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

SUMMARY REPORT

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United Nations Children’s Fund
Three United Nations Plaza
New York, New York 10017

March 2020

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PREFACE

As the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) mark 30 years, the UNICEF Evaluation Office, in partnership with the UNICEF Office to the AU/UNECA, launched a reflection on the successes and failures in advancing child rights in Africa, as well as the challenges and opportunities that the future holds. This report is a summary of the review carried out by two independent experts, John Njoka and Romola Adeola. The full report can be accessed through the following link: https://www.unicef.org/evaldatabase/index_103930.html

I would like to sincerely thank John and Romola for their expertise and dedication throughout the entire process and Elizabeth Harrop for producing this summary.

The review would not have been possible without the support and engagement of the African Committee of Experts on the Rights and Welfare of the Child and the UNICEF country offices and staff in Africa. Special thanks go to colleagues who supported missions and data collection in Nigeria, Morocco, Kenya, South Africa and DRC, including: Milen Kidane, Nkiru Maduechesi, Amandine Inna Renee Bollinger, Rachid Amri, Vikas Singh, Monika Sandvik-Nylund, Won Ki Hong, Christian Michaud and Flore Rossi. I would also like to acknowledge the inputs by UNICEF staff in Geneva, government staff, NGOs and civil society partners in the different countries where the review team engaged.

Let me also thank the members of the Reference Group who offered their guidance throughout the exercise. The members include: Edward Addai, Andries Viviers, Ratna Jhaveri, Urs Nagel, Michele Tarsilla, Robert Stryk, Mme Aver Gavar, Catherine Wanjjiru Maina, Samrawit Getanew, Marie-Consoolee Mukangendo and Jephthe Mve Mvondo.

Finally, many thanks go to Jane Mwangi and Carlotta Tincati for the management of this review, Clare Gilsater for copyediting and Celeste Lebowitz, Geeta Dey and Dalma Rivero for their tireless administrative support.

George Laryea-Adjei
Director of Evaluation
UNICEF
EXECUTIVE SUMMARY

As the new decade dawns, two child rights treaties are at a critical point for reflection upon their implementation. The United Nations Convention on the Rights of the Child (CRC) is the most widely adopted human rights treaty in history, ratified by 196 countries\(^1\). The African Charter on the Rights and Welfare of the Child (African Children's Charter), was the first region-specific child rights instrument in the world, and has been ratified by 49 African Union (AU) Member States. The African Children's Charter contains the core principles of the CRC, and also recognizes the specific situation of African children, due to factors such as displacement after conflict, apartheid and child marriage.

Both treaties have reached their thirtieth anniversary – the CRC in 2019 and the African Children’s Charter in 2020 – and are more relevant than ever. The child rights community, and the children the treaties serve, are taking stock of successes, failures, challenges and opportunities.

Much progress has been made on health and education in Africa. In the 25-year period to 2015,\(^2\) mortality rates for children under 5 years of age reduced by over 50 per cent and huge strides have been made in universal primary education, increasing from 63 million to 152 million students. The CRC, together with the African Children’s Charter have empowered Africa’s children with inalienable rights, and data and evidence have been critical in both assessing the difference that these instruments are making for the African child and in informing evidence-based policy and programming.

While advancements have been made, there are signs of stagnation, and even reversals in some areas which are undermining those gains. Stubborn challenges persist, for example, sub-Saharan Africa remains the region with the highest under-five mortality rate in the world and there are wide variations across regions, with Western and Central Africa having the highest rates of child deaths.

At the same time, Africa’s children face emerging global threats and challenges to their survival and well-being, such as attacks on civilians, climate- and conflict-related migration, urbanization, and the impacts of technology. There is a resurgence of measles in certain areas, protracted conflicts and a lack of education due to the closure of schools in these locations, and climate-related disasters such as floods and cyclones. Weak social services and statutory systems as well as under-resourcing compound these situations, and allow social, cultural, political and economic barriers to become further entrenched.


\(^2\) Bashir, Sajitha, Marlaine Lockheed, Elizabeth Ninan, and Jee-Peng Tan, Facing Forward: Schooling for Learning in Africa, Africa Development Forum series, World Bank, Washington, DC, 2018
Against this backdrop, respect for human rights generally – and the rights of children, in particular – are under duress. A renewed commitment to the protection, promotion, implementation and monitoring of child rights in Africa is urgently required, particularly for the most vulnerable and marginalized. These include children from remote rural areas, those from poor households, both rural and urban, children in communities experiencing high maternal and child mortality rates, children without parental care, children with disabilities and girls exposed to early and forced marriage, among others.

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 at the national, regional and continental levels. But only if it is widely known, widely used and widely respected, and – as this report shows – this is currently not the case.

This review proposes six action points for a bold agenda to accelerate child rights in Africa:

**Action Point 1**

**Action Point 2**
Respond to emerging child rights challenges in Africa:
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 in support of child rights, to ensure clarity on legal obligations and opportunities.

**Action Point 3**
Increase reporting synergies between the CRC and African Children’s Charter:
While the CRC and African Children’s Charter each have different specificities, there may be opportunities to create efficiencies around reporting to the two treaty bodies for each State Party, with feedback consolidated into national and sub-national action plans for advocacy and implementation.

**Action Point 4**
Create a coordinated national policy, financing and legal response to support child rights:
Urgently invest in the revision and enactment of legislation for the protection, promotion and fulfillment of child rights, coordination mechanisms, capacity of independent national human rights institutions (NHRIs) including for children, and a commitment to minimum public investment levels in the social sectors, with accountable and transparent disbursement of funding to reach all children.
**Action Point 5**
Support data generation, reporting and accountability for child rights:

Support statutory data systems, reporting and accountability, evidence generation and knowledge sharing on child rights, including the independent evaluation of child right policies and programmes and strengthening AU accountability mechanisms to deliver on child rights.

**Action Point 6**
Involve all of society in the creation of solutions to challenges to child rights challenges in Africa:

Embed a whole-of-society approach into ideas creation for catalysing change, by joining the UNICEF dialogue on boldly fulfilling the promise of the CRC and the African Children’s Charter.

Children themselves should take a crucial participatory role in promoting the child rights agenda through the enhancement of child participation mechanisms such as children’s parliaments, at the community level, and through social media. 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 including Governments, civil society, development agencies, the private sector, communities and community leaders, the media, academia, 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.
1

INTRODUCTION
In 1989, world leaders made an unprecedented commitment to children worldwide through the adoption of the CRC which sets out the civil, political, economic, social and cultural rights that all children everywhere are entitled to, whatever their or their parent’s or guardian’s ethnicity, gender, religion, language, abilities or any other status. The CRC explains how adults and Governments must work together and listen to children, to make sure all children can enjoy all their rights.

Africa has taken a global lead in setting standards for children’s rights in a regional context, through establishing the first region-specific child rights instrument, the African Children’s Charter, which was adopted in 1990 by the AU – then the Organization of African Unity (OAU). Its ratification reinforces recognition of children’s rights as an entitlement rather than a privilege. It contains all the core principles of the CRC, and additionally recognizes the critical situation of African children, due to factors such as displacement after conflict, apartheid and child marriage.

As the CRC and the African Children’s Charter celebrate their thirtieth anniversaries – 2019 and 2020 respectively – the United Nations Children’s Fund (UNICEF) is seeking to contribute to the body of knowledge on the advancement of the rights of children globally, including in the context of the African Children’s Charter. This report reflects on achievements to date and shines a light on the challenges and opportunities for the future, proposing a bold agenda for accelerating the realization of child rights in Africa.

Approach and Methodology

This document summarizes a review undertaken using a qualitative participatory approach to capture information such as the role of the African Children’s Charter in enhancing child rights in Africa, UNICEF contributions in supporting implementation of the African Children’s Charter, efforts by State Parties in using the charter, as well as the engagement of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

Field visits were undertaken in four countries (Kenya, Morocco, Nigeria and South Africa) and remote interviews were conducted in the Democratic Republic of Congo (DRC) during which in-depth discussions were held with a range of actors in the child rights field. These included UNICEF country offices, other United Nations agencies, government ministries and departments responsible for children’s issues, civil society organizations (CSOs) working on child rights including national coalitions, NHRIs, and children’s and youth organizations.

Field Visits

4 countries

The countries were selected to give a range of contexts, and on the basis of their ratification status: Kenya, Nigeria and South Africa have ratified the African Children’s Charter and reported against its implementation; DRC and Morocco have ratified the CRC but not the African Children’s Charter (DRC is a signatory).
In addition to interviews in the case study countries, face-to-face interviews were conducted at the AU headquarters in Addis Ababa, Ethiopia; with the ACERWC Secretariat and other AU organs (Department of Social Affairs and Department of Labour, Migration and Employment); and with international organizations working with the African Children’s Charter. Data from an online survey administered to 52 UNICEF country offices in Africa augmented this information⁴.

⁴ 38 country offices responded to the survey.
THE ADVANCEMENT OF CHILD RIGHTS IN AFRICA: WHERE WE STAND
2.1 Context

Africa is home to an exceptionally rich heritage with an incredible diversity of political and social systems, cultures, religions, languages and historical trajectories. Four of the fastest growing economies in the world are in Africa: Côte d’Ivoire, Ethiopia, Ghana, and Rwanda. Meanwhile, the African Continental Free Trade Area will lead to the creation of a single continental market of more than 1.3 billion people, with a combined annual output of $2.2 trillion. It is being heralded as a significant opportunity to steer Africa’s economic relations away from a reliance on external donors, foreign creditors and excessive commodity dependence.

However, Africa’s economic growth is not being translated into decent jobs and benefits for a wide range of the population: 416 million Africans still live in extreme poverty and youth unemployment is unacceptably high at over 60 per cent. Meanwhile, public debt levels and debt risk are rising, fragility is costing the subcontinent a half of a percentage point of growth per year, and gender-based discrimination persists, all of this are keeping the continent from reaching its full growth and innovation potential.

The economic situation is particularly concerning when considering the fact that Africa has the world’s fastest-growing child population (Figure 1). Close to half (41 per cent) of Africa’s population of 1.2 billion people is under 15 years of age. Nigeria is the most populous country in Africa (184 million people), followed by Ethiopia (99 million), Egypt (85 million), DRC (71 million) and South Africa (54 million). The greatest number of births currently takes place in Nigeria and by 2050, Nigeria alone will account for almost one tenth of all births in the world.

![Figure 1: Child population in Africa over time](image-url)


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5 UNESCO, World Report Investing in Cultural Diversity and Intercultural Dialogue, 2009
14 UNICEF, Generation 2030 Africa
Leveraging the demographic dividend will require that this growing population of children is supported through the fulfilment of their rights, including social services such as health, education and protection, and prospects for sustainable employment. However, resources allocated through national budgets for social sectors such as health and education are often inadequate, may not be disbursed\textsuperscript{15}, are focused on paying salaries and administration, or are subject to leakages and a lack of accountability for spending. Social services are therefore limited in many African countries, compounded by declining extended family support structures, leading to increased vulnerabilities of women and children.

\section*{2.2 National and continental progress in child rights}

The CRC and the African Children’s Charter have indelibly changed the way Africa and the world see children: as rights holders.

Although huge progress has been made on the child’s right to health and education in Africa, globally the worst 22 performing countries for under-five mortality are all in Africa, with Somalia having the highest risk of a child dying before reaching five years of age (at 122 deaths per 1,000 live births; global average 38.6)\textsuperscript{16}. There are wide variations across regions in Africa, with Western and Central Africa having the highest rates of under-five mortality (Figure 2).

\textbf{Figure 2: Under-five mortality rate by African Union sub-region, 1990 and 2017}

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\textbf{Region} & \textbf{1990} & \textbf{2017} \\
\hline
Northern Africa & 24 & 75 \\
Eastern Africa & 58 & 168 \\
Southern Africa & 61 & 154 \\
Central Africa & 90 & 175 \\
Western Africa & 91 & 207 \\
Africa & 70 & 165 \\
World & 39 & 93 \\
\hline
\end{tabular}
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\textbf{Source:} UNICEF and African Union, Children in Africa: key statistics on child survival and population, 2019

\textsuperscript{15} For example, in South Sudan, social sectors have been underspending as funds have not been disbursed due to both the credibility of revenue projections and the fact that Government as unable to raise the requisite amount for the resource envelope. UNICEF, National Budget Brief South Sudan, \url{<www.unicef.org/southsudan/media/2201/file/%20UNICEF-South-Sudan-National-Budget-Brief-2019.pdf>}, 2019

\textsuperscript{16} World Bank data, \url{<https://data.worldbank.org/indicator/SH.DYN.MORT>}, accessed 26 February 2020
The varied picture is similar in education. Girls are more disadvantaged due to factors such as the burden of domestic chores, child marriage, caregiver preference for boy’s education as well as pedagogies that are gender unaware. Less than one in 20 poor, rural girls in sub-Saharan Africa is on track to complete secondary school, seven times less likely than non-poor, urban boys\(^\text{17}\). To reach universal pre-primary, primary and secondary education in 2030, sub-Saharan Africa will need to enrol 3.3 times the number of children in total that it does today\(^\text{18}\).

Children may suffer multiple vulnerabilities and risks by virtue of their age, sex and gender, ethnicity and race, locality, religion, disability and other factors including children affected by conflict, children in street situations and other orphans and vulnerable children.

\(^\text{17}\) The International Commission on Financing Global Education Opportunity, The Learning Generation: investing in education for a changing world, undated

\(^\text{18}\) UNICEF Education Strategy, 2019–2030
Children in Africa – a snapshot

Child mortality:
Although mortality rates for children under 5 decreased by 58 per cent between 1990 and 2017, on current trends, 31 million under-5 deaths will occur in Africa between 2018 and 2030. A quarter of those children could be saved (8 million) if all countries at risk of missing the Sustainable Development Goal target on under-five mortality achieved it.

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

Education:
Although education enrolment numbers are impressive at over 90 per cent in many African countries, more than half of children are not learning as expected. Learning outcomes are hindered by a range of inter-related factors including a lack of trained teachers, inadequate learning materials, makeshift classes and poor sanitation facilities.

Children affected by armed conflict:
Children are 24 times more likely to die during armed conflict due to illness and injury than in peacetime. Conflict interacts with already retrogressive provision of social services, thereby generating more conflict, violence and underdevelopment.

In countries such as DRC, over half of armed groups are made up of children under 18 years of age. These children miss schooling and face mistreatment, violence, and stigma from their communities upon their release.

Violence against children:
African countries have some of the highest rates of forced sex in childhood in the world. Cameroon has the highest rates affecting 1 in 6 young women and 1 in 25 young men.

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19 SDG Target 3.2: By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce ...under-5 mortality to at least as low as 25 per 1,000 live births.
20 UNICEF and African Union, Children in Africa: key statistics on child survival and population, 2019
25 Global Child Protection Area of Responsibility 2019 Desk Review Data on DRC
2.3 Trends affecting child rights

There are several emerging trends in Africa which impact the fulfilment of child rights. These need to be urgently addressed by states, child rights actors and policymakers, or they will become large-scale and unmanageable risks to the fulfillment of the rights and well-being of children.

Climate- and conflict-related migration
Climate change, conflict and associated displacement are becoming more frequent and intense in Africa, causing family separation and disintegration, increasing the numbers of unaccompanied and separated children and the significant protection risks to those children.

Climate-induced migration is especially recurring in Western and Northern Africa, for example in the four countries around the Lake Chad Basin – Cameroon, Chad, Niger and Nigeria – which are experiencing increased dry spells leading to hunger, starvation and suffering for children and their families. In a recent survey by the International Organization for Migration (IOM)\(^\text{27}\), over 50 per cent of respondents in Cameroon had been forced to flee their villages because of climate-related factors. A lack of access to livelihood activities and/or a dependence on humanitarian assistance in the four countries was attributed both to changing climatic factors and the Boko Haram insurgency.

The effect of displacement of children is multidimensional affecting a plethora of rights including health and education, and protection from violence. A total of 337 girls and boys died during migration within Africa during 2014–2018\(^\text{28}\), a figure which is probably much higher given the dearth of data and the need for improved knowledge on children on the move. Statelessness of children is a major issue in the context of migration, and child abduction and forced recruitment of children on the move are also evident challenges.

In addition, climate change will also have a direct impact on child survival through changing disease environments, greater food insecurity, and threats to water and sanitation\(^\text{29}\).

Urbanization
Africa is rapidly urbanizing, with 43 per cent of its population living in urban areas and with the highest urban population growth rates in the world\(^\text{30}\). Regionally, West and Central Africa has seen the second biggest increase in the proportion of children living in cities (after East Asia and the Pacific), with nearly one half of children now living in cities, compared with less than one third in 1989\(^\text{31}\).

Recent trends in developing regions, particularly in sub-Saharan Africa, have challenged the association between urbanization and economic growth. Although urbanization has contributed to advances in the well-being of children, there is a huge

\(^{28}\) International Organization for Migration, Fatal journey volume 4: missing migrant children, 2019, 6
\(^{29}\) UNICEF, For Every Child, Every Right: The Convention on the Rights of the Child at a crossroads, 2019
\(^{30}\) United Nations Department of Economic and Social Affairs, The World Urbanization Prospects: the 2018 Revision
\(^{31}\) UNICEF, For Every Child, Every Right: The Convention on the Rights of the Child at a crossroads, 2019
population of urban poor (189 million people live in urban slums in sub-Saharan Africa\(^32\)) and increasing urbanization of the continent means new challenges for child rights programming. These include changes in the character of certain forms of child abuse especially child trafficking; exposure of young people to drug and substance abuse, an increase in the number of children on the streets and working children\(^33\).

Urbanization rates are projected to slow down in most countries, yet several low-income countries in sub-Saharan Africa will have increasing rates, such as Chad, Comoros, Malawi, Niger, South Sudan and Sierra Leone\(^34\).

While some urban children are now worse off than their rural counterparts, rural-urban inequalities continue to overwhelmingly negatively affect children in rural and remote locations due to factors including a lack of access to services. In Morocco for example, the infant mortality rate is almost 50 per cent higher in rural compared with urban areas (14.86 urban and 21.59 rural)\(^35\).

**Technology**

New technologies are rapidly expanding in Africa bringing economic and social benefits. Africa has a vibrant industry in technological innovations such as mobile money, which started in Kenya and is now entering other countries in Eastern and West Africa\(^36\). Through social media and the internet, children and young people now have access to information to support their rights and well-being as never before.

However, there are associated risks. The so-called Fourth Industrial Revolution and the labour-substitution effect of automation threatens African economies’ ability to leverage manufacturing for job creation\(^37\), with impacts for youth employment in Africa. Cybersecurity and the prevention of cyber-bullying and online exploitation of children are major concerns, and there are threats to child well-being including loss of privacy, replacement of play and exercise time, and mental health challenges.

Equal access to technology is also imperative, given the growing role of technology in education, especially for children in hard to reach areas. Technology can enhance the quality of knowledge to ensure that children are afforded similar opportunities in the context of global advancements on learning.

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32 United Nations Department of Economic and Social Affairs, *The World Urbanization Prospects: the 2018 Revision*
34 United Nations Department of Economic and Social Affairs, *The World Urbanization Prospects: the 2018 Revision*
Supporting child rights through technology

Supporting children’s right to be heard in Kenya:

Child Helpline protecting and advocating for children throughout Africa:
Child Helpline International are most often the first point of contact for children who are in need of support and protection in 35 countries in Africa. Information collected from child helplines is used to bring out the voices of children to influence Governments and policymakers on issues such as protection from abuse and violence.

Attacks on children
The wave of attacks on civilians including children in parts of the continent, including by groups designated as terrorist, requires a child rights response. Non-state armed groups, such as Boko Haram in Nigeria and Al-Shabaab in Somalia, continue to commit grave violations against children, including killing and maiming, recruitment and use, abduction, and rape and other sexual violence, which is a particular risk to the girl child. The Nigerian military has detained thousands of children, some as young as five, for suspected involvement with Boko Haram, in many cases with little or no evidence, and few are ever charged with any crime. Recruitment and use need to be prevented and children in armed groups and administrative detention need to be urgently released, and receive medical attention and psychosocial support, before the process of reuniting them with their families and reintegrating them into society begins.

Children in areas in which armed groups operate may be denied access to education and other services vital for their survival and development. For example, since 2009 due to the Boko Haram insurgency in northeast Nigeria, over 2,295 teachers have been killed and 19,000 have been displaced. Almost 1,400 schools have been destroyed with the majority unable to open because of extensive damage or because they are in areas that remain unsafe. An estimated 3 million children are in need of emergency education support.

3 FRAMEWORKS AND ACTORS FOR CHANGE
3.1 African Union Commission and ACERWC

Many years before the idea of an African treaty on children was conceived, the AU (then OAU) placed children on its agenda when it adopted a Declaration on the Rights and Welfare of the Child in 1979, the African Charter on Human and People’s Rights in 1981, and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2003 (popularly known as the Maputo Protocol), which includes rights of the girl child41.

The OAU adopted the African Children’s Charter on 11 July 1990, and it came into force nine years later having received the requisite 15 State ratifications to become operational.

The normative framework established by the African Children’s Charter is also complemented by other treaties relevant for child rights such as for children on the move, for example the OAU Convention Governing the Specific Aspects of the Refugee Problems in Africa 1969 and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2009 (the Kampala Convention)42.

Children’s issues within the AU are housed within the Department of Social Affairs. However, the ACERWC was established with a distinct mandate to promote and protect the rights enshrined in the African Children’s Charter and has four functions (Article 42); namely promotion, protection, monitoring and interpretation of the African Children’s Charter. In particular, the Committee is expected to formulate and lay down principles and rules aimed at protecting the rights and welfare of children in Africa43. The ACERWC can receive and consider communications (Article 44) and can resort to any appropriate method of investigating any matter falling within the ambit of the Charter (article 45). The 11 members of the ACERWC are each responsible for different thematic areas and for three to six countries44. The ACERWC has achieved much in its 20 years of existence (Figure 3).

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41 Article 1(k), “Women” means persons of female gender, including girls.
42 African Committee of Experts on the Rights and Welfare of the Child (ACERWC), Mapping children on the move within Africa, 2018
44 ACERWC Committee Members, <https://www.acerwc.africa/the-experts/>, accessed 3 January 2020
Collaboration between the ACERWC and other bodies

The African Charter on Human and Peoples’ Rights has been used for the promotion of child rights, and there has been joint work between the African Commission on Human and Peoples’ Rights (ACHPR) – which oversees the African Charter on Human and People’s Rights – and the ACERWC, for instance in issuing a recent Joint General Comment to End Child Marriage in Africa\(^45\), which also took into account Article 6(b) of the African Women’s Protocol, on the minimum age of marriage. There is increasing collaboration and interaction between the CRC Committee and ACERWC. The committees have members in common, and in 2011, thanks to the facilitating role of UNICEF, adopted a common platform for action.

However, besides the Peace and Security Council (with which the ACERWC, with the support of UNICEF, is paving the way for an office on children affected by armed conflict) and ACHPR, the ACERWC has not forged strong links with other AU entities. The ACERWC is at times even considered as an NGO within the AU, undermining its political status to advance child rights.

The advocacy function of the African Children’s Charter and ACERWC

The African Children’s Charter is an important advocacy tool with Governments. Over the years, it has been referenced in a plethora of advocacy and campaign strategies by various institutions. For example, the African Common Position on the AU Campaign to End Child Marriage in Africa recognizes Article 21(2) of the African Children’s Charter. Of the 30 high-prevalence countries targeted

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by the campaign, 24 have launched national campaigns to end child marriage. A further seven countries have launched their own initiatives outside of the AU campaign, most of which had previously not developed a national response to child marriage.\(^{46}\)

General Comments issued by the ACERWC on the effective implementation of specific articles of the African Children’s Charter (see section below), are also important advocacy tools, and the Joint General Comment on ending child marriage explicitly references the AU Campaign. These advocacy tools are thus mutually reinforcing.

Key to the mandate of the ACEWRC is to develop themes for the Day of the African Child (DAC) which is an important continental advocacy platform. DAC unites actors across Africa in support of child rights and is used by the ACERWC to draw attention to States Parties’ obligations to children’s rights under various annual themes. However, follow up momentum from DAC – especially on how the themes are taken up at country level – remains weak.

In 2015 the AU adopted Agenda 2063: The Africa we want, which brings all continental and regional initiatives under one umbrella. The ACERWC adopted its own strategy, Africa’s Agenda for Children 2040: Fostering an Africa Fit for Children which was supported by UNICEF in its development. Agenda 2040 elaborates on Paragraph 53 of Agenda 2063 (African children shall be empowered through the full implementation of the African Charter on the Rights of the Child) with the main objective of assessing the achievements and challenges of effective implementation of the African Children’s Charter.\(^{47}\) However, the review found limited awareness or support for Agenda 2040, with some actors feeling that this is an additional (unnecessary) tool.

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\(^{46}\) UNICEF, ‘Case study: UNICEF support to the AU continental campaign to end child marriage’, September 2018

\(^{47}\) UNICEF, ‘Case study: UNICEF’s support to the African Children’s Charter Committee’, September 2018
The African Children’s Charter and children with disabilities

It is estimated that 6.4 per cent of children aged 0–14 years old have a disability in sub-Saharan Africa, compared to the global average of 5 per cent. Identifying these children is the first step to supporting them, however, the population of children living with disabilities is hardly captured in national statistics on children in Africa.

The CRC was the first international treaty to explicitly recognize the rights of children with disabilities. Article 2 specifies that signatory states shall respect and ensure the rights of each child without discrimination of any kind, including on the basis of disability. Article 23 of the CRC is also devoted to the rights of children with disabilities. In 2006, the United Nations Convention on the Rights of Persons with Disabilities was adopted, and now has 181 State Parties, many in Africa.

Article 13 of the African Children’s Charter states that “every child who is mentally or physically disabled shall have the right to special measures of protection ... effective access to training, preparation for employment and recreation opportunities” and requires State Parties to progressively achieve movement and access for children with disabilities to public buildings and other places.

However, the African Children’s Charter fails to include disability as a prohibited ground for discrimination. In addition, the rate of children with disabilities for sub-Saharan Africa is higher because inadequate healthcare and nutrition leads to high rates of sensory and motor impairment in many African countries. While the CRC requires States Parties to promote the exchange of appropriate information in the field of preventive health care, the African Children’s Charter does not, presenting a missed opportunity.

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sub-Saharan Africa:

6.4% of children are disabled

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3.2 The normative role of the CRC and the African Children’s Charter

The African Children’s Charter complements or elaborates on some of the CRC’s provisions as follows:

**Definition of the child:**
The CRC provides that a child is an individual below 18 years ‘unless under the law applicable to the child, majority is attained earlier’ (article 1). However, the African Children’s Charter defines a child as an individual below the age of 18 years (article 2) with no caveat.

**Child marriage:**
The CRC is not explicit regarding child marriage but requires states to take all effective and appropriate measures with a view to abolishment of traditional practices prejudicial to child health (article 24). The African Children’s Charter (article 21) explicitly prohibits child marriage and sets the minimum age of marriage at 18 years. It further provides for compulsory registration of marriage in an official registry.

**Recruitment of children:**
The African Children’s Charter does not permit recruitment of children under the age of 18 years (article 22): “State Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child”. The Optional Protocol to the CRC on the involvement of children in armed conflict notes that the recruitment of under-15s by either armed forces or armed groups constitutes a war crime (Article 5). It prohibits the recruitment of under-18s under any circumstances by armed groups (Article 4) and permits the recruitment of 15–18-year-olds by armed forces under certain conditions (Article 3).

**New areas:**
The African Children’s Charter 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).
The African Children’s Charter and gender equality

Gender inequalities in children’s lives and the lives of those who care for them often hinder their life chances.

Female genital mutilation and cutting (FGM/C) is almost universal in Djibouti, Guinea and Somalia, with levels of around 90 per cent⁵². Worldwide, the levels of child marriage are highest in sub-Saharan Africa, where nearly 4 in 10 young women were married before age 18⁵³. Progress to date has been stronger among the richer segments of society, and the gap in child marriage prevalence between the richest and poorest has widened in West and Central Africa, and Eastern and Southern Africa⁵⁴.

Other issues affecting girls include sexual abuse and exploitation, and menstrual health and hygiene which can have a detrimental effect on school attendance where facilities and support are not available. During conflict, girls in particular face increased threats of trafficking, exploitation and sexual and gender-based violence⁵⁵. Girls as well as boys are associated with armed forces and groups in large numbers, as domestic helpers and as ‘wives’ or sexual slaves. Girls accounted for 35 per cent of the 745 children recently released in Yambio, South Sudan⁵⁶.

The African Children’s Charter stipulates that signatory Governments shall protect children from any form of discrimination, including on the basis of gender. In addition:

- Article 21 protects children against harmful social and cultural practices which are discriminatory to the child on the grounds of sex or other status, and explicitly prohibits child marriage
- Article 21 provides protection Against Child Abuse and Torture including sexual abuse
- Article 27 protects children from sexual exploitation

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Advancing the interpretation of child rights through General Comments

A significant impact of the African Children’s Charter is its advancement of the child rights agenda through General Comments of the ACERWC which support States Parties, and other stakeholders, in the effective implementation of specific Articles of the African Children’s Charter. The ACERWC draws on the General Comments in its concluding observations and recommendations to Member States57 thereby further supporting implementation.

Over the last decade, the ACERWC has developed five General Comments:

• General Comment Article 30 2013 on children of incarcerated and imprisoned parents and primary caregivers
• General Comment Article 6 2014 on the right to birth registration, name and nationality
• General Comment Article 31 2017 on the responsibilities of the child
• Joint General Comment with ACHPR 2017 on ending child marriage
• General Comment Article 1 2018 on systems strengthening for child protection

General Comments are important advocacy tools launched at critical moments. For example, the General Comment on the right to birth registration, name and nationality was launched at the Third Conference of African Ministers responsible for Civil Registration in Côte d’Ivoire 2015. The General Comment was heralded as a ground-breaking document as it goes beyond the scope of the CRC by saying that a child who cannot acquire the nationality of his or her parents shall acquire the nationality of the country where he or she is born58.

Leveraging the explicit prohibition of child recruitment in Article 22(2) of the Charter, the ACERWC has also engaged in studies on children in armed conflict and is in the process of developing a General Comment for the protection of children in this context.

The African Children’s Charter as a trigger for legal reform

The roles of the African Children’s Charter and CRC are complementary and help to influence national policies and legislation in support of child rights (Figure 4).

Many countries report having developed laws on children following ratification of the African Children’s Charter. In some cases, explicit reference is made to the African Children’s Charter as a basis for legal texts such as in Lesotho, Liberia, Rwanda, Sierra Leone and South Africa. In most cases, the laws specifically incorporate provisions in relation to the value areas of the African Children’s Charter.

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57 UNICEF, ‘Case study: UNICEF’s support to the African Children’s Charter Committee’, September 2018
Examples of national legislation provisions influenced by the African Children’s Charter

**Definition of the child:**
Algeria, Egypt, Ghana, Guinea, Kenya, Madagascar and Uganda define a child as a person who has not attained the age of 18 years\(^{59}\).

**Recruitment of children:**
Nigeria’s Child Rights Act explicitly prohibits recruitment of children into the armed forces and mandate the Government to ensure that children are not directly involved in military operations or hostilities\(^{60}\).

**Child marriage:**
The Child Care, Protection and Justice Act of Malawi prohibits subjecting a child to ‘social or customary practice that is harmful to the health or general development of the child’\(^{61}\). It further prohibits child marriage and criminalizes the act as an offence punishable with an imprisonment term of 10 years. Similarly, the Children’s Law of Liberia prohibits and criminalizes child marriage\(^{62}\).

**Child responsibility:**
Article 23 of the 2005 Children’s Act of the Gambia recognizes that ‘every child has responsibilities towards his or her family and society, The Gambia, and other legally recognized national and international communities’. However, these duties are predicated on differentiated age and ability\(^{63}\). The 2011 Rwandan Law on the Rights and Welfare of the Child frames the duty in the context of respect for any human being, especially parents or guardians, love for country (patriotism) and duty to study\(^{64}\).

The communications procedure elaborated in Article 44 is also a powerful tool in holding states accountable for child rights. For example:

- **Children of Nubian descent in Kenya:**
  The ACERWC recommended that the Government of Kenya ‘take all necessary legislative, administrative, and other measures in order to ensure that children of Nubian decent in Kenya, that are otherwise stateless, can acquire a Kenyan nationality and the proof of such a nationality at birth’\(^{65}\).

- **Children affected by armed conflict in Uganda:**
  The ACERWC found the Government in violation of Article 22 given evidence of recruitment of children in the Ugandan armed forces. While there were reports of consent on the part of the children, the ACERWC expressed that ‘the African Children’s Charter does not leave room for the voluntary recruitment of children in armed conflict’\(^{66}\).

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\(^{60}\) Nigeria: Child Rights Act, 2003, art. 34

\(^{61}\) Malawi: Child Care, Protection and Justice Act, 2010, art. 80

\(^{62}\) Liberia: Children’s law, 2011

\(^{63}\) Gambia: Children’s Act, art. 23(2)

\(^{64}\) Rwanda: Law relating to the rights and welfare of the child 2011, arts. 21-23

\(^{65}\) Decision on the communication submitted by the Institute for Human Rights and Development in Africa and the Open Society Justice Initiative (on behalf of children of Nubian decent in Kenya) v the government of Kenya, 2011 para. 69 (1)

\(^{66}\) Decision on the communication submitted by Michelo Hansungule and others (on behalf of children in northern Uganda) v the Government of Uganda (2013), para 58
3.3 Role of State Parties to the African Children’s Charter

Although the African Children’s Charter is ratified by 49 countries, some have made reservations to certain articles, watering down commitments made under the Charter. The impact of the African Children’s Charter is further undermined by the lack of participation in the State Party reporting process, through which states are required to submit an initial report within two years of ratification and thereafter, every three years (Article 43).

The ACERWC through its Agenda 2040 notes that Benin, Botswana, Burundi, Cape Verde, Djibouti, Equatorial Guinea, the Gambia, Guinea-Bissau, the Seychelles, Swaziland and Zambia have never submitted a state report to the ACERWC, but have all submitted at least their initial reports to the CRC Committee. The ACERWC notes that “This data set strongly suggests a predilection for the UN system”.

Reporting to the Committee on the Rights of the Child and ACERWC is the responsibility of the State Party. UNICEF and civil society provide alternative reports, and UNICEF also supports the State Party in its reporting to the Committees. However, some Governments claim not to have resources for the process, and there are also limitations to implement the concluding observations and recommendations due to resource constraints as well as a lack of political will.

Value and impact of the African Children’s Charter in Nigeria

In Nigeria, the African Children’s Charter has had a notable impact on the development of the Child Rights Act 2003. This instrument reflects aspects of the Charter such as the responsibility of the child, the prohibition of child marriage, and prohibition on recruitment of children in the armed forces of the Federal Republic of Nigeria. Policies have also been developed making reference to the Charter such as the National Child Policy and the National Strategy to End Child Marriage in Nigeria (2016–2021).

However, struggles between the federal Government and state Governments have seen the Child Rights Act become difficult to domesticate in 10 out of the 36 states.

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67 Botswana: Does not consider itself bound by Article 2 which defines the child. Egypt: Does not consider itself bound by Article 24 regarding adoption; Article 30 (a-e) regarding the special treatment of children of imprisoned mothers; Article 44 which establishes that the Committee can receive Communications; and Article 45 (1) regarding the Committee conducting investigations in member states. Mauritania: Does not consider itself bound by Article 9 regarding the right to freedom of thought, conscience and religion. Sudan: Does not consider itself bound by Article 10 regarding the protection of privacy, Article 11 (6) regarding the education of children who become pregnant before completing their education or Article 21 (2) regarding child marriage, https://www.acerwc.africa/reservations/, accessed 7 January 2020

State actions arising from the **reporting process** of the African Children’s Charter

The African Children’s Charter reporting process has the potential to add significant value:

**Definition of a child in Rwanda:**
The ACERWC (in its first concluding observations) recommended that Rwanda should engage in legislative reform in order to harmonize and define a single age for children – 18 years – in line with the African Children’s Charter. In 2016, Rwanda adopted the Persons and Family Law setting the age of majority at 18 years and the minimum age for marriage to 21 years.

**Responsibility of the child in Kenya:**
The ACERWC recommended that Kenya educate children on their responsibility to family and the national community, and empower them to contribute to building solidarity. In its second report to the ACERWC, Kenya emphasized that through platforms including the child rights clubs, DAC celebrations and children’s assemblies, children are sensitized to responsibilities to family, community and the nation.

**Harmful traditional practices in Tanzania:**
The ACERWC urged Tanzania to design and implement advocacy measures to address harmful traditional practices in its concluding observations following consideration of Tanzania’s first report in 2010. In its following report to the ACERWC, Tanzania emphasized that it had launched a Child Marriage-Free Zone campaign to scale up action against child marriage and had complied with the Committee’s recommendation on FGM/C through collaborative efforts with community stakeholders and in developing programmes for alternative sources of income for persons who perform FGM/C.

**Refugee children in South Africa:**
The ACERWC recommended that the Government of South Africa eliminate barriers (legal and non-legal) that impede access to social services for refugee children. In response, the South African National Action Plan for children (2019–2024) includes a protocol to streamline delivery of services in a timely manner to refugees, asylum-seekers and migrant children.

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69 Concluding recommendations by the 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, 2010, 3

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

71 Concluding recommendations by the ACERWC on the Republic of Tanzania report on the status of implementation of the African Charter on the Rights and Welfare of the Child, 2010, 8

72 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

73 Concluding observations and recommendations of the ACERWC 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, 2019, 14

74 Concluding recommendations by the ACERWC on the Kenya first periodic report on the status of implementation of the African Charter on the Rights and Welfare of the Child, para. 54

3.4 Other key child rights stakeholders

The promotion of child rights in Africa is characterized by an array of actors which perform their roles under different mandates and often cooperate in thematic or geographical partnerships (Table 1).

Table 1: Key child rights stakeholders to support the African Children’s Charter

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGIONAL ECONOMIC COMMUNITIES</td>
<td>There are eight Regional Economic Communities (RECs) accredited to the AU. RECs support child rights through initiatives such as the Southern Africa Development Community (SADC) Model Law on Eradicating Child Marriage, and Protecting Children Already in Marriage 2016.</td>
</tr>
<tr>
<td>UNITED NATIONS AGENCIES</td>
<td>Several United Nations agencies have a role in advancing children’s rights in Africa, notably, UNICEF. Since 2005, UNICEF has provided support to ACERWC through technical assistance and also has a long history of providing technical and financial support towards the full ratification and implementation of the African Children’s Charter at State Party level.</td>
</tr>
<tr>
<td>NON-GOVERNMENTAL AND CIVIL SOCIETY ORGANIZATIONS</td>
<td>Africa has a vibrant civil society with a strong advocacy role, while also filling gaps of service provision and holding Governments accountable through for example the production of shadow reports which accompany State Reporting to the ACERWC and CRC Committee. They range from international organizations to national and local organizations working at the lowest level of communities. Important civil society actors include faith-based organizations and religious and tribal leaders. One way for CSOs to strengthen their advocacy is through the CSO Forum on the African Charter on the Rights and Welfare of the Child.</td>
</tr>
<tr>
<td>CHILDREN AND YOUNG PEOPLE</td>
<td>Child-led CSOs such as the African Movement for Working Children and Youth based in Dakar, Senegal are emerging entities working with vulnerable children and managed by young people themselves. The CSO recently organized a children’s summit and has been regularly participating in sessions of the ACERWC presenting children’s voices.</td>
</tr>
<tr>
<td>OTHER CHILD RIGHTS ACTORS</td>
<td>Other actors within the architecture of child rights in Africa include academia (vital to research and accountability such as South Africa Child Gauge, an annual publication by the Children’s Institute of the University of Cape Town), the private sector, media (with an increasing use of social media to mobilize young people themselves), and independent national human rights institutions (NHRIs).</td>
</tr>
</tbody>
</table>

76 A study by the by the AU Campaign to end child marriage in Africa found that traditional and religious leaders in Africa can be a “determining factor” in the growing movement to end child marriage, ‘African Union, The Role of Religious and Traditional Practices in Child Marriage; Findings of a New Study by the AU Campaign to End Child Marriage in Africa’, 1 December 2015 <https://au.int/en/pressreleases/20151201> accessed 6 January 2020


Children’s Rights is one of seven focus areas identified by the South African Human Rights Commission as requiring a dedicated focus.

The Commission collaborates with a range of stakeholders in the child rights sector as well as with government departments, supra national bodies, civil society, and the private sector. The Commission initiates hearings and investigations into social and political issues affecting children’s rights, such as the impact of protest-related action on the right to access a basic education. In 2012, the Commission developed a Charter of Children’s Basic Education Rights.\textsuperscript{79}

Other initiatives include a collaboration with the mining sector on children as stakeholders in sustainable development. The Commission is in the process of accelerating its operational accessibility to children through the implementation of child-friendly complaints procedures, trained staff, and child-friendly materials and infrastructure.\textsuperscript{80}

\textsuperscript{79} South African Human Rights Commission Charter of Children’s Basic Education Rights, 2012

ACTION POINTS FOR ACCELERATING THE AGENDA FOR CHILD RIGHTS IN AFRICA
As the African Children’s Charter approaches its thirtieth anniversary, it is time to recommit to the Charter, and the interrelated Sustainable Development Goals (SDGs), by stepping up efforts to ensure that the rights of every child are realized. Multiple stakeholders have a role to play in this endeavour (Figure 5).

**ACTION POINT 1:**
Ensure universal ratification of the African Children’s Charter

**ACTION POINT 2:**
Respond to the continent’s emerging child rights challenges through General Comments, research and joint advocacy

**ACTION POINT 3:**
Increase reporting synergies between the CRC and African Children’s Charter for each State Part

**ACTION POINT 4:**
Urgently address the need for a robust and coordinated national policy, financing and legal response to support child rights

**ACTION POINT 5:**
Support statutory data systems, reporting and accountability, evidence generation and knowledge sharing on child rights

**ACTION POINT 6:**
Embed a whole-of-society approach into catalysing change by joining the UNICEF dialogue on boldly fulfilling the promise of the African Children’s Charter
4.1 Universal ratification of the African Children’s Charter

The African’s Children’s Charter needs a stronger identity and higher profile to ensure it is seen as a robust and relevant child rights accountability mechanism for Africa, conferring distinct ownership for African states.

Each of the five countries still to ratify the African’s Children’s Charter is a signatory to the CRC. A major question is therefore why Africa is yet to achieve universal ratification of the Charter. However, the situation has a lack of clarity. In the case of DRC for example, following missions by the ACERWC to popularize the Charter, DRC became a signatory in 2010. Some stakeholders claim that ratification has taken place, but this is not valid until the ratification instruments are filed with the AU.

Related to this is the need to ensure that countries that have reservations to articles of the African Children’s Charter, withdraw those reservations. For example, while Egypt does not consider itself bound by Article 24 regarding adoption, this is under review and a similar reservation to the CRC has already been removed.

Action Point 1:
Ensure universal ratification of the African Children’s Charter

- Ensure full ratification of the African Children’s Charter by non-State Parties and removal of reservations by State Parties, through further country missions of the ACERWC and strategic engagement of the Permanent Representatives Council of the AU by organizations such as UNICEF.

- Elevate the status of the African Children’s Charter and ACERWC through creating stronger links with other departments of the AU based on identifying important synergies, particularly in emerging priorities.

4.2 Responding to emerging challenges

Climate change and other trends cloud the future of Africa’s children and demand a robust, immediate and coordinated response. While the African Children’s Charter does not contain explicit provisions on emerging issues such as protection from online exploitation and violent acts, it does incorporate significant provisions that may be leveraged.

Research and studies also have a role to play in this area. For example, the ACERWC reinforced state obligations to protect children on the move in a 2018 study.81

Furthermore, in 2014, the AU passed the Convention on Cybersecurity and Personal Data Protection that criminalizes the production, procurement, dissemination and possession of child pornography through a computer system (Article 29). The convention is yet to enter into force having been ratified by only 5 of the necessary 15 countries (Ghana, Guinea, Mauritius, Namibia, Senegal)82. The ACERWC has a role to play in promoting this and other relevant conventions in its fight against child rights abuses arising from emerging issues.

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81 African Committee of Experts on the Rights and Welfare of the Child Mapping children on the move within Africa, 2018
82 The treaty will enter into force 30 days after the fifteenth instrument of ratification or accession is deposited. AU, List Of Countries Which Have Signed, Ratified/Acceded To The African Union Convention On Cyber Security And Personal Data Protection, 28 June 2019, <https://au.int/sites/default/files/treaties/29560-sl-AFRICAN%20UNION%20CONVENTION%20ON%20CYBER%20SECURITY%20AND%20PERSONAL%20DATA%20PROTECTION.pdf>
Unlike the CRC which contains provisions on freedom of expression (Article 13), freedom of association (Article 15) and access to information (Article 17), the African Children’s Charter contains no article on access to information (only on expression – article 7, and association – article 8). There is scope for the ACERWC to elaborate on this right in a General Comment.

**Action Point 2:**
Respond to the continent’s emerging child rights challenges through General Comments, research and joint advocacy

- The ACERWC should issue General Comments on thematic emerging areas to help states understand their obligations and how to apply existing articles to support child rights in a dynamic and changing environment. This includes on the right to children with disabilities (see above).

- Research should be conducted by the ACERWC and other stakeholders on emerging issues and used in advocacy for evidence-based policymaking.

- Joint advocacy should be conducted with the ACERWC, the AU and other treaty bodies to ensure cross-ratification of relevant instruments in support of child rights.

**Action Point 3:**
Increase reporting synergies between the CRC and African Children’s Charter for each State Party

- Conduct awareness raising among Government, UNICEF country offices, CSOs and other stakeholders such as NHRIs involved in producing government and shadow reports, on the benefits of reporting on the African Children’s Charter as distinct to but in concert with CRC reporting.

- Involve children’s voices in the reporting process including through the data collection and analysis processes.

- Coordinate reporting to the two committees and consolidate feedback into national and sub-national action plans for advocacy and implementation, and into UNICEF country programmes.

- Encourage the two committees to produce concluding observations and recommendations in a timely manner.

4.3 Increasing synergies between CRC and African Children’s Charter state reporting

This review highlights that many UNICEF staff from country offices in Africa and even staff at the AU, are unaware of the significance of the African Children’s Charter, the ACERWC and Agenda 2040. There is a general perception that there is no real difference between the African Children’s Charter and the CRC, hence operating on the basis of the CRC only.

However, increasing synergies between reporting to the CRC and African Children’s Charter’s respective Committees may offer significant opportunities in terms of efficiency of the reporting process, advocacy opportunities, and visibility for the African Children’s Charter, and of the ACERWC. In South Africa for example, UNICEF has brought together the concluding observations and recommendations from both the CRC Committee and ACERWC and prepared a National Plan of Action 2019–2024 to implement them. This then informs UNICEF’s Country Programme.
4.4 National child rights frameworks, coordination and budgeting

States should urgently amend legislation in accordance with the CRC and African Children’s Charter and be capacitated to enact that legislation. Policies related to children’s rights should be fast-tracked and firmly entrenched in costed national action plans with clear targets and indicators. Giving children a voice in this process is key.

A key priority rests in supporting the multisectoral coordination of actors including at the inter-ministerial level. Coordination also means integration of child rights across the different policy areas including across the humanitarian-peacebuilding-development nexus and in emerging areas.

In 2002, the CRC developed a General Comment on independent NHRIs as an important mechanism to promote and ensure the implementation of the CRC and advance the universal realization of children’s rights. However, many of the 44 NHRIs in Africa currently fail to effectively support child rights, due to factors such as children’s issues being handled generically alongside other broader human rights programmes and projects. Capacity-building of independent NHRIs should be a priority to enhance accountability as these institutions can demand accountability for child rights issues through parliaments. Furthermore, work should be done with parliamentary committees on human rights and issues related to children (education, health, labour and social protection). This means forging alliances with others civil society actors.

Children themselves need to be engaged in the policy formulation cycle including implementation, monitoring and evaluation. Public participation for children to determine their destiny needs to become a norm and not an ad hoc event. Meetings of children’s parliaments and councils should be regularized and the involvement of hard to reach or marginalized children proactively sought, invested in and sustained. This includes encouraging the equal but distinct participation of girls and boys.

Governments need to devote ample resources to promoting and protecting children’s rights, to reach all children under their jurisdiction – such as children with disabilities and those who are on the move as migrants, internally displaced persons or refugees. While gauging the impact of public spending on children is challenging because of data-quality issues and the difficulty in capturing some spending in areas such as on child protection, which is often not as obvious as on say education, efforts need to be made to transparently and regularly report on expenditure in the social sectors. This includes the amount that Governments spend on child-related sectors and the quality and equity of that spending.

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**Action Point 4:**

Urgently address the need for a robust and coordinated national policy, financing and legal response to support child rights

- UNICEF should further invest in making government child rights coordination mechanisms operational and streamlined, with government ownership and including grassroots actors including CSOs, religious

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leaders and children themselves, noting the need for coordination between United Nations agencies at country-level.

- Government and stakeholders should commit to capacitate and adequately resource NHRIs to act as governmental child rights champions, alongside conducting advocacy work with parliamentary committees.

- States should continue to be supported to enact and revise child rights related legislation and policies for the protection, promotion and fulfillment of child rights, especially taking into account emerging issues in a timely manner.

- Governments need to commit to minimum public investment levels in the social sectors according to international standards, with funding accountably and transparently disbursed to reach all children. Metrics of spending levels, trends and distribution should be included in government finance statistics. Advocates of children’s rights will use this to assess the quantity and quality of child-related public expenditures.

- Knowledge exchange and learning will be encouraged to promote good practice models for policy formation, coordination and budgeting on the continent.

4.5 Investments in data and evidence

While sub-Saharan Africa is most off-track towards meeting the SDGs, it is also the region with the most complete set of data across the SDG indicators. Further work is needed in order to push Governments towards action and enhance accountability for both the SDGs and the African Children’s Charter.

Supporting government investments in data and evidence generation should also be a primary priority. Currently UNICEF supports Multiple Indicator Cluster Surveys (MICS) and Demographic and Health Surveys (DHS) in many countries, as well as child protection databases and management information systems such as in education and health. It is critical to identify and fill data gaps – such as on gender and children with disabilities – and utilize this for effective child rights programming.

Supporting the development of government data systems and generating data required for monitoring the African Children’s Charter, CRC and SDGs should be the basic reference point. This means working with and strengthening statistical agencies, academia and think tanks based on an effectively coordinated knowledge management mechanism.

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**Action Point 5:**

Support statutory data systems, reporting and accountability, evidence generation and knowledge sharing on child rights

- Support the enhancement and development of statutory data systems in support of child rights such as civil registration and vital statistics (CRVS) for birth registration and through support to National Statistical Agencies, ensuring data captures all children everywhere, and is sufficiently disaggregated.

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85 For example, the Incheon Declaration 2015 requires that at least 15-20 per cent of total public expenditure should be for education; the Abuja Declaration 2001 requires that 15 per cent of the national budget of AU countries should be for the health sector.

• Ensure monitoring and reporting of that data in a transparent manner – including to children and their parents as primary rights-holders – to enhance accountability and advocacy, and to inform evidence-based policy and programming.

• Conduct independent evaluations of child rights policies and programmes to generate credible and impartial evaluative evidence.

• Strengthen the accountability mechanisms of the AU to deliver on child rights.

• UNICEF can assist Governments to capture, store and share good practices and innovations on working with and for children, to include the development of communities of practice and inter-state dialogue at the AU level.87

4.6 A whole-of-society approach to catalysing change

• In preparing this review, UNICEF is keenly aware that each individual organization or actor has only some of the answers, and that against a backdrop of a changing Africa – with major trends affecting child rights – some of those answers are dynamic or still to emerge.

• Children can show adults what is needed, making them wake up and take collective responsibility for children, as children have on the issues of climate change.

• Governments can take bold steps, making the rights and well-being of children a number-one national priority in terms of both policy priorities and resourcing.

Support to national statistics agencies in Angola and Kenya

Multiple Overlapping Deprivation Analysis (MODA) in Angola
In partnership with Angola’s National Statistics Institute, UNICEF conducted a national multidimensional child poverty analysis using its Multiple Overlapping Deprivation Analysis (MODA) methodology.87 The analysis provides timely and relevant evidence for advocacy and programmatic purposes, as well as providing the Government with a baseline for the child-related SDG 1.2 indicator: “By 2030 to reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.”

Data generation on children in Kenya
UNICEF has been instrumental in supporting data generation on violence against children, working with the Kenya National Bureau of Statistics. Through UNICEF efforts, child-related data is becoming core to the country’s information management systems. Other data is gathered by the respective ministries within their databases, such as on education and health, with UNICEF sectoral support. In the education sector, there is specific support to data gathering on education for children in emergencies including refugees, internally displaced children and children within pastoralist regions.

87 National Statistics Institute (Instituto National de Estatística, INE) and UNICEF, Childhood in Angola - A Multidimensional Analysis of Child Poverty, 2018
- The private sector can treat its contribution to children’s futures as a business priority, in line with the child rights and business principles approach[^88], accounting for that contribution on an annual basis along with revenue growth and profits.

- New institutional arrangements may catalyse change, such as new AU agreements and priorities.

- Civil society can strengthen its collective voice for the promotion of child rights.

- What new ideas and actors will emerge for accelerating the agenda for child rights in Africa?

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**Action Point 6:**

Embed a whole-of-society approach into catalysing change by joining the UNICEF dialogue on boldly fulfilling the promise of the African Children’s Charter

Individuals and organizations are invited to contribute ideas, feedback and inspiration for accelerating action in support of child rights in Africa through:

- Direct contact with the UNICEF Liaison Office to the African Union and United Nations Economic Commission for Africa aabeba@unicef.org or jmmvondo@unicef.org; Telephone: +251 115 184 034

- Via twitter and social media using the hashtag #ACRWCagenda4action@30

- Through submitting feedback to this report via aabeba@unicef.org or jmmvondo@unicef.org

The voice of children and children themselves is crucial in all of the above spheres. There is also a need to harness seven essential elements (3S’s – scale, speed and sustainability - and 4I’s – investment, innovations, institutional strengthening and implementation) across the action point and in the newly revitalized response (Figure 5).

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**Figure 5: The 3 S’s and 4 I’s approach to accelerating the agenda of child rights in Africa**

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[^88]: Developed by UNICEF the United Nations Global Compact and Save the Children, the Children’s Rights and Business Principles (the Principles) are the first comprehensive set of principles to guide companies on the full range of actions they can take in the workplace, marketplace and community to respect and support children’s rights. [https://www.unicef.org/corporate_partners/index_25078.html](https://www.unicef.org/corporate_partners/index_25078.html)
CONCLUSIONS

While much progress has been made, the child rights agenda for the African continent requires an urgent renewal – in addition to addressing critical emerging issues – in view of the grave risk of losing the gains made in the last 30 years.

As Africa unites in the protection and promotion of child rights, there is hope in the fact that many established and emerging partners on the continent are uniting on important issues explicitly promoted by the African Children’s Charter, such as ending early and child marriage and supporting children affected by armed conflict. There is hope in the potential of digital and mobile technology, and other innovations which can be used to share knowledge and solutions, facilitating the delivery of essential services to hard-to-reach, remote and marginalized communities, and giving voice to children.

Most of all, there is hope in the children and young people of Africa who are speaking out on issues that directly affect their lives, such as climate change and protracted conflict. As they demand urgent action and propose new solutions, many of these children and young people are emboldened by Article 7 of the African Children’s Charter, which articulates their right to express their views freely and to be heard; and by Article 31, which supports young people to serve his or her national community by placing their “physical and intellectual abilities at its service”.

It is time to recommit to the African Children’s Charter and step up efforts to ensure that all the rights of every child are realized, through a new bold agenda for action.