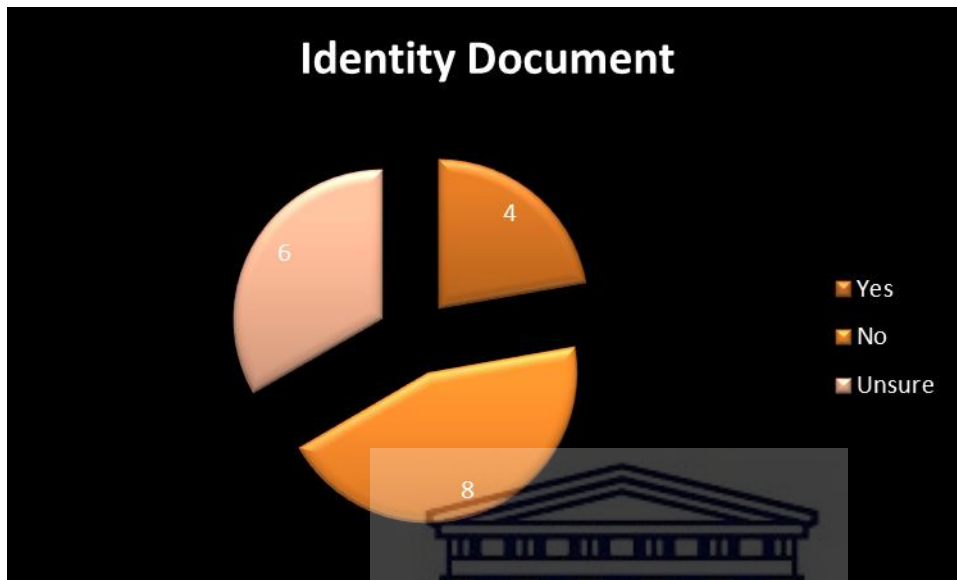
**Figure 6:** the above figure demonstrate the findings of research regarding the knowledge of care givers about the presence of Home Affairs in the health care where the child was born. The 15 = (80%) of the care givers indicated to have no knowledge about the presence of the Home Affairs office. During the interviews, some of the care givers gave the researcher the impression that they were not aware that there supposed to be a Home Affairs official in a health care facility where maternity services are rendered. The 2 = (20%) care givers reported to be unsure and none of the participants reported to have knowledge about this service. Less or no knowledge about this service might be accounted to the fact that the majority of the care givers are not the biological mothers of the children therefore were not in the hospital during the labour of the child. The findings will be revisited during the discussion chapter.



## 5.9 Does the mother of the child have a birth certificate or Identity Document?

5.9.1 *If yes, do you have it in your possession or have access to the document?*

5.9.2 *If No, do you know why the mother was not registered?*



**Figure 7:** the above figure illustrates how the care givers responded or the knowledge they have about the birth registration of the biological mothers of the children they are caring for. Of the 18 care givers that were interviewed, 8 indicated that they have knowledge that the biological mothers of the children they care for don't have identity documents, 6 reported to be unsure while 4 indicated that they know that they know that their birth were registered with the Department of Home Affairs. Some of the reasons that were shared by the care givers as to why the biological mothers of the children didn't have the identity documents include that some biological mothers left the children before they themselves were registered, some are illegal foreigners and one care giver indicated that the mother of the child she is looking after is deeply involved in abusing substances and as the family they are unable to trace her whereabouts.

The last time they saw her she agreed to go with family members to the Department of Home Affairs but she disappeared while waiting in the que for the application and they are until today unable to trace her. The only indication they have that she is still alive is because people do see her and she runs away from anybody that she recognises.

Those care givers that reported to have knowledge that biological mothers have identity documents indicated that they don't have access to the document. Some mothers are reported to have left with the document and their whereabouts are unknown. The other care giver stated that he requested the mother to give him the document or assist to register the child but the last time he spoke with the mother, she promised to come to where the child is and assist with birth registration but she has never fulfilled that promise. The care giver does not have communication with her as she no longer resides in the address that she use to and the phone that he used to call her from is no longer on service. The efforts to get the document through family relatives were not successful either as they don't have contact with her. She is reported to call when she wants to and after that would not be reached in the phone and refuses to tell them of where she is residing currently.

### 5.10 Have you applied for the birth certificate of the child?

#### 5.10.1 If yes, where and what were the outcome?



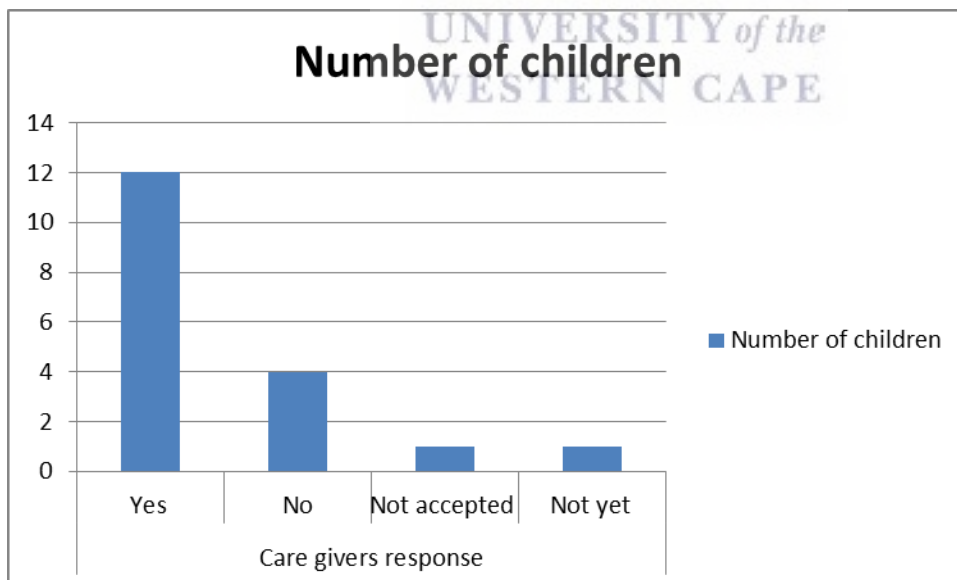
**Figure 8:** is an indication of the responses of the care givers to question 5. 10 and 5.10.1 above. All of the 18 (100%) care givers reported to have applied for the birth certificate of the child and mostly have reported to have attempted more than once. The other care givers have shared that they have tried to apply for the child's birth certificate in other provinces as well. Researcher requested them to share their reasons why they would do that, care givers indicated that because they needed a birth certificate for the child and they also have hoped that outcomes will be different from what they have been told in the Western Cape. One

father indicated that he was referred to do a DNA or paternity test to prove that he is the father of the child. When the researcher asked if he had done the test, the care giver responded that he wanted and was willing to do the test until he learned about the financial implications of the test and realised that he cannot afford the amount of money that the test costs. He reported that he was told that the test will cost him about R2000 in a private practise as he was told that none of the public hospitals are providing such service.

The above outcome agrees with the selection criteria as the care givers were selected based on the fact that they were caring for the children who don't have birth certificates. They all were identified through a welfare register confirming that they indeed have attempted to apply and therefore needed assistance to get the births of the children registered. Some of the care givers are registered as being referred to the Department of Social Development by other institutions and service providers such as schools, Home Affairs, Court and local non-governmental organisations proving once more that care givers have been in more than one place trying to make the birth registration application a success.

### 5.11 Is the child schooling?

#### 5.11.1 If not, can you explain why the child not schooling?



**Figure 9:** The figure above is a demonstration of the schooling rate of the children that don't have birth certificates. Out of 18 participants that the researcher interviewed, the findings confirm that 12 = (65%) of the children are schooling, followed by 4 = (20%) of the children not schooling while 2 = (10%) of the children 1 has been reported to have not been accepted

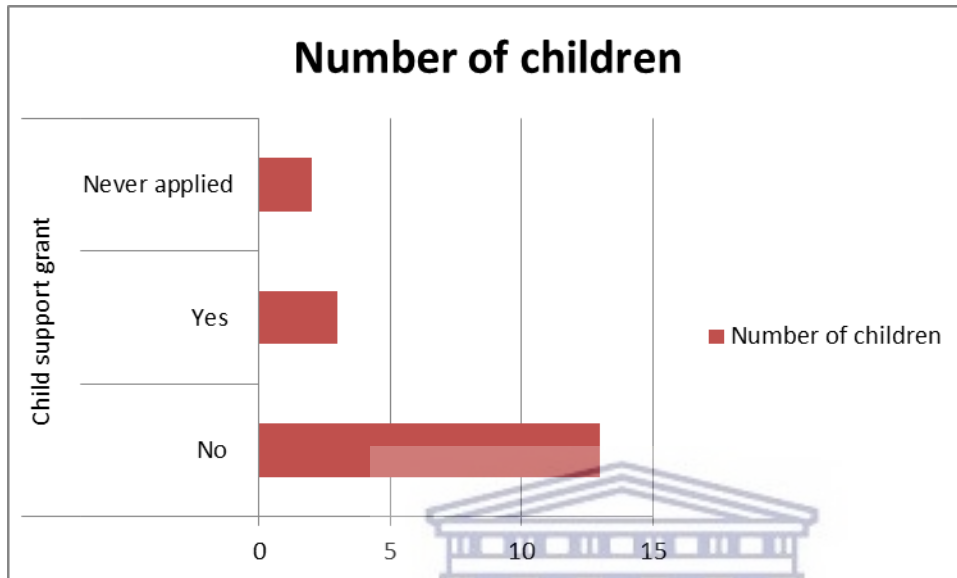
in the schools that the care giver consulted while the 1= (5%) has not been sent to school yet. The researcher explored on the matter and requested care givers if birth certificates were not requested by the schools where their children are registered. All care givers indicated that it was requested and others went as far as telling the researcher that in the forms that they were provided with there was a list attached that indicated what they needed to submit with the form. Included in the list was the birth certificate and clinic card of the child. As they have indicated before that their children had no birth certificates, the researcher asked the care givers to explain how they then dealt with the problem and how they managed to convince the schools to accept their children for schooling. Care givers reported that getting their children to be accepted for schooling has not been an easy process, they have been turned away once and others more than once. They also have been to more than just one school and 2 care givers revealed that their children started a year later in school because they did not have birth certificates.

Care givers shared that they were referred by the Department of Home affairs and some by the schools to the Department of Social Development to get assistance for birth registration of their children. After meeting and investigations with social workers they were provided with the proof that the Department is investigating the matter and the schools were requested to accept the children. Children were then accepted but with conditions that they are able to provide the schools birth certificates within the period of 6 months. Some care givers have reported to be receiving letters from the schools reminding them of the outstanding birth certificates as the period of 6 months has passed for many. The 4 children not schooling were reported to be still babies and care givers feel they still need to be in their care. One of the care givers indicated interest to take the child for Pree School in 2022 but she is concerned because she is aware that even at Pree schools birth certificate is required for registration. The one care giver reported to have attempted to register the child but was not accepted without the birth certificate and after consulting the second school with the same outcome, the care giver was discouraged to continue and thought it will be best if she tries and get a birth certificate for child.

## 5.12 Does the child have Child Support Grant?

5.12.1 *If no, have you applied for the grant, and what were the outcomes?*

5.12.2 *If yes, what were the outcomes, what were the outcomes?*



**Figure 10:** the above figure demonstrates the picture or status presented by the care givers with regards to how the children they are caring for have or don't have access to child support grant. The research findings indicate that 13 = (70%) of the children without birth certificates are not receiving child support grant despite them being entitled to it, 3 = (20%) are in receipt of child support grant and the remaining 2 = (10%) care givers reported to have never applied for the child support grant. The care givers that reported their children to be not receiving grants informed the researcher that they have attempted to apply for the child support grant but applications could not be completed due to outstanding document, namely the birth certificate.

One of the care givers shared that when she went to apply and could not produce the birth certificate the official that was assisting her requested how she can claim to be the care giver of the child that she does not have a birth certificate for. She felt that she was being accused of fraud even though the official did not say it in exact words. Care givers indicated that they felt discouraged to continue after they were told to produce birth certificates even after they have explained the situation why the children did not have birth certificates. One care giver stated that she just gave up even though she knew she needed the money to assist her with basic needs of the child because she is unemployed and have other children to provide for.

She emphasised that she decided she will apply for the child support grant the day the child she is caring for will have a birth certificate.

When the researcher asked from the few care givers that were able to apply and receive child support grant how they managed to do so, two of the care givers reported to have been assisted after they consulted with social workers. One care giver informed the researcher that she was convinced by the social worker that was assisting her with the birth registration of the child to go and apply for the child support grant and she was not aware that the child can be able to get the grant without a birth certificate. When she was requested for a birth certificate, she produced the letter that she received from the official. The other care giver shared that she was fortunate to know someone who works at the office where application for child support grants are done. She was advised by that person after she explained her challenges to her and after that she was assisted and got the grant for her child.

A care giver who is the father to the child reported how he was disappointed the first time he went to apply for his child support grant. He reported that an official that was assisting him asked him about the whereabouts of the mother and after explaining to the official that he doesn't know her whereabouts the official told him to go and find the mother of the child to do birth certificate for the child because there is no way that he does not know where she is. The official also told him to stop being lazy and look for a job so he can be able to provide for his child. The care giver reported that he felt ashamed and insulted that from that day he decided to never apply for the child support grant. The care givers that have never applied for the child support grant stated that because they know that a child needs a birth certificate to apply for the grant so they decided not to waste their time because they knew the application would be rejected.

### 5.13 Are you employed?

#### 5.13.1 If No, how are you financially supporting your family?



**Figure: 11** illustrates the employment status of the care givers of the children who don't have birth certificates. Out of 18 research participants 11 = (61.1%) of the care givers reported to be unemployed, 3 out of the 10 reported to have lost their jobs in 2020 after the outbreak of covid 19, the 4 = (22.2%) care givers reported to be employed while the remaining 3 = (16.7%) reported to be self-employed. The care givers that reported to be unemployed reported to be getting financial support from family members and that at times they don't get because the family members also have their own financial responsibilities. Some care givers indicated to be getting the child support grant for their biological children and share the money amongst the needs of all the children in their care. The care givers who are self-employed also reported to be faced with challenges, one care giver reported that she is selling sweets and chips for school children and the money that she gets is not much but enables her to buy few things for the household. The other care giver is also having a stall but stated that business is not always profitable. Care givers shared how access to child support grant would have helped them financially and be better able to provide for the basic needs of the children including food, transportation and other school necessities.

## **5.14 In your opinion, do you think it is important for the child to have a birth certificate?**

### ***5.14.1 Why do you think so or why don't you think so?***

In their responses, the care giver indicated to think that having a birth certificate for the child is very important. One care giver indicated that birth certificate is not only important for the child but for her as the care giver. When the researcher asked her to explain what she mean, the care giver indicated that she would not be walking up and down and having to explain why the child does not have a birth certificate if the mother of the child did register the child. She stated that both the child and the family suffer when the child does not have a birth certificate. The other care giver shared a story that according to her made everybody in her house cry; she stated that the boy child she is caring for came back from school so excited and handed her a form to complete. The form was for a school competition that the child was nominated to participate on and everybody was excited for the child. The excitement lasted until the child came back and told her that he was requested to submit the form with a copy of his birth certificate. The child and everybody else were so disappointed that the care giver had to go to school to explain again why the child doesn't have a birth certificate. According to the care giver, this time they were not so fortunate because the school secretary explained that the matter was out of the school hands because the competition is offered by an external organisation and therefore governed by its rules. There was nothing else she can do apart from explaining to the child how he was unable to take part in the competition. Care giver shared how she will never forget the look in her child's face when she told him as well as how the child cried the whole night because he didn't understand how a simple thing like a birth certificate will stand in his way. Care giver reported how she felt guilty and hopeless that she was unable to do anything to change the situation for her child.

In another interview, the care giver shared how she is now more than ever understands the significance and the role a birth certificate in a child's life. She stated that currently for any child that is born in her family she takes it upon her to make sure that the mother of the child register the child's birth. The care giver further made a joke about how she asks for a birth certificate before she even asks for the name of the child. She emphasised that if given a choice, she would choose a child with a birth certificate over money. The other care giver stated how he would have made it a priority that the mother of the child registers the child if he knew how difficult it is to apply for a birth certificate. He indicated that, the mother of his



child did not leave the child immediately after birth so he would have had time to convince her to do birth certificate because he knows that she has her own identity document. At the time he never thought of this because he never knew the challenges that he would face later in life.

### **5.15 Did the fact that the child had no birth certificate have impact on you, the child or the family?**

#### ***5.15.1 If yes, explain how?***

The problem of a child having no birth certificate was reported to have moderate to severe negative impact for the families. The findings indicate that the problem does not only affect the care giver and the child that does not have a birth certificate but one way or the other, the entire family. The one care giver indicated how the child was forced to start schooling later because of having no birth certificate. She further stated that the extent of hardships that they go through as care givers are not experienced by other parents that have their children easily registered at school and have access to child support grant with no difficulties. She even indicated how life for other parents is becoming easier with having to apply for school online in the comfort of their own home. She further stated that, their children cannot be registered on the same system because the application cannot be completed or submitted without the identity number so they have to go to schools to

The other care giver shared how having a child with no birth certificate cost family money. She stated the travelling from place to place and at times going to one place more than once because you need help to assist your child. The care giver expressed how she can't remember how many sworn affidavit she had completed since started caring for the child because everywhere she goes she needs to prove that she did not steal the child and why the child is in her care. According to the care giver, explaining the same story to the child as well is exhausting and she stated that at times you can see how the child feels or even sees her/himself different from others.

The other care giver shared that she remembers how sad she used to feel before her child was accepted at school. She said the child used to wake up early every day when her biological children were getting ready to go to school. She will excitedly ask her if she was going to school as well and felt so disappointed when she told her she can't. Care giver explained how the child would seat next to the gate and accompany other children going to school and come

back to seat alone at home. According to the care giver, she saw how the problem started to affect the other children as they would constantly ask when the child is going with them to school and even share their stationery hoping that would change the situation. The care giver further stated how she would cry herself to sleep and praying for a miracle that the child can go to school. She explained the problem as not only have impacted on the family but to have tortured her.

#### **5.16 Given your experience, what advice would you give to other parents or caregivers with regard to birth registration?**

These are some of the advices shared by care givers

- For every parent to make birth registration a priority
- For any mother to do the right thing and register the child before deciding to leave the child
- People should not wait for the child to be at the school going age before they apply for birth certificate.
- If a mother or parent loves the child then she should do this one important thing and make a birth certificate for the child.
- As grandparents we must ensure that our grandchildren have birth certificate even if it means we need to ask police to force parents to register their children
- Government should make it a criminal offence not to register a child's birth
- It is inhumane to choose not to register the child, so every parent should take on the responsibility and register the child.
- Mothers must register their children it is so unfair what they put children through
- Every child deserve to have a birth certificate even if the parent doesn't want the child the least they can do is to register the child to make the child's life and that of someone who is going to care for the child easy.

## 5.17 CONCLUSION

The chapter presented the views of the research participants that were also analysed to make meaning in relation to the research question. The tables and graphs gave the picture of how research participants view or feel about the problem of children who don't have birth certificates. The research findings seem to show some evidence that indeed the problem of not having a birth certificate has implications for the children.

In the following chapter, the research findings will be interrogated and an argument will be made against the literature review to support or reject hypothesis. Conclusions will be drawn and recommendations will be made based on research findings.



## **CHAPTER 6: DISCUSSION, CONCLUSION AND RECOMMENDATIONS**

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### **6.1 INTRODUCTION**

In this chapter the researcher presents an overview of the entire research process, what steps were taken, the experiences and what have been achieved currently. The chapter will also formulate discussions of the research findings based on the outcomes of the research as well as referencing to the literature to support the findings of the study. The questions utilised on the interviews will be used to outline and interpret answers of the research participants. Then, the findings will be presented against what has already been discovered in the literature confirming or rejecting the findings. Conclusions will therefore be made to summarise what has been achieved by the study in relation to the aims and objectives of the study. Lastly, recommendations will therefore be made to outline suggestions on future research and how future studies focusing on the same topic can be done to bring more highlight into the topic as well as solutions to the problem.

### **6.2 OVERVIEW OF THE RESEARCH PROCESS**

Initially, the study commenced with compiling a research proposal which formulated the groundwork to the study. Proposal illustrated the research path to be followed by the researcher in conducting the study. As the first chapter of the study, the proposal outlined the significance, aims and objectives of the study and what the researchers wanted to achieve. The researcher wanted to understand the impact of unregistered births of children in South Africa and how their rights to essential services and basic education are affected. Literature was consulted to investigate and provide evidence that the identified problem do exist and it has an impact on the lives of the children in South Africa. Intended research methods, procedures and designs were discussed as well as the ethical considerations and limitations of the study, were presented. It is through this chapter that the researcher was able to identify the complexity of the problem of the unregistered births as well as how the problem impacts the lives of the South African children, thus worth being investigated.

The second chapter conducted was the literature review where the researcher went into depth of the existing literature, investigating how other researchers view and make meaning of the problem of unregistered birth. In the process, the problem did not only come out as a concern but researchers have identified it as a rights based problem that have severe consequences for

the lives of children. Unregistered birth was discovered to be the problem not only impacting South Africa but the World. The problem does not only have consequences for the children but continue to impact on how they access right based services such as education and welfare services. The problem of unregistered birth was revealed to be a continuous problem throughout the lives of children. The problem impacts on the lives of children as they grow older and also affect their development opportunities to better their lives and that of their families.

Following literature review, the researcher conducted chapter 3, the theoretical framework of the study. Human capital was identified as the theory that the study would base the investigation on. The choice for the framework was influenced mainly by its focus on development and its capacity to view humans as investments. Educating and empowering people with knowledge and skills are regarded as the most important aspect of human development that has positive impact on the development of economy. Human capital therefore became relevant to the aims of the study that focused on the rights of the children and how denying them might lead to them being missed as investments.

The research methodology formulated chapter 4 mainly focusing on research methods. The researcher selected mixed methods as the research method that will fit the aim and purpose of the study. Mixed method gave the researcher the opportunity to gather more information using both the qualitative and quantitative research methods. Utilising the 2 methods allowed the researcher with less limited method in conducting research given the limited time frame, the nature of the study (mini thesis) as well as the small population that participated in the study. The research method allowed the study the option to utilise quantitative existing data to support and justify the outcomes of the study population. The researcher utilised the descriptive research design because the study's aim was to learn from the experiences of the care givers. This design is concerned with how the research participants describe their experiences and allows only them to share as their unique experiences. It is through this process that in the end, the researcher was able to make conclusions about the study and formulate results that indicated the impact of unregistered births for both children and their families.

Following the interviewing process, the researcher conducted chapter 5, research analysis. In this chapter, the researcher interpreted the interviews and made meaning of utilising what has

been shared by the care givers. Graphs and tables were utilised to present the meaning of data and what this meaning says in relation to what the literature has illustrated. It is in this same chapter that the researcher was able to capture not only experiences of care givers but also their emotions as well as the impact that the problem of unregistered birth has had for the children and their entire family.

Lastly, the discussion, conclusion and recommendations of the study were made as chapter 6 of the study. The discussion was made base on the research findings and what the literature has indicated about the problem of the study and therefore recommendations were made based on these outcomes.

## **6.3 PRESENTATION AND DISCUSSION OF RESEARCH FINDINGS**

### **6.3.1 Demographic Presentation**

The research findings did not show much difference on the age and gender of children who don't have birth certificates. Therefore, the researcher can conclude that gender and age did not make much impact on the problem of the child's unregistered birth. Any child stands a great chance to not have a birth certificate regardless of gender or age.

### **6.3.2 Family Relations**

Research findings indicate that all care givers that are providing parental responsibilities to children without birth certificates are related to the children. Family relations indicate that caregivers are either related to the mother or the father of the child. These findings are in support of Proudlock (2014) statement that, in South Africa, 3 million children are reported to be cared for by relatives despite their own parents being alive. Significant reasons that can be accounted to this trend, the migration of parents to other provinces to seek employment which is a much older and prominent habit in South Africa. Some reasons include child neglect, abandonment and death of biological parent or both parents. The whereabouts of parents of children that were reported to be abandoned or neglected were reported to be unknown to the care givers. Not knowing the whereabouts of the biological mother adds to the challenges and decreases the chances of the child to ever being registered.

Despite these challenges, the amended Birth and Death Registration Act (2010) places a lot of emphasis on the biological mother being the primary applicant to register the child. Giese and Smith (2007) argue that, the birth certificate is the only enabling document for the child's

life in South Africa of which without a child does not exist. Birth certificate is currently the only document that affords a child the right and access essential services in South Africa. As the study indicated, none of the children have been reported to be cared for by both parents in the study. This provides proof of what Proudlock (2014) reported, that children who are residing with both parents are more likely not to be affected by the problem of not being registered. They are more willingly to register the child because the process is predictably easier compared to those that are single parented or are in the care of relatives.

### **6.3.3 Biological Father**

Birth and Death child Act places the responsibility to report the child's birth on the biological mother if parents of the child are not married. This practice happens despite the number of children being cared by their biological fathers is reported to be increasing. Unmarried fathers are placed under strict contingencies that they have to provide proof that they are indeed biological fathers to the children reported. Included in the process is the financial implications that require the unmarried fathers to perform paternity test that are currently only provided by the private sector limiting the chances of unemployed fathers to achieve such practice.

In the study, it was discovered that majority of biological fathers are unknown to the care givers of the children. Those who are known are either not interested or their whereabouts are unknown. The biological fathers that are the primary care givers of their children have shown interest in registering the birth of their own children. Though, their efforts proved to be in vain as their children still have no birth certificates. The results therefore indicate different interest between the absent and present fathers. The question that arise therefore, might be how much of an influence does placing the birth registration responsibility to the mothers have an impact in fathers believing or assuming that birth registration is not their responsibility. On the same notion, how the requirements placed on the fathers are playing the role to demotivate unmarried fathers from taking on the responsibility to register the births of their children especially with reports of unemployment being on the rise for the young population of South Africa.

### **6.3.4 Time Frame**

The study discovered that the majority of children have been in the care of their care givers for more than five years and some even 10 years, yet the care givers are still not recognised

by the Birth and Death Act as eligible to apply for the birth certificates. The reports of disappearance and death for other biological mothers seem not to make any difference or consideration for the children concerned to get their birth's registered. As indicated in the Children's Act of 2005, the needs of the child should be of paramount importance and the whereabouts of the parent should not be a priority to shadow or deny the child opportunity to live life fully.

The findings are in support of the argument made in the literature that policies and regulations concerned with birth registration fail to take into consideration the unique circumstances experienced by families with regard to proving the child's birth. This failure is reported by Harbitz and Tamargo (2009) to have severe implications for the child including social exclusion and unable to be part of any age related practices. The research findings indicate a dire failure by the South African government to implement what children policies reflect as reality. Children cannot continue to suffer because of the decisions of their parents and actually, this should be seen as a double trauma to these children. They not only have to deal with the fact that they are abandoned and neglected but also cannot have birth certificates as well.

### **6.3.5 Health Care Facility**

Research findings showed that the majority of the care givers have knowledge that the children they are caring for were born within a health facility. There is also a great chance that even the children that care givers indicated not to be sure if they were born in a health facility might have been born within a health facility despite the care givers having no evidence of such information. This is despite the reports that South Africa introduced the system to assist mothers to register children in their places of labour in 2012. Biological mothers and their new born babies are still discharged without their children being registered. Health care facilities are supposed to present the first contact between the service providers, the mother and the new born child. During the labour period, the biological mother's presence can be guaranteed compared to when she is discharged and able to disappear.

In comparison with the health system of Botswana that achieved 95% of birth registration in 2018, South Africa appears not to be doing very well. The Botswana Vital Statistics (2018) illustrated how the country made health care system a priority in achieving universal birth registration. Botswana increased health care officials, invested in training and infrastructure



to ensure that every child's birth is captured within the health facility. However, there seems to be a huge gap for South Africa. Based on this information, the researcher can assume that the South African health care system is not very much effective and a lot of work needs to be especially if the country plans to achieve the 2030 universal goal.

### **6.3.6 Presence of Home Affairs**

The majority of care givers indicated to have no knowledge of presence of Home Affairs official; in the health care where the child was born. Care givers expressed being shocked and surprised to learn that the service of birth registration is supposed to be available within the health care system where the child was born. Even though some of the care givers were never present in the facility but they believe that, they would have been informed by the family member if such service was available.

Based on these findings, the researcher can assume that the service of birth registration is dormant and ineffective. If the system was effective, a number of these children would have been saved from the battle of not having a birth certificate today. If their births were captured in the health care facilities, some would have birth certificates today.

### **6.3.7 Biological Mother Registered**

Research findings indicated that majority of biological mothers were not registered and that resulted to their children being unregistered. As presented in the literature, reasons for unregistered mothers range from being young mothers who don't have identity documents themselves. Despite these findings, some biological mother's births were registered when they gave birth to their children. Unfortunately, they abandoned, neglected their children or died before they could register them. Have the health care system been effective, their children would have been registered.

The findings support what Ackermann (2006) argued in the literature review, that children who are born of unregistered parents are more likely to fall into the same trap. Due to challenges they face, biological mothers tend to give up on the process opening their children to a continuous disempowerment process of unregistered birth.

### **6.3.8 Application of Birth Certificate**

Care givers have indicated to have attempted to get birth of the children registered on more than once. Despite their efforts, children still don't have birth certificates. Care givers

reported to be sent from one service provider to the other and at times are unable to understand why they were sent to the service provider. The findings reflected a lot of shift of responsibility within the service providers leading to care givers being discouraged and demotivated in the process. While talking with care givers, the researcher could simple identify lack of knowledge and incompetence in the side of service providers. The referral of services did not show any form of communication between service providers and no sign of multi-disciplinary approach was assessed apart from one department pushing the responsibility to the next. The Department of Home Affairs as being the one department with the mandate to provide birth registration, it should be able to provide fair guidance and follow up on the care givers that have already made contact with their intentions to the department. There should be measures in place to meet with the needs of the care givers to register their children if all the other alternatives don't work out.

Findings are in support of the challenges that were identified by Cody (2009) and Proudlock (2014) following the amendment of the birth and death registration act of 2010. They argued that the process to apply for a birth certificate was actually made more difficult especially for relatives. The supporting documents that are required as proof of child's birth, the travelling as well as costs attached to travelling are challenging. The children relatives who are already living under poor circumstances, living in rural areas are forced to use the money they don't have to acquire such documents. Not to mention the distance between the offices and the fact that at times, care givers come back without being assisted.

### **6.3.9 Access to Schooling**

Research findings indicated that majority of children are schooling. Admission for schooling is still subjected on condition that the children are registered within a specific time, mostly 6 months after acceptance. Children admission for schooling has been reported to come after a lot of effort from the care givers. Some children were reported to have not been accepted because they did not possess birth certificates while others were accepted by the 2<sup>nd</sup> or 3<sup>rd</sup> school approached by the care giver. The children that were accepted in schools still stand a high risk to be excluded from education later in life. Children are more likely to not proceed with education after completing matric because in South Africa birth registration is the only measure utilised and regarded compulsory by tertiary institutions to determine a child's nationality.

These findings confirm what the African Child Policy Forum of (2005) indicated that, the consequences of not possessing a birth certificate have detrimental impact on the development and lives of African children and this continue to harm children even later in life. This happens despite, the Constitution, National Development Plan and the South African Schools Act acknowledging and recognising education as the fundamental right for every child. Also basic education being recognised as compulsory at the school going age but there are children still being turned away from accessing education. In the same notion, UNESCO (2013) describes education as a “multiplier right” because it is one right that is regarded to be the vehicle in achieving other rights and increase children’s opportunities in achieving better life. If children are denied their right to education because they don’t have birth certificates, they not only missing out on education but on lot other life opportunities. Powell (1980) concurs with this statement and further argues that, without birth registration and ensuring birth records, it is impossible for Governments to have a complete list of potential school-age children, making the concept of compulsory education meaningless.

The practice to exclude children from schooling is in contradiction with the schools Act that indicated that “no child may be excluded from school on the grounds of her or his race or nationality, or lack of identification documentation” Schools should be accountable and not discriminating against children that have no birth certificates. In fact, schools should be the advocating for children’s rights and ensure that they are assisted to gain access to essential services. It is enshrined in the Constitution of the country that the state has a responsibility to ensure that all South African citizens access basic education.

In addition, the state cannot prevent anyone from exercising this right but have to make certain that all obstacles are removed to ensure access to the right.

### **6.3.11 Access to Child Support Grant**

Majority of children were reported to not have access child support grant. Care givers reported that their children were unable to access child support grant because they don’t have birth certificates. The South African Security Service Agency requires a birth certificate to register the child for the child support grant.

This happens despite the report published by the Department of Social Development on the impact of social security that showed that children who are getting child support grant are

more likely to attend school compared to those who don't. In the same report, parents were reported to be motivated to send children to school if they have child support grant even if parents are unemployed. The same social grants are praised for influencing positive family expenditures, families invest in affording basic things such as food, education and health needs of the household. With receipt of child support grant, there has been invisible result in decreasing malnutrition.

These findings raise concern especially because the majority of care givers are reported to be unemployed. Denying the children access to child support grant does not only discriminate against children but also in contradiction to the published list of requirements by SASSA that indicates that if one does not have the child's birth certificate can apply for the grant of the child by doing a sworn affidavit indicating reasons while the child does not have a birth certificate. What transpired from the findings is lack of knowledge or limited training by the officials providing the services. The failure for SASSA officials to assist care givers indicates lack of knowledge and incompetence on their own practices. If officials were informed of this practice, the children would be currently accessing child support grant. Child support grant was developed as a measure inclusive to child's needs and therefore no child should be excluded for the mere fact of not having a birth certificate. Poverty and any other child's basic needs don't need a birth certificate to impact the child's life.

### **6.3.12 Importance of Birth Certificate**

Research shows that care givers are very much aware of the importance of a birth certificate in a child's life. For the majority of care givers, the knowledge was influenced by the experiences they have in caring for the children that have no birth certificate. Despite care givers having acquired this knowledge from different phases of caring for the child without a birth certificate but the lesson has been an eye opener for not only the care giver but the wider family. Care givers have expressed how from their experiences they have learned to be the person raising awareness and even ensuring that the child is registered compared to before they had the experience. What has also transpired in the study is that care givers were mostly influenced to register the child's birth by the intention to register the child for schooling or accessing child support grant.

These findings are in agreement with Lopez et al (2014) statement that, Civil registration has an impact on people's access to rights and services throughout their life course, lacking a

birth certificate poses problems in childhood when attempting to access educational services, as an adult when trying to attain employment and access health services, and in old age when trying to claim pension and other welfare services. The importance of a birth certificate is a progressive problem and it never stops until one has a birth certificate.

### **6.3.13 The Impact of not having a Birth Certificate & Experiences of Care Givers**

Findings indicate that care givers acknowledge that not having a birth certificate for the child has had a negative impact for the child and the entire family. Care givers have indicated the daunting and exhausting experiences they have suffered in an effort to get the child's birth registered. Care givers have spent more money and limited resources they have in an effort to get the child's birth certificate. In the same process, all these efforts are seem to have been pointless as the care givers still have not been successful in getting the birth certificates. It was also shared how the same problem affected not only the child that is not registered but the other children at home as they find themselves constantly being worried about the life conditions of their family member. Care givers expressed how they have been depressed and feeling hopeless as they ran out of options to assist the children. Also the impact that the problem constantly have on the child affected, as the child would often ask questions they cannot answer and at time cries and expressed feelings of being different from other children. Care givers expressed that at times they would run out of words to explain the situation to the child while feeling guilty about the child's pain that is no fault of their own.

## **6.4 CONCLUSIONS**

The primary objective of this study was to examine the impact of unregistered births of children in South Africa and how their rights to essential services and basic education are affected. The existing literature was reviewed as an initial technique to formulate an understanding and foundation for the study. In the study that was conducted from the care givers of children who don't have birth certificates in Khayelitsha, a number of pointers were identified from the research findings confirming that unregistered births does have impact on the rights of children and how they access essential services and basic education.

The study revealed that, children who don't have birth certificates have no or limited access to basic education and essential services such as the child support grant. While children have been born of South African Nationality, they are legally not recognised or accounted as the legal citizens because they don't have the only legal document to declare them as South

Africans. The children of foreign nationals who don't have the legal documents to prove their presence as legal in the country are unfortunately affected by the same system. Also discovered in the study, is the fact that children are exposed to practices of social exclusion and discrimination under the government departments and officials that are governed by the policies and regulations that discourage and supposed to be advocating for the protection of children. Contradictions were also identified between the policies and the practices of the same service providers.

Despite the reports that the numbers of birth registration are increasing in South Africa, evidence of the study shows that there is still a number of children that are left out in the process. These children are at risk of becoming invisible and unaccounted for in planning of any services.

The study proved that unregistered births do have impact in the lives of the children but interpretation of results should take into consideration the limitations of the study. The population sample of 20 participants was very small compared to the population of Khayelitsha that is estimated to grow at a rate of 19, 500 people a year. This because the nature of the study is very limiting, the study is a mini thesis with a very limited time frame to be concluded. The study findings cannot be generalised to present the whole population even though the study was qualitative in nature. A bigger sample will need to be studied for any of the findings to stand uncontested outcomes and present the population of Khayelitsha at large.

Notwithstanding the fact that qualitative study is about experiences of participants and none of their representation of experiences can be disputed or deemed incorrect as only they are able to explain it. In addition, there is a possibility to have introduced elements of bias on how the sample was selected as well as how some respondents have responded to questions following their knowledge of who the researcher was in relation to the study.

## **6.5 RECOMMENDATIONS**

If the aim is to achieve the universal birth registration by 2030, there is a great need for South Africa to start investing in children. As one of the principles of human capital, investing in children has the potential to yield greater production later in life. South Africa should not only invest in developing good policies but invest in ensuring that implementation, monitoring and practices compliment such policies.

### **Recommendation 1**

In the study it came out strongly that children who are unregistered are cared for by family members, meaning they are related to the child. Mostly have been in the care of care givers for more than a year, therefore it is recommended that care givers are recognised and be allowed to apply for birth certificates for the children they are caring for. The significance of child's birth registration and what the child stand to lose if not registered should be prioritise enough to supersede the presence of the biological mother.

### **Recommendation 2**

The study indicated that biological fathers are primary care givers of unregistered children and therefore, it is recommended that the process of birth registration should be made more accessible to the fathers. The cost implications should be removed to allow motivation and willingness to take responsibility for their own children. Government should invest in creating the paternity testing for free in public hospitals to allow more access for the fathers.

### **Recommendation 3**

In the study it came out strongly that the service of birth registration is lacking or not fully functional. It is on this basis that researcher recommends that government and other stake holders revisit, evaluate and re-establish the service because if done correctly, it has the potential to increase and resolve the problem of unregistered births. Investing in infrastructure, personnel and proper training of staff members should take priority.

### **Recommendation 4**

The study illustrated that some of the biological mothers of the children had identity documents before neglecting or abandoning their children. It is therefore recommended that biological parents be requested to present identity documents (not to deny those who don't have the service) when registering for labour to keep the records that will later support the child's birth registration if the mother disappears.

### **Recommendation 5**

The study revealed that importance of birth certificate cannot be denied in every child's life. Therefore government, especially the department of Home Affairs and other departments should take on the responsibility to ensure that every child in the country has a birth

certificate. Instead of having children turned away in schools and denied welfare services, all these departments can formulate a collaborative system where children are being identified within the same departments to ensure they are contactable and referenced to be assisted to get birth certificates. This service should include the adoption of community outreach programmes as well as mobile services into remote areas as well as use of technology to reach every child and ensure they are registered.

### **Recommendation 6**

Future collaborative trainings amongst all service providers can play a major role in combating confusion and service providers denying children and families the services that are rightfully theirs. This can change attitudes of services providers and ensure they are working together and prioritise that services reach those in need on time and at less cost.

### **Recommendation 7**

In future, a bigger sample investigating the impact of unregistered births on children's lives can share light on the intensity of the problem as well as to assist government and other stake holders to identify suitable strategies to address the problem while helping the children and their families better meet their needs. As limited as the current study was, but it gave an indication that there is an existing problem and therefore solutions are required. There is a need to further prioritise children interventions and ensure that infrastructure and resources are directed and responsive to services directed to children.



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