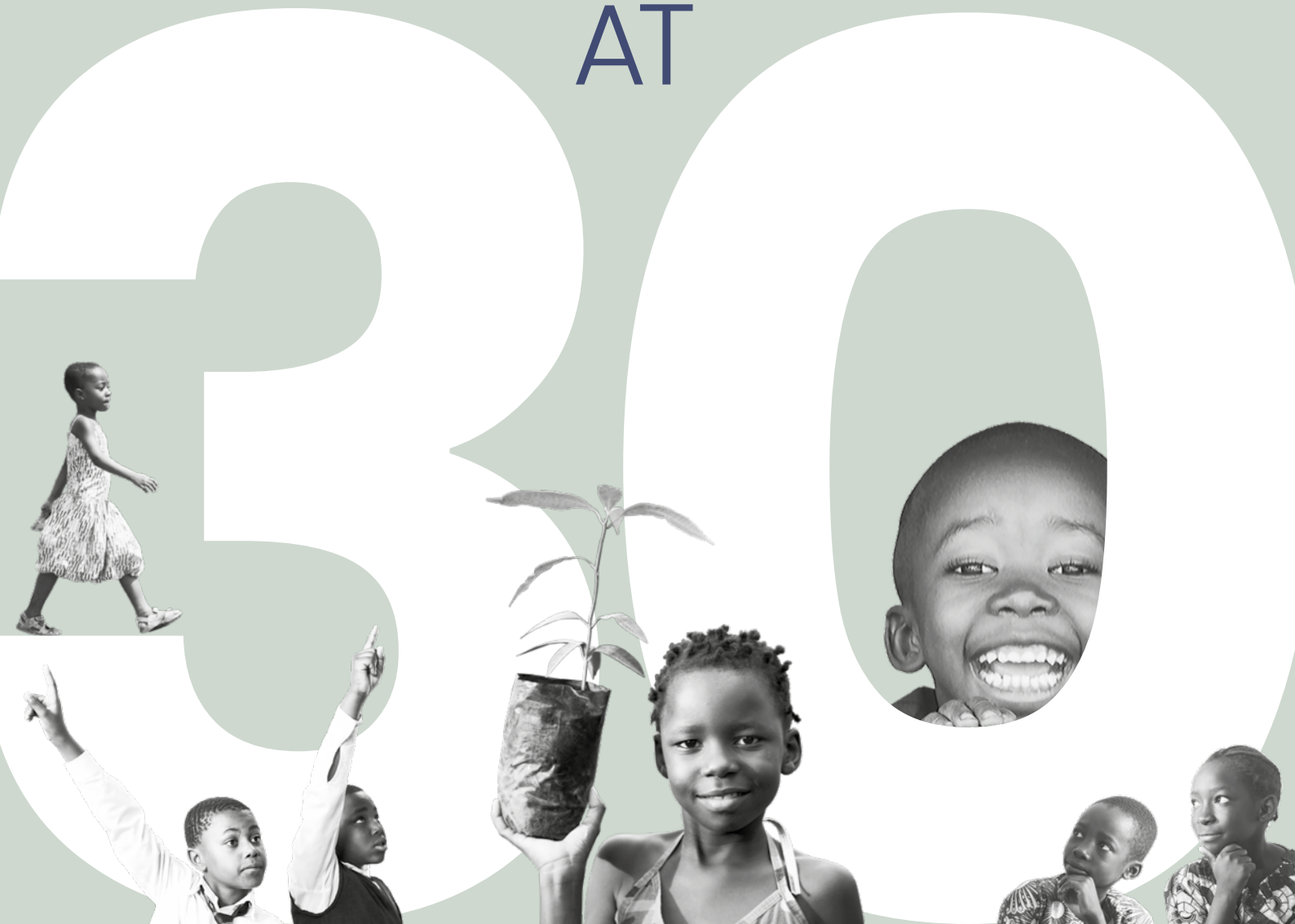

Three decades of
implementing
child rights in Africa



THE AFRICAN CHILDREN'S CHARTER AT



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THE AFRICAN CHILDREN’S CHARTER AT 30

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My Name is
my Love

INTRODUCTION

On 11th July 1990, the Organisation of African Unity (now the African Union) made a significant commitment to African children by adopting the African Charter on the Rights and Welfare of the Child.

The world in which the Charter was adopted was very different to that of today. The African geopolitical and human development landscape was different too. Cell phones and the internet were in their infancy. The impacts of climate change were yet to be understood.

Yet despite the huge social and economic changes that have swept the continent since then, many of the challenges faced by African children remain. Whilst many countries have made commendable progress to protect children's rights both in policy and in practice, many old violations and abuses stubbornly refuse to go away.

Child marriage and Female Genital Mutilation (FGM) persist. Millions of children are caught up in armed conflict or forced to flee their homes and schools. Far too many children are still malnourished or die from preventable causes. Millions miss out on an education. Girls are still widely discriminated against, as are children living with disabilities. Violence threatens their wellbeing and their very existence.

This infographic report charts the progress and major milestones of the ACRWC over the past three decades, as well as highlighting the key challenges which lie ahead and recommendations to address them. The data is drawn from the report 'The African Children's Charter at 30: Taking stock, Rekindling commitment.' The full report is available at: www.africanchildforum.org.

We hope that governments, policy-makers, academics, humanitarian agencies, civil society organisations and campaigners find it a useful resource in the continuing fight to ensure children's rights in Africa.

“Africa’s journey in child rights implementation has not been without its ups and downs. As the continent made efforts to combat harmful practices such as child marriage and FGM, at the same time it saw a sharp increase in sexual violence and exploitation. While infant mortality showed a decline unparalleled by any other region and primary school enrolment showed a significant increase, access to early childhood and secondary education has remained deplorably low. Africa has sufficient reasons to celebrate its success stories, but has little room for complacency.”

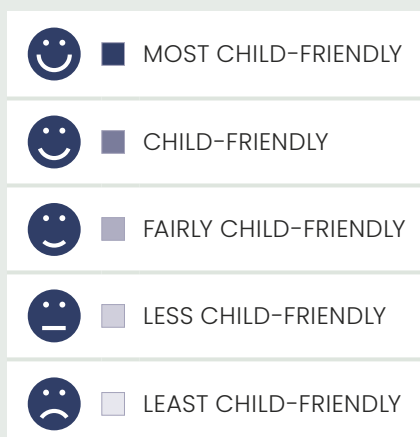
Dr Joan Nyanyuki

Executive Director, African Child Policy Forum



FOCUS COUNTRIES

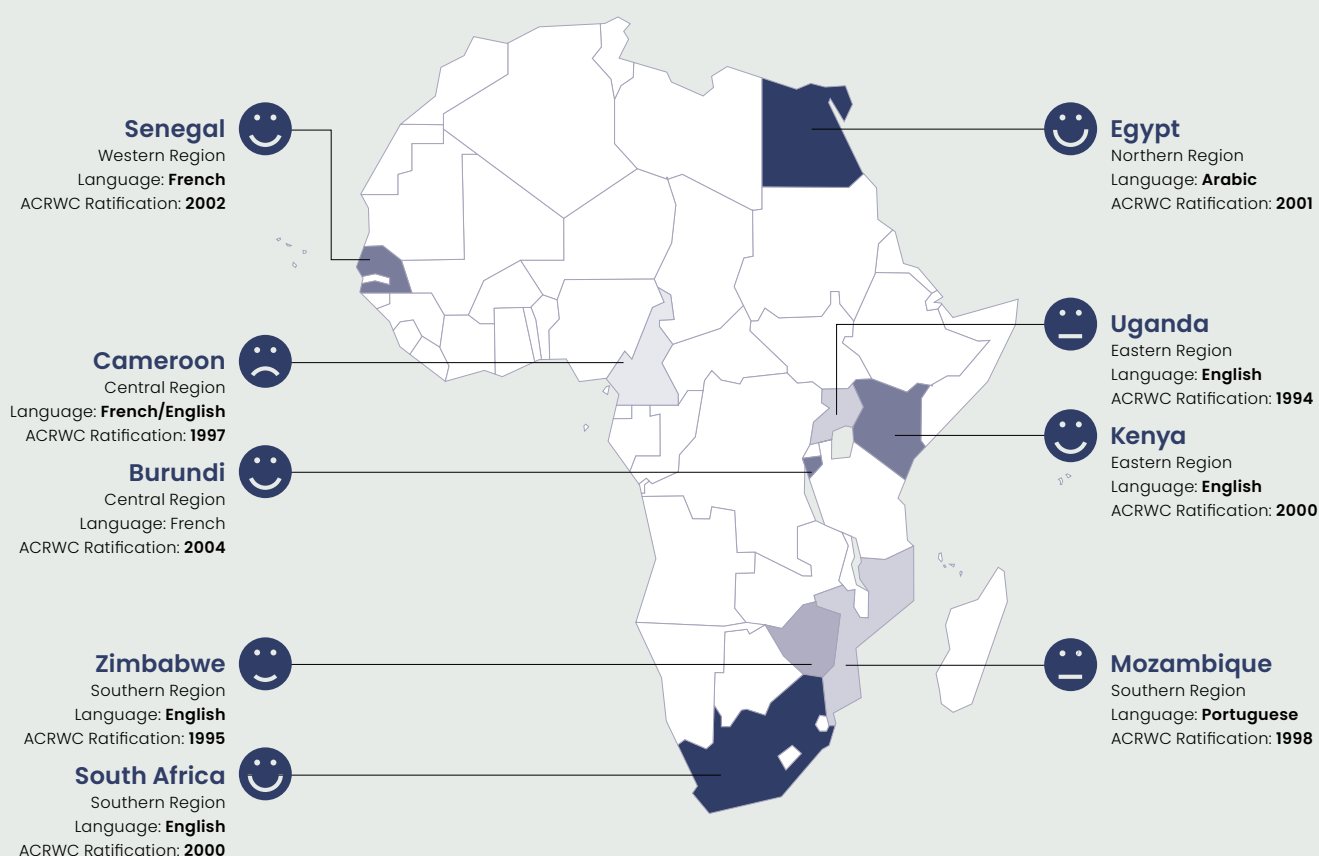
The report looks at examples and experiences from countries in all five African regional blocs, but this focuses on nine countries in detail which represent the full range of 'child friendliness' rankings according to the 2018 Child Friendliness Index, from most to least child-friendly.



"I appeal to governments to examine their budget-making processes under a 'child rights lens', as a matter of standard procedure. This will help them to see to it that the best interests of the child permeate macroeconomic policies, and that budgets reflect children's interests."

H.E. Dr Salim A. Salim

Chairperson, ACPF's International Board of Trustees (2004-2012) and former Prime Minister of Tanzania



PART ONE

TAKING STOCK

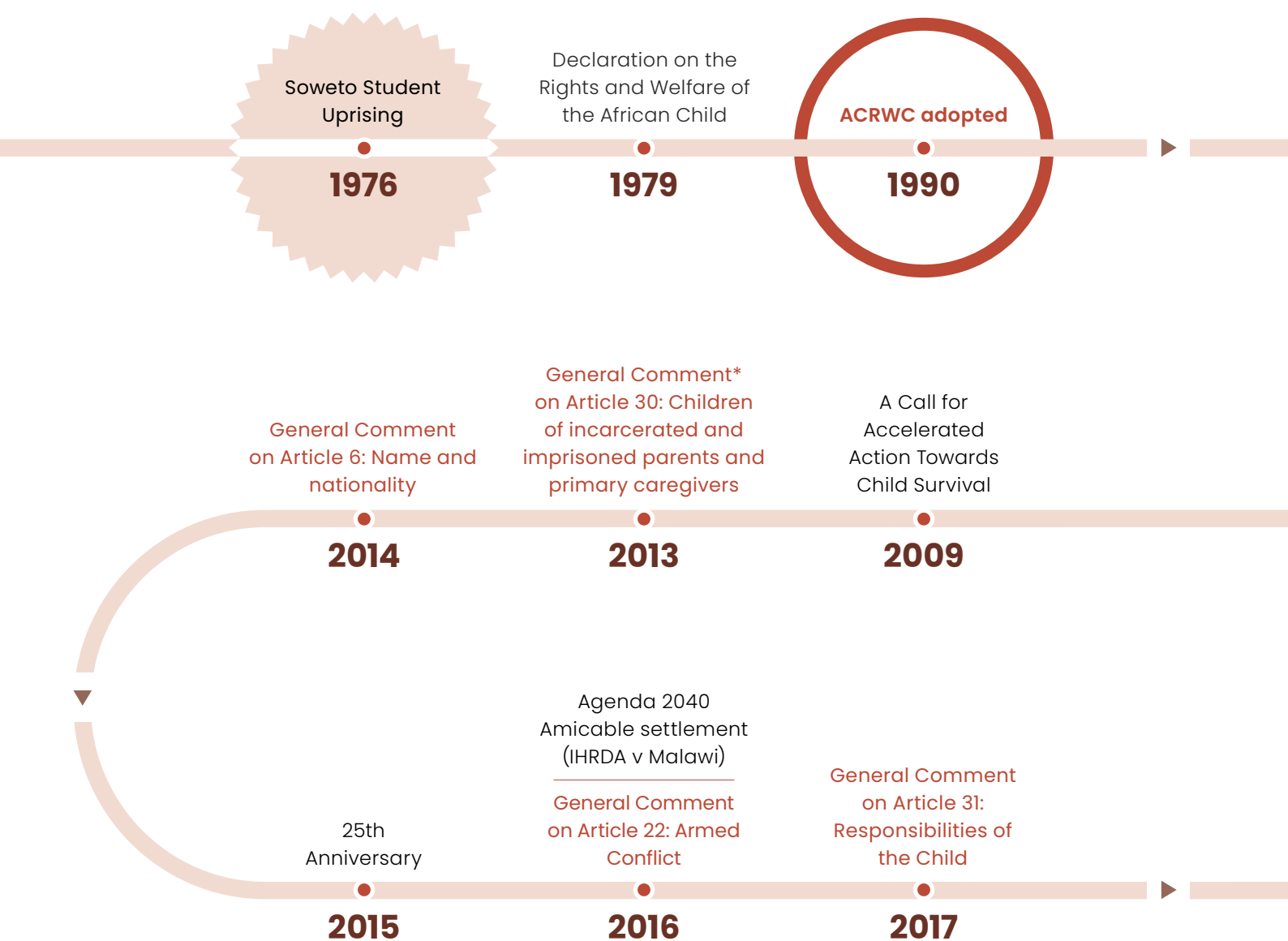
// The situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger.”

Preamble to the ACRWC, 1999



TIMELINE

1976 ▶ 2020

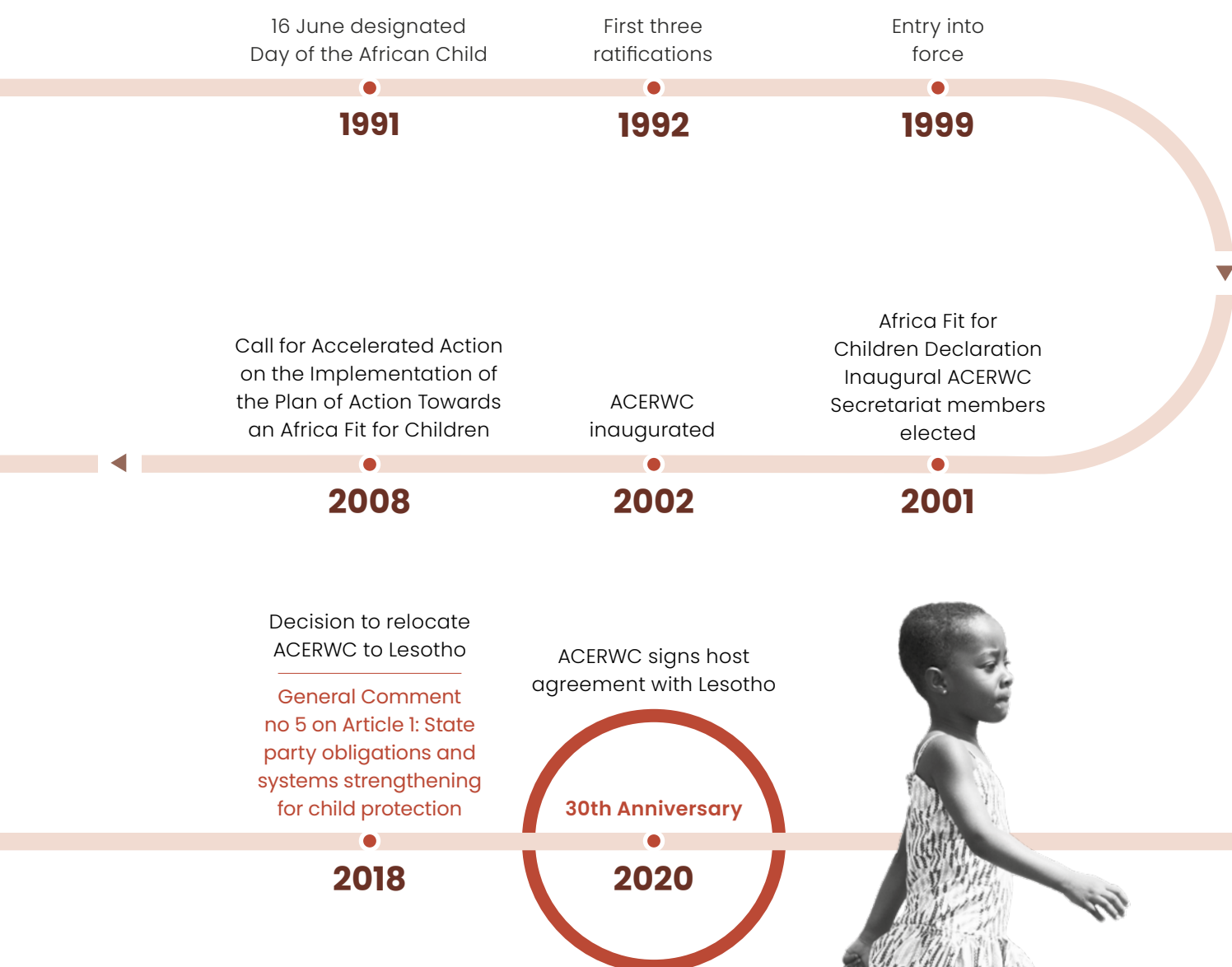


*The ACERWC has the power to issue authoritative interpretations of the Charter, in order to clarify its meaning and scope. This is generally done through "General Comments" which provide a substantive elaboration of the meaning of treaty provisions and in-depth analysis of procedural concerns.

“As the Charter turns 30 years old, the continent has changed in many ways but still remains with age old problems and emerging challenges that hinder the full realisation of the rights and welfare of the Child.”

ACRWC

July 2020



UNIQUE FEATURES OF THE CHARTER

The ACRWC was the first regional human rights treaty which focused on the protection and promotion of children's rights. It was also the first time that an instrument pronounced harmful traditional, customary or cultural practices as violations of human rights.

Makes no distinction between civil and political rights, and economic, social and cultural rights

Defines a child as 'every human being below the age of 18 years' irrespective of whether they have attained majority before 18 years

Protection extends beyond territory

In addition to states, other actors have the obligation to not discriminate against the child

Includes ethnicity as a ground for non-discrimination

Protects the child against apartheid and discrimination

Considers best interests of the child as THE primary consideration

Expressly proclaims supremacy over any custom, tradition, cultural or religious practice that is inconsistent with the rights of the child

Protects the child from harmful social and cultural practices

Expressly prohibits child marriage and the use of children in armed conflict

Adopts a more contextualized approach to education

Imposes an obligation on States to ensure that girls who become pregnant before completing their education have an opportunity to continue with their education

Expressly mentions female, gifted and disadvantaged children in the context of the right to education

Frames the right to health more comprehensively

Imposes an obligation on states to prevent the use of children in all forms of child begging

Ground-breaking provisions relating to juvenile justice

Elaborates on the responsibilities of the child

Covers not only child refugees but also internally displaced children



THE DAY OF THE AFRICAN CHILD

ANNUAL THEMES

The Day of the African Child is celebrated on June 16 – the date of the 1976 student uprising in Soweto, South Africa. The theme each year is selected in consultation with children.



TRENDS IN RATIFICATION



First four ratifications

Angola
Burkina Faso
Mauritius
Seychelles

Cape Verde

ACRWC
adopted

1990

1992

1993

Côte d'Ivoire
Comoros
Burundi
Namibia

2004

Tanzania

2003

Equatorial Guinea
Ethiopia
Sierra Leone

50% of AU states ratified

2002

Madagascar
Ghana
Sudan
Algeria

2005

Congo Republic

2006

Gabon
Liberia

75% of AU states ratified

2007

“What we have learned is that for the treaties to mean something for children, we should challenge the courts and duty bearers to be true to the words of what they have ratified.”

Karabo Ozah

Director, Centre for Child Law,
University of Pretoria



49 of 55
states in the
African Union
have ratified
the ACRWC

6 states

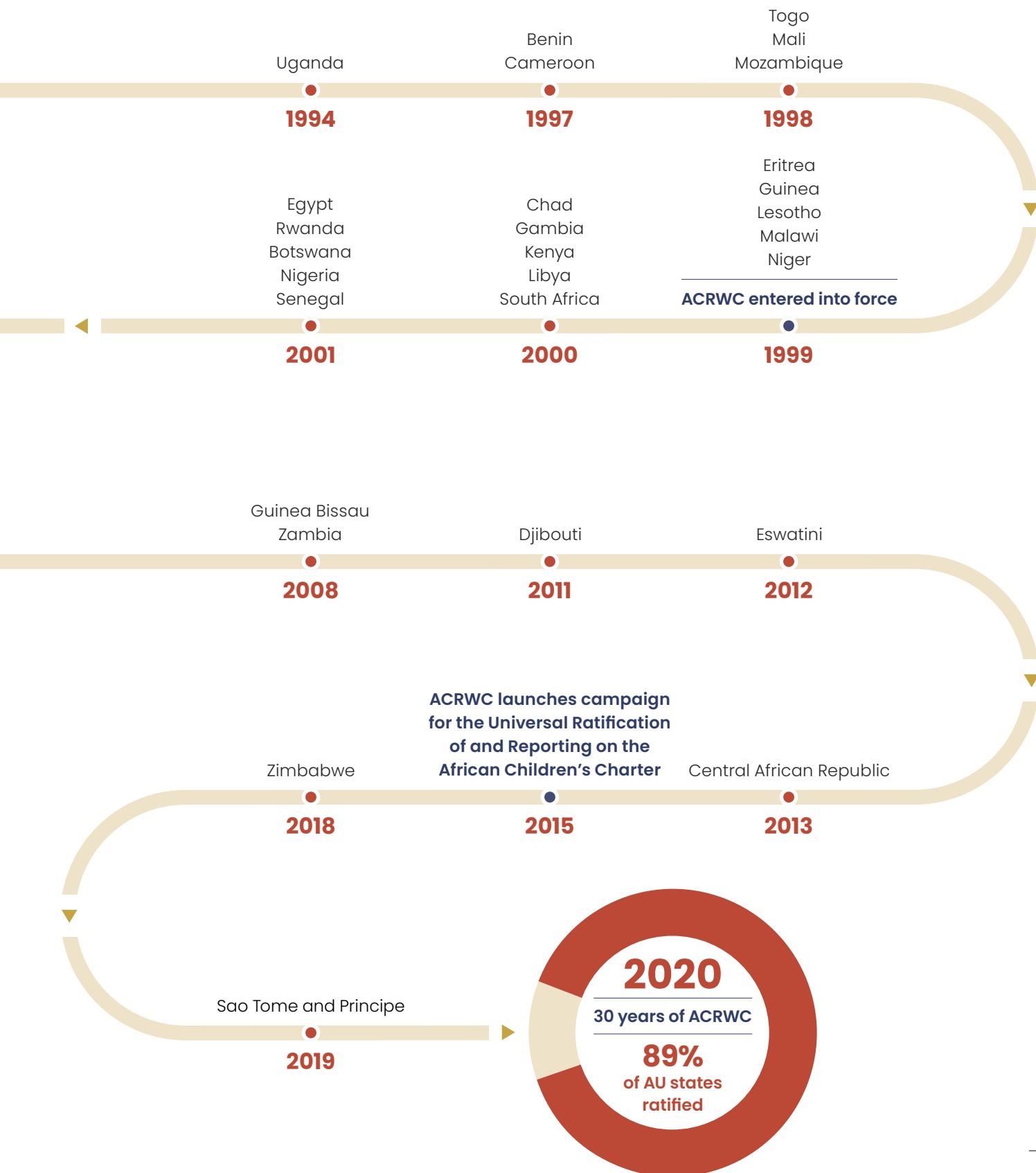
have not yet ratified:

- Democratic Republic of Congo
- Morocco
- Sahrawi Arab Democratic Republic
- Somalia
- South Sudan
- Tunisia

4 states

have expressed reservations to parts
of the Charter, and do not consider
themselves bound by certain articles:

- Botswana (Article 2)
- Mauritania (Article 9)
- Sudan (Articles 10, 11 & 21)
- Egypt (Articles 24, 30, 44 & 45)

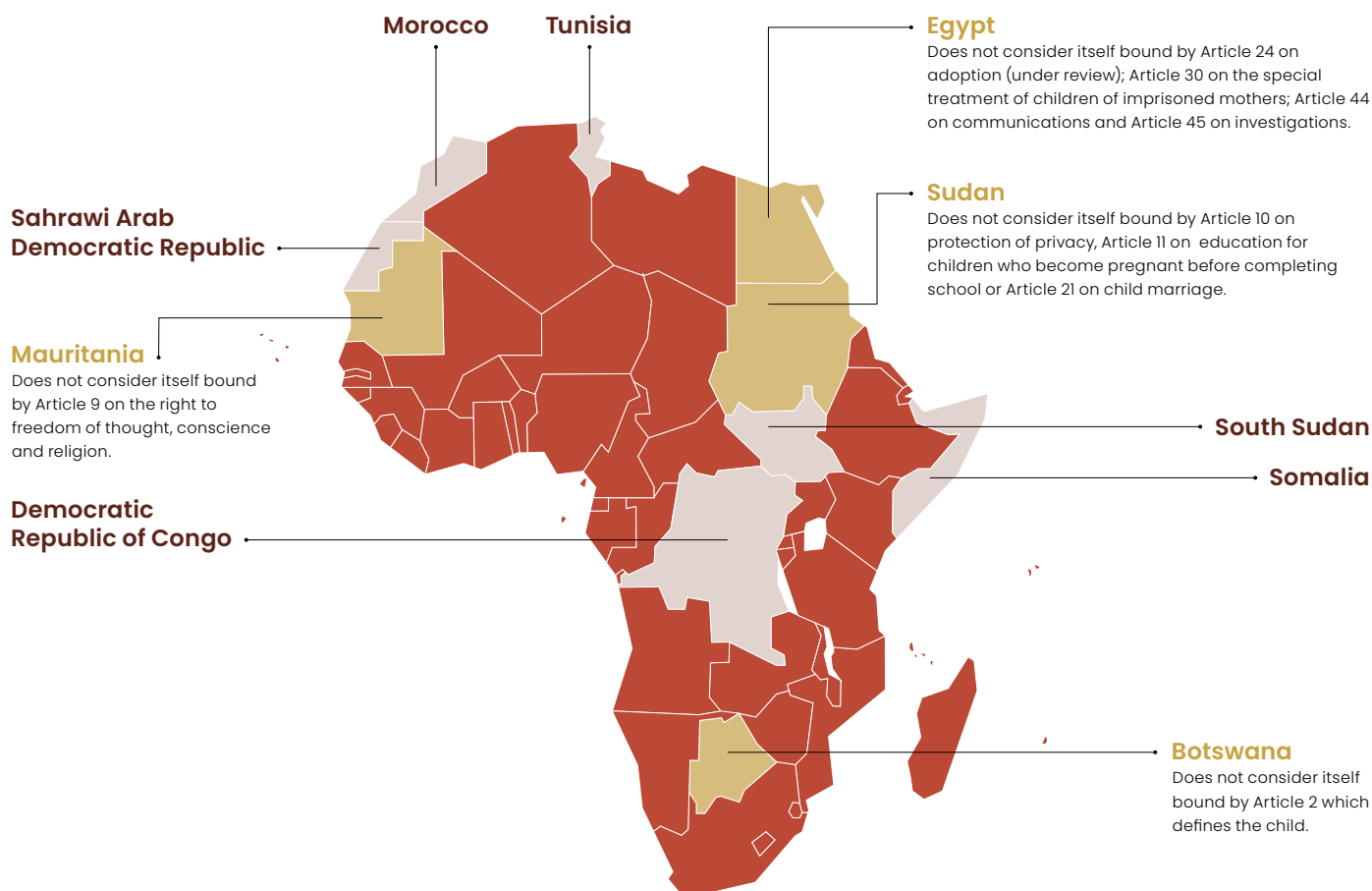


NON-RATIFICATION, RESERVATIONS AND REPORTING

“The ratification status should be considered as progress given that the document had a slow start, finally coming into force nearly a decade after its adoption due to low uptake in the early days.”

The African Children’s Charter at 30:
Taking stock, Rekindling commitment

- CURRENT NON-RATIFYING COUNTRIES
- CURRENT RESERVATIONS TO THE ACRWC



CURRENT STATUS OF REPORTING



Only 10 states have submitted one or more periodic report as required under their ratification obligations



Burkina Faso



Cameroon



Guinea Bissau



Kenya



Niger



Nigeria



Rwanda



South Africa



Tanzania



10 out of 49

countries have failed to submit an initial report, as required under their ratification obligations

Botswana
Central African Republic
Cape Verde
Djibouti
Equatorial Guinea
Gambia
Guinea Bissau
Mauritius
Sao Tome and Principe
Seychelles



PART TWO

THE CHARTER TODAY

// Children remain vulnerable due a number of factors, chief among which are high levels of poverty. Therefore, it is important that more resources are allocated to children's programming in order for every child to enjoy their rights."

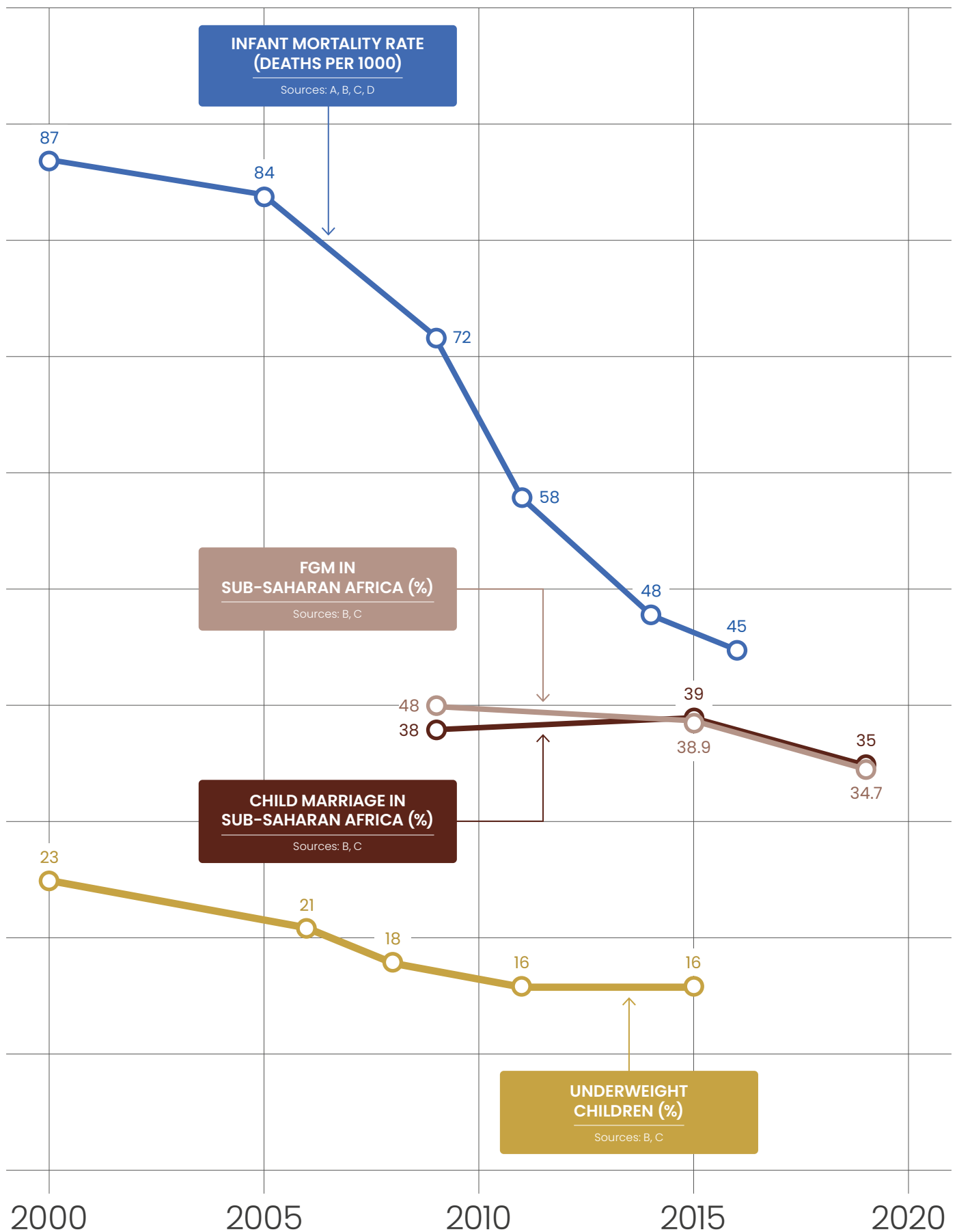
Rev Taylor Nyanhete

National Director,
Zimbabwe National Council
for the Welfare of Children

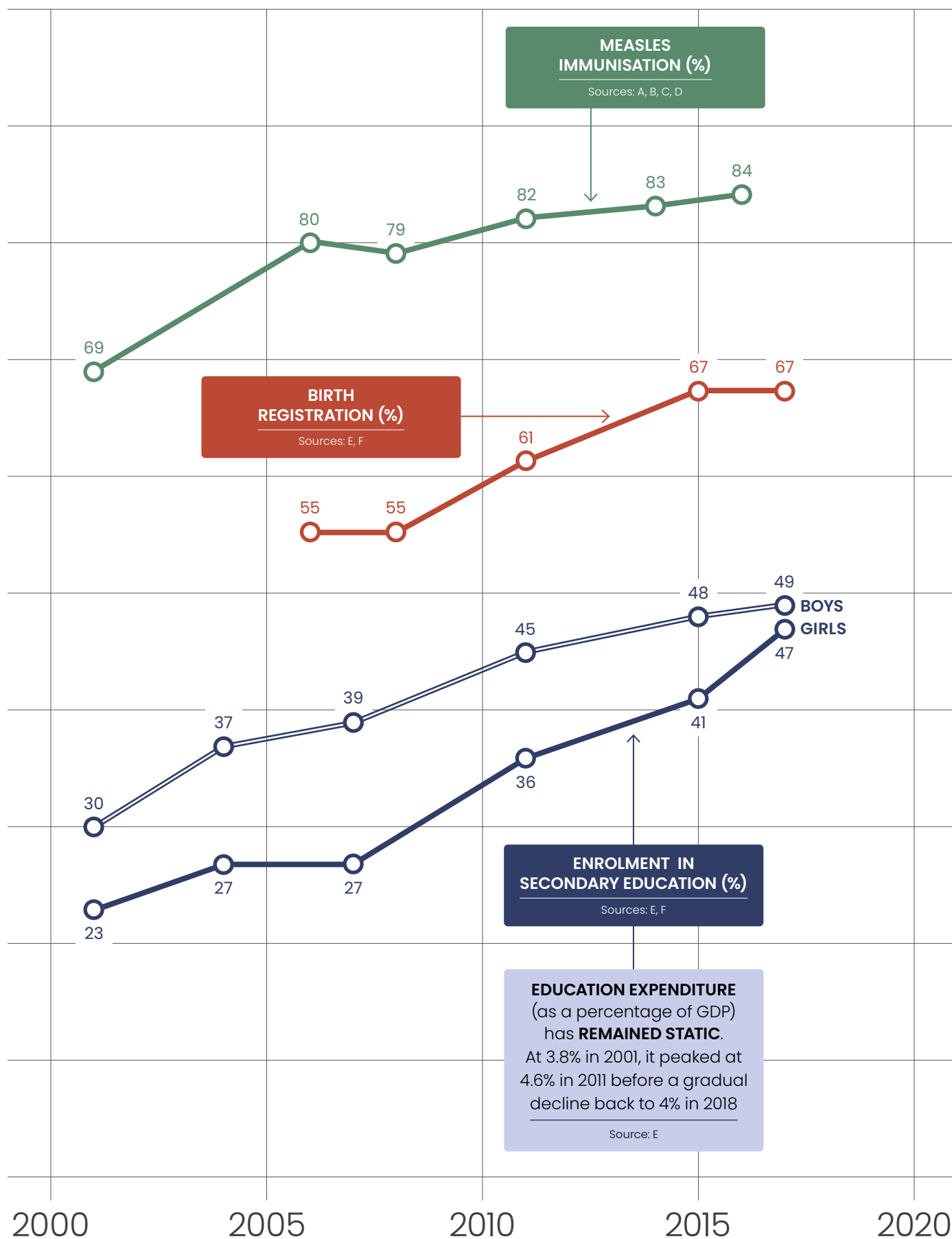


TRENDS IN KE

DECREASING NEGATIVES...

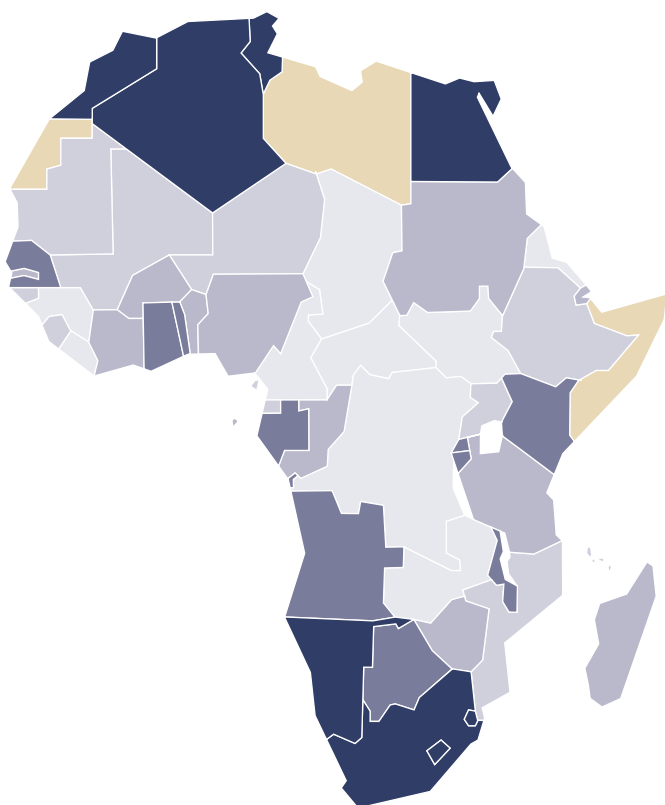


INCREASING POSITIVES...



CHILD-FRIENDLINESS INDEX

The CFI ranks African countries against a number of criteria including protection policies and laws, public spending on child rights, and the participation of children in decision making. It also takes into account how far states are meeting the obligations of the ACRWC.



“A child-friendly government is one which is making the maximum effort to meet its obligations to respect, protect and fulfil children’s rights and ensure their wellbeing. This includes (i) efforts made to adopt, implement and enforce laws and policies for the protection of children; (ii) public expenditure committed to children’s basic needs and how effectively it achieves concrete child wellbeing outcomes; and (iii) efforts made to include children in decisions that affect their wellbeing.”

The African Report on Child Wellbeing:
Progress in the child-friendliness of African governments, 2018

CATEGORY	COUNTRY	RANK	SCORE
MOST CHILD-FRIENDLY	Mauritius	1	0.8424
	Algeria	2	0.7846
	Tunisia	3	0.7823
	South Africa	4	0.7794
	Cabo Verde	5	0.7440
	Egypt	6	0.7416
	Namibia	7	0.7301
	Seychelles	8	0.7156
	Eswatini	9	0.7057
	Morocco	10	0.6995
	Lesotho	11	0.6774
CHILD-FRIENDLY	Gabon	12	0.6311
	Botswana	13	0.6176
	Ghana	14	0.5911
	Senegal	15	0.5648
	Kenya	16	0.5539
	Togo	17	0.5532
	Angola	18	0.5508
	Burundi	19	0.5453
	Rwanda	20	0.5383
	Malawi	21	0.5300
FAIRLY CHILD-FRIENDLY	Djibouti	22	0.5261
	Benin	23	0.5127
	Burkina Faso	24	0.5099
	Congo (Brazzaville)	25	0.5070
	Madagascar	26	0.5022
	Sudan	27	0.4930
	Côte d'Ivoire	28	0.4821
	Nigeria	29	0.4729
	Gambia	30	0.4701
	São Tomé and Príncipe	31	0.4683
	Zimbabwe	32	0.4659
	United Republic of Tanzania	33	0.4542
LESS CHILD-FRIENDLY	Equatorial Guinea	34	0.4541
	Mali	35	0.4500
	Mozambique	36	0.4399
	Comoros	37	0.4382
	Sierra Leone	38	0.4313
	Mauritania	39	0.4263
	Uganda	40	0.4245
	Niger	41	0.4175
	Guinea-Bissau	42	0.4072
	Ethiopia	43	0.4037
LEAST CHILD-FRIENDLY	Eritrea	44	0.3726
	Guinea	45	0.3707
	Democratic Republic of Congo	46	0.3658
	Liberia	47	0.3619
	Zambia	48	0.3515
	Cameroon	49	0.3420
	Chad	50	0.3142
	Central African Republic	51	0.3136
	South Sudan	52	0.1429

3 ELEMENTS OF CHILD PROTECTION SYSTEMS

“Several violations of child rights, are a result of failing systems. Systems already exist in many State Parties but need to be strengthened to enable them to address evolving challenges.”

The African Children’s Charter at 30:
Taking stock, Rekindling commitment

Strong child protection systems are able to pick up issues specific to vulnerable groups of children such as refugees, asylum seekers, those at risk of statelessness, orphaned children, children with disabilities, children in armed conflict and unaccompanied children, among others.

Three elements of an integrated systems approach:

- * **legal foundation or basis**
- * **comprehensive and rights-based policy framework**
- * **common, unifying, comprehensive and rights-based national policy bringing together all stakeholders**

7 STRATEGIES

STRENGTHENING CHILD PROTECTION SYSTEMS IN THE EAST AFRICAN COMMUNITY (EAC):
UGANDA, RWANDA, TANZANIA, BURINDI & KENYA



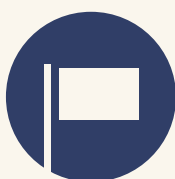
Develop a regional **framework for assessing** the status of Child Protection Systems in the Partner States



Promote the development and implementation of **family strengthening** and protection policies in Partner States



Support the promotion of **role of parents** as the primary care givers in the Partner States



Establish alternative family based care systems and expansion of kinship, foster care and other family reintegration services



Strengthen community and national **mechanisms** for child protection



Develop standards on Child Protection Service Delivery



Ensure **convergence** of national **plans and programmes** aimed at the prevention and elimination of all forms of Child Rights violations

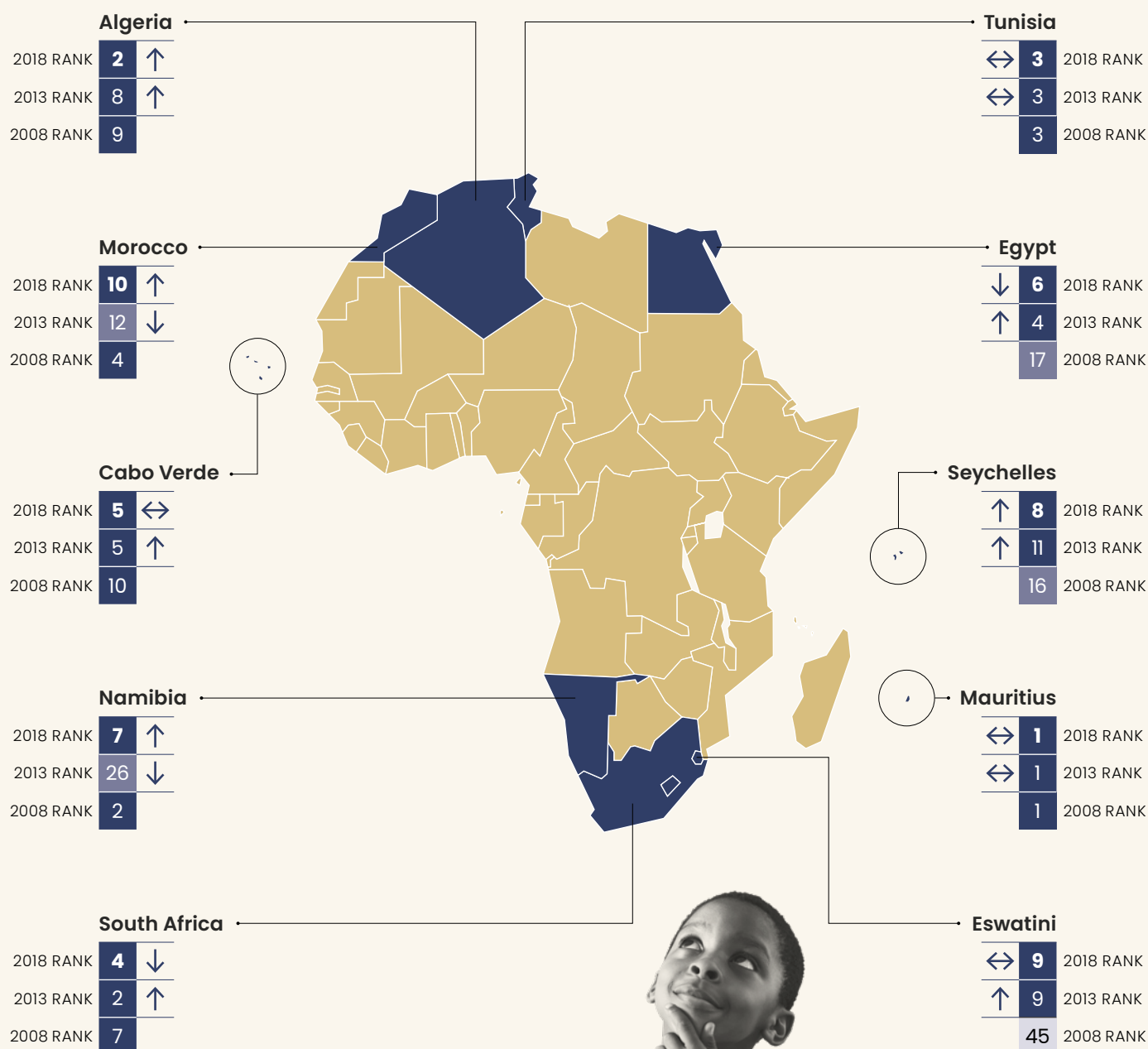


UPS & DOWNS

COUNTRY CFI PERFORMANCE OVER TIME



THE TOP TEN MOST CHILD-FRIENDLY COUNTRIES



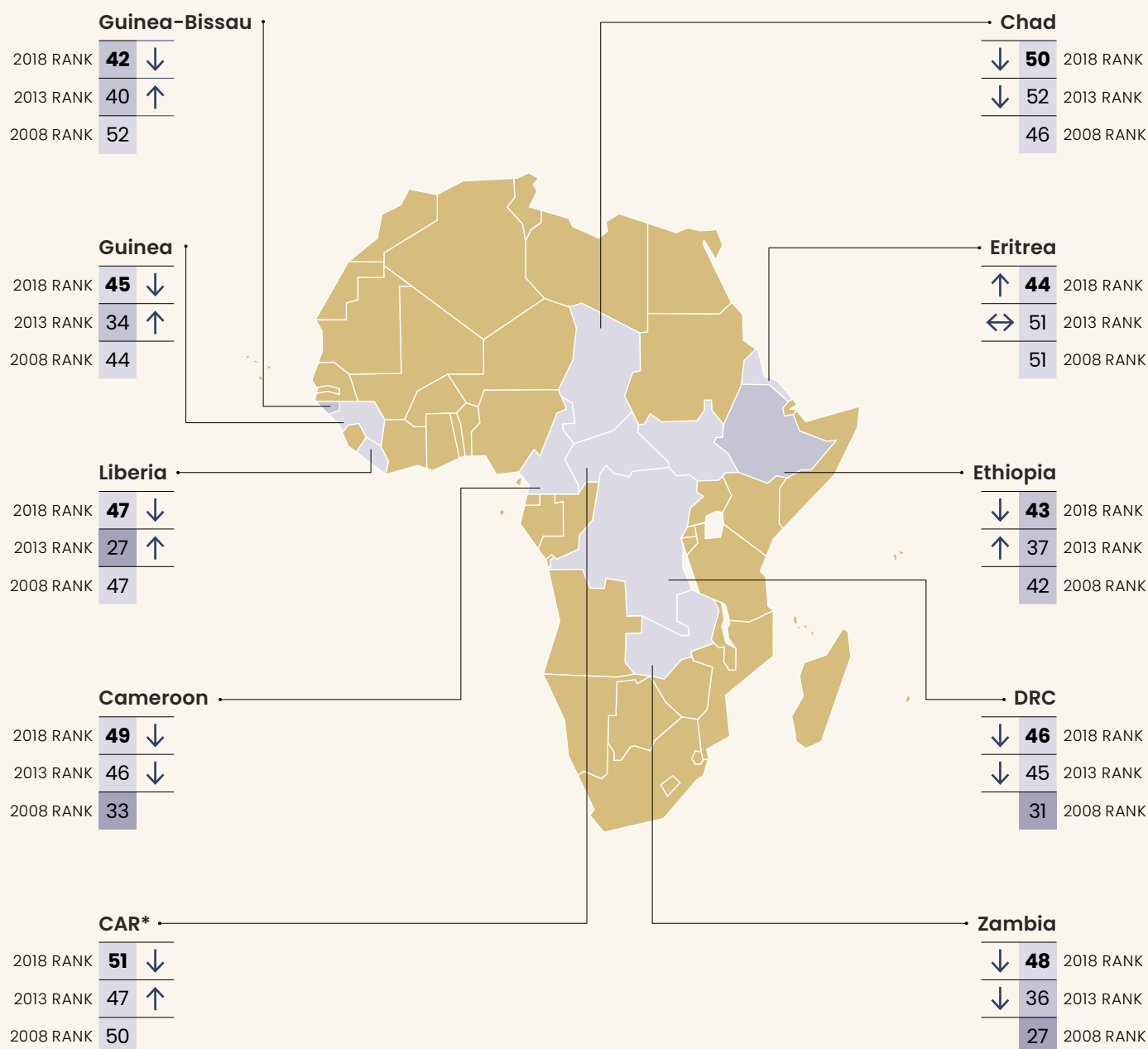
“African governments should reflect on the experiences of countries that have consistently remained child-friendly. These experiences include sustained efforts in the legal, budgetary and political realms, through accelerating legal reforms and enforcement; and substantial increases in national budgets for programmes benefiting children, particularly those addressing inequality.”

H.E. Joaquim Chissano

Chairperson, ACPF's International Board of Trustees (2004-2012) and former President of Mozambique



THE TOP TEN LEAST CHILD-FRIENDLY COUNTRIES



*South Sudan was ranked 52 (bottom) in the 2018 CFI but was not included in the 2008 or 2013 rankings

PART THREE

REKINDLING COMMITMENT



The 30-year journey of the African Children's Charter is punctuated with glimpses of progress. However, given the dire need of protection for African children, it is only appropriate that the 30-year milestone be largely viewed as a time to rekindle commitment to the implementation of the Charter by calling all stakeholders to action."

Progress and challenges in the 30 years
of the African Children's Charter



“The main objective of the Agenda is to restore the dignity of the African child [and] establish long-term strategies that will contribute towards sustaining and protecting children’s rights in Africa.”

ACRWC

10 ASPIRATIONS

1

The African Children’s Charter, as supervised by the African Children’s Committee, provides an effective continental framework for advancing children’s rights

2

An effective child-friendly national legislative, policy and institutional framework is in place in all member States

3

Every child’s birth and other vital statistics are registered

4

Every child survives and has a healthy childhood

5

Every child grows up well-nourished and with access to the basic necessities of life

6

Every child benefits fully from quality education.

7

8

Every child is protected against violence, exploitation, neglect and abuse

9

Children benefit from a child-sensitive criminal justice system

10

Every child is free from the impact of armed conflicts and other disasters or emergency situations

African children’s views matter

AFRICA’S AGENDA FOR CHILDREN 2040

Adopted in 2015 to mark the 25th Anniversary of the adoption of the African Children’s Charter, the Africa’s Agenda for Children 2040: Fostering and Africa Fit for Children is a key milestone and achievement by the ACRWC in terms of protection of child rights in Africa.



CALL TO ACTION

10 PRIORITY AREAS

2

Ensure **active and sustained participation** of children in public and governance issues by guaranteeing the **right to participation** in laws and policies, removing social and cultural barriers.

1

Strengthen commitment to the ACRWC by ensuring **universal ratification, withdrawal of reservations**, timely submissions of **state party reports** and **standing invitations** to the ACRWC to conduct country visits.

3

Strengthen the enforcement of laws that **prohibit harmful cultural practices**, and implement broader interventions such as public education and awareness raising, engagement with religious and community leaders, and provision of protection and support services.

4

Strengthen independent child rights monitoring by **establishing children's ombudspersons** or bolstering the capacity of NHRIs to adequately focus on children's rights.

5

Actively **collaborate with CSOs, CBOs and the private sector** by ensuring their involvement in the development and implementation of policies, laws, budgets and programs that affect the realisation of children's rights.



6

Adopt **model laws** on specific areas that need alignment with Charter provisions to assist States that are in need of such technical support.

7

Continue to adopt **general comments** as a method to elaborate the extent of state party obligations in respect of all obligations enshrined in the Charter.

9

Continue to elaborate on the concept of **children in vulnerable circumstances** in Africa, set agenda around it and require State Parties to report specifically on these circumstances as they obtain in their territories.

8

Accelerate efforts to **follow-up on the implementation** of recommendations that come out of all of the African Children's Committee's supervisory mechanisms.

10

Commission studies and research on the **impact of the Covid-19 pandemic** on the enjoyment of child rights in Africa and devise strategies for State Parties to mitigate the impact and find a way to report on them and to share best practices.

“The African Children’s Charter has some shortcomings. It does not provide for disability as a basis for non-discrimination. It does not expressly mention FGM as a harmful practice and does not have any provisions relating to children who are members of the LGBTIQ+ community. These shortcomings prevent the African Children’s Charter from achieving its full potential.”

Progress and Challenges in the 30 years of the African Children’s Charter





African Child Policy Forum (ACPF)

The African Child Policy Forum (ACPF) is an independent, not-for-profit, Pan-African institute of policy research and dialogue on the African child. ACPF was established with the conviction that putting children first on the public agenda is fundamental to the realisation of their rights and wellbeing, and to bringing about lasting social and economic progress in Africa.

ACPF's work is rights based, inspired by universal values, informed by global experiences and knowledge, and committed to internationalism. Its work is guided by the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and other regional and international human rights instruments.

ACPF aims specifically to contribute to improved knowledge on children in Africa; to monitor and report progress; to identify policy options; to provide a platform for dialogue; to collaborate with governments, intergovernmental organisations and civil society in the development and implementation of effective pro-child policies and programmes; and to promote a common voice for children in Africa and elsewhere.

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