

The Social, Economic and Cultural Rights of Children in Africa

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*Challenges and Reflections from the Perspective of the
African Charter on the Rights and Welfare of the Child*

Edited by

Elvis Fokala, Usang Maria Assim and Nkatha Murungi



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Foreword

The year 2024 marks the 100th anniversary of the first mention of Children's rights at the global level. This first mention was in the 1924 Declaration on the Rights of the Child adopted by the League of Nations (LoN). Though not binding, it is worth noting that the Declaration was critical in identifying children as a human group with rights in need of protection. Thus, setting the scene and tone on which the preceding children's rights Declarations and Treaties were established. Since the collapse of the LoN, and the formation of the United Nations (UN), after the second world war, so much has happened to elevate the recognition and protection of children as bearers of rights both at the global and the African regional levels. In 1959, to affirm its commitment to children, the UN adopted the 1959 Declaration on the Rights of the Child and later, in 1989, the UN Convention on the Rights of the Child (UNCRC) was adopted.

The UNCRC is a renowned UN treaty which includes a great collection of children's civil, political, economic, social and cultural rights – and establishes a committee to monitor its implementation. Several countries, including all African countries are State parties to the UNCRC. Notwithstanding Africa's commitment to the UNCRC, the African Union, in 1990, adopted the African Charter on the Rights and Welfare of the Child (African Children's Charter), which, albeit with some salient provisions, is strikingly similar in terms of scope and rights protection with the UNCRC. The Charter entered into force in November 1999. Thus, 2024 marks its 25th anniversary since it came into force. Both instruments (the UNCRC and the African Children's Charter) enjoy a complimentary relationship in Africa.

This book is a commemoration of these twin anniversaries of the protection of children's rights in Africa. The book focuses on the Socio-economic and cultural rights (SECRs) of children in Africa, it demonstrates and provides a contextual analysis, including regional case review, of the extent to which selected children's SECRs have been interpreted and protected at the regional level. The book also zooms into contemporary issues such as climate change, COVID-19, investing and budgeting to ensure the proper implementation of children's SECRs in Africa. The book is unique and is the first collection of African academic literature which spotlights children's SECRs in the African Children's Charter. It contributes to and extends the epistemology of existing books and publications on children's rights in Africa.

The book is an important step in advancing the understanding of how children's rights in general can be appreciated and applied to achieve real protection and promotion of children's SECRs in particular. It fosters pan-African

conversations about how the law, including international human rights treaties, can be used to effectively protect children's rights. It improves the realisation of gender equality in the protection of the rights of girls and boys in Africa, especially in the context of access to education and health facilities. It contributes to improve the thinking of how States budget and invest in children's rights, it harbours the potential to sufficiently conscientise States, scholars, students, researchers and policy-makers of the importance of children's SECRs in Africa.

Sandra Liebenberg

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Acknowledgments

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Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
ACPF	African Child Policy Forum
AU	African Union
BIA	Bridge International Academies
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CFI	Child-Friendliness Index
COP	Conference of Parties
COVID	Coronavirus Disease
CPI	Corruption Perception Index
CRBP	Children's Rights and Business Principles
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
DBE	Department of Basic Education
DFID	Department for International Development
DHS	Demographic and Health Surveys
DRC	Democratic Republic of Congo
EPI	Expanded Programme on Immunisation
ESC	Economic, Social and Cultural
GATS	General Agreement on Trade in Services
GC	General Comment
GDP	Gross Domestic Product
GFI	Girl-Friendliness Index
HDI	Human Development Index
HLPE	High Level Panel of Experts
IBP	International Budget Partnership
ICRW	International Centre for Research on Women
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation
IIAG	Ibrahim Index of African Governance
ILO	International Labour Organization
IMF	International Monetary Fund
JRC	Joint Research Centre
LoN	League of Nations

MDA	Ministries, Departments and Agencies
MDG	Millennium Development Goals
MICS	Multiple Indicators Surveys
NCDS	Noncommunicable diseases
NGO	International Governmental Organisation
NSNP	National School Nutrition Programme
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPERA	Outcomes, Policy Efforts, Resources and Assessment
SAI	Supreme Audit Institution
SAPS	Structural Adjustments Programmes
SDG	Sustainable Development Goal
SERS	Socio-Economic Rights
SES	Socio-Economic Status
UNCRC	United Nations Convention on the Rights of the Child
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
USD	United States Dollar
WFS	World Food Summit
WHO	World Health Organisation

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