

Accelerating the agenda for child rights in Africa

30 years of the African Charter on the Rights and Welfare of the Child: Progress, challenges and opportunities

Briefing paper | July 2020

Progress, challenges and opportunities

As the new decade dawns, two child rights treaties are at a critical point of reflection upon their implementation. The United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child have both reached their thirtieth anniversary yet remain more relevant than ever.



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The CRC and the African Children's Charter have empowered Africa's children with inalienable rights. However, while much progress has been made on improving children's health and education in Africa, stubborn challenges persist. Africa's children now

also face emerging global threats and challenges to their survival and well-being, such as the COVID-19 pandemic (see Annex in Summary Report), attacks on civilians, climate- and conflict-related migration, urbanization, and the impacts of technology.

Children in Africa – a snapshot



Stunting:

Stunting among children under 5 has reduced by 8 per cent over the last 16 years but still affects almost a third of children (30.4 per cent)¹.



Education:

Although more children than ever before are in school, more than half of children are not

learning² due to factors including a lack of trained teachers and inadequate learning materials.



Children affected by armed conflict:

In countries such as Democratic Republic of Congo (DRC), children make up over half of armed groups.³



Harmful practices:

Female genital mutilation and cutting (FGM/C) is almost universal in Somalia, Guinea and Djibouti, with levels of around 90 per cent.⁴ Worldwide, the levels of child marriage are highest in sub-Saharan Africa, where nearly 4 in 10 young women were married before age 18.⁵

¹ Africa Child Policy Forum, *African Report on Child Wellbeing: Progress in the Child-friendliness of African Governments*, 2018

² Africa Child Policy Forum, *African Report on Child Wellbeing*, 2018

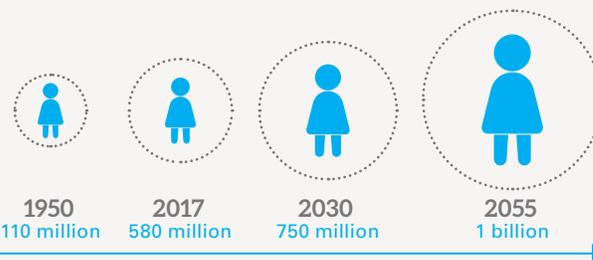
³ Global Child Protection Area of Responsibility 2019 Desk Review Data on DRC

⁴ UNICEF, Female genital mutilation data, <<https://data.unicef.org/topic/child-protection/female-genital-mutilation/>> accessed 2 January 2020

⁵ UNICEF, Child Marriage data <<https://data.unicef.org/topic/child-protection/child-marriage/>> accessed 2 January 2020

Africa has the world's fastest-growing child population.⁶ Leveraging the demographic dividend will require providing all children and young people with social services such as health, education and protection, and prospects for sustainable employment. However, the continent's economic growth is not being translated into decent jobs and benefits for all, and youth unemployment is unacceptably high at over 60 per cent.⁷

Child population in Africa over time



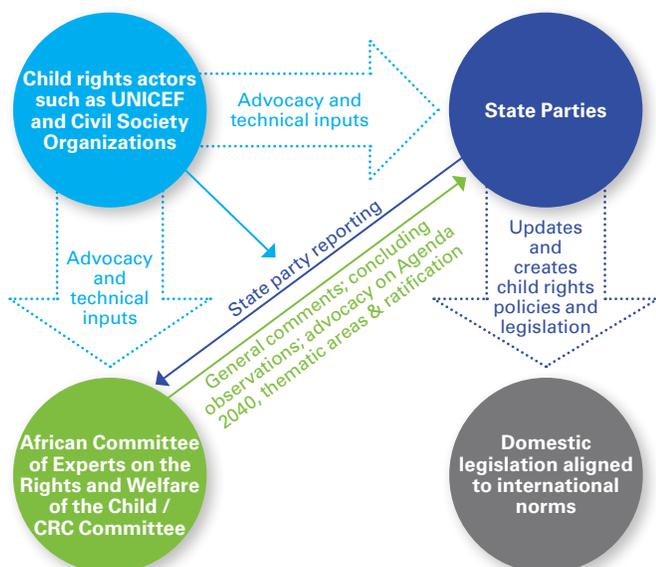
Source: Africa Child Policy Forum (2018), African Report on Child Wellbeing: Progress in the Child-friendliness of African Governments

The African Children's Charter as a force for child rights

The African Children's Charter complements or elaborates on some of the CRC's provisions and also contains new areas that are not contained in the CRC such as the responsibility of the child (article 31) and protection against apartheid (article 26). Many countries report having developed laws on children following ratification of the African Children's Charter.

The African Children's Charter is an important advocacy tool with Governments and has been referenced in a plethora of advocacy and campaign strategies by various institutions. For example, the African Common Position on the African Union (AU) Campaign to End Child Marriage in Africa recognizes Article 21(2) of the African Children's Charter.

CRC and African Children's Charter as a trigger for legal reform



Source: Briefing paper author

Role of the African Committee of Experts on the Rights and Welfare of the Child

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established with the distinct mandate to promote and protect the rights enshrined in the African Children's Charter.

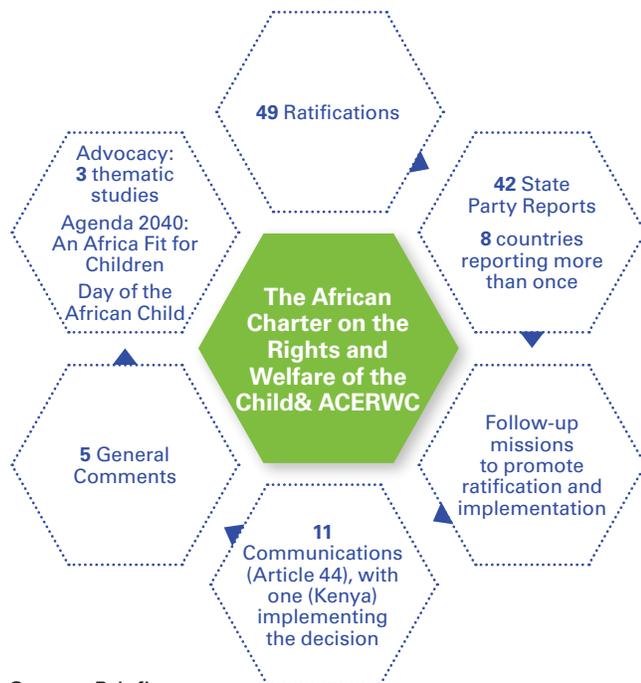
General Comments of the ACERWC elaborate on the African Children's Charter and support States Parties, and other stakeholders, in the effective implementation of specific articles. The ACERWC has developed five General Comments on subjects including ending child marriage, and systems strengthening for child protection, and is in the process of developing a General Comment for the protection of children in armed conflict following a continental study.

However, there is a need to raise the profile and status of the ACERWC to increase its effectiveness, by forging stronger links with other AU entities and gaining support for its Agenda for Children 2040: Fostering an Africa Fit for Children.

⁶ United Nations Children's Fund (UNICEF), *For Every Child, Every Right: The Convention on the Rights of the Child at a crossroads*, 2019

⁷ Africa Renewal, Africa's jobless youth cast a shadow over economic growth www.un.org/africarenewal/magazine/special-edition-youth-2017/africas-jobless-youth-cast-shadow-over-economic-growth, accessed 3 January 2020

Achievements of the ACERWC



Source: Briefing paper author

Role of State Parties to the African Children's Charter

The promotion of child rights in Africa is characterized by an array of actors who perform their roles under different mandates and often cooperate in thematic or geographical partnerships.

The 49 States Parties to the African Children's Charter are significant agents of child rights. The State Party reporting process⁸ can enhance children's rights at the national level. However, there is currently low participation in the reporting process.

National progress on child rights through the African Children's Charter

State Party reporting process

Definition of a child in Rwanda:

The ACERWC recommended that Rwanda engage in legislative reform to harmonize and define the age of children.⁹ In 2016, Rwanda adopted the Persons and Family Law setting the age of majority at 18 years and the minimum age for marriage at 21 years.¹⁰

Harmful traditional practices in Tanzania:

The ACERWC urged Tanzania to address harmful traditional practices.¹¹ Tanzania launched a Child Marriage-Free Zone campaign and developed programmes for alternative sources of income for persons who perform FGM/C.¹²

Refugee children in South Africa:

The ACERWC recommended that the Government of South Africa eliminate barriers to social services for refugee children.¹³ The South African National Action Plan for children (2019–2024) therefore includes a protocol to streamline delivery of services to these children.

⁸ This requires States Parties to submit an initial report to the ACERWC within two years of ratification and thereafter, every three years (Article 43).

⁹ Concluding recommendations of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to the Republic of Rwanda on the initial report of the implementation of the African Charter on the Rights and Welfare of the Child, para. 3, 2010

¹⁰ Rwanda: Law No 32/2016 Governing Persons and Family, para. 24, 2016

¹¹ Concluding recommendations of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the Republic of Tanzania report on the status of implementation of the African Charter on the Rights and Welfare of the Child, para. 8, 2010

¹² Tanzania consolidated second, third and fourth reports on the implementation of the African Charter on the Rights and Welfare of the Child by the Government of the United Republic of Tanzania, October 2015

¹³ Concluding observations and recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Government of the Republic of South Africa on its first periodic report on the implementation of the African Charter on the Rights and Welfare of the Child (ACERWC), para. 14, 2019

Action points for a bold agenda

The African Children's Charter remains purposeful and relevant, with the ability to foster changes in legislation, policy and practice in support of child rights. But only if it is widely known, widely used and widely respected.

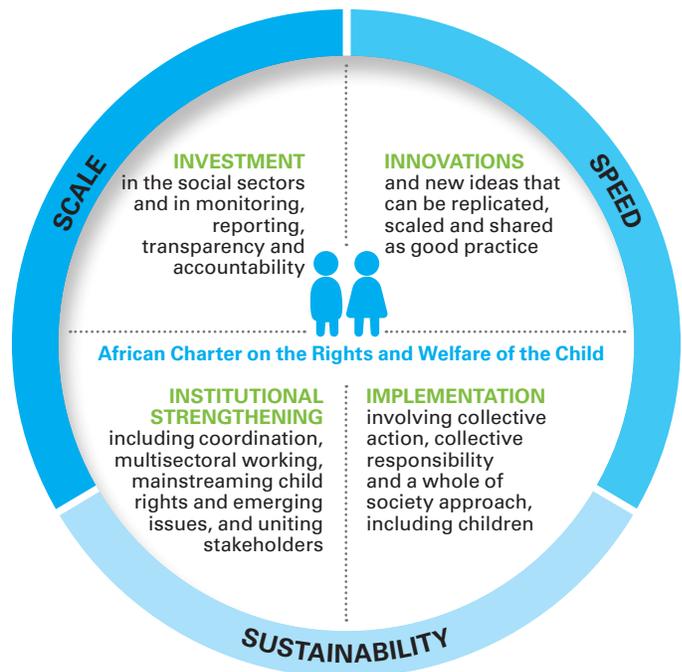
Six action points are proposed to create a bold agenda to accelerate child rights in Africa:

- **Action Point 1:** elevate the status of the African Children's Charter, ensure its universal ratification and the removal of reservations by States Parties.
- **Action Point 2:** respond to the continent's emerging challenges to child rights through General Comments on the African Children's Charter, research and advocacy, and cross-ratification of other relevant instruments.
- **Action Point 3:** increase reporting synergies between the CRC and African Children's Charter for each State Party, with feedback consolidated into national and sub-national action plans for advocacy and implementation.
- **Action Point 4:** invest in the revision and enactment of child rights legislation and coordination mechanisms; the capacity of independent national human rights institutions; and adequate, accountable and transparent disbursement of social sector funding.
- **Action Point 5:** support statutory data systems, reporting and accountability, evidence generation and knowledge sharing, and strengthening AU accountability mechanisms to deliver on child rights.
- **Action Point 6:** embed a whole-of-society approach – including the participation of children, adolescents and young people – into ideas creation for catalysing change.

There is also a need to harness seven essential elements (3 S's – scale, speed and sustainability, and 4 I's – investment, innovations, institutional strengthening and implementation) across the action points and in the newly revitalised response.

As we mark the influence of the African Children's Charter in its thirtieth anniversary year, there is cause to celebrate the contribution of the many actors who have supported its implementation, and the children who were born with the Charter firmly in place to support and protect them. The time has come to ensure that the African Children's Charter is robustly and comprehensively utilized in that mandate, for every child in Africa.

The 3 S's and 4 I's approach to accelerating the agenda of child rights in Africa



Source: UNICEF Liaison Office to the African Union and United Nations Economic Commission for Africa and briefing paper author

The full report and summary can be accessed through the following link:
https://www.unicef.org/evaldatabase/index_103930.html

This briefing paper summarizes a qualitative review of the challenges and opportunities for child rights in Africa, by the United Nations Children's Fund (UNICEF). For further information, please contact:

UNICEF Liaison Office to the African Union
and UN Economic Commission for Africa
UNECA Compound, Congo Building,
South Wing, 3rd Floor
Box 1169 Addis Ababa, Ethiopia
Telephone: +251 115 184 034

Email: aabeba@unicef.org or
jmmvondo@unicef.org
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