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**EXPERIENCES OF UNMARRIED FATHERS WHO ARE DENIED ACCESS TO
THEIR BIOLOGICAL CHILDREN AMONG AMAXHOSA COMMUNITIES IN
MQANDULI, EASTERN CAPE PROVINCE**

By

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DECLARATION

I, Aphiwe Nguma, hereby declare that this dissertation is my own work, and it is only submitted for the fulfilment for the degree, Master of Social Work at the University of Fort Hare. Further, I declare that this work has not been previously submitted for attainment of any qualification at any university or institution of higher learning. The resources and ideas used herein are fully acknowledged through complete references .

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DEDICATION

This dissertation is dedicated to my mother, Ms. Sibongile Nguma for her unconditional love and unwavering support. She has stood by me always and especially in the completion of this dissertation. I also dedicate this work to my grandmother Ms, Vuyiswa Hilda Nguma for all the values, and wisdom she has instilled in me. Her prayers for me have been instrumental through the journey of my life. Further, this work is dedicated to my younger brother Avela Nguma as way to motivate him to go further in life and progress in the academic sphere. Lastly, I dedicate this work to my beautiful daughter Amila Linomtha Makana and son Othilazwe Gosling.



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ABSTRACT

This study aimed to explore the experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape Province. This study also endeavoured to answer the following research questions: (i). what are the challenges encountered by unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape Province? (ii). what are government official's perceptions on experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape? (iii) What are the implications of denial of access of unmarried fathers to their biological children among amaXhosa communities in Mqanduli, Eastern Cape Province? This study adopted a qualitative approach within a phenomenological case study research design. A sample of forty participants comprising twenty unmarried biological fathers, seven statutory social workers, three presiding officers of children's court and ten cultural custodians was interviewed. The study revealed the following challenges: payment of pregnancy damages and bride price, unemployment, conflict with the maternal family, poverty, psycho-emotional breakdown, cultural responsibilities, terminated intimate partner relationship with the mother of the child, financial constraints, and lack of emotional and moral intelligence. The study recommends the development of a new 'family policy' to ensure integration of customary cultural practices and the legislative frameworks to provide a detailed parental-document to assist the new generation of parents in maintaining good parenting relations. Further, the study recommends the establishment of champions against absent and uninvolved fathers, where young men will explore fatherhood roles and develop educational and preventative strategies.

Key words: Unmarried fathers, Denied Access, Fatherhood, Absent Fathers, uninvolved fathers,

ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ATM	Automatic Teller Machine
AUC	African Union Commission
AYC	African Youth Charter
BDRA	Births and Deaths Registration Act
CC	Cultural Custodians
CCL	Centre for Child Law
CRC	Convention on the Rights of the Child
DoJ	Department Of Justice
DRC	Democratic Republic of Congo
DSD	Department of Social Development
FA	Family Advocate
FIF	Fathering Indicators Framework
HIV	Human Immune Virus
NYP	National Youth Policy
POoCC	Presiding Officer of Children’s Court
RDP	Reconstruction and Development Programme
SADC	Southern African Development Community
SSW	Statutory Social Worker
UDHR	Universal Declaration of Human Rights

LIST OF TABLES

Table 3.5	Distribution of sample size	page 49
Table 3.9	Research methods linked to research questions	page 54-57
Table 4.2.1	Biographical information of unmarried fathers	page 62
Table 4.2.2	Biographical Information of the key Informants	page 65
Table 4.3	Themes, sub-themes and Categories	page 68-69



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TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENTS	iv
LIST OF TABLES	vii
CHAPTER ONE	1
1.1. Introduction	1
1.2. Problem Statement	5
1.3. Research Questions	6
The study sought to answer the following questions:	6
1.4. Aim and Objectives of the Study	6
1.4.1. Specific objectives	7
1.5. Research Domain	7
1.6. Significance of the Study	8
1.7. Outline of the Dissertation	8
CHAPTER TWO	10
LITERATURE REVIEW	10
2.1. Introduction	10
2.2. Legislative Framework	11
2.2.1. International legislative frameworks and protocols on human rights	11
2.2.1.1. United Nations Declaration of Human Rights 1948	11
2.2.1.2. Convention on the Rights of the Child (CRC) 1989	11

2.2.2. Regional Legislative Frameworks and Protocols	13
2.2.2.1. African Charter of 1989 on Human and People’s Rights	13
2.2.2.2. African Charter on the Rights and Welfare of the Child	14
2.2.3. National Legislative Frameworks and Protocols	15
2.2.3.1. Constitution of the Republic of South Africa 1996	15
2.2.3.2. Children’s Act No. 38 of 2005.....	16
2.2.3.3. Natural Fathers of Children Born Out Of Wedlock Act 86 Of 1997.....	18
2.3. Pregnancy Damages and Bride Price (<i>Intlawulo and Ilobola</i>)	20
2.4. Cultural Rights’ Deficits Associated with Unmarried Fathers Denial of Access to their Biological Children	25
2.5. Paternal Rights Deficits Associated with Unmarried Father’s Denial to Access Their Children	28
2.6. Parental Subjugation Associated with Unmarried fathers Denial of Access to their Children	31
2.7. Abuse of Human Rights on Unmarried Fathers	33
2.8. Cultural Rights Paradox	34
2.9. Cultural Turn-Around	36
2.10. Psychosocial Challenges Associated with Unmarried Father’s Denial of Access to their Children	37
2.10.1. Psycho-emotional immaturity.....	37
2.10.2. Internal and external stigma/labelling.....	37
2.11. Theoretical Framework	39



University of Fort Hare

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2.11.1. Attachment Theory	39
2.11.2. Activation Theory	40
2.11.3. Stigma and Labelling	42
2.12. Conclusion	44
CHAPTER THREE	45
RESEARCH METHODOLOGY	45
3.1. Introduction.....	45
3.2. Research Paradigm.....	46
3.3. Research Design	48
3.4. Population of the Study	49
3.5. Sample Size (Units of Analysis)	49
3.6. Methods of Data Collection.....	50
3.6.1. In-depth interviews	50
3.6.2. Focus Group Discussions.....	51
3.6.3. Key informant Method (KIM)	52
3.6.4. Secondary data analysis/Document analysis	52
3.6.5. Instruments of data collection.....	52
3.7. Sampling Method and Sampling Technique	53
3.7.1. Sampling Method.....	53
3.7.2. Purposive Sampling technique.....	54
3.8. Selection Criteria	54



University of Fort Hare
Together in Excellence

3.9. Data Collection Procedure	54
3.10. Data Analysis	58
3.11. Ethical Considerations	60
3.11.1. Avoidance of harm to the participants	60
3.11.2. Voluntary procedure	60
3.11.3. Informed consent	60
3.11.4. Confidentiality/ Anonymity	61
3.11.5. Competence of researcher	61
3.12. Conclusion	61
CHAPTER FOUR	63
DATA ANALYSIS, PRESENTATION AND INTERPRETATION OF FINDINGS	63
4.1. Introduction	63
4.2. Biographical data of participants	63
4.2.1. Biographical characteristics of unmarried fathers	64
4.2.1.1. Age	65
4.2.1.2. Socio-economic status	65
4.2.1.3. Marital status	66
4.2.1.4. Educational status	66
4.2.1.5. Number of children born out of wedlock per father	66
4.2.2. Biographical findings of the key informants	67
4.2.2.1. Race	68

4.2.2.2. Gender.....	68
4.2.2.3. Age.....	69
4.2.2.4. Socio-economic status	69
4.2.2.5. Education status	69
4.2.2.6. Specialization.....	70
4.2.2.7. Working experience	70
4.3. Presentation of Thematic Findings.....	70
4.3.1. Challenges faced by unmarried fathers who are denied access to their biological children	72
4.3.1.1. Pregnancy damages and bride-price	72
4.3.1.2. Unemployment.....	74
4.3.1.3. Conflict with maternal family.....	75
4.3.1.4. Poverty	76
4.3.1.5. Psycho-emotional breakdown.....	78
4.3.2. Factors contributing to denied access of unmarried fathers to their biological children	80
4.3.2.1. Cultural responsibilities	80
4.3.2.2. Terminated intimate partner relationship with the mother of the child	81
4.3.2.3. Financial constraints	82
4.3.2.4. Lack of emotional and moral intelligence	83
4.3.4. Challenges encountered by Social Workers	84
4.3.5. Perceptions of Government Officials	89



University of Fort Hare
Together in Excellence

4.4. Conclusion	90
CHAPTER FIVE	92
DISCUSSION OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS	92
5.1. Introduction	92
5.2. Demographic Information of the Participants	92
5.2.1. Age.....	92
5.2.2. Socio-economic status	93
5.2.3. Educational Status.....	94
5.3. Discussion of Thematic Findings	95
5.3.1 Challenges faced by unmarried fathers denied access to their biological children 95	
5.3.1.1. Payment of pregnancy damages and bride-price	95
5.3.1.2. Unemployment.....	97
5.3.1.3. Conflict with maternal family.....	97
5.3.1.4. Poverty	99
5.3.1.5. Psycho-emotional breakdown.....	100
5.3.2. Contributing factors to denied access	101
5.3.2.1. Cultural responsibilities	101
5.3.2.2. Terminated intimate partner relationship with the mother of the child	102
5.3.2.3. Financial constraints	103
5.3.2.4. Lack of emotional and moral intelligence	103
5.3.3. Challenges encountered by social workers	104

5.3.4. Perceptions of government officials	107
5.4. Conclusions.....	108
5.4.1. Conclusions based on the aim and objectives of the study.....	108
5.5. Recommendations.....	110
5.5.1. Recommendations for the Department of Social Development.....	110
5.5.2. Recommendations for policy.....	111
5.6. Limitations of the study.....	112
5.7. Conclusion	113
References.....	114
APPENDIX A.....	141
APPENDIX B.....	142
APPENDIX C.....	146
APPENDIX D.....	153
APPENDIX E.....	155
APPENDIX F.....	156
APPENDIX G.....	169



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CHAPTER ONE

ORIENTATION AND BACKGROUND OF THE STUDY

1.1. Introduction

The phenomenon of absent or uninvolved unmarried fathers persists to be a problematic social ill across the globe. The legal position of unmarried fathers in the lives of their biological children across the globe is a critical and topical issue that require solemn attention (Lesch & kelapile, 2015; Lesch, 2017). In South Africa there is growing body of research which reveals an increase of uninvolved and absent fathers in the lives of the biological children. This is against the background that parental involvement is the most critical aspect for the optimal development of children (Hornby and Lafaele, 2011; Lv, Lv, Yan and Luo, 2019). However, the greatest determinants of parental involvement are finances and interpersonal relationships. On the other hand, young fathers identify the ability to provide financially as a key determinant of their involvement with their child (Enderstein & Boonzaier, 2015).

Conversely, the position of motherhood has become a prominent subject of interest within the legislative frameworks and academic spheres, where parenting is mainly associated with mothers for progressive child development. The focus on mothers has obscured the position of fathers, resulting into them (fathers) being relegated to the periphery and some labelled as incapable (Smith, 2006; Robison and Barret, 1986; Kawabata, Alink, Tseng, Van Ijzendoorn and Crick, 2011; Tang, Darlington, Ma and Haines, 2018). For instance, in Ireland, unmarried fathers have not received any protection from the state in relation to their legal position on their biological children born out of wedlock (Carmel, 2012). This shows why this topic should be of public concern. Critically, the question on the role played by unmarried fathers in the upbringing of their children needs solemn attention. The issue of involvement or contact with the child for countries such as Botswana is based on the predisposed laws and customary

practices relating to child maintenance and care (Letamo and Rakgoasi, 2000; Sloth-Nielsen, 2012; Trivedi. and Bose, 2020).

In the South African context, the common Law disregards the potential and capability of unmarried fathers to show care, love and emotional connection with their children beyond financial obligations (Richter, Desmond, Hosegood., Madhavan, Makiwane, Makusha, Morrell, and Swartz, 2012). Hence, an emphasis on parental involvement as a critical component for the wellbeing of children need to be prioritized (Makiwane, Makoae, Botsis and Vawda 2012; Nduna, 2014). Arguably, it is in the best interests of the child for the involvement of all parents to provide role model for the child or children, and instils values and norms for optimal development.

On the other hand, a review of literature in South Africa reveals that absent and undisclosed fathers and children have no connection with their fathers (Nduna, Kasese-Hara, Ndebele, Pillay & LManala, 2011). Sadly, a certain number of children with unresolved paternal identity is due to high volume of disputed paternal responsibilities (Hunter, 2006). There are various causes of unresolved paternal identity such as a pregnancy that was denied, disputed, traditionally unacknowledged through payment of *intlawulo*, alleged fathers disappearance etc (Nduna, Kasese-Hara, Ndebele, Pillay & LManala, 2011)

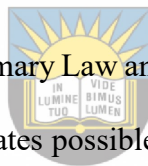
Customarily, a man who has impregnated a woman out of wedlock is required to pay *intlawulo* (pregnancy damages) to the maternal family of the biological mother of the child born out of wedlock (Makhanya and Matthias, 2018). In many African societies these practices follow deeply entrenched cultural practices that have guided African communities for long (Mubangizi, 2012; Amos, 2013). This justifies those cultural customs and beliefs are the trajectories of all human development that symbolises identity and belongingness. Therefore, they need to be respected and cherished. Culturally and legally an unmarried father has no cultural rights towards his child born out of wedlock until he has paid *intlawulo* (pregnancy damages) or *Ilobolo* (bride price) to the maternal family (Makhanya and Matthias, 2018).

Due to the changes in the society in the contemporary epoch, it is imperative to understand and appreciate that culture is dynamic and therefore not be static. Eclectic literature reveals that South Africa ranks second in African continent after Namibia with issues regarding absent fathers more especially in black communities (Lesch and Kelapile 2016; Richter, Chikovore and Makusha, 2010). Additionally, Clowes, Ratele and Shefer (2013), and Nduna, Khunou and Kholopane (2014) suggest that absent/uninvolved father phenomenon in the post-apartheid South Africa continues to escalate owing to a high number of social vices such as broken child-father relationships, restricted access of unmarried fathers to execute their responsibility beyond financial means, and undisclosed paternity.

According to Lesch and Kelapile (2016), the family system that exist in the current epoch results from the effects of colonialism. Fathers as providers of the families were compelled to migrate to urban cities leaving women in their rural areas, a move that created matrifocal families. Despite the reformation of the family systems, the phenomenon of absent fathers has still persisted (Nduna, Kasese-Hara, Ndebele and Pillay, 2011). Debatably, fathers who exhibit enormous interest of being involved in the lives of their children lack legislative support of recognition as capable nurturers and cares beyond financial provisions. The role of unmarried fathers in the lives of their children does not appear to attract any constitutional support or child friendly institutions (Lesch and Kelapile, 2016). For example, Matthias (2015) indicates that, unmarried fathers can enjoy or claim parental responsibilities and rights under the Children's Act number 38 of 2005. However, these responsibilities and rights can also be suspended, restricted, or terminated provided that an unmarried father does not execute the provisions set by the Act in chapter 3 section 21. Moreover, the provisions of the Children's Act can be said to provide certain amount of inconvenience for the unmarried fathers who have greater interest and passion in taking care of their children. This is more critical to fathers who wish to pursue fatherhood role but lack or have insufficient resources

to meet the financial demands and other cultural provisions. This is the gap that has prompted the investigation on absent fathers' access to their biological children.

Importantly, Ceka and Murati (2016) articulates on the significance of parental involvement in the life of a child in one of their publications, *'parents are powerful role models for children'*. They argue that parents play a major role on what children turn out to be in life. They demonstrate their belief by using a number of folk phrases such as 'the apple doesn't fall far from the tree'; 'like father, like son'; 'she lives up to the family name', all which signifies the importance of both parents role in the upbringing of the child to ensure proper grooming and moulding. This is critical for the child to receive sufficient guidance in life (Stephen, 2007; Ceka and Murati, 2016). Ultimately, co-parenting could yield good behaviour of the child and a source of optimal development.



To this end, the Children's Act, Customary Law and other relevant policies pertaining to child care and protection in South Africa articulates possible means for unmarried fathers to have access to their children (Children's Act 41/2007 as Amended; Customary Law, 2013). However, unmarried biological fathers in South Africa especially in traditional families continue to suffer social injustice and discrimination as their parental responsibilities and rights are not equated to that of a biological mothers or married fathers (Matthias, 2017). Thus, whether a father is married or unmarried, one must be given his social, biological and cultural position of fatherhood that should not be pegged to one's capacity to provide for the child. A father should be a joint primary caregiver with the biological mother of the child. Section 21 of the Children's Act 38 of 2005 makes provision for parental responsibilities and rights to unmarried fathers provided that he attempts in good faith to maintain his child.

This is critical where the rate of unmarried fathers and fatherless children is burgeoning unabatedly in historically disadvantaged South African communities. This is believed to be driven by myriad

factors such as broken families, socioeconomic challenges, aggressive and juvenile delinquent behaviours, and teenage pregnancies (Freeks, 2017). Therefore, the interplay between the denial of access of unmarried fathers to their children and the aforementioned mixture of social ills cannot be overlooked. The effect of unmarried fathers' denial to access their children has left a constellation of frustrations, and emotional baggage among the biological mothers, grandparents, and children themselves. It is against this background that the researcher embarked on this study to explore the experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities.

1.2. Problem Statement

The phenomenon of unmarried fathers who are uninvolved in the upbringing of their biological children born out of wedlock persists to escalate in South Africa and across the globe. This is exacerbated by the denial to access the children by even fathers that are interested to form part of their children's lives. Apparently, this social ill does not appear to attract any policy or practice intervention in support of unmarried fathers who wish to relate with their biological children out of wedlock. This has resulted in such fathers developing a state of anxiety, stress and despondency. Further, this lead to an increase in matrifocal families, unsatisfactory care of children, and juvenile delinquency in communities (Mudau, Mukansi and Ncube, 2018)


The phenomenon of fathers' lack of involvement in the affairs of their children born out of wedlock is believed to pose disastrous outcomes such as children lack of optimal development and deviance behaviour. This is against the majority of unmarried fathers who are keen to experience both the joys and challenges of parenthood, derive satisfaction from their parental role, and consider active role of fatherhood. This study endeavours to provide a platform for unmarried fathers to share their experiences on this phenomenon. The researcher believes that this study will add great value to

knowledge field of parenting and make informative recommendations for policy pertaining access of unmarried fathers to their children born out of wedlock.

Nathane and Khunou (2021) and Mkhize (2014) present about evidence about social fathers which highlights the importance of collaborative efforts in child-rearing within African societies. Communal and extended family tend to be supportive in instances where biological fathers are absent and uninvolved. However, the rationale behind this study is to deeply explore the experience of denied access of unmarried fathers to their children and what might be the cause, challenges, effects , coping strategies and possible solutions to create a better world for the children.

1.3. Research Questions

The study sought to answer the following questions:

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- What are the challenges encountered by unmarried fathers denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape Province?
 - What are the government officials' perceptions on experiences of unmarried fathers denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape Province?
 - What are the implications of denial of access for unmarried fathers and their children's human rights among *amaXhosa* communities in Mqanduli, Eastern Cape Province?

1.4. Aim and Objectives of the Study

The aim of the study was to describe the experiences of unmarried fathers denied access to their biological children among *amaXhosa* communities. The study has the following specific objectives.

1.4.1. Specific objectives

- To examine the challenges encountered by unmarried fathers denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape.
- To examine government officials' perceptions on experiences of unmarried fathers denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape.
- To assess the human rights implications of denial of access of unmarried fathers and their biological children among the *amaXhosa* communities in Mqanduli, Eastern Cape.

1.5. Research Domain

Landrum and Garza (2015) and Creswell (2009) stipulate that a research domain is an area which the people willing to provide information pertaining to the study can be found. The researcher determines the place of interest where the study is to be conducted. Therefore, this study was conducted in Mqanduli Town situated at the deeper ends of the Eastern Cape Province (formerly known as Transkei). Mqanduli Town is a small town situated within the governance of the O.R Tambo district Municipality, with its own small municipal governance, which is the King Sabata Dalindyebo (KSD) Municipality.

It is a home town for some of the eminent politicians in South Africa such as General Bantu Holomisa and former speaker of parliament of the Republic of South Africa Baleka Mbete and many others. The majority population of this municipality reside in rural areas where they practice cultural traditions. King Sabata Dalindyebo Municipality still retains many of the earliest buildings of the neoclassical style that was popular during the colonial times. The municipality is predominantly inhabited by Xhosa speaking people and come from disadvantaged backgrounds. The researcher chose this geographical domain based on the high number of reported cases of denial of access by unmarried fathers to the Department of Social Development. Most unmarried

fathers claim to be side-lined and disregarded as potential fathers beyond financial obligations and accessory materials. This prompted the researcher's interest of research in this area.

1.6. Significance of the Study

.In South Africa, the rate of absent fathers persist to increase drastically. This poses a serious concern which warrant an empirical study. This study contributes to a broad knowledge base of research on parenting, child statutory policies as well as the social work discipline. Furthermore, this study sought to address the critical issue that poses threat to the well-being of children born out of wedlock and came up with a number of recommendations on how to balance between the human rights of the unmarried fathers and those of their children. The study also advocates for the development of support service and strategies to bolster the relationship of unmarried fathers and their children born out of wedlock.in selected areas of the Eastern Cape Province. This study also brings to the fore the human rights implications as a result of denial of access to the children by the unmarried fathers. This would inform on the current policy gaps. The recommendations made in this study would inform the state to augment provisions and legal position of unmarried fathers in South Africa in reference to the best interest of the child.

1.7. Outline of the Dissertation

Chapter one: Orientation and background of the study

This chapter presented the research area, research problem, research aim and objectives, research questions and significance of the study.

Chapter Two: Literature review

This chapter reviewed relevant literature to the research questions and theoretical framework.

Chapter Three: Research methodology

The chapter discussed the methodological terrain of the study that consisted of procedures that were followed to collect data and methods and techniques of analysis and interpretation of data.

Chapter Four: Data analysis, interpretation and presentations

This chapter focused on the comprehensive analysis and interpretation of the findings.

Chapter Five: Discussion of findings, conclusion and recommendations

This chapter provided the discussion of the findings, made conclusion by outlining key issues, and made practice recommendations as well as suggestion for further research.



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CHAPTER TWO

LITERATURE REVIEW

2.1. Introduction

Literature review is a logical and systematic process of determining what has already been researched on the topic. It entails identification of previous approaches and central issues in the field of study, as well as an integration of what previous researchers have found to discover significant unresolved issues (Bloomberg & Volpe, 2012). Further, literature review serves to educate oneself in the topic area to understand the scope before shaping an argument or justification for the study (O’Gorman & MacIntosh, 2015). Denney and Tewsbury (2013) assert that the review of literature is a consolidation of an overall previous research information on a particular topic, which requires an investigation due to the knowledge gap and setting up a rationale for further investigation. By virtue of that, the review of literature is a critical, analytical account of the existing research on a particular topic and is synthesised, organised around ideas and arguments that are relevant to one’s particular study (Bloomberg & Volpe, 2012).

In the same vein, reviewing the literature does not only require engagement with the content of literature, but also requires comparison, contrast, synthesis and development of argument in a manner that designates the zeal to contribute to the knowledge base of academics (O’Leary, 2010). In this chapter, relevant literature on the topic was reviewed. Some words were used interchangeably, such as fatherhood roles and paternal roles. In this review, the researcher looked at issues of theory, policy environment, and role of culture.

2.2. Legislative Framework

2.2.1. International legislative frameworks and protocols on human rights

2.2.1.1. United Nations Declaration of Human Rights 1948

The United Nations Declaration of Human Rights was adopted and proclaimed by the General Assembly resolution 217 A (III) in December 10th 1948 (Assembly, 1948). On December 10th 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights (UDHR). Subsequent to its historic act, the assembly gathered all its membership countries to publicise the declaration and ensure its dissemination, through broadcast, read text and published primarily in schools and other educational institutions. This was done irrespective of political status and territories of countries.

Relative to the study, Section 16 of this declaration speaks about the ‘right to family’. This refers to a child having the right to be raised by a family (United Nations General Assembly, 1948). Both the father and the mother of the child have the obligation to raise the child and provide stable environment for the child’s upbringing (United Nations General Assembly, 1948). As per section 16 of the UDHR contained in Article 10 of the international covenant on economic, social and cultural rights, subsection (1) outlines that “the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and is responsible for the care and education of dependent children”. Regrettably, most of these conditions will not be fulfilled if the responsibilities of a father to his biological child are being deprived.

2.2.1.2. Convention on the Rights of the Child (CRC) 1989

The convention on the rights of the child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It was operationalised on 2 September 1990, in accordance with article 49 (Tobin, 2019). The

convention on the rights of the child in article 3 subsection 2 declares that, “states parties shall respect the responsibilities, rights and duties of parents”. Sensitively, social orders and other legal frameworks of the modern society tend to have strict provisions for fathers especially the unmarried ones. In some state gazettes as it relates to the provisions, unmarried fathers have no responsibilities and rights towards their biological children, which perhaps might be fuelling the high rate of absent and uninvolved fathers in South Africa (Lubbe, 2020).

Article 18 of CRC asserts that state organs shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents have the primary responsibility for the upbringing and development of the child. The best interests of the child should be their basic concern (Hill and Tisdall, 2014). Perhaps, some father’s avoidance of responsibilities is due to their financial incapability to assist and effect nurturance of their children as well as both self-stigma and societal stigma.



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In addition, Article 27 subsections 1-3 outlines similar views with the aforementioned sections which are as follows:

(1) States parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. However, an inadequate performance of unmarried fathers to deliver such essential services to their biological children can be expected if they are denied access to their biological children.

(2) Parents have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. In most cases, this section does not get implemented because culturally and legally, unmarried fathers have no rights and responsibilities towards their children unless they pay pregnancy damages to the child’s maternal family. Apparently, some feel they have a role to participate in their children’s

wellbeing beyond financial responsibilities. This constitutes their apathy and despondency towards such socio-cultural judgements while policies do not favour their contestations.

(3) States parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. Evidently, the state of the Republic of South Africa has in good faith provided these needs to the needy through social institutions such as the Department of Social Development. Programmes such as the social grants and the Reconstruction and Development Programme (RDP) are in place. Then the father's denial to access their children simply because of their inability to provide resources constitutes a human rights denial, especially when the financial needs are met by the government. This precarious phenomenon of denying them access to their children also poses the children's human rights. Children have the right to access their biological fathers irrespective of the societal perceptions of their financial capabilities. Children cannot achieve their psychological and emotional optimal growth in the absence of one parent (Adegboyega, 2019). For example, when children apply for the social grant, the whereabouts and necessary supporting documents of the biological father are required (Hlabyago & Ogunbanjo, 2009; Udjo, 2014; Coetzee, 2014; Seekings, 2016; Khosa & Kaseke, 2017). This shows that the absence of fathers to their biological children can have negative ramification to the child as stipulated in the Children's Act 41/2007 as Amended.

2.2.2. Regional Legislative Frameworks and Protocols

2.2.2.1. African Charter of 1989 on Human and People's Rights

The African charter on article 29 subsection 1 expresses the duties that an individual shall have. They include to preserve the harmonious development of the family and to work for the

cohesion and respect of the family. Additionally, Chapter 2 of the African Charter in article 27 states that “every individual shall have duties towards his family and society”.

Arguably, when an unmarried father is denied access to his children, this limits the chances of the aforementioned duty towards his family. Additionally, denying unmarried father access to his biological children is in violation of children’s rights to receives maximum and optimal care and love of the biological parent.

2.2.2.2. African Charter on the Rights and Welfare of the Child

The African Charter on the rights and welfare of the child speaks about the protection of the family. In article 19, the Charter outlines the Parental Care and Protection that:

1. Every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents.
2. Every child who is separated from one or both parents shall have the right to maintain personal relations and direct contact with both parents on a regular basis.



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On the analysis of article 19, it shows a contradiction with the Children Act No.38 of 2005 in section 21 in terms of the provisions of parental responsibilities and rights. Notably, section 2 of article 19 speaks about maintaining personal relations and direct contact by the child with his/her parents on regular basis without any hindrance. This means that the practice on the ground runs counter this section of the children’s Act. Further, section 19 is concerned with maintaining family ties with a child knowing who his/her biological parents are, and have a taste of their love and care.

Article 20 of the Children’s Act: Parental Responsibilities

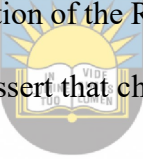
Parents have the primary responsibility for the upbringing and development of the child. Article 20 provides that parent’s shall have the duty to ensure that the best interest of the child is their

basic concern at all times. If unmarried fathers are denied access to their biological children, this means the provision of the article will not be fulfilled as both parents will not be available to execute their primary responsibilities to the child. It needs be emphasized that some of parental responsibilities are not democratically given to parents to ensure optimal development of their children as required by this section. By far, diverse scholarly findings, media broadcasts, and social networks have published an array of broken child-father relationships or attachments owing to various fuelling circumstances such as legislative prohibitions discussed above.

2.2.3. National Legislative Frameworks and Protocols

2.2.3.1. Constitution of the Republic of South Africa 1996

Section 28 of Chapter 2 of the constitution of the Republic of South Africa speaks of the rights of children, where section 1(a) to (d) assert that children have the rights to:

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- (a) A name and a nationality from birth;
 - (b) Family care or parental care, or to appropriate alternative care when removed from the family environment;
 - (c) Basic nutrition, shelter, basic health care services and social services; and
 - (d) Be protected from maltreatment, neglect, abuse or degradation.

Subsection 2 denotes that the best interest of every child is of paramount importance in every matter concerning the child. Vividly, every child should be provided with basic needs and nurturance by both parents, and each parent has a significant role for the optimal development of a child. However, in the absence of parental role, it is likely that a child might experience some maladaptive behaviour due to insufficient parental affection and care.

2.2.3.2. Children's Act No. 38 of 2005

Section 18 of Chapter 3 of the Children's Act No. 38 of 2005 provides the following parental responsibilities and rights:

(1) A person may have either full or specific parental responsibilities or rights in respect of a child.

(2) The parental responsibilities and rights that a person may have in respect of a child, include the responsibility and the right - (a) to care for the child; (b) to maintain contact with the child; (c) to act as guardian of the child; and (d) to contribute to the maintenance of the child. In contrast, the same chapter in section 21 of the Children's Act No.38 of 2005 as stipulated in Matthias (2015) provides for the following parental responsibilities and rights of unmarried fathers:

(1) The biological father of a child who does not have parental responsibilities and rights in respect of the child in terms of section 20, acquires full parental responsibilities and rights in respect of the child,

(a) If at the time of the child's birth, he is living with the mother in a permanent life-partnership; or

(b) If he, regardless of whether he has lived or is living with the mother-

(i) Consents to be identified or successfully applies in terms of section 26 to be identified as the child's father or pays damages in terms of customary law;

(ii) Contributes or has attempted in good faith to contribute to the child's upbringing for a reasonable period; and

(iii) Contributes or has attempted in good faith to contribute towards expenses in connection with the maintenance of the child for a reasonable period.

(2) This section does not affect the duty of a father to contribute towards the maintenance of the child.

(3) (a) If there is a dispute between the biological father referred to in subsection (1) and the biological mother of a child with regard to the fulfilment by that father of the conditions set out in Subsection (1) (a) or (b), the matter must be referred for mediation to a family advocate, social worker, social service professional or any other suitably qualified person. (b) Any party to the mediation may have the outcome of the mediation reviewed by a court.



Perceivably, denying unmarried fathers' access to their biological children has had a negative result in the welfare of children manifesting in inter alia broken families, matrifocal families, socioeconomic challenges and behavioural challenges (Freek, 2017). Arguably, the challenges of unmarried fathers in South Africa especially in traditional embedded families or societies can be viewed as a form of social injustice and prejudice due to a lack of balanced parental responsibilities and rights between unmarried fathers and biological mothers (Matthias, 2017). Thus, the interpretation of Section 21 remains an ambiguous one, not only to unmarried fathers, but also to the courts. Perhaps, the common law of the Republic of South Africa has disregarded the potential and capability of unmarried fathers to show care, love and share emotional connection with their children beyond financial obligations. Hence, an emphasis on parental involvement as a critical approach for the well-being of children needs to be made. Unequivocally, co-parental involvement in lives of their children is of paramount importance,

and in this regard parents need the support of relevant institutions (Nduna & Jewkes, 2011; Makiwane, Makoae, Botsis & Vawda, 2012).

2.2.3.3. Natural Fathers of Children Born Out Of Wedlock Act 86 Of 1997

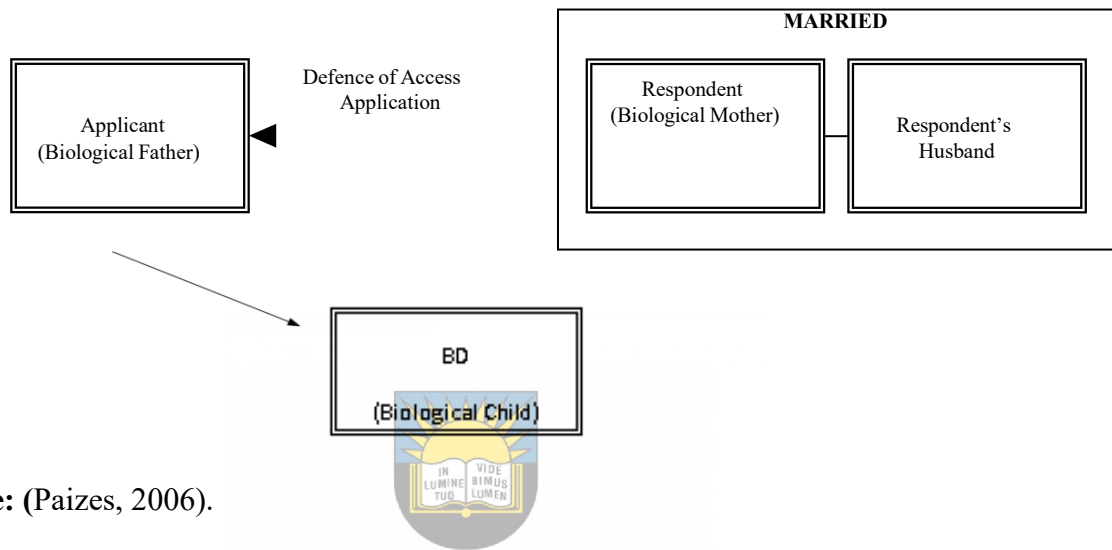
The Act was formulated after thorough investigations that took place in 1994, which confirmed efficient results. The positive outcomes proposed a new emanated Act of Natural Fathers of Children Born out of Wedlock Act 86 of 1997, which came into effect in 1998. The new Act emerged from South African Law Commission (currently known as South African Law Reform Commission) on the basis of forming new legislation of common law position (Adams, 2016). Notably, the Act was established as a determinant of unmarried fathers' legal position in South Africa. Obligatorily, unmarried fathers need to approach the court for assistance and application to inter alia gain access, custody, and guardianship in respect of the child.

Therefore, the court has the upper hand to decide on what is in the best interest of the child based on the recommendations made by family advocate on their investigations (Garella, 2013; Manyathi-Jele, 2013; Adams, 2016). Apparently, the Act existed to put an emphasis that the legal position of unmarried fathers as persons that do not have automatic power over their children born out of wedlock. However, the Act was replaced by the current Children's Act No. 38 of 2005, which also posits that unmarried fathers do not have automated rights towards their children born out of wedlock, unless they execute provisions contained in section 21 of the same Act (Garella, 2013).

For instance, in case of "k v B" in Johannesburg brought to the Witwatersrand local Division the application was, "Application for the adoption of BD" in the Randburg Children's Court (Paizes, 2006). Therefore, the case is used as a reference point to pinpoint the weight of the legal process of South Africa during different stages. The genesis of the case was on the basis that the mother of the children born out of wedlock was now married and by all means with

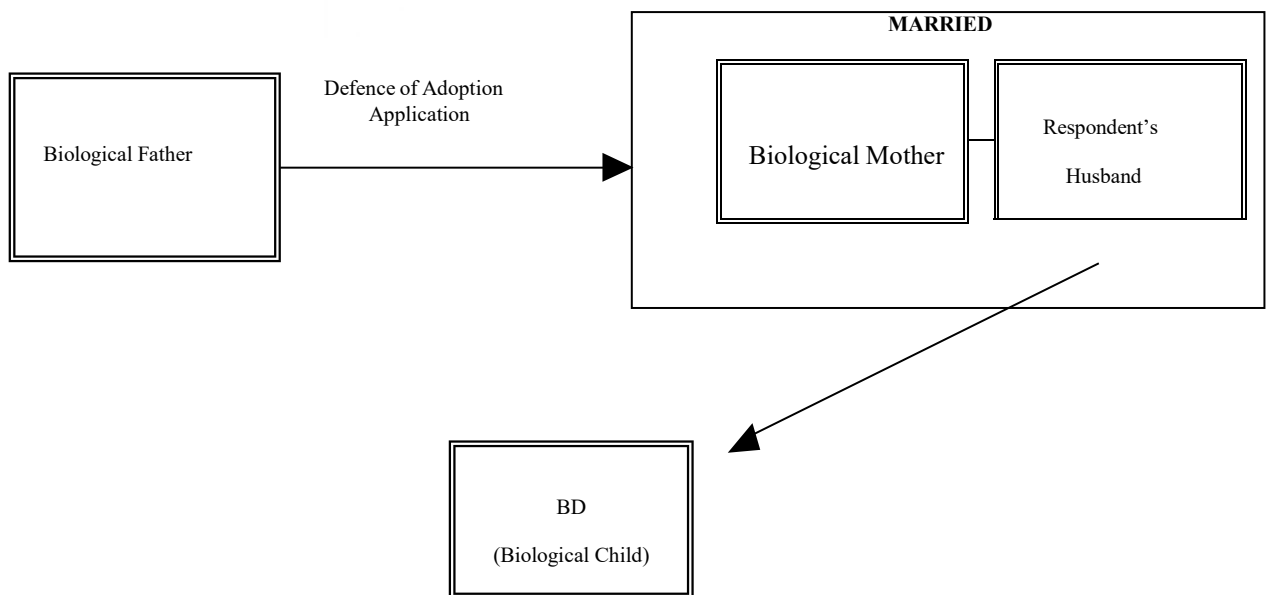
her husband had blocked all means of access for the applicant who is the unmarried biological father. Not only the father had to defend the access issue, the respondent's husband who is husband of the mother of the child further made application for the adoption on the very same child (BD) in discussion.

Figure 1: High Court Access Application



Source: (Paizes, 2006).

Figure 2: Application for Adoption in the Children's Court



Concisely, the case went all the legal stages that needed to be undergone with disputes and many other applications. However, the verdict of the case presented that both the biological parents of the child should have joint guardianship on the child. The father of the child was to adhere to the provisions set by the Act of Natural Fathers of Children Born out of Wedlock Act 86 of 1997.

2.3. Pregnancy Damages and Bride Price (*Intlawulo and Ilobola*).

Holistically, cultural attributes such as identity, values and traditions are expressions of individuals right to participate in cultural practices and serves as protection of cultural integrity by all citizens. The rights to maintenance of culture are acknowledged in the international law which informs the African Charter of Human and People's Rights and African Charter on the Right and Welfare of the Children (Boezaart, 2013). Indisputably, in various African countries, both customarily and statutory, there is a distinction between a child born in and out of wedlock. This implies that some children suffer social stigma, violation of rights and legal handicaps particularly in the context of unexecuted parental responsibilities and rights. Customarily, a father of a child born out of wedlock does not have automated parental responsibilities and rights towards his child, unless he accepts the general principle of paying *intlawulo* (pregnancy damages) which is a symbol of acknowledging paternity and *ilobolo* (Bride price) which is marrying the girl he has impregnated (Boezaart, 2013).

In Western and other various African states, the payment of pregnancy damages by the paternal family to the maternal family is not so different from that of South Africa. For a man who impregnates a woman out of wedlock, normally the maternal accompanies the girl to the paternal parents to facilitate the acknowledgement of pregnancy by their son. In some African states maternal family leaves the girl there under the responsibility of the paternal parents whose son has impregnated her (Vengesai, 2018; Muguti & Mlambo, 2021).

The paternal family is expected to take care of the impregnated woman, and thereafter they are expected to approach the maternal family to negotiate both for pregnancy damages and bride-price. Notably, the culture or the traditions in Zimbabwe is different from the South African one in the sense that, if the boy impregnates a girl out of wedlock, he must marry her or take her as his own irrespective of whether the payments for damages and bride price has been paid or not (Vengesayi, 2018; Muguti & Mlambo, 2021). Notably, the child born out of wedlock in Zimbabwe automatically takes the father's surname if acknowledgement by the biological father is given.

Seemingly, the state of unmarried fathers in Zimbabwe in gaining access to their biological children who are born-out of wedlock is not as controversial as in South Africa. Promptly, after the acknowledgement of the details of the father, the child automatically takes the father's surname. However, in South Africa, the issue of parental rights and responsibility acquisitions is at crossroads as far as reaching a unanimous decision is concerned. Whereas carrying of fathers surname by children is a cultural norm in African and western societies (Smith, Khunou, Nathane-Taulela, 2014)

Traditionally, the perspective of South African culture to fatherhood can be viewed as a collective process. Marriage to the mother of the child and material provisions for the child are the principal ideologies of fatherhood (Lesch & Kelapile, 2016). The rights of fathers in customary law under the recognition of customary marriage Act are affected by numerous factors. The right of a father to his biological child is linked to *intlawulo* and *lobola* (Sonke Gender Justice & Human Sciences Research Council, 2018). Similarly, Eddy, de Boor, and Mphaka (2013:24) assert that “traditional African culture preconditions access to the child and the exercise of fatherhood on a variety of payments.” Regrettably, the cultural components of cultural conflict theory attest that an African man is obliged to take full responsibility towards the mother of his child born out of wedlock. Therefore, some of the significant responsibilities

is to pay pregnancy damage, failure to which prompts cultural conflict between maternal and paternal families. The phenomenon results in the infringement of the father to gain access to his child. This tradition is a legal and documented one according to the South African law 'Customary law' (Nkosi, 2018; Ntuli, 2019).

Despite the emergence of various relationships from which children are born, traditional African cultures still consider marriage as an indication of a man's respectability and a precondition for a father's right to access his child (Eddy, De Boor and Mphaka, 2013). Ordinarily, a child born out of wedlock automatically belongs to the maternal family, where all necessary decisions and provisions that are in the best interest of the child are taken at heart for the child's wellbeing. Therefore, in order for the father to qualify to be granted access to his biological child, particularly those born-out of wedlock, depends on the agreement reached between the maternal and paternal families through the negotiations of *intlawulo* and *lobola*. At this juncture, taking from the underpinning of cultural conflict theory, a man who impregnates a woman out of wedlock is regarded as a failure. Notably, pregnancies out of wedlock in the modern era have become normative, which contradicts the value and norms of African culture, where a woman would take pride of her virginity. It is culturally right for a man to pay the bride price (*lobola*) before impregnating a woman. This is a noble act that preserves the chastity of culture.

In South African context, the practice of paying *intlawulo* is a tradition that is culturally rooted, which was established as a symbol of respect, restoration, reparation and acknowledgement of paternity to the maternal family (Eddy, Thomson-de Boor, & Mphaka, 2013; Matee, 2017; Tyawa, 2017). The child may form part of the paternal family once payments have been agreed upon and settled (Nduna & Jewkes, 2012, Nduna & Sikweyiya, 2013). To this end, Richter, Chikovore, and Makusha (2010) asserts that, traditional identity of fatherhood diminished

under the influence of colonialism. This has largely disrupted family system (Selin, 2013; Sooryamoorthy & Makhoba, 2016).

It is acknowledged that cultures prescribe greater involvement by mothers in children's lives especially when they are young, while a man's responsibility is pronounced when the child especially the boy child is weaned and start taking gender based responsibilities (Richter, Chikovore & Makusha, 2010; Richter, Desmond, Hosegood, Madhavan, Makiwane, Makusha, Morrell and Swartz, 2012; Chikovore, Makusha & Richter, 2013; Clark, Cotton and Marteleto, 2015). From this cultural viewpoint, the grandmother (or in general the mother's family) who is often entrusted with the upbringing of the child, may not consent to giving the biological father access to the child as she may view this access as exposing the child to a stranger (Richter et al, 2012; Makusha, 2013; Makusha & Richter, 2015).

Many fathers in some studies mentioned these cultural factors as reasons for being disengaged from their children's lives. Additionally, other cultures (e.g. Zulu ethnic group) demand that the father pays *ilobolo* (bride price) for the child even if he does not envisage getting married to the child's mother (Mayekiso, 2017; Ramonkga, 2019). Since the bride price constitutes a significant amount of money, which may not necessarily be accessible for unemployed and poor young men, this has caused denied access to their biological children (Lesch, 2017; Rabie, Skeen, and Tomlinson, 2020). This, in South Africa contributes to the high rate of disengagements by fathers to their children. Contemporarily, diverse literature sources on this subject reveals South Africa as the second country with the high rate of ATM, absent and un-involvement fathers (Lesch & kelapile, 2015; Lesch, 2017; Freeks, 2021).

Unequivocally, with South Africa leading the pack, African traditions have practically depreciated on their ideal character and normative standards for marriage in the modern generation. It is this researcher's view that traditional cultures must adjust to the modern times

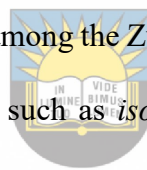
with the realization that fatherhood is not associated with materialistic roles. Smith, Dann, Francillon, Greenwood, Hughes, Jafari, Manning, Narayan, Nash & Zamora (1982), and Elwell (2013) argue that people have utilized sociocultural systems in order to deal with real life events regardless of the dichotomy created by the traditions and change (Madhavan, Harrison & Sennott, 2013). Thus, an emphasis should be put on the dynamic of continuity where old and new ideologies are understood and defined according to situations at hand. Indubitably, in terms of the Customary Law of the Republic of South Africa, a man who has impregnated a woman out of wedlock is required to pay pregnancy damages to the maternal family of the biological mother of the child born out of wedlock (Bennett, 2004; Bhana & Nkani, 2014). This makes cultural and social sense because cultural customs and beliefs are the roots of all human kind that symbolises identity and belongingness, and thus they should be respected and cherished. However, in the contemporary world, there is need for a new understanding that culture is not static but dynamic.



However, it is imperative that fathers move from their comfort zone and go beyond financial responsibility to adopt a new culture of accountability of becoming carers, lovers and providers (Randles, 2018, Randles, 2020). Importantly, the activation theory supports the notion of fathers' involvement in the lives of their biological children through the enforcement and development of strong attachment relationship (Paquette, 2010; Dumont and Paquette, 2013). Regrettably, fathers tend to be perceived as disengaged breadwinners and unemotional disciplinarians. It is imperative that fathers embrace the spirit of nurturing, as well as get intimately involved in their children's daily activities (Eerola & Huttenen, 2011). Notably, these traditional parental roles are still present in many communities in South Africa (Strebel, 2006; Mgobhozi, 2017).

Sonke Gender Justice and Human Sciences Research Council (2018) highlight the existing customary law on *intlawulo* and note that the payment of *intlawulo* is complex and ever-

changing. Furthermore, the practice and its impact on paternal involvement is intertwined. Given the social conditions of the modern era, marriages are gradually declining and many fathers sire children out of recognised unions (Nkurunziza, 2018; Oláh, Kotowska & Richter, 2018). However, diverse scholars suggest the need for recognition of a father to a child born out of wedlock whether payment of *intlawulo* has been effected or not. Ironically, a man who fails to acknowledge paternity through the settlement of bride price is dismissed by the maternal family as an irresponsible man devoid of respect (Nduna & Jewkes, 2012). But to the contrary, there is evidence on the ground in many communities fathers are taking responsibility and providing care for their children out of wedlock (Sonke Gender Justice and Human Sciences Research Council, 2018). The payment of pregnancy damages in some customary law systems, such as SiSwati and Pondo ethnic groupings allows the fathers to have parental responsibilities and rights. However, among the Zulu and Setswana ethnic groupings, additional considerations are deemed necessary such as *isondlo* in Zulu (Maintenance) and *dikotlo* in Setswana (Boezaart, 2013).



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2.4. Cultural Rights' Deficits Associated with Unmarried Fathers Denial of Access to their Biological Children

The significance of cultural rights is recognised in Article 22 of the Universal Declarations of Human Rights (UDHR) as it asserts that "everyone, as a member of society is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality". Additionally, section 27 supplements the aforementioned issue of cultural rights in that "everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits" (Grant, 2006:4; Rabie, Skeen & Tomlinson, 2020). South African law adopts the international human rights laws that are enshrined in recognised international instruments. Nonetheless, in case of conflict such as the issue of unmarried father's cultural rights towards their children born out

of wedlock, the constitution or an Act of parliament takes precedence (Grant, 2006; Ozah & Skelton, 2018). Importantly, this subsection tries to unpack the cultural politics of unmarried fathers with regards to parenthood and parental responsibility, and rights in South Africa.

Culturally, cultural rights are explained and understood by analysing the relationship between culture, gender and development. From a historical point of view, this section of the study examines how cultural rights were acquired historically and promoted adequate parenthood, social equity and equality using the historical experiences of South Africa as typical African society in the pre-colonial epoch. Culture is an ever-changing entity that embraces diversity of material and non-materialistic entities (Bakić-Mirić, 2011; Ntombana, 2011). It embodies the norms, values, beliefs, religion, philosophy, ideologies of the people with system of meanings (Nordstrom & Martin, 1992; Few, Spear, Singh, Tebboth, Davies & Thompson-Hal, 2021). Furthermore, it includes the commonalities and helps to structure and determine how social institutions shape the lives of the civil society from one generation to another. However, the execution of such cultural rooted entities is based on social expectation associated with gender. As a result, the development includes changing attitudes, institutions and approaches which determine the transformation success or failure strategies of the African culture.

Drawing from the above paragraph, unmarried fathers' access to their children born out of wedlock is affected by three entities which is culture, gender and development. African cultures require a man who has impregnated a woman out of wedlock to follow certain traditions such as '*intlawulo* and *ilobola*' (pregnancy damages and bride price). These traditional cultural practices are the ones that determines the attainment of cultural rights and access to the child by an unmarried father. Responsibly, there are social and legal expectations that a man must adhere to guarantee welfare of one's biological child. Importantly culture and gender are affected by processes of development and modernization. Culture must be flexible to move with time and be relevant to afford interventions to address the prevailing challenges.

Cultural rights refers to the rights where a child is introduced to the paternal family, adopts the surname and the clan name of the paternal family amid conducting of rituals to introduce the child to his/her ancestors among other traditional and cultural activities etc. (Ngema, 2013; Mmusinyane, 2016). Sadly, with the developments of the modern society and transformation of cultural perspectives and social institutions, cultural rights of unmarried fathers seem to be fading away as time goes. The social institution has introduced a new system whereby legal acts have taken away some rights from the fathers (Boezaart, 2013; Mmusinyane, 2016). In South Africa, cultural rights of fathers have historically been tied to being married to the mother of the child at the time of childbirth or payment of pregnancy damages if the mother is impregnated out of wedlock (Child Welfare Information Gateway, 2017). Fathers being discriminated in terms of culture has a long history in South Africa, particularly when it comes to parental rights (Simpson and Yinger, 2013). Perhaps, diminution of such cultural discrimination can be created by equality on parental responsibilities and rights, review of legal policies, and statutes in relation to child protection.



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Firstly, in order to debunk cultural rights' position with regards to parenting, there is a need to first observe our modern societies, in which no change can be drawn in any major way with regards to fathers as nonparents. Indisputably, South African society has a considerable cultural discrimination against fathers as parents (Levine, 1976; Makofane, 2015; Profe and Wild, 2017). Notably, the efforts of government for equality in parenting where mothers and fathers share the joy and challenges of parenthood must be acknowledged. On the other hand, men are socialised to be shields and providers of their families with children as their dependents. Additionally, pregnancy damages tend to be the most prevalent fuelling factors to deny cultural rights to fathers, more so to those with children born out of wedlock. Consequently, various literature sources have associated payment of pregnancy damages to the maternal family as the

acknowledgement of paternity by the biological father (Madhavan and Roy, 2012; Bhana and Nkani, 2014).

2.5. Paternal Rights Deficits Associated with Unmarried Father's Denial to Access Their Children

According to the Children's Act of South Africa No. 38 of 2005, an unmarried father does not have automatic paternity rights and responsibilities towards his biological child. An unmarried father can only acquire access to execute responsibilities if he was involved fully and in good faith during the entire pregnancy period and time of birth of the child. Furthermore, he must execute provisions stipulated in Section 21 of the Act. Generally, there are three primary rights that any father could wish for; the right to care for a child; the right to contact which provides a personal relationship with a child; and the rights to guardianship which includes safeguarding a child's property, interests, representing a child in legal matters and consenting to a child's marriage, adoption, removal from South Africa, or an application for a passport (Legal and Tax, 2016).



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The growth of a child without a father can have negative ramifications on the optimal development and wellbeing (Ratele, Shefer and Clowes, 2012; Coakley, 2013; Lesch and Kelapile 2015; Lesch, 2017). On the other hand, in African societies this depend on the definition of fatherhood as a father is not only perceived to a biological father. Contemporary African fathers acknowledge fatherhood in context of extended families, which is referred to as social fathers who mostly mitigate the gap of absent fathers (Nathane and Khunou 2021, Mkhize, 2006). However, Volker and Gibson (2014) confirm that the quality of a father's involvement and his material provision determines the quality of a child's development. Furthermore, a father's involvement is associated to reducing chances of behavioural problems exhibited by the child. Notably, there is dearth of information and platforms in South Africa where views of unmarried fathers denied access to their biological children can be heard. As a

result, the focus is skewed towards married and resident fathers who are involved and contribute financially to their children (Castillo, Welch and Sarver, 2011; Matthias, 2015; Rabe, 2017).

Volker (2014) highlights that, perceptions on fathers role tend to be the most influential factor to parental involvement. Prevalently, financial constrained fathers are at higher risk of being excluded from their children as compared to wealthier fathers, especially after breakup with the mother of the child. In a similar vein, Lesch and Kelapile (2016) and Morrell (2006) argues that poverty tends to destabilize paternal involvement, as fathers are expected to provide, protect, and be actively involved in their children's lives, regardless of their lack of resources to perform these roles. However, incapability of a father to provide financially mostly result in them being labelled as worthless fathers.

The father's relationship with the biological mother of his child is another critical factor in father involvement. Studies have found that a positive relationship between unmarried fathers and mothers strengthens paternal involvement (Richter, 2006; Lu et al., 2010; Berger and Langton, 2011). Concisely, some men, for instance the members of the Fathers for Justice Group in Jordan's (2009) study, argued that certain mothers aim to hurt their ex-partners by denying them access to their children. Moreover, the society and the law seem to support the position taken by mothers to deny the unmarried fathers the access to their biological children (Gallinetti, 2006; Mayeri, 2015; NeJaime, 2017). Lesch (2017) argues that the role of fatherhood is perceived as an alternative term in South Africa and greatly associated with being material provider. In counter argument, mothers are perceived as capital carers and emotional drivers, disciplinarians and nurturers towards optimal development of the child.

Significantly, one of the vivid influential factors to fathers' involvement in their children's upbringing is the mother. When a relationship is positive between the biological mother and

the unmarried father, the outcomes of the fathers' involvement tend to be fruitful, as opposed to when the relationship is sour (Lamb, 2002; Volker, 2014). Notably, the fathering role continues to experience reforms in the modern society. Palkovitz and Hull (2018), Palkovitz (2012), Fein (1978), and Pleck (1987) described three perspectives on fathering, which are traditional, modern, and the new 'emergent' perspective. The traditional role was practiced from the early 19th to mid-20th centuries. This role conformed to the ideals and realities of the 1940s and 1950s. Its focus was on 'breadwinning' and authority, and there was no expectation of actual parenting. The modern role surfaced in the 1960s, during the time when the issue of child development was on many research agendas. The expectation of fathering included the child's development of an appropriate sex-role identity, sound morals and successful academic performance (Lamb and Tamis-LeMonda, 2004; Lamb, 2010; Bhana and Nkani, 2014; Randles, 2020).



Father absence was perceived as a risk factor, especially for boys. Similarly, Liu (2019, p1) argues that, "large number of studies have proved that fathers have irreplaceable important value to the growth of young children." The emergent view, starting in the 1970s, gave fathers a parenting role equal to mothers. This is otherwise known as androgynous fatherhood. This perspective is supported by research into the psychological transition to parenthood for men, the attachment behaviour of infants with their fathers, and the recent influx of non-traditional childcare arrangements assumed by fathers (Chili, 2013; Matlakala, Makhubele and Mashilo, 2018). However, revisiting child-rearing practices in traditional African societies, fatherhood adopts the social and cultural approach which is in line with communal view of self and family. African child-rearing is informed by communal life, as such father absence may not be a risk factors if male adults of extended families are present in boys' life (Mkhize, 2006). According to Robinson and Barret (1986), and Lamb, Pleck, Charnov and Levine (2017), androgynous fathers are likely to share childcare and breadwinner roles on an equal basis. In 2001, the

National Center on Fathers and Families developed the Fathering Indicators Framework (FIF) as a tool to assess the functioning of men as fathers.

Importantly, the FIF is a designed tool aimed at assisting in the conceptualization, examination and measuring change in fathering patterns or behaviour considering child and family well-being by scholars, policymakers and practitioners (Gadsden, Fagan, Ray and Davis, 2001; Hill, 2013.). Briefly, the FIF is established on research and theory which includes six indicators. These six indicator categories namely: (1) father presence; (2) caregiving; (3) child social competence and academic achievement; (4) cooperative parenting; (5) healthy living; and (6) material and financial contributions (Day and Lamb, 2003; Gadsden, Fagan, Ray and Davis, 2004; Smith, 2006).

Gadsden, Fagan, Ray and Davis (2001 and 2004) espouse that the purpose of FIF is to provide a useful schematic summary of the data sources, methods, and variables that can assist in field efforts. Possibility to provide information about the effects of the program on the father; effects of a father's involvement or behaviour change on a child or family; or the ways in which these effects affect parents and children and families bond together to enable men to positively engage with their children, mothers of their children, and their families (Cryer, 2015; Parent, Robitaille, Fortin and Avril, 2016).

2.6. Parental Subjugation Associated with Unmarried fathers Denial of Access to their Children

“Social and cultural norms around gender roles, expectations of typical and appropriate ways of being, continue to affect care patterns” (State of the World's Fathers, 2017: 35). Globally, men are expected to assume external hard labour and become providers and breadwinners. To the contrary, a place of a woman is prevalent to household care; perhaps that is why children internalise the notion of care-giving to be woman's work. To address these perceptions there

is need to include men in care role to show care towards their children (State of the World's Fathers, 2017). There has been growing attention on the fathers' role in the care and optimal development of their children attributed to policy initiatives, and socio-economic forces. By virtue of these factors, there are various dimensions relating to how fathers implement their roles in caring for their children. This would also be determined by the extensive cultural, social norms and expectations. Thus, the need for equal division of care-giving between parents is of great necessity.

Apparently, section 21 of the Children's Act attempts to promote equality between married and unmarried fathers in provision that certain acquisitions with necessary requirements are met. However, the requirements for the acquisitions refer to financial provisions which create gaps of inequality for the marginalised fathers. In a nutshell, the legal position of unmarried father remains debatable due to the denied automatic acquisition of parental responsibilities and rights towards their children. Perhaps, the prevailing gender-based violence against women and children is among the reasons why unmarried fathers do not have automatic access to their children.

Gender gaps in parenting between mothers and fathers may have to do with the values men and women tend to cherish (Bush, 2017). The importance behind parental involvement and why children need parents is a dichotomous lesson imparted by each parent. In essence, by nature fathers always emphasize competition in parenting while mothers' emphasis is on equity. Stanton (2017:1) affirms this in his book *'why children need a male and female parent'* by saying "the cooperative input and influence of a male parent and a female parent is essential for proper child development". Nonetheless, parenting experiences can be shaped and shed light by the equation between competition and equity.

Ultimately, the diversity in parenting should be appreciated as the traces of healthy development of a child can be assigned to fathers, just as it is to mothers (Stanton, 2004). Affirmatively, fathering expert Dr. Kyle Pruett in Stanton (2004) emphasises the uniqueness and significance of how fathers do things differently such as play, building confidence, discipline, communication, and preparing children for the external world etc. By virtue of that, parental involvement of both parents is essential for optimal development of the child, and as such parental subjugation is perhaps imparted by legal documents.

Births and Deaths Registration Act 51 of 1992, Section 10 regulates the provision of a surname to a child born of unmarried parents:

(a) Under the surname of the mother; or (b) at the joint request of the mother and of the person who in the presence of the person to whom the notice of birth was given acknowledges himself in writing to be the father.) the notice of birth may be given under the surname of the mother if the person mentioned in subsection (1)(b), with the consent of the mother, acknowledges himself in writing to be the father of the child and enters particulars regarding himself upon the notice of birth.

This section is linked to regulation 12 which states that an application for the registration of the birth of a child may only be submitted by the mother of the child.

2.7. Abuse of Human Rights on Unmarried Fathers

The core components of the human rights in any manner should aspire to affirm standard norms and values of civil society. The promotion of human dignity and public policy transformation by assuring social justice universally should be its major legacy. Any discussion related to matters of human rights is critical. In the modern society, most public engagement around human rights, protection against violation of human rights focus on women and children.

Perhaps, this is because most of the social vices are against women and children with men being mostly the perpetrators. These are some of the reasons that unmarried fathers are denied access to their children.

The efforts of government in protecting children must be acknowledged. Mostly, some of the violence acts and bodily harm towards children are perpetrated by trusted parties to the children. The degree of social ills perpetrated by men drawing from the past few decades has questioned and dented the reputation, image and dignity of men (Van den Berg, Hendricks, Hatcher, Peacock, Godana, and Dworkin, 2013). Predominantly, social ills such as rape, murder, assaults and other acts of violence against children are committed by parents, relatives, or trusted parties. As a result, some of the legal rulings in protection of any child and their best interest at heart are based on those grounds.

Children's Act No. 38 of 2005 and children's Act No. 41 of 2007 as amended outlines parental responsibilities and rights of unmarried fathers to their biological children versus biological mothers. A gap in the acquisition of such responsibilities and rights on both parents is outlined clearly and is comprehended. However, in the modern era communities and the nation at large face a grand challenge of absent and uninvolved fathers. As noted earlier, the country (South Africa) ranks second in the African continent as far as absent and uninvolved are concerned (Clowes, Ratele and Shefer, 2013; and Nduna, Khunou and Kholopane, 2014; Lesch and Kelapile, 2016).

2.8. Cultural Rights Paradox

Culturally and legally an unmarried father has no cultural rights towards his child born out of wedlock until he has paid 'pregnancy damages' or bride price to the maternal family (Makhanya and Matthias, 2018). The payment of 'pregnancy damages' serves as reparation and acknowledgement of paternity. Sadly, the demonstration of culture and cultural democracy

in not universal in terms of participation and decision-making for fathers. This is evident in the segregation of parental responsibilities and rights between a married father and unmarried fathers. Furthermore, acquisitions of parental responsibilities and rights between biological parents is not equated. This is opposed to what is outlined in the constitution of the republic of South Africa against unfair discrimination of any person on basis of gender, marital status and culture. The state of modern fathers' cultural rights is diametrically opposed to what was historically known to be cultural rights of fathers.

Cultural rights have not received must attention due to their ambiguity in relation to human rights and policy implications (Delgado, 2001; Donders, 2004). The neglect on cultural rights undermines the preservation of cultural traditions and could be attributed to the discrepancies between existing standards and actual practice (Hristova, 2006). Therefore such discrepancies causes disequilibrium between cultural policies, human rights and legal statutes in ensuring the best interest of the child.



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Diverse studies suggest that gender, age, educational level, social class, and legal frameworks have an impact on cultural rights acquisition in the modern society (Holden 2010; TNS Opinion and Social, 2013; Hargreaves, May, and Goulding 2015a, 2015b). The ability to culturally choose belongingness, identity and common heritage of humanity are referred to as cultural rights (Fribourg Group, 2007; Portoles and Sestic, 2017). “The UN Special Rapporteur on Cultural Rights has also claimed that the respect, protection and promotion of cultural diversity are essential for ensuring the full respect of cultural rights. Cultural diversity in a society can provide people with the opportunity to enjoy a wider range of cultural choices” (UN Independent Expert in the Field of Cultural Rights, 2010:11). Therefore, cultural policies must represent the vulnerable groups whose identity and cultural expressions requires particular attention (Portoles and Sestic, 2017).

2.9. Cultural Turn-Around

From an African cultural perspective, fatherhood is associated with *Ubuntu* and inextricably linked to the encouragement of communal ties and a collective social process or responsibility (Mkhize, 2006; Matlakala, Makhubele, Sekgale, and Mafa, 2019). Hence in simple terms, fathering is not a sole responsibility of a biological father, but it takes a village to raise a child. Culturally, *Intlawulo* is one of the significant customs of Xhosa culture. This is process that requires a male upon acknowledging pregnancy outside of wedlock must pay compensatory money to the maternal family as a symbol of appeasement. Lubbe (2020) in her study asserts that certain number of unmarried women reported that having no *intlawulo* paid towards them or acknowledged paternity makes themselves feel devalued, stigmatised, distressed, angry and broken.

This would further lead to broken child-father relationship and conflictual engagement between families. However, some women have viewed this custom negatively, as it is disempowering to women and with limited value. Importantly, a cultural turn-around come into play when these unmarried or single mothers question the process of negotiation and its lack of agency by excluding them from the negotiation. They view the process to be patriarchal or male-directed (Lubbe, 2020). In the 21st century women need actively participate in decision concerning their lives. Lubbe (2020) and Joyce (2009) argue that in South Africa, the Xhosa people for many generations patriarchal dominance continue to affect their traditional family life where men are viewed as head of the household.

Increasing awareness in recent years may, nevertheless, contribute to condemn abuses and violations of cultural rights, which have traditionally been widespread (Lubbe, 2020).

2.10. Psychosocial Challenges Associated with Unmarried Father's Denial of Access to their Children

2.10.1. Psycho-emotional immaturity

Parenting is a global topical issue with debates calling for parents to be given holistic guidance and training about parenting styles (Furedi, 2002; Faircloth, Hoffman and Layne, 2013; Sauls and Esau, 2015). Unfortunately, the new culture portrays the incapability of parents to inculcate good behaviour to children without professional interventions, state that leaves children vulnerable to many challenges. Pressingly, legislative frameworks and scholastic writings provide and promote a society that primarily focus on best interest of the child where parents are expected to seek professional expertise (Fuder, 2002; Hennem, 2014; Sauls and Esau, 2015). On the contrary, the involvement of a father contributes positively in many psychological, social and developmental outcomes of children such as their cognitive ability and social behaviour. Additionally, father involvement is an integral part of the family system that is strongly affected by emotional issues (Coakley, Shears and Randolph, 2014)

2.10.2. Internal and external stigma/labelling

Self-stigma is one of the factors that contribute to social vices manifested by men in society. Fathers who are denied access to their children tend to isolate themselves and feel socially excluded (Pollock, Pearson, Cooper, Ziaian, Foord and Warland, 2020). This exclusion can result into some health issues such as stress, depression, insomnia, and substance abuse, inter alia. Apparently, separating fathers from their biological children tend to have negative ramifications on their health. For example, speaking to 24 News TV, a South African single father who was denied access to his child born out of wedlock, access plan was made in court and 'pregnancy damages' were paid. Unfortunately, the father had faced difficulties in spending time with his daughter on numerous occasions, hence pain emptiness, emotional

drainage, and psychological break down. He decried of self-guilty for having not done enough for the child. This made him feel less worthy of being a father. He advised, that fathers must know they have equal rights just like the mothers and a child should be the primary concern (Sesoko and Mkhize, 2019).

The scenario above attest that denial to access children by unmarried fathers, despite their efforts makes them question their fathering capabilities. This brings about self-stigma as seen in shared case. During the modern era, some fathers have willingly taken the role of becoming nurturers, and assuming duties that were traditionally associated with mothers (Forste, Bartwoski and Jackson, 2009; Chideya and Williams, 2013). However, general frustration emerges on the basis of the independence that comes with fatherhood roles and the dilemma of providing for the child. Further, the dilemma is as a result of some fathers still being dependant on their families.



Some of the good deeds and image associated with fathers are sometimes tainted by evil fathers who sexually assault their biological children. For example, in the early months of 2020, in Mpumalanga, a father was arrested following a case of allegedly raping his 13year old daughter. It was reported that the father would creep at night to a room where his daughters were sleeping and rape her. It was also reported that the older sibling had been a victim of this act as well. Followed by threats over revealing the act the children remained quiet about the abuse for a long time (Sicetsha, 2020). This turns to confirm some of the topical social media trends such as ‘man are trash’, ‘man are dogs’, ‘*Amadoda mawatshiwe* (Men must be burnt)’. Inevitably, these acts of victimising children through sexual abuse and other bodily harm are some of the reasons for stringent policy frameworks for unmarried fathers’ access to their children, despite the constitution providing that all children have rights to be raised by both parents.

2.11. Theoretical Framework

Theoretical framework guides research through a formal theory, constructed by using an established, and clear explanation of certain phenomena (Eisenhart, 1991). For the purpose of this research, attachment theory and activation theory are used to aid in explaining the relationship between children and their parents.

2.11.1. Attachment Theory

The genesis of the attachment theory can be traced from the works of John Bowlby in 1969. This theory focuses on early childhood development and relationships. By virtue of that, the theory is fit for explaining the attachment and bond between unmarried fathers and their biological children. The bond between the child and a parent include a father as a potential primary caregiver, that is, a primary custodian of nurturance and pampering (Bowlby, 1969).

Attachment theory is a broad field with distinct expressions and folds. For the purpose of this study, three fundamental underpinnings, which is love, security and safety will be discussed. The significance of attachment between a child and parent is on basis that the child is sensitive and responsive to attachment figures to develop trust and receive love, security and safety. It allows the child to explore their world although they are dependent and should they need assistance, it should be at their disposal (Schofield and Beek, 2014).

Fundamentally, an infant needs to develop a bond of love with both parents. This love-bond create a foundation for successful social and emotional development, and particularly in exploring on how to regulate their feelings (Ainsworth, 1967). Significantly, a bond of a child to his/her mother is referred to as dependency (Verschueren and Spilt, 2020). This is an ordinarily expectation of a relationship where even behaviour patterns are inculcated by the mother depending on the parenting style and roles played. Inevitably, child-father relationship as an attachment is also one of the paramount patterns of love where it stimulate a sense of

trust, exploration by a child and risk to learn new experiences. It is evident that children who lack fathering or paternal involvement are always susceptible to negative social and behavioural ramifications (Goodsell and Meldrum, 2010). Thus, the narrative on fathering has shifted to nauseas of fathers, paternal involvement and fatherhood (Lamb and Tamis-Lemonda, 2004; Goodsell and Meldrum, 2010).

The attachment theory makes claim of child having an ability to develop as sense of emotional and physical attachment with a caregiver. It provides a sense of stability and security deemed necessary for the child to take risks, explore external environment, to grow, and develop optimally ((Verschueren and Spilt, 2020). According to Bowlby (1969), the stronger the bond between the child and the parent the greater the foundation of security for the child. To the contrary, those who receive less from such bonds manifest feelings of fear and explore less on new experiences (Ainsworth, 1967; Bowlby, 1969; Hazan and Shaver, 1994). Therefore, the involvement of a father on his child to create a love-bond reduces chances of fear, and helplessness on the child as the fathers act as source of security and catalyst for optimal growth. As a result, the gaps between a mother and father-figure must be approached strategically to acknowledge the significance of both proximity bonds towards the child. The father-child attachment should be as important as the mother-child attachment for proper development of a child. Thus, the advocacy for co-parenting and adoption of new generation of fathering that goes beyond financial provision to a transformed fatherhood. The attachment theory advocates for the involvement of fathers to paternal child care practices.

2.11.2. Activation Theory

The activation relationship theory is a new theory that complements the attachment theory, and it is associated with the works of Paquette (2004a and 2004b). In 2004, Paquette established this theory focusing on father-child attachment and conceptualized it as the ‘activation

relationship'. Primarily, this focused on the affectual bond that allows the child to explore external world openly and parental behaviour as an entity being observed.

Literature reveals that this theory is grounded on two complementary behaviour systems of attachment that are opposed to each other. The first behaviour systems relates to protection of the child, while the second one is based on exploration system that is adopted by the child on unfamiliar environments (Bowlby, 1969). Thus, Paquette (2010) noted that, "children regularly seek comfort through contact with attachment figures when tired, hungry, sick or afraid or when feeling insecure in the presence of novelty, and this comfort provides them with the necessary confidence to explore their environment further" (Paquette, 2010:1).

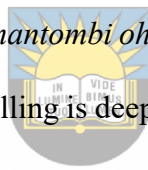
The activation theory is explained based on three findings. Firstly, the father-child attachment cannot be explained as much as that of mother-child attachment. Therefore, fathers with low involvement in their children's daily care are regarded as inappropriate sample to the technique. Secondly, the role of fathers opening their children to the external world is the focus of literature as it focus of their function. The role of fathers is that of a catalyst to children's exploration and for risk-taking, encouraging them to take chances, overcoming obstacles, being brave and independent to stand up for themselves etc. Additionally, fathers also contribute to language use to children as they communicate mostly using different vocabularies and jargons in complex forms of external world exploration (Paquette, 2012). The third finding is human-specific adaptations and especially human fathers' unique status in the species as compared to other primate species. Humans live longer, and human children are dependent on their parents for longer. A large brain and a prolonged period of development (requiring a high degree of parental involvement) allow humans to learn a great number of things necessary to ensure their adaptation to an environment that has become increasingly complex over the course of history (MacDonald, 1993).

The change in fatherhood practices moving towards a transformative practice is global phenomenon. Diverse studies highlight distinct views on the significance and how involved fathers are caring for their children. Debatably, the radical transformation on fatherhood seems to have become a topical subject across various nations (Craig and Mullan, 2010; Miller and Dermott 2015; Bosoni and Mazzucchelli, 2019). Moreover, there seem to be trends of desire and willingness by fathers to partake in nurturance and pampering of their children. Such practices involve male presence in childcare and more involvement in hands-on care activities (Lamb, 1999; Gregory and Milner, 2011; Miller, 2011; Magaraggia, 2013; Bosoni, 2014a, 2014b; O'Brien and Wall, 2015; Bosoni, Crespi and Ruspini, 2016; Ruspini and Tanturri, 2017; Bosoni and Mazzucchelli, 2019). However, “despite the greater involvement of fathers in the care, they still play a secondary role in the family and are mainly dedicated to ludic activities rather than to physiological care, especially in early childhood” (Bosoni and Mazzucchelli, 2019: 1). Therefore, a global trend and debate of a new father and fatherhood is shifting away from the traditional embedded cornerstone of fathering definition to include a loving and caring father.

2.11.3. Stigma and Labelling

According to Ebeid (2006) and Goffman (1986) stigma is perceived as the discomfoting attribute that negatively discredits a person or character of a person based on different personality identities, or any other attributes directed to a person. For example, a cultural rooted society may exclude and perceive unmarried fathers as irresponsible parties who neglect their children. Stigma and labelling can cause fathers to become withdrawn and isolated, unable to utilize government facilities, and discouraged to pursue care for their children (Kang'ethe, 2010). Fathers, especially unmarried fathers are still subject to stigmatization because communities are not well informed and educated about the effects of stigmatization. This does not only affect fathers but children who grow without a father-figure (Kang'ethe, 2017).

In most cases stigma and labelling tend to contaminate the image of all parties involved in the issue relating to children born out of wedlock. This includes both biological parents, maternal and paternal families, as well as the children concerned. Lubbe (2020: 18) states that “in South Africa, many single mothers experience stigmatisation within their communities because of premarital pregnancies, and may sometimes be ostracised by their immediate family”. For example, in the previous decades in some rural areas of South Africa, the stigma and labelling tend to follow the girl (biological mother of the child born out of wedlock). She would no longer be allowed to walk with other girls (*Amantombi-Nto*) meaning virgins or girl who have not conceive before. The girl would also be required to wear long skirts as a symbol of loss to hold girlhood (*ubuntombi*). Subsequently, there was a name given to such as girls, that is, ‘*Ojose*’ meaning girl who have failed to hold their girlhood and failure to meet cultural expectations of premarital chastity (*Amantombi ohlulekileyo ukugcina ubuntombi*). Seemingly, this shows that stigmatisation and labelling is deeply rooted in the community through cultural segregation.



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Another example, in the United States, a thirty-six year old father passed away by committing suicide after being denied access to his biological children. Reportedly, this single father encountered mental health illness or rather a mental breakdown following the denial of access to his children. This article confirms some of the negative ramifications or health risk posed to unmarried fathers denied access to their children (Mahmood, 2019). Evidently, this father lost his mental stability and inner peace due to the loss of one important thing that kept his sanity - the love for his children. It is the duty and responsibility of every parent to nurture and protect their child. Unfortunately, some parents carry the misery and misfortunes of their existential past that result to lack of basic parental tasks. However, children have no past to hold on but a future that awaits. Therefore, putting aside the parental differences that continuously create a toxic milieu for the upbringing the child is necessary.

2.12. Conclusion

The focus of this chapter has been on denied access of unmarried fathers to their biological children. The review of literature in this terrain was on the basis of answering the research question as set in the previous chapter. As discussed in the legislative frameworks, literature revealed the impact of legislative frames starting from international level to national level on the phenomenon under study. These frames have been unearthed to show policy gaps pertaining to unmarried father's denial of access to their children. As result, policies such children's Act No 38 of 2005, South Africa Natural Fathers of Children Born out Of wedlock Act 86 of 1997 and Constitution of the Republic of South Africa 1996 have been discussed with their impact on unmarried fathers. Ultimately, pregnancy damages and bride-price, cultural rights deficits and parental rights deficits were seen as some of the challenges faced by unmarried fathers. Importantly, the next chapter will discuss research methodology.



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CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

This study looks at the experiences of unmarried fathers who are denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape Province. In this chapter details on the research approach, how data was collected and analysed are discussed. An in-depth discussion on research design, data collection process and procedure, sampling plan and process has been provided.

Methodology refers to ways of obtaining, organising and analysing data in its logical sequence and the choice depends on the nature of the research question (Wahyuni, 2012). Similarly, a research methodology is a system employed and utilized by the researcher to conduct a study. Research methods constitute part of the research methodology (Babbie, 2010).

In the same vein, Engel and Schutt (2010) argue that a research methodology is a philosophical research process, which includes assumptions and values that serve as a base of research and standards that the researcher utilizes to make interpretation of data, and drawing conclusions. A qualitative research methodology allows the researcher to explore complex situations that arises in the research.

A research methodology consists of three constituencies, which are the research design, methods of data collection, and data analysis (Thyer, 2010). Methodology gives significant insight on how the researcher opt to conduct the study. In this chapter, the researcher discusses research approach, research design, methods of data collection and processes as well as data analysis.

3.2. Research Paradigm

Wahyuni (2012: 1) asserts that “research paradigm is a set of fundamental assumptions and beliefs as to how the world is perceived, which then serves as a thinking framework that guides the behaviour of the researcher”. Khaldi (2017), and Lincoln, Susan and Egon (2011) are of the view that, a research paradigm is refers to a philosophical way of thinking that incorporates critical way of viewing the world (world view). This is the perspective, thinking or school of thought or shared ideologies and beliefs that inform the interpretation and meaning attached to research data. Similarly, it is noted that it is essential for researchers to identify and locate their studies within a particular paradigm so that they can have a sound basis and foundation in the research process (Goduka, 2012). To gain a better understanding of the research methodology, the researcher need to first understand the research paradigm.

This study utilized an interpretive paradigm for interpretation, justification and understanding the realities of the unmarried fathers’ access to their biological children. The interpretive paradigm allows the exploration of people’s experiences and the world they live in. This is important because unmarried fathers develop a subjective meaning and interpretation of their immediate experiences or any other issues related fatherhood. This paradigm falls within the qualitative research approach and is also supported by constructivism or social constructivism paradigm (Rahi, 2017). The paradigm is based on a set of assumptions about reality, creation of knowledge and value in learning (Davies and Fisher, 2018). As indicated earlier, this research has paradigmatic reflection that is naturalistic in nature, and therefore, five

philosophical assumptions emerge. These are ontological, epistemological, axiological, rhetorical and methodological.

Ontologically, the research makes claims about what is the nature of the realities of unmarried fathers in relation to denial of access (immediate reality). Ideally, the researcher looked into the realities of each unmarried father with the uniqueness they deserve. Meaning that the researcher embraced the diversity, whereby the experiences shared were scrutinised according to their own subjectivity. Thereafter, the researcher was able to draw meaning and provide evidence based on multiple realities as presented (Creswell & Plano Clark, 2011; Creswell, 2013).

Epistemologically, the assumption is that the researcher gets closer as possible to the participants, specifically unmarried fathers to acquire in-depth information. Critically, the researcher mingled freely with the unmarried fathers during the research process. And, by all means possible, the researcher maintained close proximity between himself and the unmarried fathers in order to probe deeper on their experiences. Ideally, this is to diminish the objectivity that separate the researcher and the researched (unmarried fathers). The relationship created between the researcher and the unmarried fathers was to freely and subjectively dig deeper on the intrinsic state of unmarried fathers' affairs. By virtue of that, a relationship characterized by trust, integrity and competence was created. Professionally, all the data gathered were within the premises of ethical considerations. This means the distance between the researcher and unmarried fathers became narrower to allow deeper intersections by every interaction (Al-Saadi, 2014; Ormston, Spencer, Barnard & Snape 2014).

The axiological assumption was of the view that the answers gathered by the researcher from unmarried fathers and all other relevant participants determined value of the study. The assessment of the researcher was of paramount and placed value in the research process through

shared sentiments. Essentially, the axiological assumption is value laden in nature, meaning that the biases of the researcher determined what the researcher valued most in the study. The value laden and biasness of the researcher sometimes affect the research process and the value attached constitute the findings. By virtue of that, the researcher cannot be separated from the research process and imposed his own subjectivity on the nauseas, attitudes, perceptions, intrinsic motivations of unmarried fathers.

Rhetorically, this assumption provided a platform for the discourse of the qualitative research. This revolves around use of language within the research, whereby the researcher applied informal language such as metaphors, literary, personal voice and participants referred to themselves using first-person pronouns such as “I”, inter alia (Goduka, 2012). Therefore, the researcher gathered information from unmarried fathers, where they shared their sentiments in a very narrative and chronological manner guided by the subjective questions of the researcher.

Methodologically, the researcher asked personal questions, using open ended questions in order to probe deeper into the participant’s intrinsic personal experiences. This assumption is also known to be inductive, meaning that the information came from deep within unmarried fathers.

3.3. Research Design

Thyer (2010) defines a research design as a plan that includes every aspect of a proposed research study from conceptualization of the research problem right through to the dissemination of findings. In the same view, Babbie (2010) stipulates that a research design is a plan, that identifies who, where and when the data are to be gathered and analysed. Furthermore, Babbie (2010) and Marczyk, DeMatteo and Festinger (2021) illustrate that an appropriate design must be chosen to facilitate answering the specific aims and objectives that the research question poses. Additionally, a research design is a blueprint or an architectural blueprint that outlines the approach to be used to collect the data (Royse, 2011). It describes

the conditions under which the data will be collected; how the participants will be selected; what instrument will be utilised; and generally provides information about who, what, when, where and how of the research study (Thyer, 2010). Therefore this research was informed by case study-cum phenomenological. Case study research design probed to understand the world of everyday life as experienced by unmarried fathers. The fundamental underlined principle of this design was that the researcher was concerned with understanding the social and psychological phenomena as well as intrinsic experiences of unmarried fathers denied access to their children

3.4. Population of the Study

A population is any set of people from which a sample is selected and to which the study's results will be generalised (Caron, 2012). However, Babbie (2010) refers to a population as group of people sharing a common set of characteristics, and this group must be comprehensive. Thyer (2010) also defines population as the aggregate or totality of those conforming to a set of specifications. In this study, the target population was unmarried fathers, statutory social workers, presiding officers of children's court, cultural custodians, and selected family and community elders in Mqanduli, Eastern Cape Province.

3.5. Sample Size (Units of Analysis)

Edmonds and Kennedy (2010) assert that sample size does not influence the importance or quality of the study and note that there are no guidelines in determining sample size in qualitative research. Guetterman (2015) and Creswell (2013, 2015) stipulate that sample size relates to the specific and precise number of the individual cases selected to participate in a study and from which conclusions about the phenomenon under investigation will be derived. The selected sample of the study was a fair portion of unmarried fathers who are denied access to their biological children. This represented sample attributes and characteristics of a larger

population. The sample comprised of forty participants where a focus group discussion will consist of ten participants per grouping. The table below summarizes the sample size.

Table 3.5: Distribution of sample size

Sample	Sample size
Unmarried Fathers	20
Statutory Social Workers	7
Presiding Officers of Children’s Court	3
Cultural Custodians	10
Total	40

3.6. Methods of Data Collection

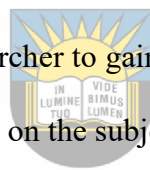
Data collection enables researchers to answer relevant questions, evaluate outcomes and make predictions about future. Creswell (2013) argues that measuring information as well a gathering it from various sources in order to attain a comprehensive and precise idea of a point of interest in a logical manner is referred to as data collection. This study employed in-depth interviews and focus group discussion.

3.6.1. In-depth interviews

In-depth interview is a qualitative research technique that involves conducting intensive individual interviews with small number of participants to explore their perspectives relating to a certain phenomenon (Babbie and Rubin, 2013). An in-depth interview is appropriate to

this study as participants verbally narrated their experiences pertaining to the issue of access to their children born out of wedlock. Therefore, the researcher also used narrative writing encompassed by observation of non-verbal gestures and facial expressions among other observables.

In-depth interviews are usually conducted face-to-face and involve one interviewer and one participant. When safety is an issue for the interviewer, the presence of two interviewers is appropriate (Royse, 2011). In these situations, however, care must be taken not to intimidate the participant. Phone conversations and interviews with more than one participant also qualify as in-depth interviews, but, the researcher focused on face-to-face interviews. In-depth interviews were useful with unmarried fathers to gain their perspectives individually as they talked about their personal feelings, opinions, and experiences (Rubin and Babbie, 2008). This were also an opportunity for the researcher to gain insight on how the participants (unmarried fathers) interpret and view their world on the subject.



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3.6.2. Focus Group Discussions *Together in Excellence*

According to Gaizauskaite (2012) a focus group discussion is an organised conversation with a small group of purposefully selected participants and focused on particular research topic. The active interaction of unmarried fathers added value to the individual interviews. The result of focus group discussion was not only on verbal information but also collection of immediate reactions, agreements or oppositions. The shared experiences or exceptional cases and non-verbal flow of information created a specific format of conversation that provided a platform to compare and contrast experiences that unmarried fathers encountered. Therefore, this study had one focus group discussion that consisted of eleven (11) unmarried fathers.

3.6.3. Key informant Method (KIM)

According to Creswell (2009), key informants are a crucial jurisdiction in social science research. This is because they provide third-party views and insights on the subject. The third parties in this study provided professional and legal information on how they perceived and dealt with the cases of this nature. They articulated on arising uncertainties pertaining to policy environment and greater need for their opinions regarding the subject of the study be heard. Thus, all the key informants were subjected to one-on-one interviews for a rigorous discussion. The key informants consisted of social workers from the Department of Social Development and officers from the Department of Justice.

3.6.4. Secondary data analysis/Document analysis

As a complimentary method of data collection, this study reviewed secondary data sources. Creswell (2014), postulates that document analysis is a form of qualitative research in which documents are interpreted by the researcher to give voice and meaning around an assessment topic. Therefore, the researcher explored and analysed government policies, published research articles and journals, newspaper articles among other documents.

3.6.5. Instruments of data collection

Research instrument is any tool used in collecting data during research process. In the works of Babbie (2010), a research instrument is a tool used for collecting data needed to find a solution to the problem under investigation. In this study, semi-structured interview guide with open-ended questions was utilized. Open-ended questions gave the participants an opportunity to elaborate more on their experiences, while allowing the researcher to develop follow-up and clarity seeking questions for more information. Two quite different reasons for using open-ended as opposed to close-ended questions can be distinguished. One was to discover the responses that unmarried fathers gave spontaneously; and the other was to avoid the bias that

may result from suggesting responses to unmarried fathers and other participants. However, open-ended questions also had some disadvantages in comparison to close-ended, such as the need for extensive coding and larger item non-response.

This means the participants were interviewed and asked questions that did not restrict or limit their responses, which allowed them to express their views freely. However, the researcher gave detailed explanation on how the interview should unfold so that the participants remained relevant. The researcher's interviewing techniques was motivated by the desire to learn everything that the participants could share about the research questions. Fundamentally, the researcher engaged with participants by posing questions in a neutral manner, listening attentively, and encouraging the participant's etc. This means that the researcher utilized the social work skills, principles, and values. The researcher did not lead participants according to any preconceived notions, nor encouraged participants to provide particular answers by expressing approval or disapproval of what was said.



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3.7. Sampling Method and Sampling Technique

3.7.1. Sampling Method

Edmonds and Kennedy (2010) are of the view that, a sample is a smaller number of a population that is researchable. On the other hand, Babbie (2010) and Creswell (2014) elucidate that sampling refers to the selection of a subset of persons from the larger population, also known as a sampling frame with the intention of representing the particular larger population. Therefore, the sample to this study was unmarried fathers of different age groups, socio-economic background, educational level, same ethnic group and marital status.

Importantly, the study employed a non-probability sampling method where the rule of probability did not apply. The non-probability sampling method refers to the odds of selecting participants based on the researcher's judgement and biases (Engel and Schutt, 2010).

Ultimately, in a non-probability sampling each unity in a sampling frame does not have an equal chance of being selected in the study. This confirms the rule of probability sampling was not applicable and indeed this study utilized a non-probability sampling as a suitable method selecting the participants.

3.7.2. Purposive Sampling technique

A purposive sampling techniques refer to the researcher flexibility and decision making to select participants with attributes or characteristic needed in the study. This is in response to empirical finding and other theoretical developments that transpire in the study. The ultimate goal of the researcher was not to generalise but to explain, explore and interpret the phenomenon (Emmel, 2013; Maxwell, 2013; Guetterman, 2015). Purposively, the researcher selected unmarried fathers that were denied access to their biological children in the selected communities of Mqanduli. These unmarried fathers were selected in order to gather rich and quality data from their experiences. Therefore, they shared their lived experiences, nauseas, attitudes, thoughts, and subjective emotions on the access or lack of access to the children.

3.8. Selection Criteria

The study had adopted the inclusion criteria where the researcher purposively included unmarried fathers to share their lived experiences of being denied access to their biological children. Statutory social workers, and officers from the Department of Justice were also included because of their prowess in handling cases of children, their advocacy of social justice and best interest of the children. Additionally, cultural custodian formed part of the study as vanguards and beacons of cultural values and profound personalities of the community.

3.9. Data Collection Procedure

This was a cross-sectional study. Therefore, the researcher collected data within short time span. The data was collected from October to December in 2019. The data was collected within

limited time span because of time constraints, and limited resources. The data was collected using *IsiXhosa* language, and then translated into English as this was the home-language of the participants. This allowed the researcher to connect freely with participants and be easily understood as the participants are from rural settlements and some of them were illiterate. In addition, using the participant’s home language allowed them a freedom to express themselves freely without feeling intimidated by inability to speak English.

The interviews were recorded using cell phone with permission asked from the participants prior to commencement of the interview. Importantly, notes were taken in order capture some aspects that were implied during the discussion. Observation was also of paramount in order to take note of gestural cues. All these were used concurrently to ensure that the researcher does not miss or excluded any fundamental aspects of the interview that could add value to the study. Then the researcher translated the information collected in *IsiXhosa* into an academic writing manner. Inevitably, the researcher further adopted social work skills, principles and values to gather enriched qualitative data. Skills such as clarification, observation, summarising, confrontation and paraphrasing among others. The researcher also respected the principle of saturation, whereby he ensured that as much as the information was collected in short period. The advantage of these methods was to ensure all the necessary information was obtained thoroughly.

Table 3.9: Research methods linked to research questions

Research Questions	Research methods and corresponding Sources	Justification for choosing categories of data

<p>What challenges are encountered by unmarried fathers denied access to their biological children among amaXhosa communities in Mqanduli.</p>	<ul style="list-style-type: none"> • In-depth interviews were conducted with unmarried fathers, government officials and selected community members. • Focus group discussions with unmarried fathers. • Secondary data sources including newspapers, books and official reports 	<p>Unmarried fathers provided in-depth information as they encountered daily challenges. They were able to share first-hand information. The focus groups was able to provide shared insights in a discussion manner. Furthermore the secondary data sources provided relevant literature to the content of the study, which added more value to the study.</p>
<p>What impact does denial of access to biological children has on the children's optimal development among <i>amaXhosa</i> communities in Mqanduli, Eastern Cape Province?</p>	<ul style="list-style-type: none"> • In-depth interviews with unmarried fathers. • Focus group discussions also with unmarried fathers 	<p>The impact of denial of access has on the wellbeing and development of their children can be best heard from them and describe its outcomes. The focus group provided insights and distinct experiences that</p>

	<ul style="list-style-type: none"> • Secondary data sources including newspapers, journals, articles, books and official reports 	<p>are encountered by unmarried fathers so as to gain better understanding. Diverse literature has outlined matters relating to wellbeing and development of children and what impact it has as far as denied access is concerned.</p>
<p>What implication does denial of access of unmarried fathers has on their human rights and to that their biological children among <i>amaXhosa</i> communities in Mqanduli, Eastern Cape Province?</p>	<ul style="list-style-type: none"> • In-depth interviews with key informants including government officials and selected community members. • Focus group discussions unmarried fathers • Secondary data sources including 	<p>Key informants possess some privileged information regarding government and policies and programmes. In addition unmarried fathers have greater experiences as they are the one suffering the injustice and they can express their grievances. The government can provide insights regarding the adequacy, appropriateness and</p>

	<p>newspapers, journals, articles, books and official reports</p>	<p>reliability of policy environment as effected by denial of access to child-father relationships. Lastly, official reports and government policy documents can provided critical insights regarding the role played by government regarding this issue.</p>
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3.10. Data Analysis



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According to Babbie (2010), analysis means categorizing, ordering, manipulating and summarizing of data to attain answers to research questions. Further, Babbie (2013) posits that data analysis involves reducing the volume of the data, sifting significance from trivia, identifying significance patterns and constructing a framework for communicating the essence of what the data reveal. Themes and patterns were identified to group the data, so that the meaning of the data can be identified thereby answering the research questions. Data analysis refers to the systematic process of systematically applying statistical and/or logical techniques to describe and illustrate, condense and recap, and evaluate data (Nicholas, 2010). Data analysis is a mechanism for reducing and organizing data to produce findings that require interpretation by the researcher. Thus, data analysis involves interpretation of raw data to find meaning.

Qualitative data analysis can also be the central step in qualitative research to which all other steps are subordinated. Data displaying is organising the data in a manner that makes it easily

interpreted and draws the reader's attention. Drawing and verifying conclusions and interpretations of the information is significant. This is discovered through the patterns and views that the researcher come across during the study (Babbie, 2010).

In this study, the researcher employed or made use of thematic analysis approach. Thematic analysis is a type of qualitative analysis used to analyse classifications and present themes (patterns) that relate to the data. It illustrates the data in great detail and deals with diverse subjects via interpretations. Thematic analysis allowed the researcher to determine precisely the experiences of unmarried fathers who are denied access to their biological children. By using, thematic analysis there is the possibility to link the various concepts and opinions of the participants and compare with the literature. Additionally, the use of this method of analysis was confusing with regards to the method's philosophical underpinnings and imprecision in how it has been described have been complicated.



Importantly, the researcher first took a step which is data management. Evidently, the researcher had two sets of data which were the transcripts from the interviews and focus group discussions, the second set was audio recording using a cell phone. This data was organised in digital data and manual filing system for the hard copy documents. Use searchable spreadsheet or database by data form, participant, and date of collection was adopted. In preparation for the data for analysis, the researcher transcribed interview recordings. Subsequently to that, the researcher used In-vivo coding by using the participants exact language to generate codes. This assisted the researcher to make linkages to research purpose and research questions and selected a coding procedure based on what he wanted to learn from the data

Thereafter, the researcher categorized the codes by grouping similar or seemingly related codes together. As a result, that is where themes were produced from reviewing the codes and

categories. Some the researcher's biases were issues of sensitivity to the feelings of participants in such a manner that he almost put his personal judgement to take a side.

3.11. Ethical Considerations

Ethical considerations refer to system of moral values concerned with the degree to which research procedures adhere to professional, legal and social obligations (Creswell, 2009). It has therefore become important to practice ethical research (Thyer, 2010). In conducting this study, the researcher received the ethical clearance certificate from the university of Fort Hare. The study also adhered to university policy on plagiarism. Therefore, in this regard all diverse sources that were used in text were acknowledged through complete references. The other ethical issues considered during this study included the following:

3.11.1. Avoidance of harm to the participants

The participants must be psychological, physically and spirituality well and they must be informed of all possible dangers that might emerge during the study (Ketefian, 2015.). The questions asked on unmarried fathers were not offensive or judgemental.

3.11.2. Voluntary procedure

The researcher did not force any participant to participate in the study. This means that all participants participated willingly and anytime when they wanted to disengage from the research they could do so (Forbat and Henderson, 2003; Connelly, 2014).

3.11.3. Informed consent

The relevant documents relating to informed consent were obtained from the Department of Social Work at the University of Fort Hare. It entailed provisions that the choice to participant in the research process is voluntary . The acknowledgement of risks and procedures to partake in the research were made. The breakage of confidentiality at any point of the study must be acknowledged and be in written down. The researcher engaged the participants where he

explained in detail what the study was all about including the aim of the research, risks and benefits, any inconveniences or discomfort and the participants right to refuse participation upon wishing to do so (Creswell, 2009; Ketefian, 2015).

3.11.4. Confidentiality/ Anonymity

It is of paramount importance that the researcher diminishes possible harm and risk to participants by vividly protecting the confidentiality of the information provided. The information of the participants must not be exposed without a written concern. The information must be private throughout the study, the participant must remain anonymous, and no exposure of names and other personal information as participants sometimes share their personal issues. The participants were protected by avoiding naming, or disclosing their identities. No names were used in data analysis as well as publication of the findings (Creswell, 2009; Recker, 2012). Intensive measures to ensure protection of confidentiality of participants' information was taken by keeping all records in a locked environment with limited access to confidential records.



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3.11.5. Competence of researcher

The research and its processes when conducted in an ethical manner, no actions of dispute or discrimination/ judgement against participants are posed. In simple terms, the research was conducted in the outmost professional manner to ensure participants were protected and findings were trustworthy.

3.12. Conclusion

The sole aim of this chapter was to provide a comprehensive discussion on how the research process unfolded. The following aspects were discussed: research approach, research design, and data collection methods, sampling and data analysis. A qualitative research methodology was adopted for the exploration of research objectives and in answering the research questions.

The ultimate goal of the chapter was achieved through a phenomenological case study research design. Therefore, entire process of methodology with its sampling methods, data collection methods, and data analysis and procedures were discussed.



CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION OF FINDINGS

4.1. Introduction

The previous chapter focused on the methodological components such as research approach, design, paradigm, and methods of data collection and data analysis. In the current chapter, the researcher reports and interpret the findings. The presentation of findings is done through themes, sub-themes, and participant verbatim where applicable. The study sought to answer the following research questions:

- What are the challenges encountered by unmarried fathers denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape Province?
- What are the government official's perceptions on experiences of unmarried fathers denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape Province?
- What are the implications of denial of access for unmarried fathers and their children's human rights among *amaXhosa* communities in Mqanduli, Eastern Cape Province?



4.2. Biographical data of participants

Five groups of participants were interviewed in this study. The first group consisted of unmarried fathers as primary participants to share their experiences of denied access to their biological children. The second group consisted of statutory social workers as key informants and professionals rendering services to the children. Thirdly, presiding officers of children's court formed part of the sample as they normally preside over the cases regarding children. The fourth group constituted of cultural custodian as vanguards and beacons of culture, to share their insights about cultural processes of access to children by unmarried fathers. Lastly,


community elders as vanguards and beacons of culture were also sampled due to their great wisdom and insights on the processes of access of unmarried fathers to their biological children.

The biographical characteristics of unmarried fathers are presented in Table 4.2.1. Furthermore, Table 4.2.2 presented the biographical information of the key informants, whereas Table 4.3 presented the themes, sub-themes, and categories. The information presented on the tables is categorised in terms of race, gender, age, economic status, marital status, education, and number of children born out of wedlock and access to the children.

4.2.1. Biographical characteristics of unmarried fathers

The biographic findings of unmarried fathers are presented in the table below.

Table 4.2.1: Biographical information of unmarried fathers



Participant	Race	Gender	Age	Economic status	Marital status	Education status	No. of children	Access to the child/ren
1	Black	Male	29	Employed	single	Tertiary	1	No
2	Black	Male	22	Unemployed	Single	Tertiary	1	No
3	Black	Male	37	Self-employed	Single	Secondary	2	No
4	Black	Male	24	Unemployed	Single	Tertiary	1	No
5	Black	Male	27	Unemployed	Single	Secondary	2	No
6	Black	Male	31	Employed	Single	Secondary	3	No
7	black	Male	43	unemployed	divorced	secondary	2	No
8	Black	Male	19	Unemployed	single	secondary	1	No
9	Black	Male	28	Unemployed	single	Tertiary	1	No
10	black	Male	49	Unemployed	single	Secondary	2	No
11	Black	Male	33	Self-employed	single	Tertiary	1	No

4.2.1.1. Age

The majority of unmarried fathers are youth. This is because the majority (seven out of eleven) of the participants were aged between nineteen and 35 years. The minority were aged between 42 and 49 years. These findings indicate that fathers who fall into youth category constitutes the majority of unmarried fathers. Perhaps, the phenomenon of early sexual reproduction in black communities persist to escalate. Apparently, this had been perpetuated by a lack of father figure to some young boys and man who will inculcate the values and principles of being a young black man. Absence of fathers has a social impact in a negative or positive way on how many young man turnout b=to be in the society. Some engage in unprotected sexual intercourse which poses treat to their health and adds to the large number of children born out of wedlock, matrifocal families, absent and uninvolved fathers. While others turn to flourish and be resilient to external influence give birth to social ills manifested by children who lack biological parent love and care.



4.2.1.2. Socio-economic status

As indicated in the above table, the majority (Seven) of the participants were unemployed. Arguably, lack of employment made it very hard for such fathers to support their children. On the other hand, two were employed and the other two were self-employed. These findings revealed that unemployment and consequently lack of income to support a family could be among the factors fuelling the phenomenon of absent fathers, and denial of unmarried fathers accessing their biological children.

In South Africa, unemployment impacts negatively on family ties and structure, hence causing social and economic sufferings on children. Poverty affects unmarried fathers as well as all spheres of their lives, and perhaps this is why the phenomenon of absent and uninvolved fathers

is rising in the country. Based on these findings, there is a great need for more innovative entrepreneurship and support system for unmarried in the interest of children.

4.2.1.3. Marital status

The majority (10) of the unmarried fathers were single as expected, and one was divorced. This finding signifies a possibility of many children growing without a father figure, a situation that might impacts negatively on family and community systems.

4.2.1.4. Educational status

The table above shows that the majority of the participants had attained secondary level education. On the other hand, five participants had attained tertiary education. This finding reveals that the low level of education of most participants (unmarried fathers) could be a contributor to lack of employment. Low level of education could also be associated with early engagement in pre-marital affairs, hence causing young people to bear parenting responsibilities prematurely or when they are financially unprepared. Further, a chain of broken family systems could be attributed to a poor schooling culture.

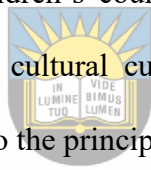
4.2.1.5. Number of children born out of wedlock per father

The study showed that five of the unmarried fathers, each has one child born out of wedlock, four had two children each born out of wedlock, and lastly, two each had three children born out of wedlock. This finding indicates that the community is characterised by a large number of children born out of wedlock and that marriage unions are gradually decreasing. Apparently, in South Africa there is a high rate of matrifocal families. However, Nathane and Khunou (2021, p 5) indicate that “absence of biological father does not necessarily mean that children do not have father figures in the extended family and community in the forms of social fathers such as bomalome, grandfathers, teachers and male family friends in the community” (Ratele, Shefer, and Clowes 2012; Mkhize 2006). Furthermore, it is indicated that African women have

been heads of family dating back in the 1800s. They took a responsibility of child-rearing, provide for the family, and took decisions with little male participation (Nathane and Khunou, 2021)

4.2.2. Biographical findings of the key informants

This section presents the findings of the biographical information of participants from the Department of Social Development (statutory social workers), Department of Justice (child and care protection unit) and cultural custodians (vanguards and beacons of culture). The data gathered was on race, gender, age, economic status, educational status, field of specialization and working experience. The participants from the Department of Social Development were coded (SSW1) and (SSW2). The Department of Justice participants constituted of one presiding officer and two of the children’s court coded (POoCC1 and Poo CC2). Family Advocate was coded (FA1). Lastly, cultural custodians were coded (CC1 - CC10). The significance of codes was adherence to the principle of confidentiality and anonymity.



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Table 4.2.2: Biographical information of the key informants

Participant	Race	Gender	Age	Socio-economic Status	Education	specialization	experience
SSW1	Black	Male	36-45	Employed	Tertiary	Statutory	6years
SSW2	Black	Female	46-60	Employed	Tertiary	Statutory	18years
SSW3	Black	Female	18-35	Employed	Tertiary	Statutory	8 years
SSW4	Black	Male	36-45	Employed	Tertiary	Statutory	11 years
SSW5	Black	Female	36-45	Employed	Tertiary	Statutory & Community development	4years
SSW6	Colored	Male	18-35	Employed	Tertiary	Statutory & Probation	5 years
SSW7	Black	Female	18-35	Employed	Tertiary	Statutory	6years
POoCC1	Black	Male	46-60	Employed	Tertiary	Statutory cases	16years
POoCC2	Black	Male	46-60	Employed	Tertiary	Statutory Cases	19years

FA	Black	Male	36-45	Employed	Tertiary	Family advocate (Statutory cases)	7years
CC1	Black	Male	46-60	Employed	Tertiary	Traditional Affairs	13 years
CC2	Black	Male	36-45	Not employed	Tertiary	Traditional Affairs	2 years
CC3	Black	Female	60 & above	Not employed	Secondary	Cultural Custodian	24 years
CC4	Black	Female	46-60	Employed	Tertiary	Prison warder	17 years

4.2.2.1. Race

The table above shows two races that is black and coloured were represented in this study. However, the majority (thirteen) were blacks. Further, categorising by races showed as follows: six statutory social workers (SSW) were black and one coloured; all presiding officers of the children's court (POoCC) were black; family advocate (FA); and cultural custodians (CC) were all black. This section revealed that most of the black communities were served by black practitioners, however revealed that there was a dominance of black population in terms of key informants which left a gap of how other races would have perceived the subject matter. However, black participants had an advantage on the study with their background knowledge of how access of unmarried fathers unfold among amaXhosa communities, corroborating and collaborating that knowledge with their professional knowledge to give insightful information.

4.2.2.2. Gender

In this category of participants, there were eight males and six females. The gender of key informants did not have any impact to the study. Nevertheless, the gender differences are acknowledged for gender-balanced views on the subject matter. This enhanced the objectivity

of views around matter of children born-out of wedlock and unmarried fathers facing challenges with access to their children.

4.2.2.3. Age

The age of the participants was as follows: one (1) was above the age of sixty (60) years, five (5) were between the ages of forty-six (46) and sixty (60), another five (5) were between the ages of thirty-six (36) and forty-five (45), and lastly three were between the ages of eighteen (18) and thirty-five (35) years. Looking at these age brackets, the majority of the participants were still within the working age group.

4.2.2.4. Socio-economic status

The majority of the participants had a stable socio-economic background as most of them were employed. Most of the participants were government employees who were handling cases of children access matters by their biological unmarried fathers. The majority of the participants had income above R100, 000.00 per annum. On the other hand, a few participants had income less than 40, 000.00 per annum. To the contrary, a few of the key informants were unemployed. However, they were able to support themselves and their families through other income generating activities.

4.2.2.5. Education status

The majority of the participants (thirteen) had tertiary level education, whilst one (1) participant had secondary level education. The high level of education and qualifications enabled them to acquire employment in government sectors. The acquired skills and knowledge enabled them to be considered as vanguards of the constitution, and children's Act for the protection of the children's interests.

4.2.2.6. Specialization

On the field of specialization, seven (7) of the participants were statutory social workers dealing with cases relating to children and parental access, custody, and maintenance. Subsequently, two (2) presiding officer of the children's court were specializing on statutory cases, one (1) family advocate dealt with statutory cases, two (2) cultural custodians were specializing with the traditional affairs, and one (1) was community member serving at the chief's house.

4.2.2.7. Working experience

The findings indicate that out of the seven (7) statutory social workers, one (1) had less than five (5) years' work experience, four (4) had five (5) years, but less than ten years of work experience. The other three had more than ten (10) years' work experience. Furthermore, two (2) presiding officers of the children's court had both above fifteen (15) years' work experience, while one (1) family advocate had more than five (5) years' work experience. Lastly, three (3) cultural custodians had above ten (10) years' work experience, and one (1) had less than five (5) years' work experience. This implicates that most practitioners are well experienced and have vast information on cases involving access and custody of children. Therefore, this brings hope to the quality of services offered to the public and best interest of the child can be served with dignity as they are experienced.

4.3. Presentation of Thematic Findings

This section of the study provides a detailed presentation and interpretation of key findings. The findings are presented in theme, subthemes, and categories. Given the racial characteristics of the study domain, participants were interviewed using *IsiXhosa* (their home language). Therefore, the participants' quotations some are made in *IsiXhosa* and then translated into English, however majority of the quotations are translated into English. The below Table 4.3 shows the illustration of the themes, subthemes, and categories accordingly.

Table 4.3: Themes, sub-themes, and Categories


Theme number	Description	Sub-theme number	Sub-theme description
4.3.1	Challenges faced by unmarried fathers who are denied access to their biological children	4.3.1.1	Pregnancy damages and Bride-price
		4.3.1.2	Unemployment
		4.3.1.3	Conflict with the maternal family
		4.3.1.4	poverty
		4.3.1.5	Psycho-emotional breakdown
4.3.2	Contributing factors to denied access of unmarried fathers to their children	4.3.2.1	Cultural responsibilities
		4.3.2.2	Terminated intimate partner relationship with the mother of the child.
		4.3.2.3	Financial constraints
		4.3.2.4	Lack emotional and moral intelligence
4.3.3	Coping mechanisms implemented by unmarried fathers to overcome denied access	4.3.3.1	
4.3.4	Challenges encountered by Social Workers.	4.3.4.1	Anger management issues among clients vs safety and security
		4.3.4.2	Alcohol consumption
		4.3.4.3	Bribery
		4.3.4.4	Poor/lack of infrastructure
		4.3.4.5	Lack of supervision
		4.3.5.6	Lack of stakeholder collaboration
4.3.5	Perceptions of government officials		

4.3.1. Challenges faced by unmarried fathers who are denied access to their biological children

Drawing from objective number one of the study, which sought to examine the challenges faced by unmarried fathers in relation to denied access to their biological children, the data revealed various challenges. The following sub-themes present some of the major challenges encountered by the unmarried fathers.

4.3.1.1. Pregnancy damages and bride-price

The majority of the participants (unmarried fathers) lamented that payment of pregnancy damages in particular was a stumbling block to their freedom of access to their biological children. This limited their enjoyment of fatherhood roles. A few mentioned that it was in rare cases where an additional request of bride-price would be demanded by the maternal families (Ukunyuka nengalo). One of the unmarried father shared the following:



“Intlawulo siyayiqonda ukuba yenye yesithethe sethu salaphakwantu kwaye siyazingca ngalonto ibonakalisa intlonipho nokuthatha uxanduva. kodwa ubukhulu becala ingumcelingeni kumadoda amaninzi azeleyo ngaphandle komtshato, ndithetha nje andinabudlelwane nomntana wam kuba ndingazange ndihlawule ngokupheleleyo kuba ndizihluphekela.” (Participant No. 3)

Translated: *“Pregnancy damages is one of our own cultural traditions that we are cherishing and proud-of, it is a symbol of respect and ownership of ones actions (taking responsibility as a man). Prevalently, this has become an obstacle to many men who impregnated women out of wedlock, As I am speaking I have no relations with my own child due to unfinished pay-off of pregnancy damages just because I am poor.” (Participant No.3)*

An indication from another unmarried father disputing the significance of pregnancy damages in this modern era opined that,

“Pregnancy damages is just a primitive tradition that we should shun away from as it is a contributory factor to broken relationships and many children growing without fathers. In this new generation we should be concerned about how to amend broken relationships with our children and how to sustain those relationships healthily where children are given love and provided for, not discussing pay off prices because many fathers pay these damages and never show up again.” (Participant No. 11)

Majority of the participants perceived pregnancy damages as a major hindering block in attaining meaningful relationships between unmarried fathers and their children. To further illustrate this observation, another unmarried father narrated that:

“This one time, seven years ago I impregnated a granddaughter of a very cultural-rooted community elder in my community and I knew I was in deep trouble. Upon the negotiation of pregnancy damages after I had confirmed acknowledgement of their grand-daughter, my father said my son is still in varsity [SIC] therefore when he has finished his studies and get employed he will take responsibility for his actions. Notably, the maternal grandfather was not pleased with the response my father gave and went on to say ‘as this boy has broken our daughters’ breast, we require him to go further (Ukunyuka nengalo) paying for the bride-price (lobola) when the time comes.” (Participant No.1)

He continued to illustrate the argument that erupted between the maternal and paternal families. He narrated that,

“Also the response of my father was that ‘it is up to both of our children but I can never force my son to marry someone he does not intend to marry at this era. Since then, I have never gained access to my child because I am still an unemployed graduate to afford the required amount from myself, which clearly shows how serious the issue of pregnancy damages and

bride-price can be in our African communities and how it denies us opportunity as younger fathers to our children.” (Participant No. 1)

This finding reveals the existing hindrances caused by payment of ‘pregnancy damages’ and to some extent bride-price in cultural entrenched communities. The finding also reflects the emotional grievances of unmarried fathers denied access to their biological children, due to inability or lack of means to pay ‘pregnancy damages’ and bride-price.

4.3.1.2. Unemployment

The study indicated that the majority of unmarried fathers were unemployed. The state of unemployment was highlighted as a major problem in gaining access to their children. This challenge is illustrated in the following interview extract where a participant decried that:

“There is a high rate of unemployment in South Africa and the Job-market out there is very competitive. Look at me now, it has been three years ever since I graduated but still no luck of proper employment for what I studied for. With life being expensive these days, how am I supposed to provide for my child if it is even more difficult to sustain myself as a young father?” (Participant No. 4)

Additionally, another participant supported the views of participant No 4 by arguing that:

“In these days it is so difficult to find employment whether you are a graduate or not. The cost of living is so high. Food inflation is hitting so hard and lets alone to someone who is unemployed like myself and others. Even the qualification that we are proud of having are not useful to us. I can personally say a degree is equivalent to matric certificate in this era because the world is full of unemployed graduates, other with more than one qualification in possession. By virtue of that I am personally perceived as a useless, lazy father who does not

want to work and provide for my child and for that reason I am denied access to see my child.” (Participant No. 9)

Unemployment evoked painful emotions to some unmarried fathers due to the labelling and stigma they are subjected to on daily basis. To illustrate this painful emotions, an unmarried father said:

“I have been called names by my baby-mama and her family of how useless I am. I doubt if there is no one who doesn’t know my affairs from the way they talk about me more especially when someone compliments the child to be alike to me. Despite the efforts I am putting to provide for my child from the piece jobs and temporary contracts I get. But it is never enough to them. Sometime I understand their point that a child is expensive these days starting from food, clothing to medication [SIC] etc. but all I wish from them is to be patient with me until I get a stable Job in order to fully support my child up to my potential [SIC]. There is a time where I have not been able to see my child for six months when my contract ended, which clearly shows that my ticket to see my child is money. To them money is more important than a child who grows up without knowing his father. But in all that I will continue struggling to support my child because he is my main priority, not them.” (Participant No. 1)

The findings shows how unemployment has been hindrance for many unmarried fathers. These findings have revealed how money and materialism has taken precedence over children growing with active and caring fathers.

4.3.1.3. Conflict with maternal family

A few of the participants had experienced conflict with the maternal families of their biological children. They highlighted the basis of these conflicts issues to failing to pay ‘pregnancy damages’ or historical family misunderstandings. The following are some of the participants’ experiences:

“During ‘pregnancy damages’ negotiations my father responded that I will take responsibility of paying for the damages once I finished schooling and get employed. Ever since then, my family and the maternal family never saw eye-to-eye. I think they expected that my family will pay for me but to my family as a way of instilling responsibility and discipline they didn’t. That resulted in them denying me and my family an opportunity to see the child despite many efforts to make amends.” (Participant No.6)

“The maternal family of my child despise me due to the fact that their child has been impregnated from a family that is their historical enemy for years. Since the mother of the child and I are still in good terms, when we ask our families about the disputes that exist between our families no one wants to tell us. In all that I am suffering the consequences of whatever happened because the maternal family denies me the access to see the child even if the mother of the child tries to convince them.” (Participant No. 3)



The findings suggest that family politics between paternal and maternal families of the child born-out of wedlock can result in broken relationship between a child and his biological father. Sadly, historically rooted family politics can be a long-time effect among generations. This is evident when some unmarried fathers are denied access to their children due to family history and their surname being despised. This trend reveals that in some rural communities, the best interest of the child is yet to be understood. This is because some family affairs continue to affect children when they grow up without knowing their fathers, as children are used to fight battles unaware.

4.3.1.4. Poverty

All the participants highlighted that coming from a marginalized background with high financial constraints worsen the challenges they face in their family relationships. The dire

situations of poverty they lived in made them to be despised as capable fathers. These are some interview extracts supporting this finding:

“Although I am educated, education has not changed my living conditions. I am starting to doubt the phrase that education is the key to success because I am living in poverty. Piece jobs and small contracts are what am surviving with.” (Participant No.1)

“Listen bro! [SIC] An empty stomach or having no sense of independency in terms of money, you start doubting yourself [SIC]. Another thing when you are poor, these baby-mamas of today will find another man who will support her and her child. Imagine watching your child calling another man ‘Tata’ because he buys him or her things”. (Participant No. 5)

“I dropped out from school in Grade 9, am still young, but am poor. My mom is not working and we live by child support grant and piece jobs. The family of the girl I have a child with does not see me at all [SIC], I am nothing because of poverty we live in at home.”



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The above sentiments suggest that some unmarried fathers tend to be labelled and stigmatised based on their poor socio-economic backgrounds and status. The undesirable conditions of poverty prevail to be a stumbling block for unmarried fathers to gain access to their biological children. Further, some sentiments reveal that living in poverty resulted due to illiteracy, and hence they cannot find proper employment. As result, poverty has caused many unmarried fathers to fail to adequately provide for their children’s needs deemed necessary for their optimal development.

4.3.1.5. Psycho-emotional breakdown

Psychological and emotional breakdown has been highlighted as one of the major challenges that unmarried fathers face when denied access to their biological children. The following are sentiments illustrates the predicaments of unmarried fathers:

“My living conditions of poverty and being uneducated at a young age has affected me badly. I am always angry and distant from my family. As a result I could not think properly and I ended-up using drugs bigtime.” (Participant No.8)

“During my time in varsity [SIC], I survived with my bursary but sharing some portion of it with my child. But yhoo! the drama between us bra [SIC]. The baby-mama she would insult me of having nice time in varsity while my child is hungry and that am wearing fancy clothes, what about the child?. Mind you, back at home things are not good and I end-up having stress and depression to a point where I couldn't handle it anyone. I was drinking heavily but thanks to the counselling unit I was referred to”. (Participant No.2)

“I was once married but I have two kids after my marriage. It happened and things ended not well with my second partner and she took me to court saying the money I give to her kids is not enough and I was given child- support of R3000 each child by the court, and after that she does not want me to spend time with them. On the other side, I still have two kids of marriage that I must support, myself and my family. The stress levels I had were high and I drink alcohol too much because of finances and that I can't see my children [SIC] ”

(Participant No.7)

“I am old now but I never get to love my children the way I want. When she got twins, I was forced to leave school to go and work for my children and pay Intlawulo. During those days things were strict and I was not allowed to see my children besides when their mother stole

them for me to see them in river or somewhere. I went to Gauteng and worked in mine but still I was given child-support by her being advised by her parents although I was sending money monthly. I lost my job many years now and that made things worse for me not to see my children. I end up drinking too much and smoking. Now I am not a father because I don't have money [SIC].” (Participant No.10)

“I get angry a lot and experience sleeping problems if I do not smoke weed. I am stressed and sometimes I am admitted for high stress level because of my children that I am not allowed to see. I am doing everything but their parents do not want me near them.”
(Participant No.6)

“I was diagnosed with severe depression and lack of emotional intelligence at work. This is because I cannot handle being denied access to my children that I love so much. As I am talking I am on anti-depressant treatment in order to help me focus, because I was even under performing at work but thanks God that I have a understanding and humane supervisor.” (Participant No.5)

The above sentiments suggest that indeed denial of access of unmarried fathers to their children has severe psychological and emotional effects. These effects are harsher to those who are enthusiastic and ready to enjoy the responsibilities of parenthood. Evidently, some of the responses show the level of breakdown that these fathers have undergone due to denied access. Consequently, the fathers denied access drift into substance abuse as a coping mechanism, which worsen their situations.

4.3.2. Factors contributing to denied access of unmarried fathers to their biological children

The study revealed a number of factors that contribute to unmarried fathers being denied access to their biological children. These factors are as follows:

4.3.2.1. Cultural responsibilities

The majority of the participants indicated that cultural responsibilities is one of the contributory factor of accessing or being denied access to biological children. To illustrate this weight of undertaking cultural responsibilities, some of the participants had the following to say:

“I am a man from rural areas of this province and I have undergone all the cultural and traditional routes that a man is expected to go. So it is a duty of a man to do right culturally when he has done wrong, to pay pregnancy damages and provide for his family but yhey!

Mhlekazi imeko zokuphila azisivumeli (The living conditions do not allow).”

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(Participant No.9)

“Because I have not been able to fully pay the required amount of pregnancy damages, that has affected me negatively and I am not being allowed to see my child. I am told that how can I access the child, but I have not done the right thing traditionally”. (Participant No.3)

“I impregnated a Zulu girl and the cultural responsibilities that I must do in order to be recognised as a fully capable father are so frustrating and I have not be able to see my child since I cannot afford those goats and cows they request for pregnancy damages”.

(Participant No. 5)

“I paid the damages but sometimes paying pregnancy damages is not enough. Culturally, as a man I must provide for the child but because I don’t have a job and I cannot provide as I

am expected, I do not see my child. They say I must be a man and be responsible then I can claim a part in my daughter's life.” (Participant No. 2)

The above narratives shows that most of the participants were denied access to their children due to the failure of fulfilling the cultural responsibilities such as providing and protecting the family. The narratives clearly shows that in cultural embedded societies, fatherhood roles are taken seriously where a man must be responsible and uphold cultural responsibility of respecting the tradition of paying pregnancy damages.

4.3.2.2. Terminated intimate partner relationship with the mother of the child

The study through a focus group discussion showed that a terminated intimate relationship with the mother of the child can actually contribute to unmarried fathers being denied access to their children. The following are some of the shared lived experiences by unmarried fathers:

“Two years after our child was born, I and the mother of my child went separate way, but it was a dramatic ending because I cheated on her. After that she never wanted anything to do with me. She blocked me in all ways I can reach her over the phone and I cannot just walk in her home to see my child. So now I can't see my child because of that. I think she is punishing me”. (Participant No. 9)

“My relationship with her is complicated, it's on and off. We fight a lot and because of that I see my child when she feels like it. She likes to fight with me and bring the child in the middle of everything”. (Participant No. 11)

“Because we are very far away from each other, she is in KZN and I am in Eastern Cape, our relationship ended up not working because we are no longer in varsity together now. She said she can never risk to make a way for me to see the child and be caught by her parents

with someone she is not dating. And for that matter, I haven't done right by tradition so why should she go that far for me, but am enjoying other girls". (Participant No.5)

These views vividly show that in most cases when an intimate relationship between the mother of the child and the father no longer exist, it has a negative implication on the relationship between the father and the child. Based on these sentiments when parents are no longer together, unmarried fathers are likely to be denied access to their children.

4.3.2.3. Financial constraints

Financial constraints or needs have been identified as one of the major contributor of denied access of fathers to their children born-out of wedlock. Fathers are expected to be providers of their own families and protectors. Due to a number of reasons, most unmarried fathers find themselves in a financial struggle, which negatively affects their image as capable providers.

The following participants' views illustrate this revelation:

"It always come back to the issue of money, if you do not have it then you will not be valued and recognised as a full capable and potential human being. I don't have money because I am not working which makes me less of a father as I cannot provide for my child at the moment". (Participants No.2)

"Generally and honestly speaking, the amount of money determine how much of access you will have to your child. I know this myself. When I was not working it was so hard to see my child, but now things have changed because I can bring much on the table. So money decides for us. Like I said before I was not able to see my child for six months because I was flat broke [SIC]". (Participant No.1)

The findings suggest that financial constraint is a reality struggle for a majority of unmarried fathers. This clearly shows that child-father relationship depends on the fathers' financial

capability. As stipulated in the children's Act No.38 of 2005, if unmarried fathers do not execute some of the provisions then they cannot be recognised as fathers. Therefore, financial constraint is one of the contributory factors to denied access of children by unmarried fathers.

4.3.2.4. Lack of emotional and moral intelligence

The study revealed that lack of emotional and moral intelligence can contribute to denied access to children. Emotional and moral intelligence are inextricably-linked and they need a state of equilibrium in a human body or mind. Below are some of the views from the participants on emotional and moral intelligence:

“As a father I was supposed to fight to be involved in my child's life, but because of lacking courage and skills to approach the situation I just sat back, and did nothing”


(Participant No. 7)

“I am not proud of how I handle the situation. This is because I texted my baby-mama all the time, sometimes angry where I insult her for being cruel and wanting my child to grow the way I grew up without a father. I think that's what made things worse for me because I could control my anger”. (Participant No. 3)

“I used to get drunk to get courage to shout at the mother of my child, that the child is mine too, she must let me see her. Sometimes I call her at mid-night wanting to talk to my daughter because I am drunk. I did not think straight whether she is with her man or what. My emotions just went high and angry that she denies me my child”. (Participant No.10)

The above sentiments show how lack of ability to execute moral decision, social cognition and self-regulation impacted negatively on the relations between the mother, father and their children. Lack of moral compass, emotional and moral commitment, moral sensitivity, emotional and moral problem solving techniques, as well as emotional and moral

resoluteness to engage with maternal family costed some of the unmarried fathers their chances of being with their children.

4.3.4. Challenges encountered by Social Workers

The third objective of this study was to establish the government official's perceptions on experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities. Statutory social workers were interviewed about the challenges that they faced in relation to cases of access to children-born out of wedlock. Further, they were asked to outline some of the hindering aspects to effective and efficient service delivery to their clients. From these interviews, poor infrastructure, lack of supervision, lack of stakeholder coordination, and lack of staff capacity were identified as key challenges.

4.3.4.1 Anger management issues vs safety and security

The study revealed that anger management issues among clients was also a challenge they encounter on numerous occasions. This situation tends to compromise their safety and security. Below are some of the responses from the participants:

“The major challenges that we face when dealing with our clients is anger issues, some would be yelling and venting at us to an extent that some think we are plotting against them not to gain access to their children”. (Participant SW 1)

“One day there were clients that almost fought within our department regarding their children and it is not a great thing to watch parents fighting in front of children.

(Participant SW 3)

“Safety and security is another serious issue that we face because some of these client have anger management issues, sometime we fear for ourselves when they get angry. There was once an attempted assault in one of our colleagues here by a client who lost his cool”

(Participant SW 6)

“The majority of unmarried fathers that come seeking help from us are facing psychosocial problems that result in them having mental breakdown and release pressure through expression of anger on other people” (Participant SW 2)

The above sentiments indicates the magnitude of anger issues that could be manifested by unmarried fathers and the sensitivity of matter relating to children access. These findings reveal that indeed some participants (unmarried fathers) were encountering anger management issues, which becomes a challenge to social workers to execute their services efficiently and effectively.

4.3.4.2 Alcohol consumption

The study indicated that social workers experience dire challenges with client consuming alcohol. The participants rigorously lamented how this matter affects them and hinders their professional execution of duties. Below are the remarks by the participants:

“Alcohol consumption is common among fathers that come to our offices seeking assistance with regards to their children. They would come drunk and smelling alcohol, then we assume it’s because of stress and since we are trained professionals we cannot chase them away, we must intervene”. (Participant SW 4)

“What I have noticed is that these fathers opt to consume alcohol and other drugs because they are stressed and depressed, imprisoned by their psychological shortcomings”.

(Participant SW1)

“Some of them are near to a stage of self-destruction, you could sense suicidal thoughts. These fathers are stigmatized, labelled and discriminated by the society and to some extent by the close friends and relatives, hence they opt to consume alcohol as way to numb the pain”

(Participant SW 5)

4.3.4.3 Bribery

A few of the participants highlighted that when dealing with clients, there are elements of bribery. This is a new trend in the society and cause a grave challenge to ethical professional service delivery. Clients would provide monetary offers to social workers in order for them make recommendations in their favour. To illustrate this, the participants had the following to say:

*“In so many years of practicing as social worker, and am close to retirement now, there is this one dangerous challenge that we currently face from this new generation of fathers and it’s becoming a trend, it is **Bribery**. These young fathers bribe us to intervene and make recommendations favourable to their side. And if we were professional who love money it means children’s lives would be in great danger because they would be handed over even to unfit fathers”.* (Participant SW 2)

“These clients offer us money to make them gain access to their children, funny enough some of them have no shame because they are drunk while bribing us”. (Participant SW 5)

These views suggest that many social workers are being challenged in many ways that undermine their professional services. This is evident through the sentiments showing acts of bribery to make recommendations on favour of the clients. In other words, this is how children are being sold to unfit parents. This act has affected many social workers who take their job serious and perceive it as an insult to the profession.

4.3.4.4 Poor/lack of infrastructure

Majority of the participants confirmed that infrastructure is one of their major challenges as they do not have proper or good working conditions. Poor or lack of infrastructure has affected service delivery process offered by social workers. Reportedly, in some instances there are no office and equipment to make service delivery smooth, efficient and effective. The following are some of the participants' views on this challenge:

“Poor infrastructure makes it difficult to do our job effectively. In this department we are sharing offices, about five of us in one office. Where is confidentially in all that, and many of our clients do not feel comfortable in talking in front of many social workers especially males”. (Participant SW 6)

“Some days our offices get a large number of clients where we are forced to allow more than two clients in office, where each practitioner will attend to his or her client. Imagine the destructions where another client would be crying on the other corner and the other venting out”. (Participant SW 3)

“Not that we have a choice or we lack professionalism by taking more than one client in the same office but we are also thinking for our clients because they come from deep rural areas where transport is an issue and expensive. So imagine where a client spend the entire day and leaves unattended”. (Participants SW 3)

“We also do not have sufficient transportation as the department to even conduct home visit which show how serious infrastructure is so poor and lacking “. (Participant SW 4)

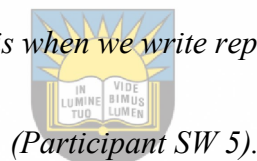
These findings suggest that lack of infrastructure is a major challenge within the profession of social work. This challenge has impacted negatively on the nature and process of service

delivery to client system. Lack of offices leading to social workers sharing offices, and lack of transportation to conduct home visit results into backlog and work overload on social workers.

4.3.4.5 Lack of supervision

The findings suggest that the participants (social workers) were encountering challenges with regards to lack of supervision. The participants decried that they were not supported by the top management. Majority of the participants attested that lack of supervision affected the quality of work and reports submitted to other departments. Below are the shared sentiments:

“We only have few supervisors, less than five, and even the ones we are having are drowning in work overload. So how can we get proper supervision in such environment? Mind you that most of our cases are sensitive especially the ones of children. I can honestly say the only supervision process that is known is when we write reports and they canalise them for us.”



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The findings indicate that lack of supervision is prevalent within the social work profession and junior social workers continue to encounter that challenge with limited supervision or no supervision at all.

4.3.4.6 Lack of stakeholder collaboration

Few of the participants indicated that stakeholder collaboration was also a challenge in delivering their services. Some of the participants had the following to say:

“Lack of coordination and cooperation among stakeholders is another issue that affect our service delivery. Sometimes when a case of custody or access to a child is in court, and then the magistrate would dismiss the report or case referring to reports compiled by social

workers being poor. This shows lack of coordination between stakeholders in clearly stipulating of what is expected and not for the best interest of the child.” (Participant SW 1)

The findings shows that statutory social workers are faced with various challenges that hinder their effective and efficient service delivery to client system.

4.3.5. Perceptions of Government Officials

The last objective of the study was to assess implications of denial of access of unmarried fathers on human rights and that of children in amaXhosa communities. The participants from the DSD and DOJ were interviewed to provide insights on the subject matter. These participants were from probation services and community development. All the interviewed participants indicated that denied access has negative implication on the human rights of unmarried fathers, and most particularly that of children. Subsequently, participants from DOJ highlighted that the issue of human rights need critical approach. The following are some of the perceptions of the participants on this subject:

“According to the constitution we all have rights and our children too where parents much look after them, says the supreme governing legal document of the country. Now tell me, if we deny our children love of one parent are we not violating that law. So children must have access to both parents.” (Participant 1)

“Prisons of this nation are full of young people who have found themselves in the wrong side of the law. Most of them grew up without fathers to show them how to be man and be responsible. They end up searching for that love outside, joining gangs. Growing without a father does serious damage to a person, it eats them from inside [SIC].” (Participant 3)

“The effects of children who have fathers that are not part of their lives you will see it when they are teenagers. These children display behavioural problems because their rights to have

both parents present have been infringed. Most of these infringement are done by parents and our family due to family politics.” (Participant 4)

“We must be objective and realistic when looking at this issue. Most men today have no rights until proven fit, worthy and otherwise. This is due to the high number of violent activities committed by men and to some extent against their own blood. Some fathers would molest their own children hence the law decided to protect women and children of this nation by taking those rights away from men. This is not to punish them but protecting the interest of the child. Hence if one wants custody or access he must follow legal ways by approaching the court or maternal family. However, indeed children need to be raised and loved by both parents for their optimal development.” (Participant 2)

“Children deserve all the world could offer them and it is the duty of parents to provide. If unmarried fathers are denied that opportunity it means children are denied the legal rights of parental care, love and protection. For fathers, it takes away their right to human dignity because they are mostly oppressed and discriminated based on their financial capabilities.”

(Participant 5)

The above sentiments indicates that denial of access of unmarried fathers to their children has negative effect on the upbringing of the child and it infringes on their rights of parental care and protection. The study reveal that when it comes to parenting, all rights are considered based on the best interest of the child. Therefore, in all legal action concerning a child, the best interest of the child supersedes all other right of involved parties.

4.4. Conclusion

The findings presented in this chapter are a reflection of all the fundamental attitudes, intrinsic feelings, and opinions of participants around the denied access of unmarried fathers to their biological children among amaXhosa communities. Importantly, a major concern for social

workers is the issue of bribery which leaves a black mark on the profession and the dignity of the professional. Nonetheless, this calls for immediate interventions and solid recommendations to fight this bad habit. Children's protection and safety is at stake, reputation of the profession in being challenged. Furthermore, perceptions of relevant stakeholders have been taken to account and analysed. These findings have created a platform for discussion in the next chapter of this study.



CHAPTER FIVE

DISCUSSION OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

5.1. Introduction

The previous chapter focused on data presentation and analysis to understand the phenomenon unmarried fathers denied access to their biological children. This was possible by analysing experiences, insights, attitudes, views, and perceptions of the participants. This chapter focuses on the discussion of the findings against available literature to draw comprehensive conclusions.

5.2. Demographic Information of the Participants

In this section, the biographical information across all categories of participants (unmarried fathers, statutory social workers, presiding officers of the children's court, cultural custodians, and community elders) is discussed. These biographical variables considered in this study were age, socio-economic status, marital status, education status, and the number of children born out of wedlock.

5.2.1. Age

The findings of the study indicated that the majority of unmarried fathers were below the age of 35 years. These participants are generally considered to be youth as per the definition provided by the National Youth Policy (NYP) of 2009, 2015, and 2030, which state that youth is any person between the age of 14 years and 35 years. Similarly, the African Youth Charter (AYC) as per African Union Commission (AUC) (2006), refers to youth as those people aged between 15 years and 35 years. The study revealed that a group of participants accused of impregnating women out of wedlock were mostly youth. Most of these youthful fathers are perceived as ATM, absent and uninvolved fathers (State-SA-Fathers-Report, 2018).

The study further confirmed that most of the unmarried fathers were in their youthful age as some became fathers while in school. Arguably, lack of guidance on fatherhood roles and responsibilities for the modern young fathers is the cause of absent and uninvolved fathers (Richter, Chikovore & Makusha, 2013). In the same vein, Lesch and kelapile (2016) assert that lack of involvement by men's own fathers' life during childhood can be associated with a decline in involvement by modern fathers in the lives of their biological children. Contrary to that, some fathers who had uninvolved fathers drew strength from that and challenged their involvement in the lives of their biological children.

5.2.2. Socio-economic status

The research findings indicated that the majority of unmarried fathers were unemployed and the means of financial survival were contractual work and piece jobs. A few of them revealed to be employed and self-employed to support their children and families whilst the majority faced difficulties in doing so. Drawing from absent fathers' full report, Eddy, De boor, and Mphaka (2013) highlighted that absence of fathers in South African as widely spread and is intricately associated with economic, social, cultural, and historical factors. For example, unemployment increase the rate of poverty, which could result in cohabitation rather than statutory marriages. As a result, unemployed fathers lose confidence and self-esteem because they regard themselves as failures due to the inability to provide for their children (Makhanya, 2016).

Unemployment has become hindrance to many fathers in gaining access and maintaining stable relationships with their children. Lesch et al (2016) denote that absenteeism of fathers in the lives of their children is more prevalent among fathers with low income. Accordingly, Smith, Krohn, and Best cited in Makhanya (2016) assert that poverty and youth unemployment are associated with lack of education. A failure of an unmarried father to maintain stable

employment and financial status could hinder his ability to support and decrease his chances of spending time with his children.

In the same vein, Morrell (2006) and Richter (2006) argue that fathers' involvement is mostly hindered by poverty as they are expected to protect, provide, and be actively involved regardless of the limited resources to execute such roles. Shows and Gerstel (2009) further denote that majority of men regard employment as a fundamental aspect to understand and practice fatherhood. Similarly, Hosegood and Madhavan (2012: 259) are of the view that "the involvement of fathers in the financial and material provision is undoubtedly central and a dimension about which most is known". Additionally, fatherhood in South Africa can be studied through a framework that is offered by the role of gender (Marcisz, 2013).

5.2.3. Educational Status

The study revealed that the Majority of the unmarried fathers did not reach tertiary level of education. Makhanya (2016) attest that lack of education is contributing to poverty and youth unemployment. In the same vein, the findings presented that lack of education can fuel the absence, un-involvement and to some extent lead to the denial of access of unmarried fathers to their children. Coakley (2013) and Wilson (2010) are of the same view that the lack of education among unmarried fathers results in their absence and un-involvement and it has some negative impact on the well-being of the child.

Previous studies have found that a high rate of low psychological well-being, depression, poor academic performance among children whose fathers are not present and involved in their lives (Mayeri, 2015). Undeniably, during the twenty-first century, there are far-reaching factors that segregates the married and unmarried parties. For instance, the unmarried haves (highly educated) have greater opportunities and access to their children as compared to the

impoverished (less educated) have-nots, and as a result, unmarried parenthood has become a dominant reality of in the societal and family life (Mayeri, 2015).

Similarly, Lerman (2010) denotes that the better the education status or the literate the father is, the better the economic status to support his children. Contrary to that, the poor the education status, the less a father will earn and will encounter financial challenges to support his children. The study showed that the majority of unmarried fathers have poor education, which confirms the arguments present above. Thus, illiterate and semi-illiterate unmarried fathers find themselves in straining position to provide financial support and undertake other obligations on their partners and children.

5.3. Discussion of Thematic Findings

This section focuses on the discussion of thematic findings and which related to the key research questions and objectives.



5.3.1 Challenges faced by unmarried fathers denied access to their biological children

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The study established a number of challenges associated with unmarried fathers' access to their children. These challenges are discussed below.

5.3.1.1. Payment of pregnancy damages and bride-price

The majority of the participants highlighted that delay or failure to pay pregnancy damages hindered access to their biological children. The other segment of the participants mentioned that they were subjected to payment of bride-price towards the mother of their child born out of wedlock. This finding resonates with the existing literature on customary process of a father acknowledging the responsibility of fatherhood to the maternal family is through *intlawulo* or payment of pregnancy damages. This customary practice unites both the maternal and paternal families whereby the maternal family accepts the father to be involved in the child's life regardless of the relationship status with the mother of the child (Hunter, 2010; Samukimba et

al, 2020). Kaufman, de Wet and Stadler (2001) cited in Samukimba and Moore (2020) assert that the payment process of this fine (*intlawulo*) was made through payment of cows or equivalence cash payment that is once-off. Although this customary practice has long been established, it should be revisited as times are changing with different demands of life emerging.

The findings showed that the majority of unmarried fathers viewed *intlawulo* (payment of pregnancy damages) as an obstacle for them to be involved and exercise their parental rights and responsibilities towards their children. Samukimba et al (2020:2) assert that "fathering practices are shaped by customary practices that include relational negotiations with maternal and paternal families along the lines of lineage and seniority". Customary practices have a greater influence whether positive or negative on the relationship of a father with his child. Becoming a father is a critical stage in life for a Xhosa man where the process involves distinct social factors. *Intlawulo* is one of the critical entry points to fatherhood which can either be denied, negotiated, or facilitated.



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Previous studies indicate that paternal involvement in South Africa is greatly influenced by the customary process of negotiation. Cultural scholars have paid greater attention by examining the importance of *intlawulo* in mediating the involvement of a father in his child's life (Hunter, 2006, 2010; Swartz & Bhana, 2009; Mkhwanazi, 2010, 2014; Bhana & Nkani, 2014; Makusha, & Richter, 2016; Mkhwanazi & Block, 2016; Mvune, 2017; Nkani, 2017; Samukimba et al, 2020). Furthermore, the payment of *intlawulo* and *ilobolo* has hindered many Xhosa men from accessing their children. However, it is not guaranteed that payment of *intlawulo* automatically grants a father and his family access to a child as the extent of access is based on willingness to perform *ilobolo* (Swartz & Bhana, 2009; Makusha & Richter, 2016; Nkani 2017; Samukimba & Moore, 2020).

5.3.1.2. Unemployment

The study established that unemployment was an important factor that contributed to the denial of accessing their children. Tyawa (2017) asserts that the majority of men in South Africa are experiencing difficulties related to poor self-esteem and confidence, sense of identity, and masculinity due to unemployment and poverty. On the other hand, Selebano (2014) cited in Tyawa (2017) indicates that some psychological sufferings on men such as depression, somatic problems, and suicidal thoughts are caused by unemployment. In light of this, Tyawa (2017) citing Eisenberg and Lazarsfeld (1938) denotes that unemployment causes a lot of damage to men and that results in mortalities. Perhaps, this is because men are reluctant to seek professional assistance as a coping mechanism. Therefore, these studies reveal the relationship between unemployment and the well-being of men.

Moreover, the study participants agreed that unemployment did not only deny them access to their children but also caused humiliation as they were labelled by society as useless fathers. Hoffman (2017) refers to the fathers' role as being a provider for the family by bringing in money, doing maintenance work at home, and inculcating good behaviour in children. However, in the modern dispensation, parental roles between a father and a mother are not distinct as before given the contemporary changes in culture, legislation, and societal expectations. The findings clearly shows that fulfilling the provider role to the children is regarded and perceived to constitute being a 'good father' as compared to those who cannot afford to provide for their children.

5.3.1.3. Conflict with maternal family

The findings revealed shreds of conflict between the unmarried fathers and the maternal families of their children. The conflicts emerge from some disagreements during *intlawulo* negotiation and historical family battles. According to Samukimba and Moore (2020) the presence and involvement of a father in his child's life is negotiated and mediated by customary

practice of paying pregnancy damages (*intlawulo*) and bride price (*ilobolo*). Therefore, this highlights the significance of culture and custom in marital relationships. Madhavan and Roy (2020) assert that the relationship between parents of a child born out of wedlock determines the father's involvement in the child's life and his relations with the maternal family as the issue of access is not individualized. Considering the role of extended relationships or family ties, it is important to fully understand the relationship of a father with his child in South Africa as fatherhood happens within families rather than individuals (Clarke, Cotton & Marteleto, 2015; Swartz & Bhana, 2009).

Maintaining good relations with the maternal family plays a vital role as some of the important decisions about a child's development, the best interest of the child, and parental roles are shared (Clarke et al, 2015). Sadly, some of the unmarried fathers interviewed in this study were not in good relations with the maternal families of their children. The broken relations impacted negatively their relationship with their children. Therefore, not being on good terms with the maternal family affects the execution of parental roles and some of those disputes are inherent through generations.

Makhanya and Matthias (2018) suggest that, for some fathers the broken ties are compounded by disputes with the maternal family especially grandmothers who act as gatekeepers. This implies that the kind of a relationship a father has with the maternal family, particularly grandparents dictates the nature of the relationship he will have with his child or children. This is because a child born out of wedlock traditionally belongs to the maternal grandmother as the recognized cultural legal parent. Apparently, for unmarried/single fathers maintaining a good relationship with the mother of the child is not enough or does not guarantee access to their children.

5.3.1.4. Poverty

The findings indicated that poverty was a contributing factor towards unmarried fathers being denied access to their biological fathers. Vividly, the participants highlighted that coming from marginalized backgrounds made them look less capable fathers. These findings related to the study of Clarke et al (2015) who noted that resident fathering and active involvement to the children is not the only aspect by affected by poverty, but also financial support to the child. Studies have found that poor financial background or inability of young fathers to provide for their children has resulted into rejection and denied access to their children (Swart, Bhana, Richter & Versfeld, 2013; Makhanya & Matthias, 2018). This study too showed that a poor financial background or living in poverty results to stigmatization and labelling.

Importantly, Rabe (2016) argues that the attainment of radical transformation or change in South Africa is not promising for most South African families as they continue to encounter unemployment, which diminishes the attempts of White paper on families by the Department of Social Development (DSD). This persists to disadvantage many families that live in abject poverty and increase severe pressure on fathers who cannot find employment to be able to provide for their families (White Paper on families- DSD, 2013). Notably, poverty and unemployment are inextricably linked and could explain the failure of many unmarried fathers in paying pregnancy damages and bride price to allow and finalize their marital relationships.

The findings of this study showed that living in poverty lead to a phenomenon of absent fathers. This finding is supported by the works of Lerman (2010) who asserts that among various factors influencing the extent of unmarried fathers' involvement, poverty takes centre-stage. Lerman further note that "many become fathers when they are quite young and have little ability to support a family above the poverty threshold" (Lerman, 2010: 64).

5.3.1.5. Psycho-emotional breakdown

The findings indicated that the majority of unmarried fathers faced psychological and emotional difficulties due to denied access to their biological children. A study by Meadows (2013) revealed that unmarried fathers tend to be low self-rated and encounter high mental health problems as compared to married men. Importantly, in the context of this study, psychological well-being refers to the ability of an unmarried father to maintain a harmonious relationship with the mother of his child, maternal family, and the child; and being actively involved in the upbringing of the child, mastering the personal growth and development of the child (Chanda & Pujar, 2018). Once these aspects are not met by the unmarried father, there are high chances of psychological and emotional breakdown. The imbalances of life events of unmarried fathers may manifest through alcohol and drug abuse as a coping mechanism for them. To some extent, some become socially withdrawn, abusive, suffer depression and suicidal thoughts among others.



The role of a father in the developmental process of a child has been long undermined (Peyper, 2013). Fathers are carers and providers who share the responsibility of caring, and not just financial providers (Lamb & Lewis, 2010; Peyper, 2013). Smith (2002) cited in Peyper (2013) highlight that fathers play an integral role by immensely influencing the social, emotional, and intellectual development of a child. Thus, when the fathers who are enthusiastic about being actively involved in the upbringing of their child are denied access, they tend to face emotional and psychological challenges. Further, research indicates that children benefit the most from two-parent families where both parents are satisfied in their relationship with each other and are actively involved and loving towards their children" (Peyper, 2013:2). To the contrary, anxiety disorders and higher stress levels are found to be related to the father's lack of involvement and unavailability (Byrd-Craven, Auer, Granger & Massey, 2012).

5.3.2. Contributing factors to denied access

5.3.2.1. Cultural responsibilities

The findings indicated that lack of fulfilling cultural responsibilities affected the relationship between children and their unmarried fathers. A study by Roopnarine and Yildirim (2019) highlighted that whether a father resides with his family or not, there are family and societal expectations that be must fully fulfilled, for quality caring and responsibly nurturing of the children. Culturally a man serves as a shield, protector, provider, and head of his family by leading by example, among various South African black ethnic groups such as AmaXhosa and Amazulu to mention a few. There are distinct cultural practices that a man must adhere to when he has impregnated a girl out of wedlock as the culture dictates (Khanyile, 2019). Pregnancy damages (*Inlawulo/ Inhlawulo*) is a payment made to the maternal family as a symbol of acknowledgment, respect, and cleansing for impregnating their daughter before marriage (Ilesejane, 2006; Khanyile, 2019). Further, another customary practice that is linked to accessing children is payment of pride price. Once the payment has been done, the man is considered culturally responsible (*Ukunyuka nengalo*) (Patel et al. 2016).

In South Africa, there is a high rate of unemployment and as such most fathers face difficulties in affording to pay damages and the bride price. This leads to them being denied or restricted by the maternal family from accessing the child or children. This is supported by the works of Khanyile (2019), Richter et al (2010), and Posel, Rudwick and Casale (2011) as they found that high levels of poverty and unemployment in South Africa have resulted in the inability of most fathers to afford the payment of *Inlawulo* or *ilobolo*. Similarly, Nduna and Jewkes (2012) confirm that a father who cannot recognize and acknowledge paternity as well as fail to pay damages may be rejected by the maternal family, and is judged as inadequate and irresponsible.

Drawing from a study by Mavungu et al (2013: 31) conducted in Johannesburg, the following sentiments by one participant confirms the importance of cultural responsibilities by saying "culture sometimes messes up with us and makes us run away from our kids. I am a Zulu and I have a child that I raised from when she was still young. I supported her but as time went on I had to pay damages to be able to see her. Even now, I am unable to see her because I don't have the money for the child".

5.3.2.2. Terminated intimate partner relationship with the mother of the child

The study established that a terminated relation with the mother of the child had a great impact on the kind of relationship that an unmarried father will have with his child. Most of the participants mentioned that when a relationship has ended with the mother of the child, the chances of having a good relationship with the child are extremely limited. Khanyile (2019) attests that the nature of the relationship between the parents of a child born out of wedlock can determine paternal involvement and the degree of access a father might gain. Furthermore, there is a strong relationship between the father's absence and the nature of the relationship with the mother after the termination (Patel et al, 2016).

The study further revealed that the nature or how the intimate partner relationship with the mother ended plays a great impact on the kind of relationship with the child. According to Khanyile (2019) and Fagan and Barnett (2003) the perceptions of a mother about fatherhood and the kind of relationship she has with the father even after termination influences the father-child relationship. Evidently, "changes in father-mother relationships are significant turning points in the involvement of men in their families" (Khanyile, 2019: 39). By that, the nature of the relationship between parents is also a determinant of the nature of paternal involvement and the degree of access to the child. Fathers may be viewed as to have withdrawn from supporting their children when the relationship with a mother has been terminated. However, this might be due to restriction put in place by the mother as a result of anger held towards the

father (Fagan & Barnett, 2003; Hawkins, Amato, & King, 2007; Khanyile, 2019). Scenarios of this nature are prevalent when mothers are still in love with their baby daddies or perhaps the relationship did not end on good terms.

5.3.2.3. Financial constraints

The findings indicated that financial constraint is one of the major challenges faced by most fathers. Such fathers found themselves not having a good relationship with their children due to their inability to provide. These findings are similar to those of Khanyile (2019) and Richter and Morrell (2006) who denotes that to provide, protect, support, and be actively involved as a father are integral duties that must be executed irrespective of the scarce resources.

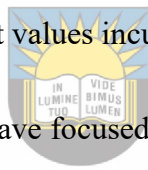
Being a financial provider is one of the greatest threats of paternal involvement. Unpleasantly, a significant amount of young fathers find themselves overwhelmed by pressure of societal expectations of being a financial provider. Navigating through the stressful events of low self-esteem, low confidence, labelling, and stigma that comes with unemployment and poverty put the young black men on shame due to inability to provide financing for children (Sikweyiya, Shai, Gibbs, Mahlangu & Jewkes, 2017).

The state of unemployment and poverty in South Africa continues to present very serious challenges for fathers to be able to reach financial stability, leading to a phenomenon of absent and uninvolved fathers. Such conditions create grounds of anger towards fathers by both children and their mothers resulting in matrifocal families, which provide an opportunity for delinquent behaviour of the children.

5.3.2.4. Lack of emotional and moral intelligence

The study established that the participants (unmarried fathers) lacked emotional and moral intelligence in handling matters of accessing their children. As a result majority of the participants indicated that lack of emotional and moral intelligence has robbed them off the

access to their children. Ample evidence from studies of emotions highlights that emotional intelligence refer to a manner in which individual handle their emotions (Nelson & low, 2011). Some individuals are more adept emotional managers than others. The ability to manage or master emotional-related skills such as expression of emotions, use of feelings in cognitive activities, understand emotion and emotional knowledge, and regulate emotions to promote emotional and intellectual growth can be referred to as emotional intelligence (Pizarro & Salovey, 2002). Importantly, Tseng and Verklan (2008) cited in freeks (2017) suggests that moral and emotional issues are the cause of relationship crisis to fathers. This is evident in research that reveals the absence of a father as manifested or reflected in the developmental stage of a child; masculinity for boys and femininity for girls. Furthermore, Freeks (2017) indicates that children desire emotional connection with their fathers through father attachment, presence, and good lifestyle with great values inculcated by fathers.



In the past decade's research studies have focused on the psychosocial factors associated with single parenting by mothers and various theories describing single mothers' predisposition stressors of single parenthood (Avison, Ali and Walters, 2007; Liang, Berger, and Brand, 2019). However, there is dearth of studies concerning single fathers and their psychosocial well-being in relation to children born out of wedlock.

5.3.3. Challenges encountered by social workers

The interviewed statutory social worker indicated that there are various challenges that they encounter when dealing with cases of custody and access to children by biological fathers (children born out of wedlock). Some social workers indicated that lack of anger management was prevalent among unmarried fathers denied access to their children. To some extent, the anger manifested by some clients was frightening and threatened the safety and security of intervening professionals, particularly for female professionals. According to Sudland (2019),

there is high frustrations and exhaustion for social workers within Child Protection Services (CPS) as they deal with children from high family conflict between separated parents.

Hostility, anger, distrust, and lack of communication between parents characterize the high degree of conflict that exists between separated parents (Chashmore & Parkinson, 2011; Sudland, 2020). Notably, financial provision, child's residence and execution of daily parental activities and optimal development strategies or methods presumed suitable for the child are the cause of conflict between parents (Cashmore & Parkinson, 2011; Gulbrandsen, 2013; Sudland, 2019).

Additionally, the participants highlighted that substance abuse especially alcohol consumption by unmarried fathers is a common challenge. The level of intoxication by their client is what causes behavioural problems, which hinders the effective and efficient communication and services rendered. Thus, it is of paramount importance for social workers to educate parents on how their interpersonal conflict can harm the child's well-being, best interest, and optimal development (Sudland, 2019).



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Moreover, gender and age differences between a client and practitioner especially when dealing with an adult client where they would question the capabilities of a practitioner to intervene was noted as challenge in this study. The language barrier was also mentioned as a client-related challenge. Customary and cultural practices and differences were also part of the social workers challenges. This is where some clients would prefer a practitioner of the same race, as they would understand them better. Moyo (2018: 2) asserts that "corruption can be defined as the misuse of entrusted power for a private gain against the rights of others".

Infrastructure was indicated as one of the major challenges that the Department of Social Development is encountering. The department is said to lack infrastructure for its professional workers as they rent buildings and houses situated in town as offices. One of the participants

voiced out that how poor working conditions hinder effective service delivery and lack to maintain confidentiality within their offices. According to Alpaslan and Schenck (2012), social workers as social agents particularly in rural areas encounter challenges of poor working conditions such as poor infrastructure, less informative communities on social workers roles and their methods of service delivery, long distances that is, traveling to client system with poor transportation, and lack of supervision which compromises the quality social service rendered.

The findings further indicated that staff capacity to handle a high caseload was lacking. The high caseload sometimes requires multiple role responsibilities and with limited staff capacity or shortage of staff to handle them become serious hurdle to service delivery. Alpaslan and Schenck (2012) noted that in rural settlements a variety of tasks and distinct intervention roles are handled by social workers who are expected to be the jack of all trades due to the shortage of staff. As a result, a high caseload with the shortage of staff causes a delayed response to emergency cases. This makes a situation whereby social workers become reactive to crises and neglecting preventive measures and early intervention services (Sibanda & Lombard, 2015).

The study also revealed lack of coordination and collaboration among stakeholders. Some social workers mentioned that presiding officers of the court look down upon them, questioning the quality of reports submitted and their capabilities to render quality social services. Notably, lack of cooperation and insufficient knowledge among police officers become a huge problem for social workers to implement the children's Act (Sibanda & Lombard, 2015). Therefore, network-oriented implementation and intervention are paramount when rendering public service delivery (Kekez, Howlett & Ramesh, 2019).

5.3.4. Perceptions of government officials

The findings indicated that it is the rights of children to have access to both parents and receive love as documented in the constitution. A study by Louw (2010: 184) asserts that "denying a child the right to have both parents recognized by law on an equal basis could, as indicated above, be seen as unfair discrimination, a limitation of the child's constitutional rights to parental care (embodied in Section 28(1) (b)) and could arguably also inhibit an approach dedicated to pursuing the best interests of the child (in terms of Section 28(2) of the Constitution)". Conversely, Freeks (2017), Freeks (2011), and Blackthorn (2004) indicate that being a father include various significant duties not limited to managing children's behaviour, showing love and care, but educating them, maintaining their health and healthy lifestyle, communication, and instil responsibility and accountability.

Previous studies have indicated that children with absent or uninvolved fathers they are likely to manifest behavioural problems more especially in their adolescent stages. Similarly, children from single-headed families are at high risk to behavioural problems (Uchenna, 2013; Lekganyane & Alpaslan, 2019). On the other hand, Zeiders, Roosa and Tein (2011) cited in lekganyane and Alpaslan (2019) indicate that harsh conditions of poverty and economic hardships in matrifocal families threaten the well-being of their children. Sadly, research indicate that absenteeism or un-involvement of fathers is a global phenomenon or tendency that exists within our communities (Freeks, 2013, 2016, 2017).

Further, Freeks (2017) argue that a high rate of social vices such as rape, burglary, housebreaking, and other juvenile-related felonies as well as behavioural problems are committed by children who come from fatherless homes. "For girls is early pubertal maturation, more likely to experience insecurity, anxiety, depression, and difficulties in relationships with men" (O'Dweyer, 2017:7). As a result majority of state institutions and streets (homelessness) are filled with juveniles who have no father-figure in their lives. This is

supported by a study conducted by Dube (2016), Frazier (2015), and Freeks (2017) which suggests that in South Africa fatherhood is a serious challenge with millions of children who are fatherless and grow up without a father-figure. Indisputably, it is for that reason that South Africa is faced with continuous social problems such as child-aggressive behaviour, broken families, poverty, social and financial problems (Hawkins, 2015; Freeks, 2016, 2017).

The findings of this study suggest that parenthood among amaXhosa communities is a complex and difficult process. Every parent has to balance between customary cultural practices, legislative-approved parenting provisions (parental responsibilities and rights as outlined in the Children's Act No.38 of 2005), and their personal parenting skills. Mostly, many parents battle in this triangle trying to deliver the best possible environment for the optimal development of their children. Sadly, the realities of parenthood particularly for the young generation of parents do not prevail. Biological fathers of children born out of wedlock navigate through these systems to prove their capabilities as fit parents to be involved in the lives of their children. Those who are fortunate to make a good living, gain access and those less fortunate tend to suffer the hindrances or exclusion from accessing their children.

5.4. Conclusions

This section illustrates the extent to which the study has met its aim and objectives.

5.4.1. Conclusions based on the aim and objectives of the study

The primary aim of the study was to explore the experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape. The aim has been met because the findings have clearly indicated the experiences and the challenges of unmarried fathers. Further, the study identified the factors contributing to a denied access to the children.

The following are specific conclusions based on objectives of study objectives.

- **To examine the challenges of unmarried fathers who are denied access to their biological children.**

Fundamentally, the study documented a series of challenges encountered by unmarried fathers in relation to the access to their biological children. To mention a few, the identified challenges were payment of pregnancy damages and bride-price, unemployment, conflict with the maternal family, poverty, and psycho-emotional breakdown. In comparison of all these challenges, payment of pregnancy damages and bride price remains the major challenge to unmarried fathers access to their biological children. Notably, unemployment and poverty are significant contributory factors.

- **To examine government official's perceptions on experiences of unmarried fathers who are denied access to their biological children.**

Undoubtedly, the objective was met. The views from government officials who were statutory social workers and probation officers confirmed that denied access is serious challenge of unmarried fathers. In addition to the aforementioned challenges, intimate partner relationship between the mother and the father of child determines the accessibility of the child. The study established poor organizational support and operations, and coordination by relevant stakeholders as a primary impediment to quality service delivery.

- **To assess the implications of denied access on human rights of unmarried fathers and their children.**

The objective was partially achieved because the relevant stakeholders such as family advocates, presiding officers of children's court, and statutory social workers did not rigorously tackle the issue despite various attempts to probe them. The documented implications in respect to this phenomenon were limited as the participants mentioned that the 'best interest of the child' must take precedence in all affairs relating to children. Interestingly, it emerged that

fathers of children born out of wedlock do not have parental rights and responsibilities unless certain provisions have been met as per Children's Act No.38 of 2005 recommendations. To the contrary, it also emerged that denying unmarried fathers access to their children violates certain sections and subsections of legislative documents such as the benefits of children.

5.5. Recommendations

Based on the findings of this study, the literature review, and the researcher's experiential knowledge, the following recommendations are made:

5.5.1. Recommendations for the Department of Social Development

The study recommends to the Department of Social Development, particularly in Mqanduli town in the Eastern Cape the following:

- Establishment of fatherhood intervention program to assist families with children born out of wedlock. This is a part of proactive action to minimize disputes that affect children negatively, and further reduce unnecessary court proceedings that can affect children cognitively. These programs should be educative and preventative, especially for the young generation of unmarried fathers. However, in doing so, it is important to build networks and relations with other stakeholders, such as law enforcement authority, and community leaders. The awareness campaigns and dialogues between traditional leaders, traditional councils, and communities are deemed necessary to discuss customary cultural practices such as payment of pregnancy damages and bride price, which hinder family relation taking into account the high rate of poverty and unemployment among youth in Eastern Cape.
- Development of early intervention and mentoring program for both young parents of children born out of wedlock. Emphasis is on educating people on cultural practices, legislative frameworks and regulations about children, support and equip them with

parenting skills, and mastering roles of parenthood. This creates a parenting platform that is supportive, equipping, educative, preventative, and non-discriminatory.

- Psycho-emotional and social support services must be tailored to unmarried fathers. This is to provide a platform for them to voice out their intrinsic experiences that may be a call-out and aspiration to other fathers to be actively involved in constructive parental relations to their children.
- Establishment of champions against absent and uninvolved fathers, where young men will explore fatherhood roles. These champions should develop educational and preventative strategies.
- The department needs to develop a working paper that protects social workers from bribery by clients and should any person be found bribing or receiving bribes leads to immediate termination of employment and imprisonment.



5.5.2. Recommendations for policy

- Family Policy must be developed to ensure the integration of customary cultural practices into the legal frameworks about children. This would ensure thorough explanation and detailed parental document to assist the new generation of parents in maintaining good parenting relations.
- Advancement of White Paper on families developed by the Department of Social Development in 2013. Every after five years the document must be reviewed to ensure that it corresponds with time and speaks to the contemporary topical family affairs.
- Children's Act No.38 of 2005 should be reviewed to find any parent who abandons, neglects, absents, and un-involve himself in the life of his/her child guilty of a violation of the constitutional rights of children of the Republic of South Africa, Section 28.

5.5.3. Recommendations for future research

The focus of this study was on a small number of unmarried fathers and few groups of relevant stakeholders within AmaXhosa communities in Mqanduli town in the Eastern Cape Province. The researcher deems it necessary for more research studies considering the greater phenomenon of unmarried father's access to their biological children born out of wedlock. Therefore, the study recommends the following:

- More qualitative studies, of unmarried fathers who are denied access to their biological children in various regions and communities of amaXhosa. This will provide rich information on how to decrease broken families, matrifocal families and children growing without fathers.
- Collaborative and comparative studies in distinct regions or communities in Eastern Cape and expand to the national level. This is to identify unique customary cultural practices and how they impact to family systems of the country.

5.6. Limitations of the study

The study utilized one research approach which has limited the quantification of the data collected where large quantity of data would have been generated from a larger population. This would have allowed a study to balance between the qualitative data and the quantitative responses. Furthermore, the sample size was small where the participants' quality information or data had to represent the larger population. In addition, the research domain utilized selected communities which represented a larger domain of amaXhosa setting. As result, all the

aforementioned limitations had an impact on the generalization of findings having to rely on small quality data to represent a larger population on the subject at hand.

5.7. Conclusion

The study reached its ultimate goal of assessing the challenges experienced by unmarried fathers in relation to accessing their children born out of wedlock. The study adopted a qualitative research approach. The findings revealed as number of issues such challenges, fuelling factors to denied access, challenges of social workers as primary social service interventionists, and perceptions of government officials who handle cases of children. The findings further revealed that fathers need to employ and implement strategies that are supportive, navigate to father's physical and emotional involvement, and maintenance of healthy relationship with their families. Moreover, the researcher was able to make recommendations for the Department of Social Development, policy developers, and future research studies. The researcher hopes that the study will contribute to the knowledge in family studies, and cultural studies immensely influence social justice debates for both unmarried fathers and their children. Further, the study can drive the zeal of unmarried fathers to be actively be involved in their children upbringing. Ultimately statutory social workers and other relevant stakeholders can advocate for the best interest of child and functional family systems.

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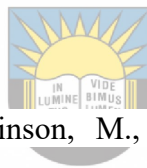
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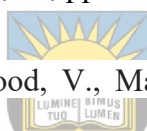
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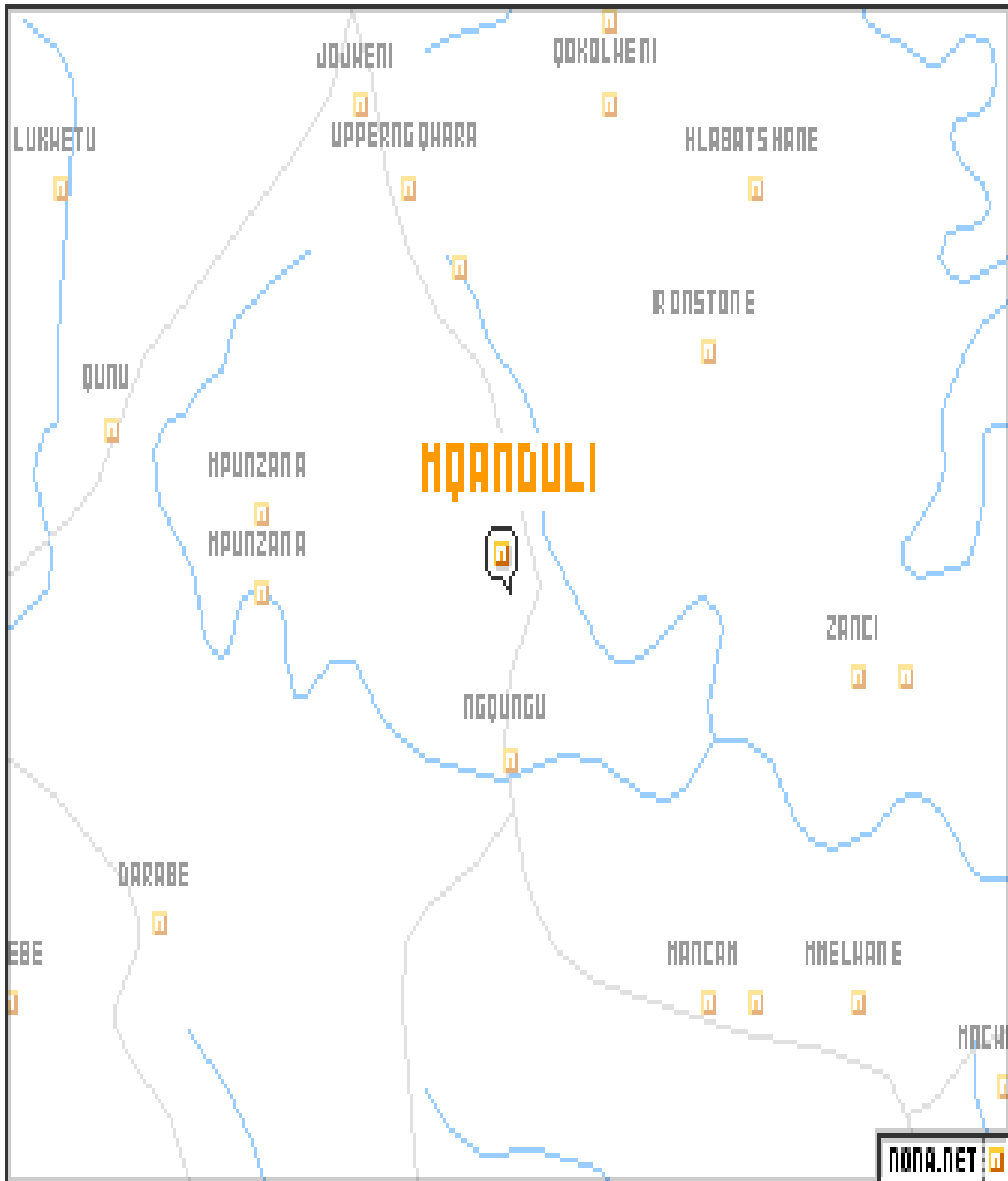
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APPENDIX A

SOUTH AFRICAN MAP SHOWING STUDY AREA



APPENDIX B

Semi-Structured Interview Guide/ Uhlelo Lokuqhuba Ingxoxo

English Medium of Instruction	IsiXhosa Ulwimi lwenkobe
<p>Demographic Profile</p> <p>Age Gender Marital Status Employment Status Educational Status Number of Children Age of Child/ren</p>	<p>Ubudala/iminyaka ngokokuzalwa Isini Isimo somtshato Umsebenzi/ubume bomsebenzi Imfundo/Isomo ngesikolo Inani Labantwana Iminyaka yaomntwana/abantwana</p>
<p>Experiences during the pregnancy process</p> <p>(i) Expression of feeling about the pregnancy (ii) Nature of relationship during pregnancy (iii) Support system provided during pregnancy process (iv) Paternal and maternal family response to pregnancy (v) Negotiation process during pregnancy (vi) Do you provide maintenance to your child and how? (vii) Which period of child-upbringing did you experience denial of access and why?</p>	<p>Izinto ezenzeka ngexesha lokumitha</p> <p>Uhlobo owazivangalo ngokumitha Isimo sokuhlala/ ukuthanda ngexesha lokumitha uhlobo lomeseka ngexesha lokumitha uhlobo abaphendula ngalo/babonakala ngalo ikhaya lakulo mama nelakulotata ngokumitha kwentombi ingxoxo ngentlawulo okanye lobolo ngexesha lokumitha kwentombi Ingaba uyayibhatala imali yesondlo Kungeliphi ixesha ekukhuleni komntwana apho uphulukene nonxibelelwano nomntwana wakhe kwanje Ngaba kutheni?</p>
<p>Experiences during time of birth moving onwards</p>	<p>Izinto ezenzeka ngexesha kuzalwa umntwana ubheka phambili</p>

<p>(i) How can you describe the nature of relationship with mother of the child?</p> <p>(ii) What kind of fatherhood roles did you execute played from the time of birth?</p> <p>(iii) How would you express your feelings when first saw and held the child?</p> <p>(iv) What contribution did you make in the naming of the child?</p> <p>(v) How would you describe the nature of relationship you are having with the child?</p>	<p>Ungayicacisa ngoluphi uhlobo indlela ovisisana ngayo nomama womntwana wako</p> <p>Ndima enjani oyidlalileyo njengotata ukusukela ngethuba owazalwa ngalo umntwana.</p> <p>Phalaza imbilini yakho ngethuba uqala ukubamba nokubona umntwana</p> <p>Galelo lini olidlalileyo ukuthiya umntwana/ ukupha umntwana igama</p> <p>Ungayicacisa uthini indlela ovisisana ngayo okanye ubudlelwane onabo nomntwana wako</p>
<p>Express fatherhood experience</p> <p>(i) What could you briefly tell us about your childhood experience of fatherhood role</p> <p>(ii) What can you tell us about the nature of relationship you had with your father</p> <p>(iii) Did you have or receive contact, access and maintenance from your father and how?</p> <p>(iv) What kind of influence was exacted by your father about fatherhood?</p>	<p>Imbilini yakho ngokuba ngutata/ubutata</p> <p>Ungasixelela uthini ngezenzeko ozaziyo okanye owagilana nazo ekukhuleni malunga nendima edlalwa ngutata ebomini bomntwana</p> <p>Ungasicacisela uthini ngohlobo lonxibelelwano phakathi kwakho notatakho</p> <p>Ingaba ubunabo ubudlelwane kusinina notata wakho kwaye enako na ukukubona kunye nokubhatala isondlo ngakuwe.Njani?</p> <p>Galelo elinjani athe walidlala utata wakho ukukunika ulwazi ngokuba ngutata</p>
<p>Parental Rights and Responsibilities</p> <p>(i) What is your understanding of parental rights and responsibilities?</p> <p>(ii) To what extent did you execute the paternal requisition as outlined by the children’s Act No 38 of 2005?</p> <p>(iii) What is the agreement in terms of the living arrangement towards the child, maintenance and support?</p>	<p>Amalungelo noxanduva lwabazali</p> <p>Ulwazi lwakho lungakani kwanje uqonda ntoni ngamalungelo noxanduva lwabazali ebantwaneni babo</p> <p>Ingaba uyenzile ngokungakanani na imithetho sekwe ngumgaqo siseko obekelwe ukukhuseleko lwabantwana uNo. 38 kanyaka wama 2005.</p> <p>Sithini Isigqibo esithathiweyo ngendlela yokuphilisana ekukhuliseni nasekuxhaseni umntwana.</p>

<p>(iv) Where is the residential upbringing of the child and guardianship?</p>	<p>Ingaba umntwana ukhulela kwelipi ikhaya kwaye ingubani obekwe elungelweni lokukhulisa umntwana ngokusemthethweni</p>
<p>Access, contact and active involvement to the child.</p> <p>(i) How often to do see and spend time with the child?</p> <p>(ii) What amount of time do you spend with the child?</p> <p>(iii) What activities do you engage on during visitation or contact with the child?</p> <p>(iv) Does the child have relationship with your family?</p> <p>(v) How often does the child visit your family?</p> <p>(vi) How would you describe your relationship with the child?</p> <p>(vii) What agreement have you reached with the mother of the child about co-parenting?</p> <p>(viii) What kind of influence is exacted by the mother of the child on child-father relationship?</p> <p>(ix) What nature of relationship do you have with maternal family and how do they influence fathers' involvement to the child?</p> <p>(x) What kind of influence and support does your family have to child-father relationship?</p>	<p>Ukukwazi, ukunxulumana and nokudlala indima ebomini bontwana.</p> <p>Umbona kangakanani umntwana kunye nexesha olichitha kunye naye?</p> <p>Lixesha elingakanani olichitha kunye nomntwana?</p> <p>Zizinto ezinjani othi uzenze okanye yindima enjani oyidlalayo ngexesha ukunye nomntwana ?</p> <p>Ingaba umntwana unalo unxibelelwano nekhaya lakho?</p> <p>Kukangakanani umntwana evakashela ikhaya lakho?</p> <p>Ungachaza uthi lunxani unxibelelwa lwakho nomntwana wakho?</p> <p>Sisigqibo esinjani enasithathayo nomama womntwana malunga nokukhuliswa komntwana njengabazali?</p> <p>Galelo elinjani analo umama womntwana kunxibelelwano lwakho nomntwana wakho?</p> <p>Unxibelelwano lwakho nosapho lwakolomama wontwana lunjani kwanje banegalelo olunjani kunxibelelwano lwakho nomntwana.wakho?</p> <p>Ikhaya lakho linagalelo lunjani kwaye inkxaso yabo injani kunxibelelwano yakho nomntwana wakho?</p>
<p>Legal Guardianship</p> <p>(i) Does birth certificate identify you as a father?</p> <p>(ii) Do you pay maintenance and how?</p> <p>(iii) What amount of maintenance per month do you pay?</p> <p>(iv) How has maintenance impacted on your relationship with your child (Positive or Negative)?</p>	<p>Ingaba igama lakho likhona kwisazisi somntwana wakho?</p> <p>Ingaba imali yesondlo uyayibhatala ngasemntwaneni kwaye njani?</p> <p>Ubhatala isondlo esingakanani ngenyanga ngasemntwaneni?</p> <p>Ingaba isondlo sibuchaphazele njani ubudlelwane bakho nomntwana wakho</p>

	(Ngokulungileyo onkanye Ngokungalunganga)?
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APPENDIX C

Research Guide for Data Collection



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Dear Participants

I am Aphiwe Nguma currently pursuing Master of Social Work at the University of Fort Hare, Alice Campus. I am conducting research on Experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape Province. The study is premised on the following objectives:

- To examine challenges encountered by unmarried fathers who are denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape Province.
- To examine government official's perceptions on experiences of unmarried fathers who are denied access to their biological children among *amaXhosa* communities in Mqanduli, Eastern Cape Province.
- To assess implications of denial of access of unmarried fathers to their biological children on their human rights as well as those of their children among *amaXhosa* communities in Mqanduli, Eastern Cape Province.

I would like to request you to answer some questions about the issues mentioned above. I assure you that there are no right or wrong answers; therefore, answer these questions with honesty. The information you share with me will be treated with confidentiality as it will remain both confidential and anonymous. Your participation in this research project is highly appreciated in advance and will assist the communities practicing these rites and other relevant bodies in our country to engage in the process of improving, maintaining, preserving, and upholding their cultural integrity. However, please note that there is no monetary or any other material benefit is associated with participating in this study.

In case of any question, please do not hesitate to contact me via this mobile phone number below.

Thank you

Aphiwe Nguma (Mr)

201400877@ufh.ac.za/apiwenguma@gmail.com

078 4261 062

Instructions: Please answer the following question to the best of your knowledge.

SECTION 1: Participants Demographical Profile

1. What is your age?

- 1. 18-35
- 2. 36-45
- 3. 46-60
- 4. 61-Above

2. What is your gender?

- 1. Female
- 2. Male
- 3. Other



3. What is your marital status?

- 1. Single
- 2. Married
- 3. Divorce
- 4. Widow
- 5. Cohabiting

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4. What is your state of employment?

- 1. Employed
- 2. Unemployed
- 3. Self-employed
- 4. Piece jobs

5. What is your source of income?

- 1. Salary
- 2. Stipend
- 3. Social grant (old age; child support, foster grant; disability grant)

6. What is your highest level of education?

- 1. Primary
- 2. Secondary
- 3. Tertiary/University
- 4. None

7. **What type of intimate relationship you had within the last five years?**

- 1. Monogamous
- 2. Multiple relationships
- 3. Cohabitation

8. **Do you have a child or children?**

- 1. Yes
- 2. No

9. **How many children do you have?**

- 1. One
- 2. Two
- 3. Three
- 4. Four and more
- 5. None

10. **At what age did you receive your child or first child?**

- 1. 15-17
- 2. 18-35
- 3. 36-50
- 4. 51 and above

11. **Is the child or children conceived in...?**

- 1. In wedlock
- 2. Out of wedlock



12. **Do you take any drug/alcohol?**

- 1. Yes
- 2. No

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13. **If you take drugs/alcohol, is the habit started before birth, during pregnancy or after birth of the child?**

- 1. Before
- 2. During
- 3. After
- 4. None

14. **Have you paid pregnancy damages to the maternal family?**

- 1. Yes
- 2. No
- 3. Other (please explain)

15. **What type of Religion do you embrace?**

- 1. Christianity
- 2. Islam
- 3. Judaism
- 4. Hinduism
- 5. Cultural embedded

- 6 None

16. Which period did you experience denial of access to the child?

- 1. Since birth
- 2. Early child development
- 3. Middle child development
- 4. Adolescence stage
- 5. Beyond the above

17. For how long have you been denied access to the child?

- 1. 1 - 2 years
- 2. 2 - 4 years
- 3. 4 - 6 years
- 4. 6 year and above

18. Where did you experience this denial of access to the child? In a...?

- 1. Rural area
- 2. Urban area
- 3. Semi-rural
- 4. Semi-urban

PARTICIPANT CATEGORY: UNMARRIED FATHERS



- **SECTION 2: To examine challenges are encountered by unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape Province**

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19. In your own view, what has been your experience with denial of access to child-father relationship/attachment?

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20. In your understanding, is there any possibility that psychosocial-emotional influences might have lead to your denial of access to the child? If yes please elaborate, how?

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21. In your view, in what way has denial of access to your child influenced your behaviour and lifestyle? Did it have positive/negative outcomes and

why?.....
.....
.....

22. In your view, what is value of fatherhood roles, child-father relationship/attachments and cultural practices in this modern era?

.....
.....
.....

23. In your understanding, can these cultural practices associated with children born-out of wedlock be linked to behaviours/lifestyle that you display today? And if yes please elaborate why?

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24. In your view, would you agree with the notion that denial of access of unmarried fathers to their biological children is one way or the other associated with violation of human rights and that of children and why?

.....
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PARTICIPANT CATEGORY: UNMARRIED FATHERS AND KEY INFORMANTS

• SECTION 3: To examine government official’s perceptions on experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape Province?

25. In your understanding, what are the social and cultural experiences that prohibits access of unmarried fathers to their biological children?.....

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26. In your view, what is the value of fatherhood roles, child-father relationship/ attachments and cultural practices associated with children born-out of wedlock in this modern era?

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27. In your view, in what way does denial of access of unmarried fathers to their biological children implicate on human rights and that of children? Does it have positive/negative outcomes and why?

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28. In your view, are there any policy environmental gaps that maybe fuelling the denial of access to the child and the high rate of absent/ uninvolved fathers in South Africa. If so, what do you think can be done?

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29. In your understanding as government official, would you associate to some extent these undesirable youth behaviours to this denial of access of unmarried fathers to their biological children?

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30. In your view, do you agree with the notion that denial of access of unmarried fathers to their biological children is in one way or the other associated with the violation of human rights and that of children and why?

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• SECTION 4: To assess implications denial of access of unmarried fathers to their biological children has on their human rights as well as those of their children among amaXhosa communities in Mqanduli, Eastern Cape Province?

31. In your understanding, what is the legal position of unmarried fathers in South Africa as far as it relates to the lives of their biological children born-out of wedlock?

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32. In your view, are there any policy environmental gaps that maybe fuelling the denial of access to the child and the high rate of absent/ uninvolved fathers in South Africa. If so, what do you think can be done?

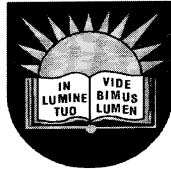
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33. What kind of support do you think could be provided by both community networks and government to unmarried fathers and that child-father relationships/attachments are preserved and maintained?

.....
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APPENDIX D

ETHICAL CLEARANCE CERTIFICATE



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ETHICS CLEARANCE REC-270710-028-RA Level 01

Project Number: KAN41SNGU01

Project title: **Experiences of unmarried fathers who are denied access to their biological children among amaXhosa communities in Mqanduli, Eastern Cape Province.**

Qualification: Masters in Social Work

Principal Researcher: Aphiwe Nguma

Supervisor: Prof S.M. Kang'ethe

Co-supervisor: Dr T Nomngcoyiya

On behalf of the University of Fort Hare's Research Ethics Committee (UREC) I hereby grant ethics approval for KAN411SNGU01. This approval is valid for 12 months from the date of approval. Renewal of approval must be applied for BEFORE termination of this approval period. Renewal is subject to receipt of a satisfactory progress report. The approval covers the undertakings contained in the above-mentioned project and research instrument(s). The research may commence as from the 22/08/19, using the reference number indicated above.

Note that should any other instruments be required or amendments become necessary, these require separate authorisation.
Please note that the UREC must be informed immediately of

- Any material changes in the conditions or undertakings mentioned in the document;
- Any material breaches of ethical undertakings or events that impact upon the ethical conduct of the research.

The Principal Researcher must report to the UREC in the prescribed format, where applicable, annually, and at the end of the project, in respect of ethical compliance.

The UREC retains the right to

- Withdraw or amend this approval if
 - Any unethical principal or practices are revealed or suspected;
 - Relevant information has been withheld or misrepresented;
 - Regulatory changes of whatsoever nature so require;
 - The conditions contained in the Certificate have not been adhered to.
- Request access to any information or data at any time during the course or after completion of the project.

Your compliance with DoH 2015 guidelines and other regulatory instruments and with UREC ethics requirements as contained in the UREC terms of reference and standard operating procedures, is implied.

The UREC wishes you well in your research.

Yours sincerely

Professor Pumla Dineo Gqola
Acting UREC-Chairperson
 22 August 2019

APPENDIX E

RESEARCH BUDGET FOR THE STUDY

Research Topic: Experiences of unmarried fathers who are denied access their Biological children among amaXhosa communities in Mqanduli, Eastern Cape.

Department: Social Work and Social Development

Principal Researcher: Mr. Aphiwe Nguma

Supervisor: Prof. S.M. Kang'ethe

Co-Supervisor: Dr. T. Nomngcoyiya

RUNNING EXPENSES	COSTS
Printing	R 1000.00
Stationery	R 2000.00
Editing and Design	R 3 500.00
Consumables	R1 500.00
Transport	R 4 000.00
Accommodation	R 2 000.00
TOTAL	R14 000.00

APPENDIX F
TURNITIN REPORT

SWK Masters Dissertation 2021 (A, Nguma)

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English Editorial Certificate



Certificate of Professional Language Edit

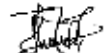
I hereby confirm that, the dissertation titled '**Experiences of Unmarried Fathers Who Are Denied Access to their Biological Children among AmaXhosa Communities in Mqanduli, Eastern Cape Province**' by **Aphiwe Nguma (201400877)** has been edited and proof read by the editor (s) of ROMITO consulting. The editing was restricted to language usage, spelling, completeness, consistency, and logic flow of sentences. Suggestions to improve document were also made.

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