



# United Nations Convention on the Rights of the Child Monitoring compliance

Presentation to South African Parliament

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# UN Convention on the Rights of the Child

- The South African Government ratified the UNCRC on 16 June 1995
- Compliance with and implementation of the Convention is overseen by the Committee on the Rights of the Child (18 members)
- The Convention requires states to report to the Committee, 2 years after ratification, and then every 5 years thereafter.
- South Africa reported in 1997
- In 2016 (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> report combined)

# The reporting cycle

- Following receipt of the report, the Committee also received alternative reports from UN Agencies, the SAHRC and Civil Society organisations
- After each report, the committee issues Concluding Observations in which it provides recommendations to the state party
- The state party should then act on these recommendations to improve compliance and implementation of the CRC during the 5 year reporting cycle
- In subsequent reports, it is expected to show how it has improved things

# List of issues prior to reporting (2020)

- The Committee offered states the opportunity of opting for the simplified reporting procedure, and South Africa decided to opt for this
- The first step of the process of reporting under the simplified system is a list of issues prior to reporting (LOIPR)
- In March 2021, the CRC Committee issue a list of LOIPR to South Africa
- In the remainder of this presentation I will focus on what is contained in the LOIPR (but only highlights are provided in the slides)

# New developments?

- Please provide:
- Information on the measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate its adverse impacts, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic;

# Child rights-based approach for SDGs

- The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention

# General Measures of Implementation

- Please provide information on measures taken:
  - (a) to fully incorporate the provisions of the Convention into the domestic legal system, including in national legislation, through such acts as the Children's Amendment Bill
  - (b) To conduct and assessment of the extent to which national legislation and practices comply with the Convention
  - (c) To ratify the Optional Protocol to the Convention on a communications procedure

# Comprehensive policy and coordination

- Please provide info on measures taken to
- (a) ensure all national policies encompass the Convention an
- (b) amend the Medium Term Strategic Framework 2019-2024 to include children as a national priority
- (c) Implement revised national plan of action and ensure that the newly established Office on the Rights of the Child has the mandate and adequate resource to fulfil its leadership and coordination role



# Allocation of resources

- Info on measures take to:
  - (a) Incorporate a child rights approach to budgeting
  - (b) Eradicate corruption and ensure a transparent, accountable and participatory budgeting process
  - (c) To ensure that children are not affected by regressive measures taken in response to the COVID-19 pandemic and the potential consequences of the economic crisis posed by such measures

# Data collection

- Please update the Committee on the efforts made to improve the collection and quality of disaggregated data relating to the implementation of the Convention, in particular data on child victims of violence, sexual exploitation and abuse and on children in disadvantaged or vulnerable situations, including children with disabilities
- Please inform the Committee on the measures taken to ensure that data is collected in a coordinated fashion and shared among relevant State agencies and used for the formulation and monitoring of policies and programmes for the implementation of children's rights.

# Independent monitoring

- Provide info on measures taken to:
  - (a) To provide the SAHRC with sufficient resources to receive, investigate and address complaints raised by children;
  - (b) To provide the Commissioner responsible for children's rights with sufficient resources to guarantee the effective promotion and protection of children's rights.

# Other substantive issues raised in the LOIPR

- Environmental issues, business sector, pollution, climate change
- Age of marriage – to be harmonized
- Violence against children – domestic violence, corporal punishment (to bring the law in line with the Freedom of Religion SA case)
- Family environment and alternative care
- Children with disabilities – develop a comprehensive law and policy
- Health care and services
- Standard of living

# More substantive issues

- Education, including ECD
- Children in situations of migration
- Administration of child justice
- Child victims and witnesses of crimes

# Monitoring and oversight

- In some ways the CRC monitoring process, and all the information that is exchanged, is an opportunity for Parliament in its monitoring role
- Some recommendations – legislation, budgetary oversight, are within Parliament's own role
- Other recommendations must be carried out by the executive, but the legislature has oversight of all those activities
- Thus there is an opportunity for symbiosis in the oversight role of the CRC and parliament