Making progress on children's rights:
Evidence and consultation for greater accountability - South Africa reports to international human rights treaty bodies

Isabel Magaya, a PhD Research Trainee from the Human Sciences Research Council looks at the development of a culture of national reporting to international treaty bodies on South Africa's efforts to protect the rights of children, how, and why this should be strengthened.

Since 2013, South Africa has started to actively engage in reporting processes to international treaty bodies giving an account of how it is safeguarding the rights of children. This emerging trend is a positive development for children's rights. It demonstrates political will to mainstream children's substantive rights contained in the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), and a willingness to keep pace with international trends in the protection of children's rights.

These reporting processes are consultative and participatory where States Parties, as well as CSO, submit State and shadow reports to both the UN, and the African Committee. Subsequent to these submissions, countries receive recommendations and concluding observations on how to improve the situation of children. This is done with a view to assist in the application and translation of international law into national law, policy and practice. This process is a good example of

an accountability mechanism by which government is required to demonstrate, explain and justify how it has fulfilled its obligations to realize children's rights.

The recommendations and concluding observations highlight inadequacies and inconsistencies in protecting children's rights. South Africa has received its concluding observations and recommendations from the United Nations and the African Union. Government and civil society must now engage with these recommendations in a constructive and meaningful manner.

The role of research

Researchers' active engagement in the process of interrogating the recommendations and concluding observations is key. Evidence suggests that protecting ALL CHILDREN requires more than technical solutions. Addressing protection gaps requires collective action, not least by engaging communities, CSO and government. Social accountability and policy researchers as well as child rights

experts can also come together to discuss how, we can collectively, accelerate the benefits for children.

There is no doubt that research provides a credible evidence base to support policy design and implementation. Research plays the key role of enquiring and synthesizing data in a robust way, thus documenting the good, the bad, the effective, the ineffective, the radical and the revolutionary ways that children can access their rights. In South Africa, a gap typically exists between the research community and the policy-making community. The notion of evidence-based policy making is increasingly gaining momentum.

With this in mind, one can argue that the State reporting exercise is an opportune time to aggressively pursue the feeding of research into both policy and practice. This would be especially valuable if these recommendations and concluding observations are to be translated into results for children, and incorporated into various national and provincial programmes.

Following the review of South Africa's compliance with the UNCRC in September 2016, the UN Committee issued a comprehensive set of recommendations to the government of South Africa. Some of the key issues that emerged included the need to establish inter-ministerial level leadership and coordination on children's rights; strengthening the independent oversight mechanisms in place, and ensuring effective child

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rights budgeting in order to allow laws, policies, and practice to be implemented in a manner that positively impacts children.

Popularly cited barriers of using research to improve policy and practice, such as the lack of interaction between stakeholder groups or researchers' lack of awareness of policy contexts, amongst others, come to the fore. In these reporting exercises we know that consultative workshops are held where researchers, policymakers and members of civil society can get together and talk to the same issues.

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The question is: how do we promote networking among researchers, policy makers and practitioners, with the aim of creating a community of practice around key issues affecting children? How can we constantly be sharing insights and allow critical and deeper thinking? What roles, obligations and responsibilities do we all have towards achieving an ideal future for South Africa's children?

There is an argument that although South Africa has the best policies,

implementation remains elusive. Very often we talk about what doesn't work, but I would like to argue that this reporting exercise should encourage us to shy away from this view, and thus start talking more about what works, and why it works. I believe that research can play a significant role in this regard. A good place to start is to ask, from these recommendations, what are the 3-5 issues that we want to take forward e.g. ECD has a lot of political space at the moment. Therefore, government and other stakeholders could benefit from more research on best practices in this area.

The academic community can make use of this opportunity to collaborate with government departments in their reform processes and, where necessary, research can provide forward-looking perspectives on the

development of an integrated approach to child rights issues.

In conclusion, this process is a good accountability mechanism, and a great opportunity for researchers to get involved in. It presents the prospect of solidifying streams of communication between government, CSO and academia on national priorities in the area of children's rights. It has become apparent that addressing protection gaps plaguing the child rights sector requires collective action, therefore academia must play a key role by providing a strong evidence base to support policy design and implementation. Their main focus should be on feeding into the process robust evidence of what works and why it works.

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