



African Charter  
on the Rights and  
Welfare of the Child

**Reflect • Renew • Recommit**



## **The African Charter on the Rights and Welfare of the Child at 35:**

Progress, challenges, and the way forward



**ACERWC**  
African Committee of Experts on  
the Rights and Welfare of the Child



An Organ of the  
**African Union**

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# **The African Charter on the Rights and Welfare of the Child at 35:**

Progress, challenges, and the way forward



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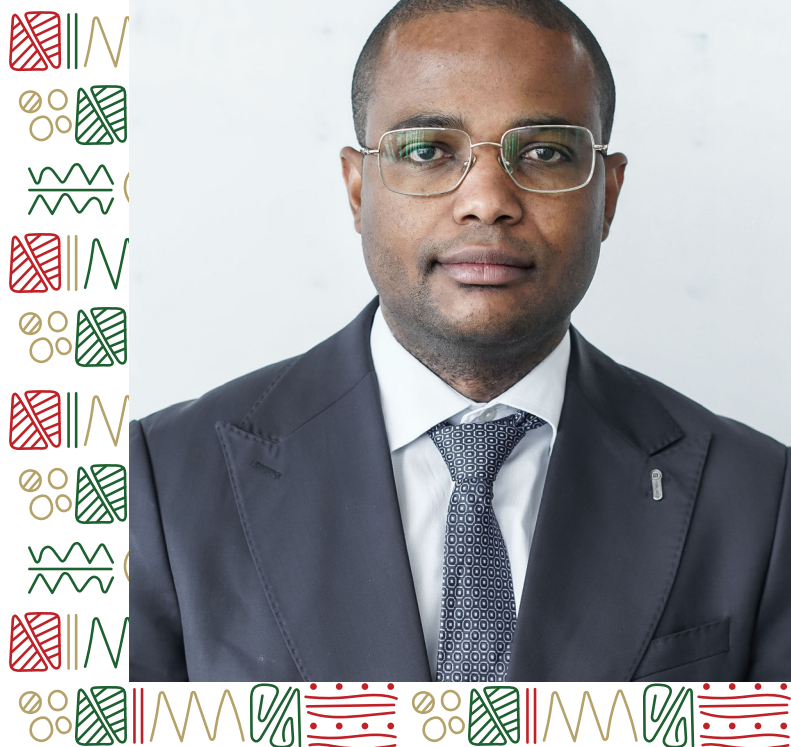
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# Foreword

Thirty-five years ago, in 1990, African leaders adopted the African Charter on the Rights and Welfare of the Child, making a commitment that the rights of children of this continent would be respected, protected, and fulfilled. The Charter speaks to the unique economic, social, and cultural realities of African children, such as child marriage and the prevalence of harmful social and cultural practices, armed conflict, and child labour. It also promotes positive African values such as the responsibility of the child, the protection of the family, and the right to leisure, recreation, and cultural activities.

In the years since its adoption, there has indeed been progress, and the first is indeed the near universal ratification of the Charter by 51 of the 55 African Union Member States. Many Member States have reformed their constitutions, adopted child-friendly laws, and strengthened national protection systems. Across Africa, more children are enrolled in school, more are registered at birth, and growing up in an environment where they can thrive and reach their full potential.

However, even as we celebrate, we must confront the reality that many children still live outside the promise of the Charter. The 35th anniversary, therefore, is not only a commemoration; it is a call to action. It is a call to reflect and introspect on the work, progress and challenges thus far; to renew our resolve; and to recommit to the aspirations that inspired the development of the Charter.

This commemorative publication, **The African Charter on the Rights and Welfare of the Child @ 35: Progress, challenges, and the way forward**, embodies that spirit. It includes the perspectives of a range of partners and key stakeholders, including children themselves, taking stock of progress and persisting challenges, highlighting best and innovative practices, reflections on the status of children's rights, and charting a path forward.

As you read through the publication, may it inspire renewed commitment to keep pushing for an Africa Fit for Children.

**Hon. Wilson Almeida Adão**

ACERWC Chairperson



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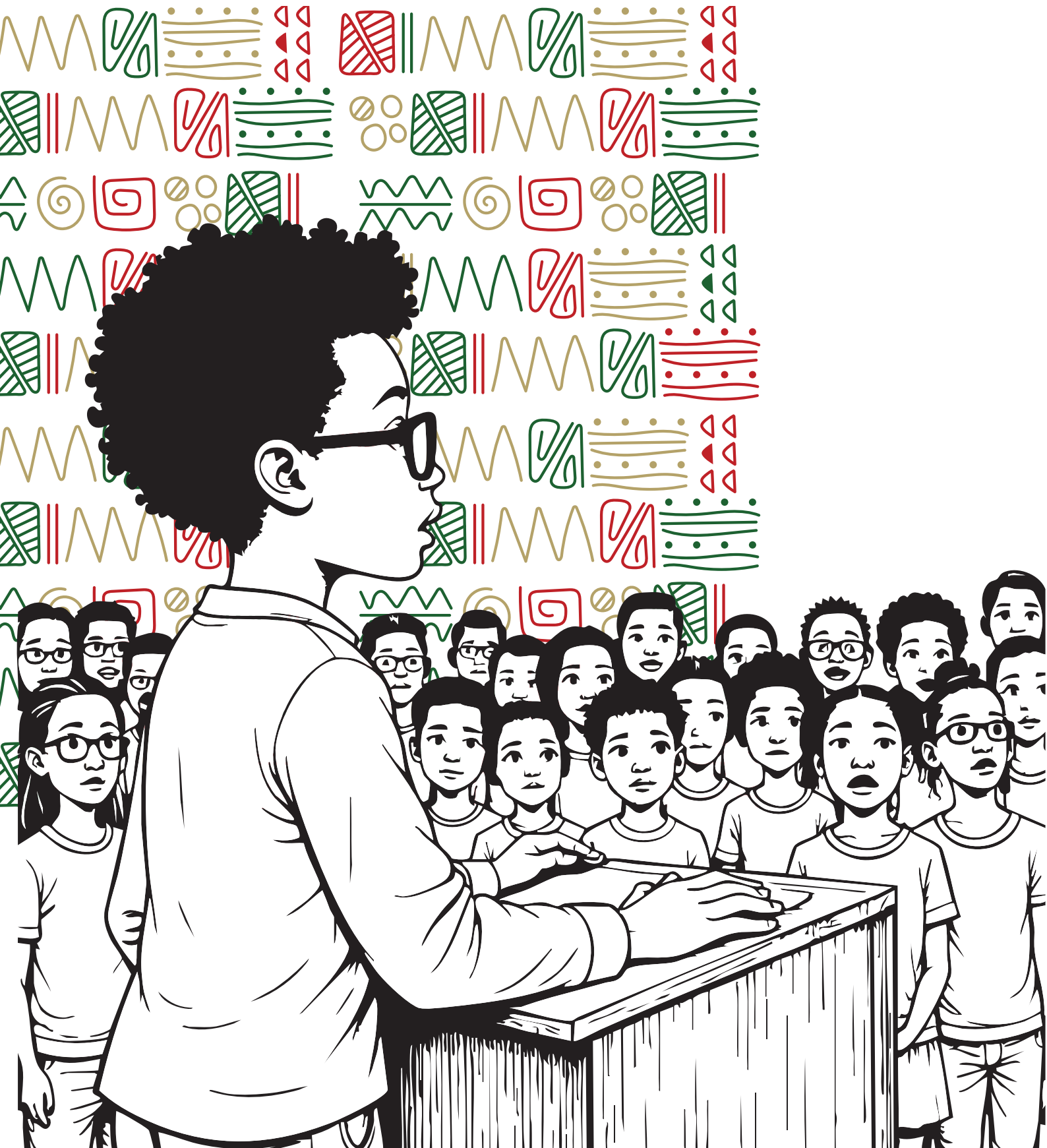
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# Children's Perspectives





## THE POWER OF CHANGE



## TO THE RIGHT OF SELF EXPRESSION

By Ivy Phiri 14 yrs  
& Agalliah Lobeni 15 yrs

From: MALAWI



## Self-expression

Ivy Phiri (14) and Agalliah Lobeni (15), from Malawi

WHAT A WORLD!

Through my crispy voice I cry  
From my problems I wish I could fly  
To refrain I try  
Living a life full of misery  
I wish this could all be history

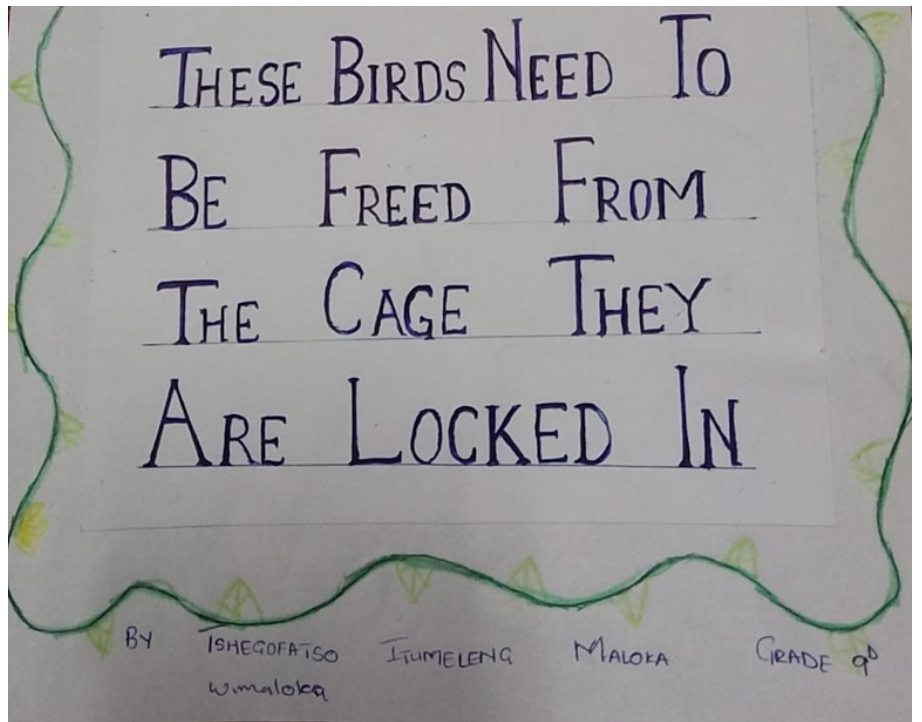
You are only a child they say  
Tell me my rights if you may  
From the beliefs of this world I sway  
Stuck to their beliefs like clay

What a world!  
They tell me follow your dreams  
Education is key  
In my case that's not me  
Expressing my feelings, I cannot do

My rights have now become my lights  
Through them I eradicate my frights  
Now! Gone are those nights



**Tshegofatso  
Itumeleng Maloka  
(Grade 09, South  
Africa)**



*Children the angels of the World,  
Who rings peace and harmony  
Those with the heart of a bird  
That needs to spread its wings  
Up high to the future*



*But the unheartless defeats and  
Attacks those with a beautiful heart  
Full of peace and harmony,  
The peacemakers  
The future of tomorrow that we  
Ruin by being heartless*



# Children & Civil Rights





# Children involved in the urban informal economy in Africa: A synopsis

African Child Policy Forum (ACPF)

## Introduction

Children's involvement in hazardous and exploitative economic activities is a violation of their fundamental rights to protection and development stipulated in the African Charter on the Rights and Welfare of the Child (ACRWC) and other global child rights instruments.

As we celebrate the 35<sup>th</sup> anniversary of the adoption of the ACRWC, 87 million children on the continent are toiling in child labour.<sup>1</sup> Almost all of them (99.1 percent) work in the informal economy, which is largely unregulated and unsafe for children.<sup>2</sup> A considerable proportion of these working children are engaged in informal sectors operating within urban centres, but not much is known about their situation and measures being taken to prevent these children from engaging in hazardous and exploitative work. Prepared with that evidence gap in mind, this contribution highlights the state of children in the urban informal sector in Africa and examines the root causes of the problem. It also sheds light on the legal, policy and programmatic interventions undertaken by governments so far, and measures that need to be taken to strengthen protection.

## Methodology for data collection

The primary data was collected using in-depth interviews and Focus Group Discussions with working children and their parents, as well as in-depth interviews with representatives of government and non-government organisations in four African cities, namely Kinshasa (DRC), Lagos (Nigeria), Freetown (Sierra Leone) and Ouagadougou (Burkina Faso). The secondary data was solicited from reliable global and regional databases, research findings, and reports to complement the case studies.

## Key findings

The informal sector within urban settings in which children are predominantly involved varies by country, depending on geographical location and other social and economic conditions. Waste picking and recycling, for example, is among the most common sectors where children are exposed to toxic substances and harmful pathogens. In coastal cities, many children engage in artisanal fishing, another hazardous and labour-intensive sector in which they work for long hours in dangerous conditions without safety gear. Children are frequently exposed to rough waters, harsh weather, and the risk of drowning. Fish smoking presents a hazard, particularly for girls who are overly exposed to dense smoke and heat due to the inefficient smoking ovens used, which pose a serious health risk. Street vending and domestic work

1 ILO and UNICEF (2025). Child Labour Global estimates 2024: Trends and the road forward. New York: International Labour Organization and United Nations Children's Fund.

2 ILO (2023). Understanding informality and child labour in sub-Saharan Africa. Geneva: International Labour Office.



are also prominent sectors in urban settings in which girls are mainly involved and exposed to physical, emotional, and sexual abuse.

Working conditions vary considerably across sectors. Generally, all informal sectors in urban centres are characterised by inadequate safety, high risks of injuries, longer hours of work, physical and mental fatigue, and poor remuneration. The voices of children working in the urban informal sector solicited during the research corroborate these realities. They described their working conditions as cumbersome, tiring, scary, risky and boring.

Low wages are common in the urban informal sector, where most of the working children earn less than USD 3 per day, the current international poverty line revised by the World Bank in June 2025. This clearly shows that children's earnings would not cover the cost of basic needs. Further, most children involved in urban informal sectors work for six hours or more per day, showing working conditions that are not appropriate for their age. Most of them do not get time to rest during work, leading to fatigue and increasing their risk of injuries.

About 41 million children in Africa are engaged in hazardous work, with an immense toll on their physical and psychological well-being.<sup>3</sup> Exposure to hazards is generally high in almost all sectors, and older boys (15-17 years) in the quarrying and construction sectors are more likely to experience injuries than younger ones.<sup>4</sup> While boys often face physically demanding tasks, girls are disproportionately pushed into hidden sectors like domestic work, where they are exceptionally vulnerable to sexual harassment,

abuse, and exploitation with little to no recourse to protection. In addition to physical and sexual abuse, many children suffer from anxiety related to household income and challenges of coping with the increasing cost of living.

Children's involvement in the informal sector is a result of multiple, intertwined socio-economic, cultural and political factors. It is also a reflection of gaps in child protection systems meant to prevent and protect them from engaging in hazardous and exploitative work in the sector. In many urban centres of Africa, poverty and high unemployment rates, compounded by a galloping cost of living, have made it unbearable for poor households. Children in these households are compelled to work in dangerous conditions to support their families, often at the expense of their schooling, and consequently, their future life opportunities.

The Labour and Employment Acts of most countries in Africa have provisions intended to uphold internationally accepted principles and rights at work, irrespective of the sector. These Acts, in most cases, allow children to perform light work and guarantee their protection from economic exploitation and involvement in hazardous work to their health or physical, mental, spiritual, moral, or social development. Many countries have social and economic policies that promote greater household income and access to public services such as healthcare and education. However, enforcement of these laws and policies remains weak in most countries, partly due to the absence of dedicated agencies to address the situation of children in these sectors.

3 ILO (2021). Child labour statistical profile: Africa. Available at: [Statistical\\_Profile\\_01\\_Africa\\_ENGLISH\\_FINAL\\_20220114\\_NEW.pdf](#).

4 Ibid.



## Measures needed to be taken to strengthen protection of children in urban informal sector

Ensuring that the informal economic sector is safe for children goes beyond respecting the human rights of children and upholding the fundamental principles and rights at work. It is about realising inclusive and sustainable development that benefits disadvantaged families to provide for their children. It requires a rights-based and integrated approach which tackles the problem from multiple fronts and addresses the root causes.

National governments, as the primary duty bearers, should strengthen child protection in the informal sector through enhancing implementation of laws, policies and regulations pertaining to child labour, allocating adequate resources for implementation and through multi-sectoral coordination. Such efforts should also be complemented by building the capacity of labour inspectorates mandated to conduct regular inspections in informal workplaces and impose meaningful penalties for violators. National governments should also expand social protection programmes to poor families with children in urban areas to ease their financial burden and reduce reliance on children's labour. They should also expand and scale up school feeding programmes including in secondary schools.

Civil society organisations are important actors in promoting the rights of working children, including through policy advocacy, strategic litigation, and facilitation of dialogue among key stakeholders.

Trade unions and workers' associations need to promote adherence to labour laws and regulations, including in the informal sector to ensure safe working conditions and improve protection of rights at work. They should also promote corporate responsibility in businesses to support initiatives aimed at addressing the root causes of child labour in both formal and informal sectors.

The private and corporate sectors also have a critical responsibility to ensure their supply chains are free of child labour through initiating community-based programmes that address the driving factors and expanding opportunities for vocational training and acquisition of marketable skills.

Finally, the involvement of children in the urban informal sector is not an isolated incident but a systemic crisis unfolding due to the unregulated growth of urban centres in which the informal economy has become the default survival mechanism for millions. Nearly every country has national laws designed to protect children from economic exploitation. However, these legal frameworks are rendered meaningless by weak and inconsistent enforcement, and chronically under-resourced labour inspectorates are unable to extend regulatory oversight into the vast informal economy. The 35<sup>th</sup> anniversary of the adoption of the ACRWC offers an opportunity to revisit efforts made so far and recommit to strengthening children's protection from hazardous and exploitative labour and supporting them to pursue their education and dreams for a better future.



## Beyond tokenism: Reimagining child participation in Africa's digital age

Charles Nyukuri

### Introduction

The 35<sup>th</sup> anniversary of the African Charter on the Rights and Welfare of the Child (ACRWC) is a moment for celebration and reflection. Africa is the world's youngest continent.<sup>5</sup> By 2050, African children will constitute over one-third of all children globally.<sup>6</sup> This demographic reality demands governance structures that are responsive to their rights. While the Charter has spurred significant legal reforms, its core principle of child participation remains significantly underdeveloped.<sup>7</sup> For too long, child participation has been relegated to tokenism, a practice that is both ineffective and disempowering.<sup>8</sup> This article argues that the time for symbolic gestures is over. The dawn of 2025 demands a radical reimagining of child participation. The rise of digital technology provides an unprecedented opportunity to move beyond the limitations of traditional engagement. This paper asks: How can technology transform this right from principle to practice? It will explore the legal

basis for participation, critique the persistence of tokenism, and propose a forward-looking model utilising technology to create inclusive and safe participatory spaces for all African children, particularly girls.

### The legal foundation for participation: A right, not a privilege

A child's right to be heard is firmly grounded in international and regional law, notably the UN Convention on the Rights of the Child and the ACRWC. The Charter mandates that the "best interests of the child" shall be the primary consideration, a standard impossible to meet without listening to children themselves.<sup>9</sup> More explicitly, Article 7 guarantees every child the right to express their opinions and to have those opinions considered.<sup>10</sup> The ACERWC's General Comment No. 5 further obligates states to create mechanisms for this participation.<sup>11</sup>

African courts have started to reinforce this principle. In the Kenyan case of **J.O. v S.A.O.**,<sup>12</sup> the Court of Appeal emphasised ascertaining a child's wishes in custody matters, reflecting a judicial shift towards treating children as rights-holders. However, this interpretation is often confined to judicial proceedings. The broader spirit of the law, envisioning children as active

5 See: <https://www.unfpa.org/resources/demographic-dividend-atlas-africa-tracking-potential-demographic-dividend#:~:text=About%2060%20per%20cent%20of,United%20Nations%202017%20World%20Population>

6 See: <https://www.uneca.org/stories/blog/blog-as-africa%E2%80%99s-population-crosses-15-billion,-the-demographic-window-is-opening>

7 Amanda Llyod, 'A theoretical analysis of the reality of children's rights in Africa: An introduction to the African Charter on the Rights and Welfare of the Child' 2 African Human Rights Law Journal, (2002), 16.

8 Laura Lundy, 'In defence of tokenism? Implementing children's right to participate in collective decision-making' 25(3) Childhood, (2018), 340.

9 ACERWC (Adopted 11 July 1990, entered into force 29 November 1999) OAU Doc CAB/LEG/24.9/49 (1990), art 4(2).

10 Ibid, art 7.

11 ACERWC, 'General Comment No.5 on state party obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and Systems Strengthening for Child Protection' (2018)), 13.

12 [2016] KECA 55 (KLR).



agents in their communities and in national policy-making, is yet to be fully realised.

## The challenge of tokenism and the data of disenfranchisement

Tokenism, the superficial effort to be inclusive, is a pervasive barrier in the child rights sector.<sup>13</sup> It is the youth representative at a high-level summit given five minutes to speak but excluded from substantive discussions. An Afrobarometer survey found that while many young people feel they can make a difference locally, a significant majority feel their national governments do not listen to them.<sup>14</sup> Tokenism creates the illusion of being heard without the reality of influence.

For the girl child, this is dire. In many communities, cultural norms hinder girls from speaking up.<sup>15</sup> When they do, their concerns about critical issues like early marriage or menstrual health support in schools are often sidelined. The result is policies that fail to address the realities of nearly half the child population. Furthermore, the lack of a legal identity, with over 90 million children under five in Africa lacking a birth certificate, renders them invisible to the state and unable to formally participate or access services.<sup>16</sup>

## The digital frontier: A game-changer for participation

Technology offers a powerful antidote to tokenism and exclusion. Mobile-based digital surveys and polls can gather opinions from thousands of children, offering a scalable way to generate quantitative data that is difficult for policymakers to ignore, especially as mobile penetration across Africa is projected to reach 81% by 2030.<sup>17</sup> Beyond data collection, secure, moderated online forums allow children, especially girls, to discuss sensitive topics like online safety or sexual violence while protecting their identity. The rise of social media has also demonstrated its power for child-led advocacy, allowing young people to organize and amplify their voices globally.

However, this digital frontier is not without its perils. The digital divide remains an evident reality. According to the ITU, internet usage in Africa was only 40% in 2023, with vast urban-rural disparities. This risks creating a new form of exclusion where only privileged children can participate. Internet shutdowns, as seen in several countries, can abruptly sever these participatory channels. The ECOWAS Court of Justice, in its ruling on Nigeria's Twitter ban (*SERAP v. Federal Republic of Nigeria*),<sup>18</sup> correctly identified such shutdowns as a violation of freedom of expression, a right linked to participation.

<sup>13</sup> Ibid, note 4.

<sup>14</sup> See: [https://www.afrobarometer.org/wp-content/uploads/2022/02/ad418-african\\_publics\\_say\\_governments\\_must\\_address\\_needs\\_of\\_youth-afrobarometer\\_dispatch-11jan21.pdf](https://www.afrobarometer.org/wp-content/uploads/2022/02/ad418-african_publics_say_governments_must_address_needs_of_youth-afrobarometer_dispatch-11jan21.pdf)

<sup>15</sup> See: <https://www.unicef.org/wca/stories/interview-sahels-resilient-adolescent-girls-voices>

<sup>16</sup> See: <https://www.unicef.org/wca/press-releases/more-half-worlds-unregistered-children-under-5-africa-unicef>

<sup>17</sup> See: [https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-economy/wp-content/uploads/2024/11/GSMA\\_ME\\_SSA\\_2024\\_Web.pdf](https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-economy/wp-content/uploads/2024/11/GSMA_ME_SSA_2024_Web.pdf)

<sup>18</sup> (ECW/CCJ/JUD/0710).



## Country realities from ESA to WACA

A one-size-fits-all approach to digital participation will fail; strategies must be adjusted to diverse contexts. In Kenya, a leader in the East and Eastern Southern Africa region's digital economy,<sup>19</sup> this duality is more pronounced. The country boasts a progressive legal framework, with its Children Act of 2022 and landmark judicial decisions like **J.O. v S.A.O.**, reinforcing the child's right to be heard. This creates a fertile ground for digital engagement. With internet penetration exceeding 85%,<sup>20</sup> the potential for digital platforms for civic education and policy feedback is immense. For instance, youth-led digital movements have powerfully demonstrated their capacity to influence national debate, as seen in recent nationwide protests organized largely on social media platforms.<sup>21</sup>

Across the continent in West and Central Africa (WACA), Nigeria, with Africa's largest youth population, presents a different challenge. Despite over 230 million smartphone connections,<sup>22</sup> it has over 20 million out-of-school children.<sup>23</sup> A dual approach is needed: high-tech solutions for urban youth, alongside low-tech tools like SMS or Interactive Voice Response to reach marginalised children and ensure digital participation does not widen existing inequalities.

In the conflict-affected WACA region, technology is often a lifeline, not a tool for policy debate. Simple platforms like UNICEF's

U-Report, running on basic SMS, have been used to send life-saving information and gather feedback from displaced youth on their protection needs. In these fragile settings, the priority is using secure, accessible technology to ensure children's voices inform humanitarian response.

## The way forward

To harness these opportunities and mitigate risks, Africa needs a clear, actionable roadmap. The African Union can draw inspiration from models like the EU's Strategy on the Rights of the Child, which established a dedicated platform to integrate children's views into policy-making. The ACERWC should champion a similar, Africa-centric approach by spearheading an AU Guideline on Meaningful Child Participation linked to an institutionalized AU Child and Youth Participation Platform.

This recommitment must be anchored in our foundational legal texts. First, we must modernise Article 7 of the Charter (Freedom of Expression) through an additional protocol or general comment that explicitly defines a State Party's duty to provide safe and inclusive digital and non-digital platforms for participation in all matters affecting children.

Second, we must re-examine Article 31 (Responsibilities of the Child). This unique article can be evolved from a list of obligations into an enshrinement of active citizenship. We propose amending Article 31 to include the child's right

19 See: [https://www.trade.gov/country-commercial-guides/kenya-digital-economy#:~:text=environment%2C%20major%20purchasers\)-,General%20Trends,compared%20to%20the%20previous%20year.](https://www.trade.gov/country-commercial-guides/kenya-digital-economy#:~:text=environment%2C%20major%20purchasers)-,General%20Trends,compared%20to%20the%20previous%20year.)

20 Ibid.

21 See: <https://www.csis.org/analysis/taking-charge-gen-z-leads-historic-protests-kenya>

22 See: <https://ichikowitzfoundation.com/storage/reports/September2024/GSLcmLTnruHzhTrluDOV.pdf>

23 See: <https://education-estimates.org/out-of-school/>



and responsibility to contribute constructively to public life, transforming a passive duty into an active right of engagement. This would provide a powerful, Afro-centric legal basis for demanding structured participation opportunities, directly implementing Aspiration 10 of Africa's Agenda 2040.

## Conclusion

The Charter was a visionary document that saw the child not as an object of protection, but as a subject with rights. Africa's youth are not a future potential; they are a present force. By ethically and strategically leveraging the digital age, we can collapse the boundaries of geography and tokenism, building governance systems where children's participation is a constant, dynamic part of our democratic fabric. Creating an Africa fit for children requires moving beyond speaking for them and finally creating the platforms where they can speak for themselves. The time to renew our commitment is now.



## Strategic public litigation for advancing children's civil rights in East Africa

### East African Law Society

#### Introduction

Thirty-five years after the adoption of the African Charter on the Rights and Welfare of the Child (ACRWC),<sup>24</sup> East Africa finds itself at a critical juncture in assessing progress in advancing children's civil rights. The East Africa Law Society (EALS), a regional bar association, has been instrumental in this journey. Through strategic public interest litigation, advocacy, and partnerships, EALS has consistently promoted the rights of children, influencing both policy and jurisprudence across the region.<sup>25</sup> This article explores EALS's contributions to children's civil rights in East Africa, examining successes, ongoing challenges, and forward-looking legal strategies. It also considers the Charter's 35-year legacy, emphasising the critical role of regional actors in safeguarding children's rights.

#### The influence of the African Children's Charter in the EAC

Inspired by the ACRWC, the East African Community (EAC) adopted the EAC Child Policy in 2016,<sup>26</sup> and EALS has actively contributed to the development and implementation of this policy

through consultations, policy submissions, and research. Significant progress has been made in the region, including the adoption of new child protection laws such as Uganda's Children's Act (Amendment) 2016,<sup>27</sup> which collectively strengthen protections against child abuse, trafficking, child labour, and child marriage. Digital safety initiatives have also been implemented, exemplified by the EAC Data Governance Policy Framework and Rwanda's Law on the Protection of Personal Data and Privacy (2021),<sup>28</sup> both of which aim to ensure safe and accessible digital environments, including for children.

Despite this, persistent gaps remain in children's civil rights. These include the criminalisation of minors, weak enforcement of online safety measures,<sup>29</sup> high rates of sexual and gender-based violence, child marriage,<sup>30</sup> limited cross-border child protection, and inadequate participation mechanisms for children in decision-making. Structural obstacles such as lack of implementation of judicial decisions and political resistance continue to impede the full realisation of these rights. EALS addresses some of these ongoing gaps through strategic litigation, advocacy, capacity building, and partnerships, translating the Charter's provisions into concrete protections for children.

24 African Charter on the Rights and Welfare of the Child (1990) OAU Doc CAB/LEG/24.9/49.

25 EALS Annual Reports 2019–2024

26 East African Community, 'EAC Child Policy' (2016). <https://ovcsupport.org/wp-content/uploads/2017/04/FinalEACChildRightsPolicy2016.pdf>

27 Uganda's Children's Act (Amendment) 2016. <https://mglsd.go.ug/wp-content/uploads/2019/05/The-Children-Amendment-Act-2016.pdf>

28 Law N° 058/2021 of 13/10/2021 relating to the protection of personal data and privacy, Article 9.

29 Safe Online Global, Disrupting Harm: Evidence-Based Actions to Protect Children Online (2024) [https://safeonline.global/wp-content/uploads/2024/11/Disrupting-Harm\\_Evidence-Based-Actions-Final.pdf](https://safeonline.global/wp-content/uploads/2024/11/Disrupting-Harm_Evidence-Based-Actions-Final.pdf) accessed 19 September 2025.

30 UNICEF, Child Marriage: The Law (UNICEF 2020) <https://www.unicef.org/media/86311/file/child-marriage-the-law-2020.pdf> accessed 19 September 2025.



## Strategic public interest litigation: EALS's signature approach

Strategic public interest litigation has enabled EALS to pursue systemic reforms rather than isolated remedies.<sup>31</sup> A central focus of this approach is challenging laws and practices that criminalise children and adolescents. In ***Idd Aman v. The United Republic of Tanzania*** before the African Court on Human and Peoples' Rights (AfCHPR)<sup>32</sup>, EALS contested provisions that criminalise consensual sexual conduct among adolescents, framing it as a violation of children's rights under regional and international standards. This litigation underscores the principle that children are entitled to age-appropriate justice systems prioritising rehabilitation and protection over punishment, requiring the alignment of national laws with the ACRWC and the removal of provisions that stigmatise minors.

EALS has also intervened in cases at the East African Court of Justice (EACJ) challenging internet shutdowns, for example, ***East Africa Law Society v Attorney General of Uganda & Secretary General of the EAC***,<sup>33</sup> establishing that children's digital rights to information and expression must be protected.

## Training and in-person events: Bringing child rights to practice

Beyond litigation, EALS, through its training arm—the EALS Institute—conducts in-person capacity-building programs, equipping lawyers, judges, and child protection officers with specialised knowledge on children's rights. In 2024, in Tanzania and Uganda, EALS, in partnership with the Centre for Reproductive Rights, convened government actors, civil society organisations, and lawyers to advance sexual and reproductive health rights through legal advocacy.<sup>34</sup> These engagements addressed high maternal mortality, teenage pregnancy, sexual and gender-based violence, child marriage, and unmet needs for contraceptives. EALS and the Centre for Reproductive Rights also trained lawyers and child protection officers on accessing and litigating before the ACERWC, with a particular emphasis on follow-up mechanisms of decisions rendered by the Committee.<sup>35</sup>

At the national level, EALS continues to liaise with Tanzania's Ministry of Constitutional and Legal Affairs and the Commission for Human Rights and Good Governance to facilitate implementation of regional courts' judgments and recommendations. These initiatives bring together state and non-state actors, mainstreaming children's rights within legal reform and enforcement strategies.

31 Strategic public interest litigation refers to legal actions taken to achieve systemic change, addressing violations that affect broader populations rather than just individual claimants. See EALS Annual Reports (2019–2024).

32 *Idd Aman v. The United Republic of Tanzania* (AfCHPR Case No 025/2017) <https://www.african-court.org/cpmt/details-case/0252017>, accessed 19 September 2025.

33 East African Court of Justice, Reference No. 12 of 2021: *East Africa Law Society v Attorney General of Uganda & Secretary General of the EAC*.

34 EALS Annual Reports (2023–2024)

35 Ibid.



## Advocacy and partnership-building: Beyond the Courtroom

Litigation is complemented by a robust agenda of advocacy, capacity building, and partnerships. EALS works closely with civil society and national organizations to monitor rights violations and drive coordinated responses across the region. With its current observer status before the African Committee of Experts on the Rights and Welfare of the Child, EALS is uniquely positioned to influence regional policy discussions and amplify the voices of children at the continental level. This multi-pronged approach ensures that legal victories translate into tangible, long-term improvements in the lives of children across East Africa.

In addition, EALS has established a Family Law Committee, one of whose core mandates is to advocate for the protection and promotion of children's rights at the regional level. The Committee plays a pivotal role in developing policy recommendations, conducting legal research, and engaging with EAC institutions and partner states to harmonise family and child-related laws. It also works closely with civil society organisations to ensure that regional and national frameworks reflect international and African child rights standards, thereby strengthening the protection of children across East Africa.

## Forward-looking legal strategies

Building on past successes, EALS proposes several strategies to strengthen children's civil rights in East Africa. These include:

- **Follow-up mechanisms on regional court decisions** and ensure that rulings are effectively monitored, implemented, and domesticated at the national level.
- **Harmonise domestic laws with the Charter** particularly those that uphold children's civil rights with a focus on juvenile justice, online safety, and education rights.
- **Expand strategic litigation** by addressing emerging challenges affecting children, including the impact of climate change, statelessness, and cross-border trafficking.
- **Advocate for an EAC Child Rights Protocol** to promote regional policy coherence through a standardised Protocol across all EAC member states.
- **Leverage technology for accountability** through using digital platforms to document rights violations, promote awareness, and engage children and communities in monitoring and reporting.

## Conclusion

EALS's strategic public litigation has addressed critical issues such as child criminalisation and digital rights, influenced regional and national jurisprudence, and advanced systemic reforms. By combining litigation, advocacy, and partnerships, EALS demonstrates that children's civil rights are actionable commitments. Moving forward, its proactive strategies, emphasis on regional coherence, and engagement with technology ensure that the Charter's promises will continue to be realised for future generations.



## Advancing the vision of the African Charter on the Rights and Welfare of the Child: The Graça Machel Trust's contribution to children's rights and agency

Graça Machel Trust

### Introduction

The Graça Machel Trust (GMT) stands among the institutions translating the vision of the African Charter on the Rights and Welfare of the Child into measurable action. Through multi-country programming and advocacy, the GMT champions children's rights, amplifies children's voices, and creates enabling environments for their full potential to be realised. Its interventions demonstrate the enduring relevance of the Charter while highlighting the critical role of civil society in bridging gaps where government capacity remains constrained.

### Advancing the ACRWC's vision through the Pan African Adolescent Girls' Movement

The African Charter on the Rights and Welfare of the Child set out a holistic vision for children's survival, development, protection, education, and participation. Yet, three and a half decades later, progress remains uneven, particularly for the more than 145 million adolescent girls across Africa, more than half of whom are out of school or already married or parenting by age 19.<sup>36</sup>

The GMT responds to this gap with a rights-

based approach that recognises girls not as passive beneficiaries, but as agents of change. Through innovative programming in education, health, protection, and civic participation, GMT equips girls to navigate and dismantle the barriers they face. At the core of this strategy is the Pan-African Adolescent Girls' Movement (the Movement), which provides safe spaces, nurtures leadership, and promotes policy engagement. The Movement empowers girls to drive change in their own lives and communities, while influencing decisions and policies that shape their futures.

### Addressing the gaps through programmes

#### Education gaps

Across Africa, an estimated 98 million children of primary and secondary school age remain out of school,<sup>37</sup> with girls disproportionately affected. GMT's accelerated learning and back-to-school initiatives provide second-chance education pathways, ensuring that out-of-school children, especially girls, are reintegrated into formal education systems. In Tanzania, the first phase of the Mara Out-of-School Project established 421 centres across nine districts, trained 786 educators, and distributed over 87,000 learning materials, resulting in the enrolment of 23,000 girls and a 97% pass rate in the 2018 national examination. Building on this success, the Back2School Project (2022–2023) scaled the accelerated learning model to Ethiopia, Kenya, and Tanzania, while also identifying the critical need for enhanced professional development for contract teachers under the COBET scheme. These initiatives

<sup>36</sup> <https://openknowledge.worldbank.org/entities/publication/942dd13d-f2e0-444f-bbf9-3920481a80b9>

<sup>37</sup> UNESCO Institute for Statistics (UIS) & Global Education Monitoring Report. (2023). Education Data Release 2023. Paris: UNESCO.



safeguard the right to education and help disrupt the intergenerational cycle of poverty.

Notably, the Pan-African Adolescent Girls' Movement has become a practical demonstration of the ACRWC's principles of child participation, non-discrimination, and development. Launched in 2021, the Movement has expanded into eight countries (South Africa, Zimbabwe, Kenya, Ethiopia, Tanzania, Zambia, Malawi, and Mozambique), reaching over 5,000 adolescent girls and young women to date. Evaluation findings show compelling outcomes: 98.28% of adolescent girls report a stronger sense of responsibility, while 68.97% express greater confidence in their value and capabilities.<sup>38</sup> These indicators underscore how structured platforms for peer learning and leadership directly translate into enhanced self-agency and resilience.

## Child health and nutrition

Malnutrition continues to undermine Africa's human development trajectory, with one in three children under five stunted.<sup>39</sup> Between 2014 and 2021, GMT implemented a comprehensive nutrition programme aimed not only at improving immediate health outcomes for mothers and children under five, but also at enhancing long-term educational attainment and productivity.

The programme operated in Malawi, Mozambique, and Tanzania, yielding significant policy and systemic impact. In Malawi, it influenced the inclusion of a dedicated chapter on nutrition in the National Growth and Development Plan. In Tanzania, it contributed

to a 3% increase in the national health budget allocation for nutrition. At the regional level, GMT facilitated the establishment of the East and Southern Africa Scaling Up Nutrition Civil Society Network in 2017, which has since grown into a vibrant community of 18 national Civil Society Alliances representing over 1,400 members and strengthening coordination and advocacy for nutrition across borders. By linking nutrition interventions to education systems, the GMT strengthens the nexus between health and learning, ensuring children's holistic development as envisaged under the Charter.

## Protection and well-being

Despite notable policy reforms, millions of children across Africa remain exposed to violence, exploitation, and harmful practices. Current data indicates that 34% of African girls are married before their 18th birthday,<sup>40</sup> while nearly 120 million girls and women globally, most of them in Africa, have undergone female genital mutilation.<sup>41</sup> GMT's programmes explicitly challenge these barriers by creating safe spaces for children, advancing community dialogue, and ensuring that children's lived realities inform advocacy at national and continental platforms. For example, the Movement has established Nests across all countries of operation, dedicated safe hubs where adolescent girls can gather to develop self-awareness, leadership skills, and community engagement within a nurturing environment. These initiatives strengthen girls' confidence, capabilities, and critical consciousness, empowering them to recognise their agency and drive positive change in their communities.

38 Graça Machel Trust (GMT). (2024). Pan-African Adolescent Girls' Movement Monitoring & Evaluation Report. Johannesburg: GMT

39 UNICEF, WHO, & World Bank Group. (2022). Levels and Trends in Child Malnutrition: Key Findings of the 2022 Edition of the Joint Child Malnutrition Estimates. New York: UNICEF

40 UNICEF. (2023). Child Marriage: Latest Trends and Future Prospects. New York: UNICEF

41 UNICEF. (2023). Female Genital Mutilation (FGM) Data Portal. New York: UNICEF



## From grassroots to continental advocacy

A defining feature of the GMT's approach is its commitment to positioning children, particularly adolescents, as active participants in governance and policy processes. Girls supported by GMT have engaged in continental advocacy spaces such as the African Union Girls' Summit, Gender Is My Agenda Campaign, ACERWC CSO Children's Forum, Africa Children's Summit, Africa Climate Summit and the Day of the African Child commemorations, ensuring that their perspectives influence agenda-setting at the highest levels.<sup>42</sup> This aligns with the Charter's emphasis on participation as a right, not a privilege.

The Movement further institutionalises this principle through a Steering Committee composed exclusively of adolescent girls, serving as national advisory bodies for all Movement activities within the eight countries. These Committees represent girls in key policy discussions at both community and national levels, ensuring that their voices shape decisions that affect their lives.

## The Charter at 35: Civil Society as a Bridge

As the ACERWC marks its 35th anniversary, the work of the Graça Machel Trust offers evidence that civil society organisations are indispensable actors in realising the Charter's aspirations. By linking grassroots interventions with regional advocacy, bridging protection with empowerment, and sustaining the visibility of children's voices, GMT continues to affirm

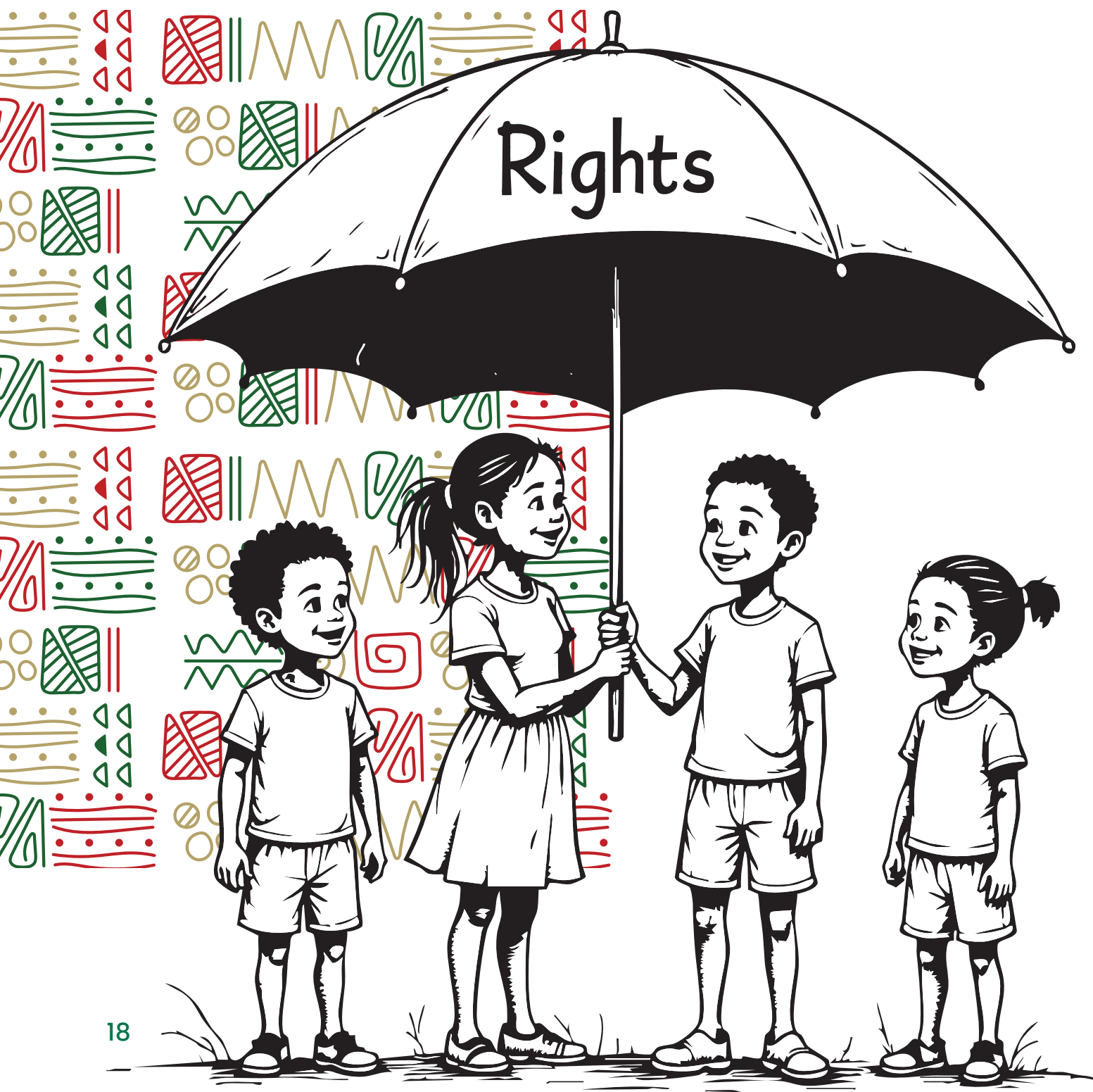
the Charter's vision: that every African child is recognised as a rights holder and agent of change.

The next 35 years will demand accelerated action, particularly in addressing climate induced vulnerabilities, digital inequalities, and persisting structural gender norms. Yet the lessons from GMT's practice are clear: when children are empowered, protected, and heard, they do not just survive, they lead.

<sup>42</sup> African Committee of Experts on the Rights and Welfare of the Child (ACERWC). (2021). State of the African Child Report. Addis Ababa: African Union.



# Children's Rights & Social Protection





## 35 years of the African Children's Charter: Reflections and the way forward

UNICEF: Eastern and Southern Africa Region

### Introduction

This year marks 35 years since the African Charter on the Rights and Welfare of the Child came into force, a milestone in Africa's collective promise to protect and promote the rights of every child. As we commemorate this anniversary, it is timely to reflect on how far Eastern and Southern Africa has come, where progress has been most significant, and what challenges remain to fully realise the Charter's vision. This regional reflection highlights achievements and lessons that continue to shape the journey towards Africa's Agenda for Children 2040: An Africa Fit for Children.

### Notable progress and system shifts

Over the past 35 years, countries in Eastern and Southern Africa have made important strides in transforming children's lives.

- Health and survival: Under-five mortality has declined significantly, though the region still bears some of the highest global rates. Immunisation coverage has expanded dramatically, with new vaccines (HPV, PCV, Malaria, Rotavirus, and a second dose of MCV) introduced across the region. Coverage rose from 24% in 2000 to 71% in 2023. Most countries have eliminated maternal and neonatal tetanus, with South Sudan expected to be validated by 2025; only Angola and Somalia remain. Community health has been elevated, with 19 countries adopting national strategies and 11 allocating domestic resources. Malawi, Ethiopia, Mozambique, and South Sudan are pathfinders for integrated health financing under the Gavi, Global Fund, and GFF "one plan, one budget, one monitoring system" approach.
- Education: Access to pre-primary education has expanded, with two in three children now enrolled the year before primary school, and gender parity is strong. Uganda and Malawi are scaling community-based early learning; Ethiopia and Madagascar are piloting accelerated school readiness for children with disabilities; and Rwanda's multisectoral ECD model integrating nutrition, parenting, and early learning is inspiring similar investments across the region. At the primary level, Kenya's Tusome programme has helped millions of early learners gain reading skills, while Ethiopia's national reading campaigns and remedial learning in Eritrea are strengthening foundational literacy. Teaching at the Right Level (TaRL) is being rolled out in six countries.
- Nutrition and social protection: Countries are adopting multisectoral nutrition plans, with Kenya, Madagascar, and Malawi achieving reductions in stunting through community-based services. The First Foods Africa initiative is being implemented region-wide, with seven frontrunners designing social marketing and private-sector partnerships. South



Sudan and Angola have scaled pilot cash transfers into national safety nets, and Zambia has committed to recruiting thousands of social workers to strengthen protection systems.

- Protection and resilience: Progress has been made in care reform, with expansion of family-based care and steps to end violence against children. Child-sensitive measures are increasingly integrated into national climate action plans. In the Horn of Africa, innovative groundwater mapping has enabled Kenya and Somalia to identify sustainable water sources for drought-prone communities, while solar electrification of clinics and schools is improving service continuity in fragile areas.

These advances represent the tangible results of 35 years of collective effort, guided by the Charter's enduring vision of a continent where children not only survive but thrive.

## Innovative practices and lessons learned

A clear lesson from the past 35 years is the power of integration. Tanzania's simplified birth registration system, linked with health outreach, shows how combining services can reduce inequities. Linking health, nutrition, ECD, and protection at the community level has also proven catalytic in reaching children in fragile contexts.

Another lesson is the value of political anchoring. Zambia's foundational learning reforms and Ethiopia's education campaigns demonstrate that system-wide change is durable when

embedded in national priorities.

Community voices have been pivotal. Partnerships with women-led groups and youth networks have helped tackle HIV, child marriage, and gender-based violence. Digital platforms and logistics innovations from integrated LMIS to solar-powered vaccine storage have improved efficiency and last-mile reach.

## Persistent and emerging challenges

Despite progress, the Charter's 35th anniversary also reminds us how much remains to be done. Millions of children remain excluded from essential services due to poverty, conflict, displacement, or climate shocks. Nearly nine in ten children cannot read by age 10, and malnutrition and stunting remain stubbornly high. New risks are emerging, including online exploitation and climate-driven displacement.

Most critically, the gap between commitments and predictable financing continues to undermine progress. Without adequate investment, the promises of the past 35 years risk remaining unfulfilled.

## Practical recommendations for the next decade

As we look beyond this anniversary toward 2040, governments and partners must:

- Safeguard fiscal space for children's services, even amid debt pressures.
- Scale costed national PHC and education plans, with increased financing for early learning and foundational literacy.
- Embed child-sensitive adaptation

in climate strategies, from resilient schools to sustainable food systems.

- Strengthen care reform and protection systems, including investments in parenting support and professional social workers.
- Ensure meaningful participation of children and young people, especially girls, children with disabilities, and those in fragile contexts.
- Scale proven innovations, integrated services, digital platforms, and resilient supply chains to ensure no child is left behind.



## Child care reform in Africa: 35 years of progress and the road ahead

### Transform Alliance Africa (TAA)

#### Introduction

Thirty-five years ago, the African Charter on the Rights and Welfare of the Child affirmed a vision that remains as vital today as it was then: ***“The family shall be the natural unit and basis of society. It shall enjoy the protection and support of the State for its establishment and development”***.<sup>43</sup> That vision has always been deeply rooted in Africa’s traditions of kinship and community. Yet in recent decades, many children have grown up separated from their families, often placed in institutional settings. Known by various names - including baby homes, child care centres, children’s villages, or orphanages - and often privately operated, they cannot provide the love and care of a family. The complex drivers of separation include poverty, abuse, disability, conflict, and displacement – with orphanage trafficking adding a concerning dimension, with children recruited into institutions for profit.

Globally, around 5.4 million children live without parental care in institutional settings, most in low- and middle-income countries.<sup>44</sup> Tens of millions more grow up without parental care, though data remain incomplete. In many African countries, this invisibility leaves children excluded from budgets, services, and accountability systems.

This is particularly concerning given the well-documented harms of institutionalisation across children’s social, cognitive, emotional, and physical development.<sup>45</sup> These impacts, such as mental health challenges, can be lifelong.

#### Milestones of progress: Families at the centre

For generations, children who lost parents across the continent were embraced by extended families, kinship systems, and communities. Even today, most orphans continue to be cared for in this way. This resilience is the foundation on which care reform is being built. Over the past decade, significant progress has been made to protect families and prevent child–family separation. Notable among these efforts are African-led alliances such as Transform Alliance Africa, a coalition of over 17 organisations across 11 countries. It envisions an Africa free of orphanages.<sup>46</sup> Another key initiative is the Family First for Children Without Parental Care Alliance, championing children’s right to family life through research, collaboration, and advocacy.<sup>47</sup>

Several countries have made notable recent strides in care reform, including:

- Rwanda’s ***Strategy for National Child Care Reform*** 2012<sup>48</sup> sets a vision for all children living in institutions in Rwanda to regain their rights to live in loving families and become the first institution-free country in Africa. By 2025, the goal

43 <https://www.acerwc.africa/en/page/african-charter-rights-and-welfare-child> (Article 18)

44 Desmond, C., Watt, K., Saha, A., Huang, J., and Lu, C. “Prevalence and Number of Children Living in Institutional Care: Global, Regional, and Country Estimates.” ***The Lancet Child & Adolescent Health*, 4.5 (2020)**, 370–377

45 van IJzendoorn et al ‘Institutionalisation and Deinstitutionalisation of Children 1: A Systematic and Integrative Review of Evidence Regarding Effects on Development’, ***Lancet Psychiatry***, 7 (2020).

46 <https://www.transformallianceafrica.com/>

47 <https://fafica.org/>

48 <https://www.ncda.gov.rw/1/tubarere-mu-muryango-tmm>



is for over three thousand children to have been reintegrated into families, with the inclusion of children with disabilities—once left behind—now central to care reform efforts.

- Kenya's ***National Care Reform Strategy for Children in Kenya 2022-2032*** sets a vision to transition from institutional settings to family and community-based care. The strategy is a critical foundation, now requiring well-resourced implementation.
- Ghana's ***Care Reform Roadmap (2024-2028)*** is among the first comprehensive strategies in West Africa promoting child well-being and strengthening family care.
- South Africa's growing momentum for care reform is evident, with a de-institutionalisation policy already in place. This progress will culminate in a national care reform summit later this year, aimed at securing and strengthening commitment to care reform.

At the continental level, the African Committee of Experts on the Rights and Welfare of the Child has emerged as a driving force in care reform. Building on a landmark continental study that exposed systemic gaps and highlighted promising practices, the Committee has developed and adopted a General Comment on Children Without Parental Care and a Monitoring and Evaluation Framework. These are more than technical tools – they are expressions of continental ownership and leadership, setting standards, embedding accountability and guiding governments to honour their commitments under the Charter.

Global alignment reinforces Africa's momentum. Milestones such as the United Nations General Assembly Resolution (2019) on children without parental care, the Day of General Discussion convened by the UN Committee on the Rights of the Child (2020), and the Global Charter on Care Reform echo the African call: every child has the right to grow up in a family. Together, these global commitments affirm that the future lies in stronger systems and greater investment in families, so that children grow up not in residential institutions, but in the love, safety, and belonging that only a family can provide.

## Confronting the barriers to reform

Africa has made important progress, but the journey is far from complete. Care reform must be approached through a multi-sectoral lens, recognising intersecting factors that contribute to child–family separation. Poverty, violence, weak access to health, education, and nutrition services, and lack of inclusive disability support must be addressed. Yet this complexity must not delay urgent action. Across much of the continent, child care and protection systems remain largely reactive, stepping in only after harm has occurred. The next chapter of reform must be preventive, focusing on keeping families strong and children safe before crisis strikes. That means expanding social protection, parenting support, and disability services, while investing in community structures that detect and address risk early. A well-trained social service workforce must be equipped to place prevention at the heart of its work and build systems that safeguard children long before crises unfold.

In many countries, laws that still bear the imprint of colonial systems continue to enable



institutionalisation. Reforming these outdated frameworks to enshrine family preservation and community-based care is essential, as an enabling legal and institutional environment is critical to unlocking systemic bottlenecks and sustaining reform. Additionally, data gaps obscure the scale and nature of the challenge, leaving children without parental care invisible in national statistics. The absence of robust data hides the scale of separation, masks emerging trends such as orphanage trafficking, and makes planning difficult. Children with disabilities are especially excluded, with little disaggregated data to inform responsive services. Investing in stronger data systems is essential for accountability, for designing effective programmes, and for ensuring no child is left behind.

### **Sustainable financing for care reform**

Much of Africa's care reform has been supported by donors and philanthropies. This has sparked change, but it is not sustainable. The next phase requires governments to lead with courage and investment. There is an urgent need for innovative, sustainable financing that is dynamic, predictable, and resilient to shocks, with governments leading the way in building a robust financing architecture that includes:

- Embedding dedicated budget lines for care system reform and family care within national fiscal frameworks.
- Encouraging donors to shift funding away from residential institutions towards family and community-based care, tackling the perverse incentives to keep orphanages open.
- Exploring innovative financing, from public-private partnerships to social impact investment aligned with national goals.
- Embedding care reform in Agenda 2063 and African Union frameworks, ensuring continental ownership, investment and long-term sustainability of care reform within Africa's own development agenda.

### **The next chapter for African child care systems**

Africa has already begun to turn the tide. Thirty-five years after the Charter was adopted, there is growing recognition that the solution to the challenge of children without parental care does not lie in building more institutions, but in restoring families and communities as the rightful place for children to grow. Yet in many ways, this is still only the beginning. The next phase of care system reform must address the root causes of separation - poverty, violence, discrimination, and exclusion - and build child protection systems that are preventive, responsive, and resilient. Reform must be grounded in evidence-based policies that reflect local realities.

Outdated laws that promote unnecessary separation must be replaced, and gaps closed so that policy and law reinforce each other. Governments must also be willing to adapt, learn, and improve while working hand-in-hand with civil society. National strategies should be comprehensive and coordinated, avoiding fragmentation. Civil society organisations remain vital as innovators, implementers and watchdogs holding governments to account. They drive knowledge exchange and shift public



perception, challenging entrenched norms and building a culture that values families. Communities, too, are central. They hold the knowledge, resilience, and relationships that can sustain children in families, and must be recognised as partners in reform, not just beneficiaries of it. Strong alliances between governments, CSOs, and communities will be essential for the road ahead.

Critically, children and young people with lived experience of family separation, institutionalisation and alternative care must be at the heart of reform. Their voices carry truths no policy paper can capture, and their leadership ensures that care systems are designed for them and shaped by them. Accountability to children and young people is a new frontier that care reform must embrace if child protection systems are to be truly just and responsive to those they exist to serve.

The future of care reform in our region must be participatory and African-led. Traditions of kinship and community are blueprints for the future. Networks such as Transform Alliance Africa already show the power of collective action, amplifying African voices and charting the way forward. Guided by the ACERWC, and building on thirty-five years of the Charter, Africa has the chance to show the world that no child should ever grow up in an institutional setting. The next decade must be the decade of family - rooted in African values of love, kinship, and community.



## Reclaiming childhood across Africa: A call to action

### World Vision International

#### Introduction

Africa is home to one of the youngest populations in the world. In West and Southern Africa, children and adolescents embody both the promise of the future and the weight of present struggles. They are tomorrow's leaders, innovators, and peacebuilders. But for far too many, childhood is defined not by joy or safety, but by fragility, harmful practices, limited opportunities, and systems that fail to protect their rights.

The African Charter on the Rights and Welfare of the Child paints a vision of a continent where every child grows up free from violence and discrimination. Yet the daily reality often tells a harder story. Laws may exist, but enforcement is inconsistent. Communities demonstrate resilience, but harmful traditions like female genital mutilation (FGM) and child marriage persist. Conflicts and poverty strip away security and education. Climate change adds layers of uncertainty, driving displacement and deepening hunger. And across Southern Africa, adolescents face urgent health challenges and new risks in digital spaces that were meant to connect but can also exploit.

To be clear, this is a story of resilience and of possibility. Across the continent, movements are rising, communities are questioning harmful norms, and children themselves are stepping forward with courage. In response, coalitions such as Joining Forces, bringing together World

Vision, Save the Children, Plan International, SOS Children's Villages, Terre des Hommes, and ChildFund Alliance are uniting their voices to defend hard-won gains, hold governments accountable, and stand with children as partners in shaping a future free from fear.

#### Harmful traditions and the weight of injustice

In Sierra Leone, the urgency of this struggle is undeniable. Despite decades of advocacy, FGM remains legal and deeply entrenched in cultural identity. The tragedy of 2024, when three young girls died during initiation ceremonies, shook the conscience of the nation. A year later, in 2025, the ECOWAS Court of Justice declared FGM to be torture and demanded its criminalisation. Yet political hesitation and cultural legitimacy stalled progress. The lesson is clear: laws matter, but without local dialogue and ownership, they cannot protect girls from harm.

Senegal highlights the gap between legislation and lived reality. The practice of FGM was outlawed as far back as 1999, but surveys still show one in four women has endured it. Disturbingly, cases of the most severe form, infibulation, are increasing. Mothers who were themselves cut are often the ones who perpetuate the cycle, not out of cruelty but out of a sense of duty to tradition. As one young Senegalese woman reflected, "If the laws were applied, the rights of children would be respected." Her words reveal both frustration and hope: legal frameworks are a start, but transformation must come from the community level, reinforced by accountability and education.

Ghana provides a more encouraging example. Campaigns, the establishment of child



parliaments, and expanded access to education have combined to reduce rates of child marriage and other harmful practices. Yet inequalities remain, especially between rural and urban settings. One youth advocate put it simply: “The longer girls stay in school, the less likely they will be engaged in child marriage.” Education here is protection, empowerment, and a shield against practices that cut futures short.

In Mali, fragility magnifies every risk. Armed conflict has displaced families, destroyed schools, and left children vulnerable to exploitation and early marriage. With nearly two-thirds of girls married before the age of 18, marriage is too often seen as a coping mechanism for families living in poverty and fear. In the absence of strong state protection, communities and civil society have stepped in with mobile schools, safe spaces, and psychosocial care. These are lifelines, yet they remain fragile in the face of relentless instability.

## Adolescents at the crossroads

If childhood is fragile, adolescence is even more so. Southern Africa illustrates how adolescence, when unsupported, can become a time of profound vulnerability. UNICEF’s 2023 figures tell the story starkly: 63 percent of new HIV infections occurred among adolescents aged 10 to 19. Only 69 percent of adolescents living with HIV are on treatment. One out of three girls between 15 and 19 has already given birth. One out of five young women has endured sexual violence before turning 18. These concrete and human statistics represent lives cut short, dreams deferred, and potential unfulfilled.

World Vision Southern Africa has been responding with a model called IMPACT+. It

is built on the belief that adolescence can also be a time of possibility when young people are given the right tools. The model integrates life skills, confidence-building, and values across health, protection, education, and livelihoods. In Zambia, IMPACT+ has been central to adolescent-friendly spaces created with the Ministry of Health and the Global Fund. These are safe, supportive environments where young people learn about sexual and reproductive health, HIV prevention, and family planning.

The approach is not limited to lessons but engages adolescents through experiential learning and service projects. Gracious, a 17-year-old Zambian girl, shared her journey: “I dropped out of school at 13 after getting pregnant. During my pregnancy, I joined the IMPACT+ club at the clinic. I met friends who encouraged me to go back to school after my baby was born. Now, I continue with the club and feel hopeful for my future.” Her story is one of redemption, not because of charity, but because safe spaces offered her dignity and peers gave her courage.

Through these spaces, thousands of adolescents have gained knowledge and skills to protect their health and future. More than 36,000 out-of-school adolescents have already been reached in Zambia alone, and peer educators are spreading the message across communities. IMPACT+ promotes adaptive resilience and active citizenship.

## Childhood in the digital age

While many risks are old, new ones are emerging in the digital age. In Lesotho, for example, nearly half of the population now has internet access, and children are among the most connected. Yet with connection comes danger. Trafficking,



bullying, sexual exploitation, and misinformation threaten children online, often beyond the watchful eyes of parents and teachers. World Vision Lesotho has been at the forefront of child online protection. Parents, caregivers, and teachers have been trained to understand digital risks and to communicate effectively with children about their online lives. At the same time, children themselves are leading. Through school clubs, they are creating safe spaces to talk about online threats and teaching one another how to stay safe. The work has already influenced national policy. Child advocates from Lesotho contributed to the drafting of the Cyber Security Bill and the creation of National Guidelines for Child Protection online. These efforts show that when children's voices are included, digital policies become stronger, more relevant, and more effective.

### The web of cross-cutting risks

The challenges facing children in Africa do not exist in silos. They intersect and reinforce one another. One in three West African children is out of school, and girls are most affected. Maternal mortality and malnutrition remain high, undermining survival. Conflicts across the Sahel and the growing impact of climate change are displacing families and disrupting livelihoods. In Southern Africa, adolescents face HIV, sexual violence, and limited access to reproductive health services. Across the continent, as digital connectivity expands, new dangers emerge in cyberspace.

FGM and child marriage are not separate problems but are woven into this wider web of fragility and inequality. A girl who is out of school is more likely to be married early. A child displaced by

conflict is more vulnerable to harmful practices. An adolescent without safe access to health services may face early pregnancy or disease. These risks compound, and the solutions must therefore be interconnected.

### The power of unity and collective advocacy

Hope shines brightest in the moments of collective action. In 2024, when attempts surfaced to repeal The Gambia's anti-FGM law, the Joining Forces Coalition acted decisively. Urgent calls were made, governments were engaged, and the global community was alerted. The repeal was rejected. This was a legal victory and a demonstration of what unity can achieve. The same unity is visible when youth parliaments speak to their governments, when mothers choose alternatives to harmful practices, when faith leaders advocate for child protection from the pulpit, and when coalitions across borders hold leaders accountable. Advocacy gains strength when it is shared, when voices rise together, and when communities are not treated as passive beneficiaries but as active partners.

### Priorities for action

If Africa is to reclaim childhood, several priorities must guide the way forward.

1. First, inclusive systems must be strengthened. Every child must be registered at birth. Every child must have access to health care, education, and protection services. Adolescents must have reliable access to SRHR services, and children must be protected online.
2. Second, laws must be bridged with culture. Reforms must not remain on



paper. They must be paired with dialogue in communities, with the involvement of faith leaders, elders, and youth themselves. Laws can set boundaries, but only cultural transformation can dismantle harmful practices for good.

3. Third, fragile contexts require innovative protection. In conflict zones, education cannot wait until peace returns. Mobile schools, psychosocial care, safe spaces, and livelihood support are essential to protect children even where states are weak.
4. Fourth, children's and adolescents' voices must be elevated. Child parliaments, youth clubs, and adolescent-friendly spaces are not add-ons, they are essential. When children participate, they do much more than only receive protection; they shape it.
5. Finally, proven alternatives must be scaled. FGM-free rites of passage, positive parenting models, and service-learning projects, show that tradition and safety can coexist. Scaling them across communities can accelerate change while respecting culture.

faith leaders, civil society, communities, and families. It is also the right of children to be seen, heard, and protected.

As one mother in Senegal explained: "I broke with tradition not because I rejected my culture, but because I wanted my daughter to have a better future." Her words capture the struggle of many across Africa, caught between the weight of tradition and the hope of change.

This is the moment for courage. It is in unity across borders, across generations that Africa can reclaim childhood. Not as a deferred dream for tomorrow, but as a living reality today.

## Conclusion: A Call to Courage and Cohesion

The story of childhood in Africa is one of fragility, but also of extraordinary resilience. Every girl who stays in school, every community that abandons harmful practices, every adolescent who finds hope in a safe space, these are victories that ripple outward. Yet setbacks remain possible. Progress cannot be taken for granted. Protecting children is not an act of charity; it is an act of justice. It is the responsibility of governments,



## Realising every child's right to a family: Advancing inclusive and family-based care in Rwanda

### Hope and Homes for Children Rwanda

#### Introduction

The African Charter on the Rights and Welfare of the Child affirms every child's right to grow up in a safe, nurturing family environment. It calls on African States to invest in care systems that protect, empower, and uphold the dignity of every child. Over 80 years of research have consistently shown that institutional care settings harm children's development and well-being. This evidence underscores the urgent need to change the way we care for children without parental care or separated from their families.

In Rwanda, this vision has driven a bold, nationally led child care reform process. Over the past decade, the Government of Rwanda, working with national and international partners, has reshaped the care system to prioritise family and community-based care. The reform reflects Rwanda's commitment to the Charter and Agenda 2040 and offers great lessons for how inclusive, family-centred models can be scaled and sustained across Africa. This article shares Rwanda's experience, challenges, and innovations, focusing on inclusive care reform for children with disabilities and those at risk of family separation. It highlights the evolving nature of the reform and its relevance for countries striving to realise every child's right to a family.

## Rwanda's leadership in the transition to family-based care

Rwanda's care reform journey was born out of the voices of children themselves. At the 7th National Children's Summit in 2012, children expressed a powerful collective wish—that every child in Rwanda should grow up in a loving and caring family. In response, the Government adopted the National Strategy for Child Care Reform and launched the ***Tubarerere Mu Muryango*** (TMM) programme, known in English as Let's Raise Children in Families, coordinated by the National Child Development Agency (NCDA), UNICEF, NGOs, and donors.

At the time, more than 3,300 children were living in 33 registered institutions. Research from that period highlighted the emotional and developmental harm caused by institutions. In response, the TMM programme introduced a culturally grounded, rights-based approach that placed families at the centre of child protection, aligning with global frameworks and best practices. Hope and Homes for Children (HHC) Rwanda has played a catalytic role in this transformation. Beyond technical support, HHC pioneered pathways to close institutions and reintegrate children into families through kinship care, foster care (***Malayika Murinzi***), or domestic adoption. HHC supported the development of national case management tools, trained frontline social workers, and strengthened district capacities, showing that care reform was not only possible, but scalable.

Over a decade later, the TMM programme remains a catalyst for broader system strengthening. It has contributed to national gains in social workforce development, policy



reform, and support for marginalised children. Importantly, government resources that were previously used to operate institutions have been reallocated to support reintegrated children and families at risk of separation. This shift reflects a long-term investment in prevention and family strengthening, and underscores Rwanda's commitment to a sustainable, inclusive child care system. Today, Rwanda is among the few African countries to lead and sustain a transition from institutional care to family care, anchored in political will, child participation, and inclusive partnerships.

### **Inclusive care reform: Prioritising children with disabilities**

As the reforms evolved and progressed, a critical challenge came into focus: ensuring the inclusion of children with disabilities—particularly those with multiple disabilities, who are often the first to be institutionalised and the last to leave. These children have long faced entrenched stigma, inadequate services, and poor community infrastructure. Many families, often isolated and lacking support, felt they had no choice but to place their children in institutions

In 2019, the Government of Rwanda—supported by efforts from HHC—successfully closed a residential institution for children with disabilities. This milestone demonstrated that inclusive reintegration is achievable, even for children with complex needs, when families are equipped with the right support. The process revealed significant service gaps. Many families, particularly in rural areas, lacked access to essential support such as physiotherapy, early stimulation, inclusive education, respite care, and assistive devices. These gaps continue to hinder inclusive, family-based care and highlight

the urgent need for disability-sensitive systems.

Our experience shows that inclusion must be integrated into every stage and process of care reform. As a result, HHC contributed to the development of the Operational Guidance for Inclusive Reintegration, led by NCDA and UNICEF, and supported the training of social workers in disability inclusion, family assessment, and accessible communication. Community-led advocacy has also played a key role shaping new models of support, challenging stigma, and building family resilience.

### **Transforming institutions into inclusive community hubs**

As care reform advanced, transforming former institutions into inclusive community hubs emerged as a sustainable strategy to support families and prevent future child-family separation. Rather than falling into disuse, closed institutions were converted into vibrant hubs offering accessible and affordable services for families of CWDs. One landmark example was the closure of an institution that housed 26 children and young people with disabilities. Of these, 19 were successfully reintegrated with their biological families, two with extended families, and five placed in specialised foster care arrangements. Rather than being shut down entirely, the institution was repurposed into an inclusive community hub that now serves more than 80 children with disabilities. It provides inclusive early childhood education, physiotherapy, and early stimulation services to children who had previously been excluded from learning and care opportunities. These hubs exemplify a community-driven model that is helping ensure no child is left behind on Rwanda's path to an orphanage-free future.



## Preventing separation and strengthening families

Preventing child separation, and thus institutionalisation, is a core pillar of Rwanda's reform. HHC Rwanda uses a proactive, family-centered approach that addresses the root causes such as poverty, disability, stigma, and adolescent motherhood. Through community hubs and outreach, families at risk are identified and supported through psychosocial and mental health services, case management, parenting education, and economic empowerment.

For example, children with disabilities are supported not only through physical and developmental services—such as early stimulation, assistive devices, and access to inclusive health and education—but also through targeted mental health and emotional support. Recent improvements in Rwanda's community-based health insurance have expanded coverage to include surgery and assistive devices for children with disabilities, easing the financial burden on families and enhancing their ability to care for their children at home. Furthermore, in recognising that adolescent mothers face multiple vulnerabilities, our model supports them and their children through comprehensive services, and crucially, mediation with their families of origin. This helps reintegrate them in families, addressing both relational breakdown and mental well-being.

By addressing economic, psychosocial, and relational risks, this integrated model strengthens families and prevents the separation that often leads to institutionalization.

## Regional influence and cross-country learning

Rwanda's care reform journey has become a powerful model for peer countries across Africa and beyond. The country has hosted numerous technical learning exchanges and visits. Delegations from countries such as Uganda, Kenya, Burundi, Tanzania, Zambia, Malawi, South Africa, Zimbabwe, Ghana, Sudan, India, and others have come to Rwanda to engage with national actors and explore practical approaches to family-based care, kinship care, foster care, and domestic adoption. Beyond hosting visits, HHC Rwanda actively shares its expertise through regional technical support to other countries to offer in-country training, strategic advice, and tools related to de-institutionalization of children. These learning exchanges strengthen regional solidarity in care and protection of children. Care reform has subsequently become one of the key topics included in Rwanda's government regional peer learning program.

## Sustaining progress and the way forward

Rwanda's care reform shows what is possible through political will, community partnership, and professional commitment. As the country moves forward, sustaining this change means ensuring families remain stable, children access inclusive services, and alternative care is strengthened for children who cannot return to their families or extended kin. Sustainability depends on a strong national system including trained social workers, integrated services, and reliable funding. Notably, government funds once



allocated to orphanages are now redirected to support reintegrated children and families at risk through inclusive community-based services and social protection schemes. To build on this, Rwanda must continue improving service quality and ensuring no child is left behind.

## Conclusion

Rwanda's care reform journey proves that transforming child protection systems is not only possible—it is happening. Through inclusive policies and services, strong national leadership, and community-rooted partnerships, Rwanda is advancing the vision of the African Charter on the Rights and Welfare of the Child: that every child should grow up in a safe, loving, and supportive family. To sustain this progress, all efforts must remain anchored in African values of family, solidarity, and dignity. Rwanda's experience is more than a national achievement; it is a continental beacon, showing that the African dream of family for every child is within reach.



## South Africa: Prevention at the heart of family strengthening and sustainable child care reform

### Hope and Homes for Children South Africa

#### Celebrating successes and reflecting on persisting challenges

As we mark 35 years of the Charter, today, we pause to celebrate South Africa's remarkable strides in child care and protection. With some of the most progressive laws and policies on the continent, indeed, in the world, South Africa has laid a strong foundation for safeguarding children's rights. These include the South African Constitution Act 108 (1996), Section 28 (b), Children's Act and aligned policy instruments, including *inter alia* the Child Protection and Care Policy and the White Paper on Families, which enshrine the sanctity of family care as the foundational element of child rights and positive development. Prevention of family separation, reunification, and family-based alternatives are at the core of the child protection legislation and the National Strategy for Accelerator Actions for Children further commits to progressive child care reforms. These frameworks reflect decades of relentless advocacy and vision to building a society where every child is valued and protected.

The true measure of legislation lies in the everyday realities of children, especially those

most marginalised. More than 21,000 children in South Africa are still growing up in residential care settings, separated from the love, care and stability provided by families. Many face abuse, neglect, exploitation and systemic barriers that compromise their development, health, and social outcomes—not just today, but across their entire life. South Africa's child protection system remains largely reactive, responding to crises rather than preventing them, subsequently allowing residential institutions to become the default solution for children deemed at risk. This pattern is not isolated—it is deeply intertwined with the broader socio-economic landscape. Poverty is tightening its grip, unemployment remains stubbornly high, and malnutrition is on the rise. The country continues to rank among the most dangerous places in the world for women and children. In communities like Hanover Park in the Cape Flats, daily gang violence, trafficking, and exploitation have carved out “red zones”—areas so volatile that even statutory services and law enforcement struggle to maintain a foothold. In these conditions, a dangerous narrative takes hold: that families in such environments are incapable of protecting and caring for their children. And so, institutionalisation becomes the default protective response.

Yet the truth is more complex. Many children in Child and Youth Care Centres are not orphans. They are not abandoned. They are there because their families, overwhelmed by systemic barriers, cannot access the support they need. Social protection remains out of reach, which subsequently erodes family resilience and the ability to navigate challenging ecosystems.



## Progress and challenges in reforming the system

Between 2015 and 2025, we walked a long road with government and NGO partners to catalyse care reform in South Africa. Together, we asked hard questions about why the child protection system remained stubbornly reactive—why, despite progressive laws, so many children were still growing up in institutions rather than families. Our findings resulted in the co-development of three critical programmes to support children's transition out of institutional care. We built AFS-KHUSELA—a community-rooted model for Prevention and Early Intervention that is systemic, relational, and deeply practical. At its heart is a simple principle: prevention must lead care reform. Families thrive when they're linked early to specialist, support, and statutory services. Additionally, the AFS-KHUSELA model supports the recruitment, screening, training and on-going mentoring of Temporary Safety Parents in communities, which offers family-based alternative to institutionalization of children at risk. But two persistent challenges continue to hold the system back.

1. First, trust in families by professionals and the public remains weak. In contexts of poverty and violence, families are often seen as unsafe by default. Yet evidence shows that, when supported, families consistently outperform well-resourced institutions in delivering better outcomes for children.
2. Second, we lack the data to substantiate what we know. While NGOs and qualitative studies offer powerful insights, South Africa has yet to

establish a comprehensive national dataset on child level outcomes. In its absence, the impact of prevention and family reunification efforts remains undervalued, and harmful myths about family capacity persist unchallenged.

## Monitoring outcomes to shape support for children & families

In care reform, and in case management practice, we include longitudinal monitoring of the outcomes of the children and families involved including tracking the wellbeing of children and families as they transition from institutional care or engage in prevention programming. By closely following outcomes over time, we identify gaps in support and ensure that case plans remain dynamic and tailored to evolving needs and rooted in the best interests of the child principle. Children and families' active participation in planning interventions builds agency, resilience, and trust. Case managers, in turn, report deeper synergy and more meaningful engagement. Drawing from quantitative assessments across eight wellbeing domains and enriched by interviews with case managers and process notes, we're beginning to answer critical questions- based on the evidence that shape the future of care:

1. Do family-based transitions lead to better outcomes for children formerly in Child and Youth Care Centres?
2. Can community-based prevention programmes reduce risk and strengthen protective factors in high-risk environments?
3. What mechanisms drive these changes, and how can they inform



national policy and global debates on deinstitutionalisation?

This evidence helps us reimagine what's possible. It invites policymakers, practitioners, and communities to see children not through the lens of systems, but instead through the lived realities of families striving to thrive.

## Lessons learned

Across communities, children who were once separated from their families and placed in child and youth care centres are now experiencing a renewed sense of safety, belonging, and identity. After reunification, these children show a remarkable 12% improvement in overall well-being. They are more confident in school, healthier, happier, and actively engaged in their communities. Their caregivers, too, are stronger—82% report feeling more confident in their parenting, a testament to the value of support and connection. Over two years, families who might have broken and separated under pressure were instead held together through timely and effective support—linkages to health, education, and social protection grants, all delivered at the community level by the AFS-KHUSELA Community Prevention Networks. These families show a 7% increase in well-being, proving that early identification and intervention is life changing.

What drives these outcomes is not just the services themselves, but the way they are delivered. Human-centred approaches—where families, children, trained community networks, and social service professionals co-create support plans—are at the heart of this transformation. Together, they resolve challenges, build confidence, and revive the

innate agency within families. South Africa's experience in care reform offers important lessons from the lived realities of families, children, and communities.

- 1. Prevention matters.** Changing the approach to early, effective, systemic and relational support for families prevents unnecessary separation and reduces reliance on institutions.
- 2. Integrated support works best.** Combining parenting, social protection, health and education support produces the strongest outcomes. It is often small but timely interventions that change lives, for children, families, and communities they live in.
- 3. Relational continuity is key.** The love and sense of 'belonging' that is only found in families, frames and enables development of full potential.
- 4. Partnership is essential.** Families, communities, civil society and government must work together to build enabling environments for growth and development. It is only this combined approach that enables change and positive outcomes.
- 5. Structural and systemic reform is essential to sustain family resilience.** Families need enabling environments to sustain gains; basic service delivery and unimpeded access to social protections and developmental pathways are critically important to their well-being. Affordable housing, provision of basic services such as water, power and sanitation, identity documents, access to quality education and health services are important to



sustain resilience in the long-term.

**6. Children's voices must guide reform.**

Actively engaging young people with lived experience in transforming systems results in effective and 'owned' reform.

This is the real expression of agency.

### **A moment to recommit: Honouring the Charter through action**

Thirty-five years since the African Charter on the Rights and Welfare of the Child was adopted, its call echoes louder than ever: no child should grow up in an institution when they can grow up in a family. This is a moral imperative, rooted in the Charter, the South African Constitution, and child protection legislation, all of which affirm the sanctity of the family as the cornerstone of healthy, thriving societies. Yet across the continent, many children remain in institutions—not because families have failed, but because systems have failed to believe in them. South Africa's journey offers vital lessons. When families, communities, civil society, and government come together in partnership, they create the enabling environments where children can flourish. Timely, human-centered interventions can transform lives, strengthen families, and build resilience that lasts. Strengthening families and preventing separation benefits everyone; it is the embodiment of the Charter's spirit, where every child grows up in the love and care of strong, supported families.

As we mark this 35-year milestone, let it be more than a celebration. Let it be a recommitment. Let us honour the Charter not only in our speeches and publications, but in the choices we make, the policies we shape, and the partnerships we forge. The next chapter must be written in action, with families at the centre and children leading the way.



## Bridging the Implementation gap: Learning from ACERWC decisions to advance juvenile justice reform in Ethiopia

Teklehaymanot Dagne Belay

Despite being one of the foremost countries to ratify the African Charter on the Rights and Welfare of the Child (ACRWC), the Federal Democratic Republic of Ethiopia (FDRE) has yet to be the subject of a formal communication by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) regarding violations against children, including children in conflict with the law. This should not be seen as a total mark of compliance, but rather as an opportunity to strengthen accountability and legal reform.

Drawing on the rights of children in conflict with the law in the ACRWC, the paper examines how ACERWC decisions and jurisprudence, especially an amicable settlement, can be leveraged to shape effective domestic reforms in Ethiopia. A wise man learns from others, and Ethiopia could make the days count by carefully looking at communications and decisions concerning other States Parties. The ACRWC limits the scope of children in conflict with

the law as those accused or found guilty of infringing criminal laws.<sup>49</sup> Prevention and early intervention, including diversion, do not make up the list of solutions forwarded under the ACRWC. Despite these, the ACRWC and, to a greater extent, the ACERWC have enhanced the juvenile justice administration on the continent. The communications and the decisions thereof, amicable settlements included, are invaluable tools to leverage juvenile justice practices in Africa.

The notable case on juvenile justice is the ***Institute for Human Rights and Development in Africa (IHRDA) v The Government of Malawi***.<sup>50</sup> ***The heart of the communication lies in the alleged violations of section 23(5) of the Malawi Constitution which states that*** '[f]or the purposes of this section, children shall be persons under sixteen years of age'. This is alleged to have violated article 1 on State Parties' duties, article 2 on the definition of the child and article 3 on non-discrimination. In a bit of pity to all who wanted a decision for 'authoritative analysis and novel jurisprudence'<sup>51</sup>, the communication ended up in an amicable settlement.<sup>52</sup> This amicable settlement is part of the ACERWC jurisprudence and shapes the child rights landscape in Africa.<sup>53</sup> Avoiding the naming and shaming that comes with a formal communication could well be avoided with a simple prudence of going through cases that

- 49 The bundle of rights under article 17 of the African Charter limits itself and sees to start protection from the moment of accusation of the child. Children alleged to have violated the law but not formally accused, are vulnerable to violations of their rights including pre accusation detention, custody in police and lack of legal aid therein.
- 50 Communication 4/Com/001/2014 African Committee of Experts on the Rights and Welfare of the Child (2014), IHRDA on behalf of Malawian Children v The Republic of Malawi
- 51 MG Nyarko & AO Jegede 'Human rights developments in the African Union during 2016' (2017) 17 African Human Rights Law Journal 311
- 52 BD Mezmur 'No second chance for first impressions: The first amicable settlement under the African Children's Charter' (2019) 19 African Human Rights Law Journal 62-84 <http://dx.doi.org/10.17159/1996-2096/2019/v19n1a4> , among other Professor Benyam argues that apart from finding that there has been a violation, the amicable solution is forward-looking and emphasizes prevention rather than a full decision.
- 53 Ismene Nicole Zarifis 'The settlement option: friend or foe to human rights protection in Africa?' (2019) 3 African Human Rights Yearbook



have been resolved.

By the facts and report of the amicable settlement in the IHRDA case, Ethiopia may have been simply lucky not to be named as a respondent before the ACERWC. In the first place, the FDRE Constitution does not define who is child, opening the door for inconsistent legislative drafting which might, and indeed create violations of children's rights. By virtue of article 13 of the FDRE Constitution, it could be argued that international instruments, including the ACRWC, form part of the law of the land. However, enshrining the definition of the child constitutionally and unequivocally will set the stage and lay the foundation for protection of children in the state. Secondly, the Criminal Code formulates three age categories of persons under the age of 18, where anyone aged 9 is subject to the formal criminal justice system.<sup>54</sup> Children below the minimum age of criminal responsibility are not subject to prevention schemes. Diversion is a foreign concept, at least until now and legally speaking, though attempts have been made to draft laws. Legislative obligation, as stipulated under article 1 of the ACRWC, must be fulfilled to enable children between the ages of 15 and 18 fully enjoy the full extent of their rights under the ACRWC. The Criminal Code, under article 56 sub article 2 stipulates that those children are fully subject to the ordinary provisions of the code. It is only on the sentences and by the discretion of the court, that such children could be subject to mitigation or to measures, ordinary applicable to children aged 9-15. It could well be argued that those children could not benefit from child

friendly justice systems and procedures. This, among others, as also stated under the IHRDA case violates article 1, 2 and 4 of the ACRWC. One can also rightfully argue that this comes against the principle non-discrimination, stated under article 3 of the ACRWC, as measures applicable to children aged 9-15 are not equally applicable as of a right to those aged 15 to 18. They rather hinge on the discretion of the court.

Beyond the legislative arena, the practical application of the rights of children in conflict with the law is no better, if not worse. There seems to be minimal or no system for the primary prevention of child offending by promoting a holistic approach, relying on a network of community-based social services by targeting children, families and communities.<sup>55</sup> Lack of special investigation units in police, pre-trial detention, detention with adults and extended detention are some of the challenges those children face. Mediation, diversion and alternative to trials are foreign concepts, at least until the writing of this paper. The IHRDA case provides valuable jurisprudence that Ethiopia can adopt without waiting for litigation. For instance, Malawi's response to the ACERWC's decision involved reforming detention practices, establishing specialised child courts, and investing in non-custodial measures. Such measures and policies directly align with Ethiopia's strategic goals and ACRWC obligations in the endeavour to accord protection to children in conflict with the law.

As such, if Ethiopia's child justice system is to be strengthened and become a model of proactive implementation for other African states, it

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54 FDRE Criminal Code, proclamation number 414/2005, article 53

55 Yonas Birmeta (PHD), research report on the legal and institutional framework of child justice in criminal proceedings in Ethiopia, unpublished.



should mainstream ACERWC jurisprudence into legislative and institutional mandate. The need to adopt legislative and other measures to give effect to the African Charter should take primacy over other initiatives. The state must follow a system strengthening approach to the issues as outlined under General Comment No. 5 on State Party Obligations under ACRWC. This should, among others, include developing national strategy, creating an oversight body and strengthening coordination and collaboration among justice and other sectors. Currently, work is in progress to develop a national strategy for children in conflict with the law under the leadership of the Ministry of Justice. Training judicial actors, prosecutors, and police should be rigorously made by using decisions of the ACERWC as case studies for interpreting article 17 on the administration of juvenile justice. Establishing a national ACERWC liaison mechanism, possibly under the Ministry of Justice or the Federal Supreme Court, to track regional jurisprudence and ensure harmonisation with domestic efforts.

Such types of proactive implementation of the ACRWC obligations greatly align with the spirit of the Charter and the commitment that must be made to realise the rights of children in general, even more so to children in conflict with the law. This approach strengthens not only national accountability but also the visibility and authority of the ACERWC as a continental adjudicator of children's rights even before a formal decision is passed.

# Harmful Social Cultural Practices





## **FAWE'S approaches to dismantling harmful practices and advancing girls' education in Africa**

### **Forum for African Women Educationalists (FAWE)**

#### **Introduction**

The Forum for African Women Educationalists (FAWE) is a pan-African organisation advancing gender-responsive, quality education in line with Agenda 2063 and the Continental Education Strategy for Africa (2026–2035). For over 25 years, through 34 National Chapters in 33 countries, FAWE has championed girls' right to education as a key driver of empowerment and sustainable development. Despite progress, millions of girls still face barriers such as child marriage, female genital mutilation (FGM), weak policy implementation, and political instability, which hinder both education and broader economic development. To address these challenges, FAWE has developed and scaled innovative, evidence-based models—such as Tuseme Youth Empowerment Model, Gender-Responsive Pedagogy, and Mothers' Clubs—that transform school environments and social norms. Central to FAWE's work is forging partnerships with governments, civil society, donors, and communities to replicate these models across the continent, dismantle harmful practices, and create enabling environments where all girls and women can thrive through education.

#### **Background**

Education is the foundation for imparting knowledge during the human development

cycle, which should be guaranteed irrespective of social strata, gender, geographical location, etc. Education is universally recognised as a fundamental human right that facilitates individuals out of poverty and removes inequalities for sustained society development (UNESCO, 2025). FAWE believes that education is not a favour, but a human right for all to acquire individual reasoning and judgment, resulting in economic development, poverty eradication, and peaceful coexistence. Notable progress has been realised in guaranteeing this right. In 23 years, the global number of children enrolled in primary school significantly increased by 17% in 2023, from 655 million in 2000 (Galan, 2025). This clearly demonstrates slow but positive progress. However, the situation is dire in African countries, where more than half of the countries are classified as middle-level economies (ECA, 2025).

The UNESCO Global Education Monitoring Report 2024 paints a dreadful and stagnant picture for the out-of-school population despite 1% reduction. Globally, about a quarter of a billion children were not in school in 2024, and African countries represent more than 50% out-of-school children and adolescents (UNESCO, 2024). Of these, the most affected are girls and young women due to regressive culture and practices. The number of girls and adolescents out of school is substantial, standing at 19.8 million (Muhanguzi, 2021; UNESCO, 2024). However, despite the efforts by FAWE and other stakeholders, universal access to quality education has been stagnating on the African continent. This is due to gruesome community practices and retrogressive society mindsets that still value child marriage, FGM, and political upheavals, among others. More than half a billion girls and women living today have been



subjected to child marriage, and half of them were subjected to FGM (UNICEF, 2023). The outcome of child marriage, FGM, and political unrest tends to cause physical and psychological harm, with the end goal of divesting girls and women of their chances to fulfil their potential.

The barriers hindering girls' progression in education are multiple and interconnected. Teenage pregnancy remains a barrier to girls' education across Africa (FAWE, 2021). The extant evidence shows that a third (34%) of girls across Africa are married before the age of 18, resulting in school dropout (UNICEF, 2021). On the other hand, FGM affects about 230 million women and girls worldwide, the majority in Africa (WHO, 2025). Others are teenage pregnancies and gender-based violence. These severely undermine girls' education and academic success. These practices have been deliberately captured as human rights violations (UNICEF, 2023). However, the implementation of existing supportive public policies - such as laws banning child marriage and school re-entry policies for young mothers and pregnant girls - remain inconsistent and often hampered by social and cultural resistance. FAWE and its network have devoted their energy and resources to designing interventions and approaches to avert this menace for the realisation of universal access to education for every child on the continent. The interventions have demonstrated impact in combating harmful practices and mindsets, leading to an inclusive environment for learning and teaching.

### **FAWE approaches in dismantling harmful practices**

FAWE applies integrated and multi-layered approaches in dismantling harmful practices for

inequality in education. At the individual level, through empowering teachers and learners to challenge negative norms and harmful practices; at the community level, through mobilising parents and community gatekeepers; at the institutional level, through embedding gender responsiveness into education systems; and at the systems level, through influencing frameworks and standards. The innovative approaches, tailored to the African context, have proven effective in transforming both educational and social environments. These include the Tuseme Model, Gender-Responsive Pedagogy (GRP), mothers' club, as well as policy advocacy and reforms.

The Tuseme Model, a Swahili word meaning "speak out," is a learner's approach that empowers girls to voice their concerns, claim their rights, develop leadership skills, and promote accountability. It is a platform for girls to also speak out against the gender-based challenges they face, which can be significant barriers to their education. The model has contributed to tackling the barriers; improved academic performance; and reduced child pregnancy, school dropouts, and sexual harassment at school and in the community. Furthermore, Tuseme also promotes a positive attitude amongst male participants to champion for gender equality and equity. This aims to combat negative gender-based stereotypes and redress power imbalances (FAWE, 2022). The GRP is a cornerstone of FAWE's work on the continent for over 2 decades. The model aims to improve teaching quality in African schools through equipping teachers, both male and female, with the knowledge, skills, and attitudes needed to promote equal treatment and participation of girls and boys in the classroom and wider school community (FAWE, 2022). The



teachers who have been trained in GRP can adopt inclusive, non-discriminatory teaching methods that are attentive to the specific needs of both girls and boys. By integrating gender equality into classroom practices, GRP contributed to a reduction in stereotypes, strengthening girls' participation in class, and improving their academic performance (FAWE, 2018).

The Mothers' Club represents an effective community-based strategy, mobilising adult women to support girls' schooling, combat early marriage, and encourage families to invest in their children's education. These clubs play a central role in shifting social norms by creating intergenerational dialogue spaces and strengthening community accountability. The impact of the clubs is eminent. Mothers' Clubs have provided safe, school-based spaces for teens to continue their education while receiving psychosocial support, parenting training, and life skills (FAWE, 2025).

Finally, FAWE has shifted mindsets through policy advocacy and review. Its contribution has significantly led to the adoption and implementation of gender-responsive education policies, such as school re-entry policies for pregnant girls and young mothers in Kenya, Tanzania, Malawi, and Zambia. Through partnerships with governments, civil society, and international organisations, FAWE works to ensure that girls' right to education is respected and protected, and that harmful practices are progressively eliminated. In Malawi, for instance, the Re-entry Policy allows pregnant girls to return to school after childbirth, aiming to minimise educational disruptions and support girls' continued access to education (FAWE, 2020; FAWE, 2025). These interventions by FAWE demonstrated impact by addressing a

dual imperative. Correcting structural gender inequalities within national education systems and tackling sociocultural norms and practices that hinder girls' schooling and academic success. Indeed, harmful practices such as child marriage, FGM, sexual and gender-based violence, or the exclusion of pregnant girls from school, constitute major barriers that FAWE has been striving to dismantle for three decades (UNICEF, 2021; FAWE, 2020).

## Conclusion

FAWE's interventions demonstrate that system change and girls' empowerment in and through education are possible when multi-sectoral, participatory, and gender-responsive approaches are implemented. By addressing the harmful practices through advocacy, socio-economic support, pedagogical innovation, and community mobilisation, FAWE contributes to building an equitable and inclusive educational environment for all. However, eradicating harmful practices requires sustained efforts, increased funding, and strengthened partnerships with governments, international institutions, communities, and civil society actors. The success of FAWE's approaches depends on their ownership by the communities themselves, which guarantees lasting change and the realisation of the right to education for all girls in Africa. We recognise the need to engage diverse stakeholders, including communities, to amplify our impact and forge collaborations that leverage resources and expertise. Only through collective action can we create the equitable education systems we envision.



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## Taking stock of progress on laws relating to child marriage, 35 years after the adoption of the African Children's Charter

Sally Ncube, Regional Representative, Southern Africa, Equality Now

### Introduction

The African Charter on the Rights and Welfare of the Child (ACRWC) is the first regional instrument to explicitly set 18 years as the minimum age for marriage.<sup>56</sup> Child marriage is defined as a union in which either or both parties are under 18 years of age at the time of marriage. Article 21(2) of the Charter clearly prohibits child marriage, obliging States Parties to enact legislation specifying the minimum age and ensuring registration of all marriages.<sup>57</sup> Nearly all African Union (AU) Member States have ratified the Charter, which forms the basis for subsequent continental initiatives such as the AU Campaign to End Child Marriage, launched in 2014, and Agenda 2063, which envisions “an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth.”<sup>58</sup> As Africa commemorates the 35th anniversary of the ACRWC, 2025 provides a unique opportunity to review progress and persistent challenges. While several countries have adopted

comprehensive laws, implementation gaps remain, and emerging drivers such as climate change, conflict, and economic shocks pose new challenges to ending child marriage. This article highlights progress, identifies persistent gaps, and showcases promising practices across the continent.

### Continental overview of child marriage

Despite legislative advances, child marriage remains more prevalent in Africa than globally. UNICEF (2023) projects that at the current rate, it will take another 300 years until child marriage is eliminated.<sup>59</sup> Prevalence varies: West and Central Africa report rates as high as 32%, while Eastern and Southern Africa are at 30%.<sup>60</sup> Overall, progress would need to be nearly 20 times faster to reach the target of ending child marriage by 2030. West and Central Africa, which is home to 7 of the 10 countries with the highest prevalence of child marriage in the world. At the current pace, it would take West and Central Africa another 200+ years to eliminate child marriage. However, if the region accelerated progress to the pace seen in the Gambia, an end to child marriage would be in sight in less than half that time. A 2023 review by the WORLD Policy Analysis Center found that only 18 of 50 African countries set the minimum age for girls at 18 without exception.<sup>61</sup> Common loopholes include:

- Parental or judicial consent exceptions.

<sup>56</sup> African Charter on the Rights and Welfare of the Child, 1990.

<sup>57</sup> Ibid, Article 21(2)

<sup>58</sup> African Union Agenda 2063

<sup>59</sup> <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>

<sup>60</sup> Ibid.

<sup>61</sup> WORLD Policy Analysis Center, 2023



- Exemptions under religious and customary laws.
- Different legal ages for girls and boys.

Even where legal reforms exist, enforcement challenges, lack of birth registration, and weak child protection systems undermine their effectiveness.<sup>62</sup> There has been some progress in 2023, with countries like Zambia, Sierra Leone and Namibia passing laws to raise the minimum age of marriage to 18 without exceptions. However, protection gaps continue to remain.

## Drivers and consequences of child marriage

Poverty is a major driver, with families viewing early marriage as a survival strategy. Conflict and instability exacerbate vulnerability, as in Mali and the Central African Republic, where child marriage serves as a perceived protective measure against violence during armed conflict.<sup>63</sup> Climate change is increasingly recognised as a factor, with environmental shocks—droughts, floods, and crop failures—triggering economic pressure that leads families to marry off daughters early.<sup>64</sup> Cultural and religious norms also perpetuate child marriage. Deep-rooted practices continue to undermine statutory laws, particularly in rural communities, where early marriage is framed as a moral or protective measure.

Child marriage constitutes a severe human rights violation, impacting health, education, and

social development. Married girls face early and repeated pregnancies, with elevated risks of maternal mortality, which is the leading cause of death among 15–19-year-olds in Africa.<sup>65</sup> Girls in early marriages are at heightened risk of gender-based violence, including intimate partner violence and sexual exploitation. Their education is interrupted, limiting economic opportunities and perpetuating intergenerational cycles of poverty. Psychosocial consequences include anxiety, depression, and reduced agency over personal decision-making.

## Continental and regional legal progress

Since the Charter's adoption, African countries have made notable legal strides. By 2025, 43 out of 55 AU Member States (78%) have ratified the Charter showing political will to protect the rights and welfare of children.<sup>66</sup> Key regional instruments and initiatives include: African Union Campaign to End Child Marriage (2014), which established a continental advocacy platform,<sup>67</sup> African Common Position on Ending Child Marriage (2015), promoting harmonisation of national laws,<sup>68</sup> and SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage (2016), providing legal guidance for Southern African countries.<sup>69</sup> Additionally, the Joint General Comment on Child Marriage issued by the ACERWC and the ACHPR provides detailed guidance to States on implementation of the regional human rights obligations towards ending child marriage.

<sup>62</sup> UNICEF, "Ending Child Marriage: Progress and Challenges," 2021

<sup>63</sup> UNFPA, Child Marriage and Conflict, 2020

<sup>64</sup> Ibid

<sup>65</sup> WHO, Maternal Mortality Fact Sheet, 2022 (link)

<sup>66</sup> African Union, Status of Ratification, 2025

<sup>67</sup> AU Campaign to End Child Marriage, 2014

<sup>68</sup> [https://au.int/sites/default/files/documents/31010-doc-cap\\_on\\_ending\\_child\\_marriage\\_-english\\_0.pdf](https://au.int/sites/default/files/documents/31010-doc-cap_on_ending_child_marriage_-english_0.pdf)

<sup>69</sup> SADC Model Law on Child Marriage, 2016



### Some examples of legal reforms include:

- Zimbabwe (2022): New Marriage Act prohibits marriage under 18, including customary marriages,<sup>70</sup>
- Uganda (2023): Constitutional Court invalidated provisions under religious and customary laws allowing marriage below 18 (though amendments to the Marriage Act remain pending),<sup>71</sup> and
- Sierra Leone (2024): Prohibition of Child Marriage Act set the minimum age at 18 with no exceptions.<sup>72</sup> Despite progress, exceptions persist in many countries, allowing child marriage with parental or judicial consent, particularly under customary or religious laws.

### Implementation gaps and persistent challenges include:

- Legal loopholes: Many states maintain exceptions undermining statutory minimums. Additionally, it is critical for laws on child marriage to go beyond only setting the minimum age of marriage and put in place comprehensive laws and policies on child marriage that include prevention and response provisions which aim to address the root causes of child marriage, as well as provide protection measures for children who are already married.

- Dual legal systems: Customary and religious laws often conflict with statutory law.
- Weak enforcement: Limited monitoring, inadequate resources, and low birth registration impede enforcement.
- Social and economic pressures: Poverty and gender norms continue to drive child marriage.
- Emerging threats: Climate shocks, displacement, and conflict create new vulnerabilities.<sup>73</sup>
- In countries such as Nigeria, Sudan, and Ethiopia, statutory laws exist but are inconsistently enforced, leaving children exposed to early unions.

### Good practices and innovations include:

- South Africa: Children's Act integrates minimum age, consent, parental responsibilities, and child protection services.<sup>74</sup>
- Malawi: Marriage, Divorce, and Family Relations Act is complemented by education, social welfare, and economic programs to reduce early marriage.<sup>75</sup>
- Mozambique: National Strategy for Prevention and Combating Child Marriage combines legal reform with education, social protection, and sexual and reproductive health services.<sup>76</sup>

<sup>70</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/MARRIAGES %20ACT%20No.%201%20of%202022.pdf](https://www.veritaszim.net/sites/veritas_d/files/MARRIAGES%20ACT%20No.%201%20of%202022.pdf)

<sup>71</sup> Uganda Constitutional Court, 2023 Judgment

<sup>72</sup> [https://www.parliament.gov.sl/uploads/bill\\_files/The%20Prohibition%20of%20Child%20Marriage%20Act%202024.pdf](https://www.parliament.gov.sl/uploads/bill_files/The%20Prohibition%20of%20Child%20Marriage%20Act%202024.pdf)

<sup>73</sup> UNICEF, "Child Marriage Drivers in Africa," 2023

<sup>74</sup> <https://www.justice.gov.za/legislation/acts/2005-038%20childrensact.pdf>

<sup>75</sup> <https://mhrcmw.org/download/marriage-divorce-and-family-relations-act/>

<sup>76</sup> <https://popdesenvolvimento.org/images/noticias/ESTRATEGIA-NACIONAL-DE-PREVENCAO-E-COMBATE->



- Zambia and Malawi: Engage traditional and religious leaders in advocacy and enforcement.<sup>77</sup>
- Kenya and South Africa: Child-friendly courts and gender desks enhance access to justice.<sup>78</sup>

## Continental accountability and recommendations to accelerate progress

Data and monitoring frameworks by the AU and national governments provide crucial evidence for policy planning and accountability. The AU Accountability Framework on the Elimination of Harmful Practices (2023–2025) equips states with tools for monitoring, reporting, and aligning budgets with AU commitments.<sup>79</sup> Effective use of this framework can catalyse measurable accountability, ensuring Member States uphold children's rights. To fulfil the vision of the ACRWC and eliminate child marriage, African Union Member States must adopt comprehensive, multi-sectoral strategies and consider the following recommendations:

- Harmonise legal frameworks across statutory, customary, and religious systems to eliminate legal inconsistencies that undermine the minimum marriage age of 18 years and remove exceptions for parental or judicial consent.
- Increase investment in universal birth registration, civil registry offices, establish integrated data systems linking health, education, and social

protection sectors and ensure policies are informed by disaggregated data on prevalence, risk factors, and outcomes to enable targeted interventions and accountability.

- Strengthen survivor protection and support services, safe shelters, legal aid, psychosocial support, sexual and reproductive health care, educational re-entry programs, and economic empowerment opportunities supported by outreach services in rural areas, and referral pathways connecting survivors to essential services. Service delivery must be trauma-informed, confidential, and accessible to all children.
- Scale multi-sectoral collaboration and institutional capacity strengthening across health, education, justice, and social services ministries, establish national task forces or inter-ministerial committees with clear mandates, accountability mechanisms, and adequate budgets and ensure law enforcement, judiciary, social workers, health providers, and traditional leaders implement survivor-centered, rights-based interventions effectively.
- Strengthen parliamentary monitoring and oversight to uphold obligations under the Charter and establish permanent parliamentary sub-committees on ending child marriage to sustain political will, monitor implementation, allocate resources, and hold duty bearers accountable. Parliamentary oversight

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DOS-CASAMENTOS-PREMATUROS-EM-MOCAMBIQUE.pdf

<sup>77</sup> <https://clearinghouse.unicef.org/download-ch-media/57c02296-c70b-4887-b263-023e9ca26632>

<sup>78</sup> <https://www.unicef.org/media/121671/file/%20Global-annual-results-report-2021-goal-area-3.pdf>

<sup>79</sup> <https://au.int/en/documents/20250718/african-union-accountability-framework-elimination-harmful-practices>



should include regular reviews of national strategies, budget tracking, and public hearings with civil society and survivors.

- Promote community engagement and social norms change for sustained community dialogue to shift attitudes that normalize child marriage through engaging traditional, community, and religious leaders as champions of change.
- Invest in education and keep girls in school through elimination of barriers to girls' access to education
- Institutionalize survivor and child-led advocacy platforms for in policy design, implementation, and monitoring, ensure meaningful participation in national strategies, accountability frameworks, and decision-making bodies to amplify their voices, inform more effective interventions, and foster ownership of solutions.
- Allocate adequate resources and technical support for sufficient budgets, technical expertise, and tools for duty bearers at all levels, align budgets with national action plans to end child marriage.

strong accountability mechanisms. Time is now for renewed shared commitments to cultivate and sustain political will at levels, legal clarity, survivor-centered services, community ownership, and adequate funding. By adopting and implementing these measures, SADC can accelerate the eradication of child marriage, protect survivors, and uphold the rights and dignity of children across the region. By building on good practices, leveraging continental frameworks, and addressing emerging drivers, African states can fulfill the vision of the ACRWC and ensure every child can live free from early and forced marriage. Africa's path to ending child marriage is not only a legal imperative but a moral and developmental necessity—one that requires sustained commitment from governments, civil society, and communities to secure the rights, dignity, and futures of its children. By implementing recommendations in a coordinated, sustained manner, African States can accelerate progress toward eliminating child marriage and ensuring that every child enjoys their rights to health, education, protection, and dignity as enshrined in the African Children's Charter.

## Conclusion

Thirty-five years after the adoption of the ACRWC, Africa has made significant strides in legislating against child marriage. However, persistent gaps, cultural practices, and socio-economic pressures continue to hinder full protection of children. Comprehensive legal reform must be complemented by community engagement, multi-sectoral strategies, and



## Ending child marriage in Ethiopia: Stories of progress and promising path

Girma Gadisa Tufa

### Context

Children constitute 46 per cent of the total population of Ethiopia, numbering more than 59 million.<sup>80</sup> Ethiopia is a state party to major international and regional child rights instruments such as the African Charter on the Rights and Welfare of the Child, the UN Convention on the Rights of the Child, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. In light of its obligations under these instruments, over the years, Ethiopia has taken several legislative, policy, and programmatic measures that improved children's access to essential services and their protection from violence, abuse, and exploitation.

One of the areas where progress has been made, though not sufficiently, is in the effort

to eliminate harmful practices, particularly child marriage. Child marriage takes different forms in Ethiopia. The main types include arranged child marriage and child marriage by abduction.<sup>81</sup> Arranged marriage is a situation in which the parents or close family members, if the parents are not alive, decide to marry a girl to an adult.<sup>82</sup> In many cases, arranged child marriage is encouraged by traditional and religious leaders.<sup>83</sup> Marriage by abduction, which is common in rural parts of Ethiopia, is the practice of kidnapping girls with the view to establishing a forced matrimonial association.<sup>84</sup> The drivers of child marriage in Ethiopia are multifaceted and mutually reinforcing, ranging from gendered social norms<sup>85</sup> to poverty.<sup>86</sup> Addressing the drivers accelerates the journey towards ending child marriage.

### Legal protection

The Constitution guarantees children's right to be free from exploitative practices.<sup>87</sup> More specifically, the Criminal Code stipulates that it is a crime to conclude a marriage with a child apart from circumstances permitted by the

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- 80 UNICEF, African Union and UNECA (2025). The State of African Children 2025: The Future of Childhood in a Changing World. Statistical Compendium - African Overview. <https://data.unicef.org/resources/soac-2025/>.
- 81 Elizabeth Presler Marshall and others 'Child marriage in Ethiopia: A review of the evidence and an analysis of the prevalence of child marriage in hotspot districts' (2016) 11 <https://www.unicef.org/ethiopia/media/1516/file/Child%20marriage%20in%20Ethiopia%20.pdf>
- 82 Annabel S Erulkar and Eunice Muthengi, 'Evaluation of Berhane Hewan: A Program to Delay Child Marriage in Rural Ethiopia' (2009) 35 *International Perspectives on Sexual and Reproductive Health*.
- 83 Nicola Jones and others, 'Surprising Trends in Child Marriage in Ethiopia' (2016) <https://www.unicef.org/ethiopia/media/1506/file/Surprising%20trends%20in%20child%20marriage%20in%20Ethiopia.pdf>.
- 84 Haileyesus Getahun 'Marriage through abduction ('Telefa') in rural North West Ethiopia' (2001) 39 *Ethiopian Medical Journal*.
- 85 Melese Getu, Guday Emirie and Kassahun Habtamu 'The prevalence and drivers of early marriage across three generations in three districts from Amhara, Oromia and Southern Nations, Nationalities and Peoples regions of Ethiopia' (2021) 17(2) *Ethiopian Journal of the Social Sciences and Humanities* 91, 105-106.
- 86 Ministry of Women, Children and Youth Affairs of Ethiopia 'National Strategy and Action Plan on Harmful Traditional Practices (HTPs) against Women and Children in Ethiopia' (2013) 16.
- 87 Article 36(1) of the Constitution of Ethiopia.



relevant Family Code.<sup>88</sup> The criminalisation of child marriage sends out the message that child marriage is not a legitimate practice but rather a crime that entails a serious punishment. The Federal Family Code specifies that a person who has not attained the age of 18 years cannot conclude a marriage.<sup>89</sup> Marriage concluded violating the age requirement can be dissolved on the application of any interested person or the public prosecutor.<sup>90</sup> However, the Minister of Justice may, for serious causes, allow marriage at the age of 16.<sup>91</sup> The African Committee of Experts on the Rights and Welfare of the Child urged Ethiopia to remove the exception on the age of marriage,<sup>92</sup> but the revision is yet to happen.

## Policy and strategy measures

The National Children's Policy recognises the prevalence of child marriage and underscores that eradicating the practices is among the major policy priorities of the government.<sup>93</sup> The Policy emphasises awareness raising and creating an environment conducive to helping communities fight against harmful traditional practices.<sup>94</sup> Furthermore, Ethiopia also adopted the National Strategy and Action Plan on Harmful Traditional Practices against Women and Children, which

promotes a multisectoral approach to the elimination of all forms of harmful practices, focusing on three pillars, namely prevention, protection, and the provision of services.<sup>95</sup>

The National Costed Roadmap to End Child Marriage and FGM/C (2020–2024) is another key document that outlines strategies such as empowering adolescent girls and their families, engagement with the community, including faith and traditional leaders and increasing data and evidence generation, and use to eliminate child marriage.<sup>96</sup> Sectoral policies on education and health also contribute to ending child marriage. There is also noteworthy progress in terms of coordination. In 2012, the Ministry of Women, Children and Youth established the National Alliance to End Female Genital Mutilation/Cutting and Child Marriage, and the Alliance has been coordinating the efforts made to end harmful practices in Ethiopia.<sup>97</sup> Coordination plays a crucial role in enhancing the effectiveness of prevention and response interventions.

## Progress achieved

Over the years, Ethiopia has made progress in reducing the prevalence of child marriage, but at a slow pace.<sup>98</sup> Ethiopia has not conducted a

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88 Article 648 of the Criminal Code of Ethiopia.

89 Article 7(1) of the Revised Family Code Proclamation No 213, 2000. Regional States' family laws provide similar protection except the Afar and Somali Regions which have not adopted their respective regional family laws and hence the provisions of the Civil Code and Sharia Laws govern the family matters of these regions.

90 Ibid, Article 31(1).

91 Ibid, Article 7(2).

92 Concluding Recommendations by the ACERWC on Ethiopia's Initial Report on the Status of the Implementation of the ACRWC, para 11 and on the First Periodic Report, para 11.

93 Section 3(3) of the National Children's Policy (2017).

94 Ibid, Sections 4(2) & 4(5).

95 Section 3(3) of the National Strategy Harmful Traditional Practices (2013).

96 National Roadmap to End Child Marriage and FGM (2019), pg. 37.

97 Ibid, pg. 32.

98 Annabel Erulkar 'Changes in the prevalence of child marriage in Ethiopia, 2005–2016' (2022) 19 *Reproductive Health* 191.



census since 2016, and hence progress made will be shown using the demographic and health survey (DHS) up to 2016, as well as recent data from credible sources, including UNICEF data. From 2005 to 2016, the national median age at first marriage for women increased from 16.1 to 17.1 years of age.<sup>99</sup> This has further increased to 17.8 years of age in 2019.<sup>100</sup> In 2011, eight per cent of women married at the age of 15<sup>101</sup> and that has declined to 5.7 per cent in 2016.<sup>102</sup> The percentage of women marrying before age 18 has also declined from 63 per cent in 2011 to 58 per cent in 2016.<sup>103</sup> This has further declined to 40 per cent in 2023.<sup>104</sup> Therefore, even though not satisfactory, there is a gradual decline in child marriage in Ethiopia.

## Persistent challenges

Despite the gains made so far, there are still persistent challenges. Gendered social norms continue to disproportionately affect the lives of girls in Ethiopia, particularly in rural areas, by restricting their autonomy and pressuring them into child marriage.<sup>105</sup> To avoid premarital sex and pregnancy, parents marry their daughters at a young age.<sup>106</sup> Poverty remains another challenge that is hindering the effort to end child marriage in Ethiopia. Often parents arrange 'marriages

for young girls, as a way for a household to accumulate resources (through bride price) and reduce household costs.<sup>107</sup> Besides, poverty limits girls' access to education or makes them drop out of school and eventually end up in child marriage.<sup>108</sup> Education decreases the chances of girls entering into child marriage.

## Concluding remarks

Ethiopia has made progress in combating child marriage, yet it still ranks among those with the highest absolute numbers of child marriages. To further accelerate the elimination of child marriage, greater investment in awareness-raising is needed to change social norms driving child marriage. Bringing attitudinal changes requires working closely with faith and traditional leaders. Moreover, poverty alleviation and social protection programmes should be increased to reach children and families who are economically disadvantaged. Investment in education is critical to combat child marriage in Ethiopia. Building on ongoing progress, Ethiopia needs to further intensify its efforts to end child marriage through a holistic approach that focuses on addressing the root causes, empowering children and families and building communities that do not tolerate child marriage.

99 Central Statistical Agency of Ethiopia (CSA) and ORC Macro, Ethiopia Demographic and Health Survey (2005), pg. 65; CSA and ICF International, Ethiopia Demographic and Health Survey (2016) pg. 65.

100 National Adolescents and Youth Health Strategy (2021-2025), pg. 11.

101 CSA and ICF International, Ethiopia Demographic and Health Survey (2011), pg. 63.

102 CSA and ICF International, Ethiopia Demographic and Health Survey (2016), pg. 63.

103 CSA and ICF International (2016), pg. 67.

104 UNICEF, African Union and UNECA (2025). The State of African Children 2025.

105 Yisak Tafere and others, 'Young Marriage, Parenthood and Divorce in Ethiopia' (2020), pg. 37 [https://www.younglives.org.uk/sites/default/files/migrated/YL-CountryReport-Ethiopia-Apr20-LowRes\\_4.pdf](https://www.younglives.org.uk/sites/default/files/migrated/YL-CountryReport-Ethiopia-Apr20-LowRes_4.pdf)

106 Getu, Emirie & Habtamu (n 6), pg. 106.

107 Maja Gavrilovic and others, 'Child Marriage and Ethiopia's Productive Safety Net Program: Analysis of protective pathways in the Amhara region' (2020), pg. 9 <https://www.unicef.org/ethiopia/media/6761/file/Final%20Report%20.pdf>

108 Ibid, pg. 16.



# Policy reforms and programmatic efforts to address child marriage and female genital mutilation in Tanzania: Reflection on post-ratification of the ACRWC

Eric S Guga

## Introduction

Child marriage and female genital mutilation (FGM) remain deeply entrenched in Tanzania, driven by patriarchal norms, poverty and gender inequality.<sup>109</sup> These practices undermine girls’ health, education and well-being, while violating fundamental human rights. Since ratifying the African Charter on the Rights and Welfare of the Child (ACRWC) in 2003, Tanzania has strengthened its commitment to ending harmful practices through legal reforms, institutional frameworks and community engagement<sup>110</sup>. This paper reviews policy and programmatic reforms since ratification, using official statistics to analyse national trends, regional disparities and implications for future action with a focus on the Tanzania mainland.

## Trends in female genital mutilation

Nationally, FGM prevalence has declined slightly, from 10% in 2015/16 to 8% in 2022.<sup>111</sup> However, significant regional disparities persist. The Manyara region recorded a notable decline from 58% to 43%, while the Mara region reduced from 32% to 28%. In contrast, Arusha showed an increase from 41% to 43%, diverging from the national trend.

Table 1: Comparison of FGM prevalence, national and regional

| Location         | TDHS 2015/16 | TDHS 2022 | Change | Key Notes                                                           |
|------------------|--------------|-----------|--------|---------------------------------------------------------------------|
| National Average | 10%          | 8%        | ↓ 2%   | Overall decline nationally, but risk of rollback remains.           |
| Manyara          | 58%          | 43%       | ↓ 15%  | Significant decline, but prevalence still very high.                |
| Arusha           | 41%          | 43%       | ↑ 2%   | Concerning increase, contrary to national trend.                    |
| Mara             | 32%          | 28%       | ↓ 4%   | Slight decline, prevalence still high compared to national average. |

Source: TDHS-MIS 2015/16 and TDHS-MIS 2022

109 Human Rights Watch, (2014) No Way Out: Child Marriage and Human Rights Abuses in Tanzania. Available at: <https://www.hrw.org/report/2014/10/29/no-way-out/child-marriage-and-human-rights-abuses-tanzania> (Accessed: 27 August 2025).

110 The United Republic of Tanzania ratified the African Charter on the Rights and Welfare of the Child (ACRWC) on 16th, March 2003. See African Committee of Experts on the Rights and Welfare of the Child, (n.d.) Ratifications. Available at: <https://www.acerwc.africa/en/member-states/ratifications> (Accessed: 27th August, 2025).

111 National Bureau of Statistics (NBS). (2023). Tanzania Demographic and Health Survey and Malaria Indicator Survey (TDHS-MIS) 2022. Dar es Salaam, Tanzania and Rockville, Maryland, USA: NBS and ICF. Available at: <https://dhsprogram.com/pubs/pdf/PR144/PPR144.pdf> (Accessed: 27th August, 2025).

These variations highlight both the potential of targeted interventions and the persistence of localised resistance. Age-disaggregated data show that 34% of FGM occurs before age 5, 28% between 10–14 and 20% after age 15, with rural areas reporting prevalence three times higher than urban settings. These findings demonstrate the urgency of strengthening community-based prevention and child protection systems.

## Trends in child marriage

Child marriage has also shown a modest national decline, from 31% in 2015/16 to 29% in 2022.<sup>112</sup> The median age of first marriage increased slightly from 19.5 to 19.8 years, signalling incremental progress. However, the median age of sexual debut has remained constant at 17 years, pointing to continued risks for adolescent girls.

**Table 2: Trends in child marriage indicators in Tanzania**

| Indicator                              | TDHS 2015/16 | TDHS 2022 |
|----------------------------------------|--------------|-----------|
| Girls married before age 18            | 31%          | ↓ 29%     |
| Median age at first marriage/ union    | 19.5         | ↑ 19.8    |
| Median age at first sexual intercourse | 17.0         | ↔ 17.0    |

Source: TDHS-MIS 2015/16 and TDHS-MIS 2022

Disparities remain pronounced for girls outside formal education and in rural or marginalised areas where protection systems are weaker. Despite signs of progress, the persistence of early marriage underscores the need for expanded access to comprehensive sexuality education, adolescent-friendly services and strengthened enforcement of child protection laws.

## The Legal and Policy Landscape Post-ACRWC Ratification

Ratification of the ACRWC catalysed major reforms in Tanzania's child protection framework, closing long-standing legal loopholes that had allowed harmful practices to persist. Key milestones include the Law of the Child Act in 2009, which harmonised national laws with international standards by defining a child as anyone under 18<sup>113</sup>. The 2016 High Court ruling struck down provisions of the Marriage Act permitting child marriage and was upheld in 2019, setting 18 as the minimum age of marriage for both sexes<sup>114</sup>. The Education Act amendment in 2016, further strengthened protection by criminalising the marriage or impregnation of schoolgirls, prescribing penalties of at least 30 years in prison<sup>115</sup>. Most recently, the Tanzania Education and Training Policy 2023 Edition, which introduces 10 years of compulsory education, abolished the Standard VII exam

<sup>112</sup> Ibid.

<sup>113</sup> Section 4 of the law of the Child Act Cap. 13 defines a child as a person under 18 years of age and upholds best interests of a child as a primary consideration in all actions concerning children. See: The Government of Tanzania, Law of the Child Act Cap. 13. Available at: [https://www.jamii.go.tz/uploads/documents/sw-1721730396-sw1697090898-sw1649232873-Law%20of%20the%20Child%20Act%20CHAPTER%2013%20\(1\)%20\(1\).pdf](https://www.jamii.go.tz/uploads/documents/sw-1721730396-sw1697090898-sw1649232873-Law%20of%20the%20Child%20Act%20CHAPTER%2013%20(1)%20(1).pdf) (Accessed: 22th August, 2025)

<sup>114</sup> See report by Southern Africa Litigation Centre, (n.d.). The Fight to End Child Marriages in Tanzania. Available at: <https://www.southernafricalitigationcentre.org/wp-content/uploads/2019/08/SALC-Rebeca-gyumi-case-study.pdf> (Accessed: 25th August 2025).

<sup>115</sup> See the Government of Tanzania, (2023) Education Act Cap 353. Available at: <https://www.nps.go.tz/uploads/documents/sw-1751202837-The%20Education%20Act.pdf> (Accessed: 27th August, 2025).



and ensured smoother school transitions, a measure expected to reduce dropout rates and help prevent child marriage.<sup>116</sup>

On FGM, Tanzania strengthened its legal framework through the Sexual Offences Special Provisions Act (1998) and amendments to the Penal Code, which criminalised FGM for girls under 18 with sentences of 5 to 15 years in prison.<sup>117</sup> These provisions were reinforced by the Law of the Child Act Cap 13, which explicitly prohibits FGM, torture or cultural practices harmful to children's well-being, with penalties of up to 15 years imprisonment.<sup>118</sup> These reforms showcase significant progress toward aligning Tanzania's laws with international human rights commitments, though gaps remain due to conflicting provisions in the Law of Marriage Act and weak enforcement and especially girls outside formal education remain particularly vulnerable.

## Programmatic efforts and multi-stakeholder collaboration

Tanzania's progress in addressing child marriage and FGM has been shaped by strong programmatic frameworks and coordinated multi-stakeholder action. Successive National Plans of Action to end Violence Against Children/Women between 2013–2029 have provided a coordinated and comprehensive platform for prevention, survivor services and community-level action through Women and Children Protection Committees.<sup>119</sup> These plans established a decentralised system supported by training manuals and guidelines to clarify roles and strengthen accountability. At the community level, faith-based and traditional leaders have become powerful advocates for change. With support from CSOs and agencies such as UNFPA and UN Women, religious and cultural platforms are being used to denounce

116 This new approach is a key strategy to improve net enrolment rates (NER) by ensuring a smoother transition and reducing dropout rates, which were often caused by the high-stakes primary school leaving exam. The NER for primary school stood at a high at 83.3% in 2023, whereas the NER for secondary school remains low at 39.0% by 2020/21, though it represents a significant national improvement with a 14.3 percentage point increase from 24.7% in 2014/15 according to the Basic Educations Statistics in Tanzania published annually by the President's Office-Regional Administration and Local Government (PO-RALG). This policy is also likely to contribute to the prevention of child marriage by keeping girls in school and out of high-risk situations.

117 Section 169A of Penal Code Cap. 16 criminalizes the performance of FGM on girls under the age of 18. See: the Government of Tanzania, (2023) The Penal Code, Chapter 16. Available at: <https://www.sheria.go.tz/uploads/documents/sw-1677665965-THE%20PENAL%20CODE.pdf> (Accessed: 29th August, 2025).

118 Section 158A strictly prohibit FGM on a child and also in section 13 prohibits any form of "torture or other cruel, inhuman punishment or degrading treatment," explicitly including any "cultural practice which dehumanizes or is injurious to the physical and mental well-being of a child". See: the Government of Tanzania, (2019) The Law of the Child Act, Chapter 13. Available at: [https://www.jamii.go.tz/uploads/documents/sw-1721730396-sw1697090898-sw1649232873-Law%20of%20the%20Child%20Act%20CHAPTER%2013%20\(1\)%20\(1\).pdf](https://www.jamii.go.tz/uploads/documents/sw-1721730396-sw1697090898-sw1649232873-Law%20of%20the%20Child%20Act%20CHAPTER%2013%20(1)%20(1).pdf) (Accessed: 25th August 2025).

119 Since the publication of the first ever national level Violence Against Children survey in 2011, the effort began with the Multi-Sectoral National Plan of Action to Prevent and Respond to Violence against Children (2013-2016), which was a direct response to the findings. This was followed by the National Plan of Action to End Violence Against Women and Children (NPAVAWC) 2017/18-2021/22, which consolidated various efforts into a single, comprehensive framework. The most current plan is the NPAVAWC II 2024/25-2028/29. See the Government of Tanzania, (2024) National Plan of Action to End Violence Against Women and Children (NPAVAWC II 2024/25 – 2028/29). Available at: <https://www.jamii.go.tz/uploads/documents/sw-1739175592-NPA-VAWC-II.24.25.pdf> (Accessed: 27th August, 2025).



harmful practices and promote alternative rites of passage, contributing, for example, to a 15% decline in FGM in Manyara between 2015/16 and 2022<sup>120 121 122</sup>.

Complementary efforts by CSO networks such as TECMN<sup>123</sup> and NAFGEM<sup>124</sup> have advanced policy advocacy, legal aid and grassroots education, while innovative tools like UNICEF's Binti digital platform and Finland-supported mobile tracking systems have improved reporting, accountability and protection.<sup>125</sup> Together, these initiatives illustrate that multifaceted strategies, combining legal reform, community mobilisation, technology and economic empowerment, are essential for sustainable change. They address both cultural norms and structural drivers and contributing to Tanzania's ability to foster conditions that protect girls' rights to education, health and a life free from harmful practices.

## Conclusion

It remains evident that Tanzania is making measurable progress in reducing child marriage and FGM through legal reforms and potentially coordinated multistakeholder community-based programs since ACRWC ratification. Nevertheless, disparities remain particularly for adolescent girls aged 15–17, those outside formal education and in high-prevalence regions such as Mara, Manyara and Dodoma where entrenched norms and weak services persist. To close these gaps, Tanzania needs to prioritise localised and culturally responsive interventions, harmonised laws, stronger enforcement and expanded access to justice, education, health and youth-friendly services. Sustained investment in these areas will be vital to ensure that all girls are equally protected from harmful practices and empowered to thrive.

120 They have been working with traditional leaders to promote alternative rites of passage, replacing cutting ceremonies with culturally acceptable but non-harmful celebrations of girls' transition to womanhood.

121 UNFPA Tanzania, (2025) Faith Leaders Take Action to End Child Marriage in Tanzania. Available at: <https://tanzania.unfpa.org/en/news/faith-leaders-take-action-end-child-marriage> (Accessed: 27th August, 2025).

122 UN Women Africa, (2019) Fight against FGM takes centre stage in Tanzania. Available at: <https://africa.unwomen.org/en/news-and-events/stories/2019/01/tanzania-story> (Accessed: 27th August, 2025).

123 TECMN stands for Tanzania Ending Child Marriage Network, their work involves engaging traditional leaders, providing legal aid and running media campaigns to raise public awareness. see "Girls Not Brides, (2022) Tanzania Ending Child Marriage Network: Sharing our journey, insights and learning. Available at: <https://www.girlsnotbrides.org/learning-resources/resource-centre/tanzania-ending-child-marriage-network-sharing-our-journey-insights-and-learning/> (Accessed: 27 August 2025).

124 NAFGEM stands for Network Against Female Genital Mutilation, they work directly with communities, running educational seminars, training workshops and awareness campaigns to empower women and girls to end the practice themselves. See: NAFGEM Tanzania, (n.d.) Home. Available at: <https://www.nafgemtanzania.or.tz/> (Accessed: 27th August, 2025).

125 Binti is a digital tool created by UNICEF that helps communities track and report cases of child marriage and other harmful practices. See: UNICEF Innovation, (2022) Binti: A digital tool to end child marriage. Available at: <https://www.unicef.org/innovation/stories/binti-digital-tool-end-child-marriage> (Accessed: 27th August, 2025).



## State Party reporting as a catalyst for ending child marriage: The Case of Zambia

### UNICEF: Prevention of Harmful Practices Program

#### Introduction

State party reporting and the effective implementation of recommendations are critical levers in the efforts to end child marriage across Africa. Through systematic reporting, governments not only account for their progress and setbacks, but also illuminate context-specific challenges, emerging trends, and innovative responses that can inform continental action. Concluding Observations and Recommendations (CORs) issued by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) provide tailored roadmaps, identifying gaps and recommending concrete steps that states must take, ranging from legislative changes to community-anchored interventions. When states commit to acting on these recommendations, they strengthen accountability, galvanise collaboration, and build momentum for sustainable change.

This study employs a constructivist, qualitative case study of Zambia to critically examine the translation of the ACERWC concluding observations and recommendations into national commitments to end child marriage. It interrogates the mechanisms of influence, from legal and programmatic adoption to normative

shifts, by triangulating data from state party reports, ACERWC documents, policy analysis, and key informant interviews. The Zambian case, characterised by a high prevalence of child marriage alongside progressive legal reforms and continental advocacy leadership, provides a critical context for analysing the interplay between supranational guidance, state action, and grassroots accountability.

#### Rationale

Despite decades of concerted efforts, child marriage persists across Africa. As Agenda 2040 envisions, “an Africa fit for its children” requires dismantling this entrenched human rights violation, fuelled by poverty, gender inequality, and harmful social norms.<sup>126</sup> Globally, 19 per cent of women aged 20-24 were married before age 18, compared to 31 per cent in Sub-Saharan Africa, making it the region with the highest prevalence of child marriage.<sup>127</sup>

Child marriage undermines health, education, and economic futures. Maternal mortality, often linked to child marriage, is a leading cause of death for girls aged 15-19.<sup>128</sup> As one survivor put it starkly: **“Child marriage is modern slavery that *MUST* be ended now.”** Beyond its human cost, the practice erodes Africa’s potential demographic dividend by excluding girls from education and economic participation. Evidence demonstrates that delaying marriage and investing in girls’ education could increase GDP by billions of dollars annually across African states.<sup>129</sup>

126 UNICEF, Prospects for Children in the Polycrisis. A 2023 Global Outlook, 2023, [www.unicef.org/innocenti/reports/prospects-children-polycrisis-2023-global-outlook](https://www.unicef.org/innocenti/reports/prospects-children-polycrisis-2023-global-outlook) <https://www.unicef.org/innocenti/reports/prospects-children-polycrisis-2023-global-outlook> [Accessed 29 August 2025].

127 Global trends & SDG progress | Child Marriage Data Portal

128 Adolescent health and well-being | UNICEF

129 Wodon, Q., Montenegro, C., Nguyen, H., & Onagoruwa, A. (2018). Educating Girls and Ending Child Marriage: A Priority for Africa (Synthesis



## Continental architecture on ending child marriage

The continental architecture to end child marriage in Africa is rooted in a robust normative framework, including continental instruments such as, *inter alia*, the ACRWC and the Maputo Protocol. These frameworks are operationalised through initiatives such as the African Union Campaign to End Child Marriage, launched in 2014, which galvanises political commitment and fosters cross-border learning. These efforts are significantly amplified by high-level advocacy roles, notably the Presidential Champion on Ending Child Marriage, a position held by Zambian presidents since 2014. Additionally, the Special Rapporteur of the ACERWC on Ending Child Marriage and Other Harmful Practices, who provides monitoring and technical support to States. Collectively, this multifaceted architecture, encompassing legal instruments, programmatic campaigns, and targeted advocacy, seeks to transform social norms and accelerate progress toward eliminating this egregious violation of children's rights.

### The Case of Zambia: Implementing ACERWC Recommendations– Progress, Gaps, and Strategic Imperatives

Zambia ratified the African Charter on the Rights and Welfare of the Child (ACRWC) in 2008 and submitted its initial state report in

2017. Highlighting a child marriage prevalence of 40 per cent, the government launched a national strategy to reduce child marriage by 40 per cent by 2021, through multisectoral coordination, legal reform, norms change, and service provision.<sup>130</sup> The State Party also reported that the Marriage Act set the minimum age for marriage at 21 years, the Anti-Gender-Based Violence Act recognises child marriage as a form of abuse, and the Education Act prohibits marriage among school-going children. Despite all efforts, the state party acknowledged that challenges persist, including deeply rooted cultural practices, poverty, and limited access to education and health services, especially in rural areas.

The ACERWC reviewed the state party report and adopted its concluding observation and recommendation in May 2019.<sup>131</sup> The Committee appreciated Zambia's adoption of the National Strategy on Ending Child Marriage. However, the Committee expressed concern over the high prevalence of child marriage, reported at 40 per cent, and highlighted legal loopholes that permit marriage at age 16 with parental consent, as well as customary laws that allow marriage upon reaching puberty. The Committee recommended full implementation of the national strategy and emphasised the importance of keeping girls in school, noting that school attendance significantly reduces the likelihood of child marriage. The Committee also urged the revision of the Marriage Act to set and enforce 18 years as the minimum age for marriage, applicable to both civil and

Brief). Washington, DC: The World Bank. p. 5.

130 Republic of Zambia (2017). Initial Report on the Implementation of the African Charter on the Rights and Welfare of the Child

131 African Committee of Experts on the Rights and Welfare of the Child (2019). Concluding Observations and Recommendations of the African Committee of Experts on the Rights and Welfare of the Child on the Initial Report of the Republic of Zambia on the Status of the Implementation of the African Charter on the Rights and Welfare of the Child, 2019



customary unions. Additional recommendations included sensitisation campaigns, prosecution of perpetrators, and the establishment of a minimum age for leaving school to further prevent child marriages.

In 2023, Zambia submitted its First Periodic Report,<sup>132</sup> which reflected a shift toward legal harmonisation among other things. According to the report, the state party's Children's Code Act (2022) defines a child as anyone under 18 and categorises married children as vulnerable, eligible for protection and support services. Aligned to this, the Marriage Amendment Bill introduced in 2023 and submitted to parliament set a minimum age for marriage at 18 years without exceptions.

Zambia reported the introduction of free education from primary to secondary levels, alongside a re-entry policy for adolescent girls who drop out due to pregnancy. The government launched a multi-stakeholder anti-child-marriage campaign and initiated a revision of the national strategy on ending child marriage. Furthermore, the State party has continued engaging traditional leaders to harmonise customary norms with statutory provisions on the age of marriage.

Following its review of Zambia's First Periodic Report, the ACERWC issued a concluding observation and recommendation in November 2024. The Committee appreciated the reduction of the prevalence of child marriage from 40 per cent in 2014 to 29 per cent in 2018, the launch of a multi-stakeholder end child marriage campaign, and the establishment of a civil society coalition and an inter-ministerial committee dedicated to

ending child marriage. The Committee further welcomed the development of a new National Strategy for Ending Child Marriage by 2030 and the prohibition of harmful practices under Section 18(1) of the Children's Code Act. Going forward, the Committee urged Zambia to provide comprehensive services for girls affected by child marriage, finalise and implement the revised National Strategy on Ending Child Marriage, ensuring it is well-funded and coordinated at the highest levels of government.<sup>133</sup>

## Survivor perspectives

Survivor testimony underscores both the urgency and the possibilities of change. Chipasha Iliamupu, married at 15, recalled:

**"At age 15, I dropped out of school to get married. I have a message for girls who are caught up in the same situation: Speak up, learn your rights."**

Through advocacy campaigns, Chipasha reframed her journey:

**"I have now graduated from victim to victor. My contribution has been the advocacy I do on ending child marriage in my community and the nation."**

Her recommendations reflect the accountability gaps highlighted by the ACERWC: delaying initiation ceremonies through traditional leader engagement, intensifying punishment for perpetrators, providing aftercare services for survivors, and building a survivor-led national movement.

<sup>132</sup> Republic of Zambia (2023). State Party Report on the Implementation of the Concluding Observations and Recommendations on the African Charter on the Rights and Welfare of the Child

<sup>133</sup> The government of Zambia has finalized and endorsed the revised strategy on Ending Child Marriage in 2025

## Analysis

Zambia's trajectory demonstrates both the promise and limitations of state party reporting as an accountability mechanism under Article 43 of the ACERWC. On the one hand, the ACERWC's concluding observations clearly shaped Zambia's legal and policy reforms. The 2019 recommendations on harmonising marriage laws, strengthening education access, and engaging traditional leaders directly informed subsequent reforms, including the ***Children's Code Act (2022)***, the Marriage Amendment Act (2023),<sup>134</sup> and the expansion of free education and re-entry policies. This suggests that concluding observations can act as "normative anchors" that translate continental commitments into binding domestic law.

Progress remains uneven. Zambia delayed its reports to the ACERWC, limiting timely oversight by the ACERWC. While national laws and strategies were adopted, gaps in financing, coordination, and enforcement persist. The 2019 strategy expired without meeting its targets, and the draft 2030 strategy risks being aspirational unless properly funded and monitored. The ACERWC's call for a "well-funded, coordinated" approach underscores that legal reform must be backed by sustained political and financial commitment.

Equally important is the role of survivor and youth voices in strengthening accountability. Testimonies like that of Chipasha Iliamupu demonstrate that top-down legal reforms must be coupled with bottom-up norm change. Her demand that ***"the country and community must delay initiation ceremonies and***

***intensify punishment for perpetrators"***

echoes the Committee's emphasis on cultural transformation and enforcement.

Finally, Zambia illustrates how accountability mechanisms can create "feedback loops" between continental oversight and national reform. The ACERWC's iterative reviews, identifying loopholes in 2019, then acknowledging progress while flagging gaps in 2024, generated both external pressure and internal political momentum. Yet, the sustainability of these reforms depends on whether reporting becomes a cyclical practice of accountability rather than a compliance exercise.

## Conclusion

Zambia demonstrates that state party reporting can drive measurable change when recommendations are concrete and are taken seriously, but its impact is contingent on three reinforcing conditions:

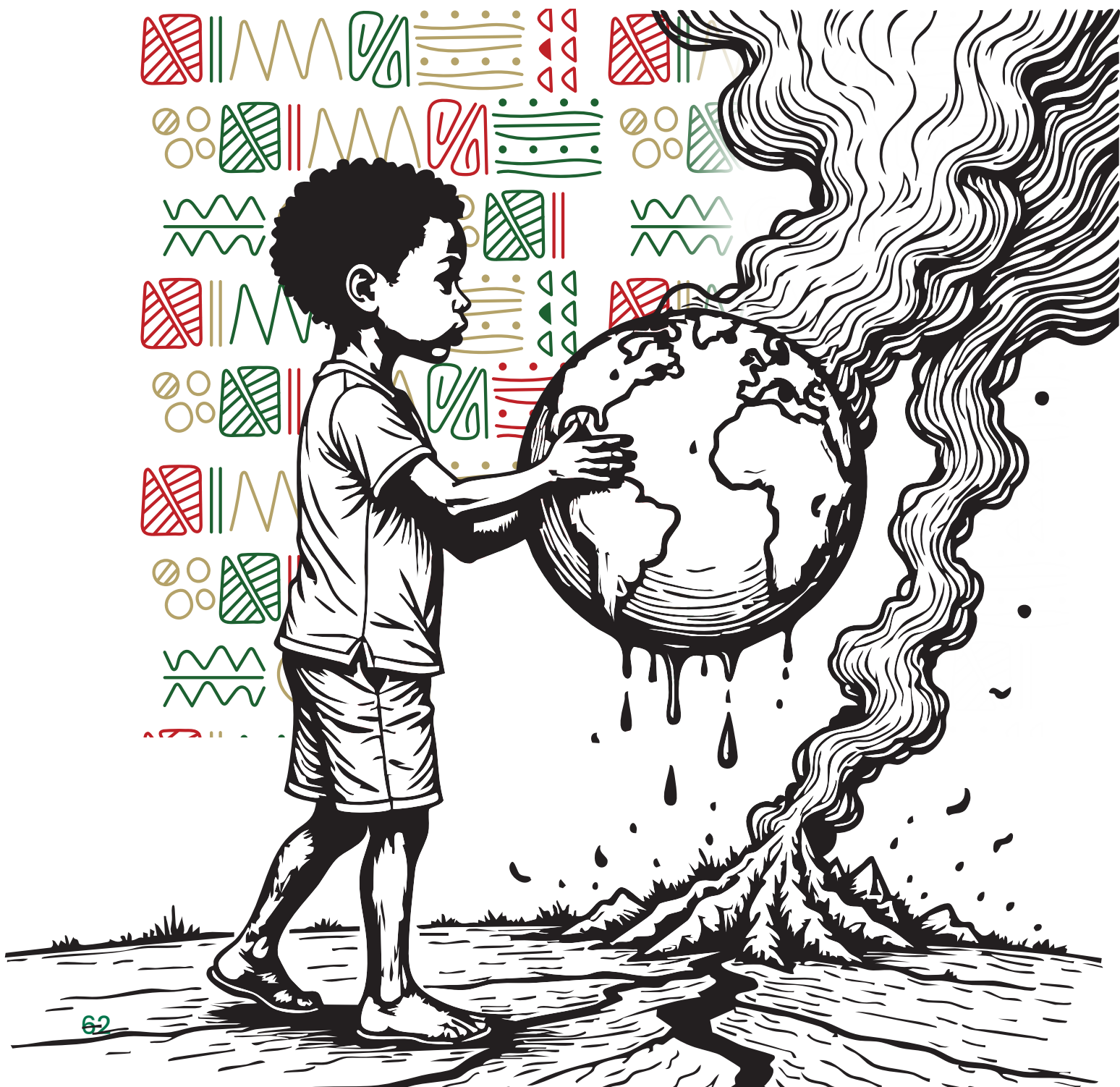
1. Timely and sustained reporting and follow-up to maintain oversight cycles;
2. Resourced, multisectoral implementation that moves beyond lawmaking to service delivery and norm change; and
3. Meaningful inclusion of survivors and communities in monitoring, advocacy, and reform processes.

Only when these conditions align can accountability mechanisms catalyse the structural transformation needed to eliminate child marriage and other harmful practices.

<sup>134</sup> The Government of Zambia enacted the Child Marriage Amendment Bill into law in December 2023. <https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%2013%20of%202023%2C%20The%20Marriage%20%28Amendment%29%20Act.pdf>



# Emerging Issues Affecting Children's Rights And General Reflections



## Assessing the contribution of the General Comments of the African Children's Committee

Prof Julia Sloth-Nielsen

### Introduction

This contribution aims to assess the value added of three General Comments issued by the African Committee of Experts on the Rights and Welfare of the Child to date.<sup>135</sup> General Comments, by nature, scope and purpose, are interpretative documents through which treaty bodies 'give voice to their understanding of substantive treaty provisions'. Although they belong to the more encompassing category of soft law, thereby creating non-binding obligations for states, their 'great persuasive force' and 'practical effects' in the international legal discourse, of which they form an integral part, must be acknowledged. Soft law instruments have always been shadowed by questions around 'authoritativeness', legitimacy and state compliance. Soft law generates weaker levels of compliance by states than hard law, but it does provide the benefit of speed, informality, and less onerous procedural limitations than treaty law itself. Having given an overview of the General Comments, the article will illustrate the extent to which General Comments have been used in research reports, concluding observations

issued to State Parties, and (if applicable) in jurisprudence related to communications.

## The General Comments

### General Comment on Article 30

The first General Comment was developed to explain the meaning and content of article 30, a unique provision in international law dealing with the imprisonment of mothers.<sup>136</sup> Article 30(d) places a strict and categorical obligation on state parties to 'ensure that a mother shall not be imprisoned with her child'. Article 30(d) finds itself at odds with the approach proposed in General Comment 1 exactly by adopting such an approach deprived of individualisation, which Alina Miamingi argues rightfully challenges 'stereotyped and oversimplified' narratives involving the children of imprisoned mothers, that would suggest 'a uniformity of situations' in which such children find themselves and does not give effect to their best interests, which may require that they be accommodated in prison with their mothers in some situations.<sup>137</sup> The General Comment proposes various alternatives to incarceration, in line with African tradition with regard to justice.<sup>138</sup> When children are separated from their mothers, state parties are under an obligation to ensure their best interests by providing viable alternative arrangements for their care, decided upon on a case-by-case basis and upon meaningful consultation with the

<sup>135</sup> Space limitations preclude a full discussion of all of the General Comments issued thusfar (9).

<sup>136</sup> Interestingly, the General Comment replaces the term used in the Charter (mothers) with a more gender neutral one: children of incarcerated and imprisoned parents and primary caregivers. The fact that this was the first General Comment to be adopted by the Committee was probably occasioned by the fact that the provision has no equivalent in the CRC, and hence there would be no overlap with the work of the CRC Committee. See in general Alina Miamingi 'The applicability of the best interests principle to children of imprisoned mothers in contemporary Africa: Between hard and soft law' (vol 20 no 2) 2020 African Human Rights Law Journal 713.

<sup>137</sup> General Comment no 1 par 14.

<sup>138</sup> Par 60 and 61.



child.<sup>139</sup> But in spite of the clear meaning of article 30(d), the ACERWC embarked on its purposive interpretation - a decision motivated mainly by two factors. The first factor is to ensure 'a better protection of children of imprisoned parents and caregivers', in line with the best interests principle. The second is to respond to changes in circumstances in African society from the time of drafting the ACRWC to the time of issuing General Comment 1. Miamingi concludes that the content of General Comment 1 represents a step forward in achieving better rights for the children of imprisoned mothers.

## General Comment on Article 1

General Comment No 5 on General measures of implementation of the Charter and systems strengthening for child protection<sup>140</sup> endorses the position that article 1(1) simply refers generally to the 'provisions of this Charter' without any distinction as to civil and political or social and economic rights. Moreover, the Committee endorses the interdependence, indivisibility and mutually-reinforcing nature of all rights, and stresses that the enjoyment of economic, social and cultural rights is inextricably intertwined with the enjoyment of civil and political rights. It proposes that respect for the views of the child should be enshrined in all national legislation. The General comment extensively details legislative measures that States should undertake to implement the Charter, including those related to juvenile justice. Further, the General Comment suggests that in order for

child participation to be more effective, there is an urgent need to integrate the principle systematically into many more official and government processes, as well as to integrate monitoring mechanisms into these governance processes to ensure the accountability of duty-bearers such as policy makers, parents and educators, and public officials.<sup>141</sup>

The ACERWC is cognisant of the major role in the delivery of services to children that is played by civil society organisations (CSOs), community-based organisations (CBOs) and the private sector in the fulfilment of Charter rights. The ACERWC via the General Comment has encouraged state parties to collaborate with CSOs, CBOs and the private sector in the formulation of policies, and strongly suggested that state parties devise a more inclusive and participatory process to involve them in the development and implementation of policies, laws, budgets and programmes that affect the realisation of children's rights.<sup>142</sup> The General Comment is unique insofar as it requires state parties to ensure that CSOs and international organisations that work directly with children adopt child-safeguarding policies.<sup>143</sup>

Systems strengthening for child protection, the second part of this General Comment, is a major innovation in this General Comment. "Systems strengthening" in child protection refers to identifying, establishing and strengthening the (coordinated) response to violations relating to abuse, neglect, maltreatment and

139 Par 29 and 40. The General Comment draws heavily on the South African Constitutional court case of *M v S* [2007] ZACC 18 (Constitutional Court 2007), thereby concretising its principled approach to the sentencing of mothers as a continental one.

140 See J Sloth-Nielsen 'Chapter 2: Article 1 Obligation of state parties' in *The African Charter on the Rights and Welfare of the Child: A Commentary* (eds Julia Sloth-Nielsen, Elvis Fokala & Godfrey Odongo PULP (2024).

141 General Comment no 5 par 20.

142 General Comment no 5 par 46 and 47.

143 General Comment par 47.



exploitation. Explaining what it entails, and how states parties should address the need for systems strengthening, is crucial in the African context where social welfare services are underdeveloped and scarce. A systems approach entails that, rather than treating each child protection issue separately, a holistic view of children and child protection is promoted, and all stakeholders who are involved in child protection responses are involved. Systems include both formal and informal local contexts.

## General Comment on Article 6

The third selected General Comment is the one relating to article 6 of the Charter, dealing principally with birth registration of children and their right to acquire a nationality.<sup>144</sup> The ACERWC highlights the need for a children's rights approach to birth registration. It is not just 'a mere bureaucratic and administrative formality', but the means through which a child is able to enjoy and access a multitude of other rights. The General Comment stresses that for the right to be effective, birth registration 'must be universal, free and accessible and made immediately after the birth of the child.'<sup>145</sup> In terms of the universality of the right, this means it must be afforded to every child, anywhere and at any time. It must apply without discrimination, including on the basis of the status of the child's parents.<sup>146</sup> Although article

6(3) does not confer the right to a nationality from birth, but rather 'the right to acquire a nationality', the General Comment has made it clear that 'a purposive reading and interpretation of the relevant provision strongly suggests that, as much as possible, children should have a nationality beginning from birth.'<sup>147</sup> The ACERWC subsequently affirmed in their decision on the communication against Sudan<sup>148</sup> that 'the State where the child is born in is the primary bearer of the obligation to grant nationality to the child, particularly in a situation where the child becomes otherwise stateless.'<sup>149</sup> But this does not mean that other states incur no obligations to prevent statelessness. States with which the child has a relevant link (for instance parentage or residence) thus also have the responsibility of ensuring a child is granted nationality.<sup>150</sup> Article 6(4) must be implemented 'proactively in cooperation with other States'.<sup>151</sup>

## How have General Comments been used?

Much of the information in this section has been gleaned from a perusal of the ACERWC's Concluding Observations.<sup>152</sup> Muntingh notes that the ACERWC has between 2008 and 2022 made 44 substantive comments with reference to article 30 in its Concluding Observations on State Party reports. The overwhelming majority of these comments refer to the substance of

144 R Sloth-Nielsen 'Chapter 7: Article 6 Name and nationality' in *The African Charter on the Rights and Welfare of the Child: A Commentary* (eds Julia Sloth-Nielsen, Elvis Fokala & Godfrey Odongo PULP (2024).

145 Par 49.

146 Par 50.

147 Par 42

148 See below further.

149 Sudanese case, para 60. See also *Kenyan Nubian Children's Case* (n 14) para 50.

150 General Comment no 2 para 62.

151 As above.

152 The author was not able to include concluding observations which are in French. Furthermore, the emphasis was only the most recent concluding observations where a state party had submitted more than one report over the years.



General Comment 1 on the Charter,<sup>153</sup> and many, notably in more recent times, refer directly to the General Comment itself. It is clearly the most well used of the ACERWC's General Comments thus far. This is unsurprising given that it was the first General Comment of the Committee and that the Charter provision on children of imprisoned mothers is unique in international human rights law.

The second most commonly cited General Comment is that relating to birth registration and nationality. It appears, for instance, in Concluding Observations for Rwanda, Zimbabwe, Tanzania, Uganda, Zambia, and Eswatini, and Lesotho.

It seems that the third most commonly cited General Comment is General Comment No 3 on article 31 (responsibilities of the child).<sup>154</sup> An example is in the 2022 Concluding Observations to Ethiopia:<sup>155</sup>

The Committee would like to further encourage the State Party to make use of its General Comment No 3 on article 31 of the Charter on the Responsibilities of the Child for better guidance on the implementation of the responsibilities of the child. The Committee also recommends that the State Party ensures that children are not subjected to burdensome expectations and works in delivering their responsibilities and that article 31 should be implemented

in line with the general principles of the Charter as well as the other provisions of the Charter.

The only other reference to a General Comment that could be discerned in Concluding Observations was to the Joint General Comment of the ACERWC and the African Commission on Human and Peoples' Rights (ACHPR) on Ending Child Marriage.<sup>156</sup>

Another notable reference to a General Comment can be found in the ACERWC's Continental Assessment of the Impact of Covid 19 on the Rights and Welfare of Children in Africa,<sup>157</sup> which refers in some detail to General Comment No 5 on Article 1 of the ACRWC, which deals with State Party Obligations under the ACRWC and Systems Strengthening for Child Protection.<sup>158</sup>

Further, reliance on General Comments was quite extensive in the **Tanzania** decision.<sup>159</sup> This decision includes references to the General Comment No 5 on Article 1, General Comment No 3 on Article 31, Joint General Comment of the ACERWC and ACHPR on Ending Child Marriage, and General Comment No. 7 on Article 27. This Communication decision also cites the Joint General Recommendation/General Comment No. 31 on the Rights of the Child on Harmful Practices of the Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women,.

153 L Muntingh 'Chapter 31: Article 30: Children of Imprisoned Mothers in The African Charter on the Rights and Welfare of the Child: A Commentary' (eds Julia Sloth-Nielsen, Elvis Fokala & Godfrey Odongo PULP (2024).

154 [https://www.acerwc.africa/sites/default/files/2024-03/General\\_Comment\\_ACERWC\\_ART31\\_2018.pdf](https://www.acerwc.africa/sites/default/files/2024-03/General_Comment_ACERWC_ART31_2018.pdf)

155 Par 41. Also referred to in the concluding observations issued for Lesotho, Congo, and Eswatini.

156 [https://www.acerwc.africa/sites/default/files/2022-09/Joint\\_General\\_Comment\\_ACERWC-ACHPR\\_Ending\\_Child\\_Marriage\\_March\\_2018\\_English.pdf](https://www.acerwc.africa/sites/default/files/2022-09/Joint_General_Comment_ACERWC-ACHPR_Ending_Child_Marriage_March_2018_English.pdf) (Referred to in Concluding observations for Namibia and Zambia).

157 [https://www.acerwc.africa/sites/default/files/2022-09/Continental-assessment-Impact-of-Covid-19-\\_January\\_2022\\_English.pdf](https://www.acerwc.africa/sites/default/files/2022-09/Continental-assessment-Impact-of-Covid-19-_January_2022_English.pdf)

158 Ibid p 10.

159 Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) against the United Republic of Tanzania (No: 0012/Com/001/2019).



The Mali case<sup>160</sup> refers to ACERWC General Comment No. 7 on Article 27.<sup>161</sup> The decision on the communication submitted by African Centre for Justice and Peace Studies (ACJPS) (on behalf of Ms Umjumah Osman Mohamed) against the Republic of the Sudan<sup>162</sup> relies on three General Comments, namely No. 3 on Article 31, No. 5 on Article 1, and No. 7 on Article 27, and the earlier **Sudan** decision concerning the right to a nationality refers to (and indeed quotes from) General Comment No 2 on Article 6.<sup>163</sup>

prepare a policy paper for internal (and external) use highlighting the specific role that its General Comments should play in future.

## Conclusions and recommendations

Although the above analysis shows that General Comments have featured in Concluding Observations, from time to time in Communications, and very seldom in research studies, it is evident that their use has been uneven and sometimes quite sporadic. This is unfortunate, as the contents of General Comments represent a synthesis of collective wisdom gathered from experts in that particular domain, before approval by the ACERWC. A more systematic consideration of General Comments in all of the jurisprudence emanating from the Committee would be desirable, as it would at the same time serve to popularise the General Comments, and to alert State Parties more clearly to the continental standards of interpretation of the Charter that the Committee endorses. Merely refencing General Comment in footnotes is less useful (to State Parties) than integrating the contents into texts of Concluding Observations and findings on communications. It is thus recommended that the Secretariat

160 APDF and IHRDA on behalf of AS a minor against the Republic of Mali (No: 0013/Com/001/2020).

161 [https://www.acerwc.africa/sites/default/files/2022-09/General-Comment-on-Article-27-of-the-ACRWC\\_English\\_0.pdf](https://www.acerwc.africa/sites/default/files/2022-09/General-Comment-on-Article-27-of-the-ACRWC_English_0.pdf)

162 Communication No: 0016/Com/004/2020.

163 African Centre of Justice and Peace Studies and People's Legal Aid Centre v Government of the Republic of Sudan Communication no 005/Com/001/2015.



## Climate disinformation: A threat to child participation in environmental decision-making

Power Law Africa – Claire Dehosse, Phakamile Khumalo, and Pheny Sekati

### Introduction

Climate mis- and disinformation are currently clear threats to children's rights across Africa. As the continent most vulnerable to climate change,<sup>164</sup> African children are entitled to access accurate and reliable information to make informed choices that enable them to meaningfully participate in decision-making. Instead, they increasingly encounter false or misleading climate narratives on digital platforms, where engagement-driven algorithms amplify sensational content over scientific accuracy. Social media echo-chambers entrench these narratives, where deceptive claims are framed as credible insights and sow sufficient seeds to doubt credible evidence.<sup>165</sup>

This article examines how climate mis- and disinformation undermines children's rights under the African Charter on the Rights and Welfare of the Child (the Charter) and, drawing on insights from children themselves as well as recent research on media and information literacy (MIL), provides recommendations to counter these adverse effects in order to empower

children and their caregivers to critically engage with online content and meaningfully participate in shaping Africa's future.

### Implicated rights

Article 4 of the Charter establishes that the best interests of the child must be the primary consideration in all actions affecting them and guarantees children the right to express their views and participate in all judicial and administrative proceedings which affect them. Article 7 grants children the right to express their opinions freely in all matters. Article 11 states that every child shall have the right to education which is directed to the development of respect for the environment and natural resources. State Parties must take all appropriate measures to achieve this.<sup>166</sup>

Climate mis- and disinformation comprises these rights. When children do not have access to reliable and accurate climate information, their participation on climate related issues becomes limited or uninformed. Further, their right to meaningful education is undermined. These rights and the corresponding risks of mis- and disinformation are echoed in other African Union and international law instruments. For example, the African Union Child Online Safety and Empowerment Policy provides strategic imperatives for comprehensive national action plans for the protection of children online, recognising both the risks (including mis- and disinformation) and opportunities that digital platforms may present.<sup>167</sup> In 2023, the United

<sup>164</sup> World Meteorological Organization, 'Africa faces disproportionate burden from climate change and adaptation costs' (2024) (accessible [here](#)).

<sup>165</sup> Ruiz and Nilsson, 'Disinformation and Echo Chambers: How Disinformation Circulates on Social Media Through Identity-Driven Controversies' (2023) 42(1) *Journal of Public Policy and Marketing* (accessible [here](#)) at page 32.

<sup>166</sup> See articles 4, 7 and 11 of the African Charter on the Rights and Welfare of the Child respectively (accessible [here](#)).

<sup>167</sup> African Union, 'The African Union Child Online and Safety and Empowerment Policy' (2024) (accessible [here](#)) at pages 4, 6-7.



Nations Committee on the Rights of the Child, in General Comment No. 26 on Children's Rights and the Environment, stated that children have the right to access accurate and reliable environmental information, and that States must protect children from misinformation concerning environmental risks.<sup>168</sup>

## The impact of climate mis- and disinformation on children

It must be borne in mind that children's cognitive capacities are still evolving, making them particularly susceptible to the impacts of climate mis- and disinformation.<sup>169</sup> In many African countries, digital platforms are used as primary sources of information.<sup>170</sup> However, these platforms present structural problems which result in the dissemination of content that is not always accurate or reliable. For example, many platforms make use of automated tools to flag and remove content which is contrary to their terms of use.<sup>171</sup> These tools are often not nuanced enough to capture different languages or cultural contexts. Because of this and platforms' general disincentive to flag climate mis- and disinformation, such content often remains unchecked.

Further, climate mis- and disinformation campaigns have moved past mere climate change denial. Sophisticated campaigns are now used to minimise urgency, promote false solutions, exploit legitimate grievances, and use

cultural narratives to dismiss climate science.<sup>172</sup> This complexity makes it harder to detect and subsequently remove climate mis- and disinformation from digital platforms.<sup>173</sup>

Consequently, children are hindered from making informed decisions and participating meaningfully in online spaces. These effects extend beyond individuals when echo-chambers encourage peer groups to share false beliefs that, in turn, normalise disinformation. This contributes to mistrust in the media, primes children to distrust climate science, and undermines the effectiveness of climate mitigation and adaptation measures.<sup>174</sup>

## Recommendations: MIL Education and the Article 12 case study

MIL education is a crucial defence against mis- and disinformation on digital platforms. The United Nations Educational, Scientific and Cultural Organization (UNESCO) presents MIL as an umbrella term that encompasses competencies that relate to information and communication broadly, and media in particular. MIL highlights "Access", "Analyse", and "Reflect" competencies, which emphasise critical thinking, questioning, and verifying information. It further emphasises "Create" and "Act" competencies, which have the potential to equip learners with fact-checking skills and the ability to navigate conflicting narratives,

168 Committee on the Rights of the Child, 'General Comment No. 26 (2023) on Children's Rights and the Environment with a Special Focus on Climate Change' (2023) (accessible here) at para F. For more on international and regional guidance on climate change and children's rights, see Media Monitoring Africa, 'Climate Disinformation: Consequences and Solutions' (2024) (accessible here).

169 Media Monitoring Africa, 'Disinformation through a children's rights lens' (2022) (accessible here) at 20.

170 Reuters Institute, 'Digital Rights Report' (2025) (accessible here).

171 ALT Advisory, 'Context matters: The importance of local nuance in online content moderation' (2023) (accessible here).

172 UNESCO, 'Countering climate disinformation in Africa through Media and Information Literacy' (2025) (accessible here).

173 Media Monitoring Africa, see above n 6 at page 14.

174 Media Monitoring Africa, see above n 5.



resist emotional manipulation, and use accurate information to support environmental justice.<sup>175</sup>

Recent research by the Media Monitoring Africa Trust (MMA) provides key insights into how MIL develops critical thinking, source credibility assessment, and fact-checking skills that help children combat climate disinformation and build resilience.<sup>176</sup> The study used mixed qualitative methods to assess South African learners in two provinces: the Gauteng-based Article 12 Policy Working Group (Article 12),<sup>177</sup> learners trained in digital and media literacy, and a group of KwaZulu-Natal learners without such training.

The findings highlight stark differences. Article 12 learners showed more advanced skills in critical thinking and information verification, while the other learners showed significant gaps. Specifically, Article 12 learners were better equipped to navigate complex information than the KZN-based learners, who demonstrated limited critical thinking and vulnerability to disinformation. This demonstrated an emerging information elitism, which separated South African children into those who could evaluate sources critically and those prone to manipulation.

Overall, the Article 12 learners' skill set provides compelling evidence that structured MIL training builds strong resilience against climate disinformation. In the group's three years of training, they had actively engaged in counter-

disinformation efforts, thereby positioning themselves as community agents who could disseminate accurate information. Beyond community engagement, Article 12 members also participate in ICT policy submissions and discussions to ensure that children's voices influence policymaking. Their recent submission to the United Nations Committee on the Rights of the Child on General Comment No. 26 emphasised the importance of MIL in equipping young people to identify and respond to climate mis- and disinformation by framing climate change as a rights issue requiring children's access to accurate, updated, and age-appropriate environmental information. They also called for public campaigns and youth competitions to raise awareness and provide reliable climate information.<sup>178</sup>

MIL for children is essential in strengthening digital literacy, thereby empowering children to critically engage with their communities, challenge climate mis- and disinformation, and ultimately in upholding their rights. State Parties should, in upholding the Charter, implement similar programmes to achieve these outcomes.

## Conclusion

Climate mis- and disinformation violate children's rights under the Charter by corrupting their access to reliable information, undermining their participation in decisions affecting their futures, and polluting their educational

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<sup>175</sup> UNESCO see above n 9.

<sup>176</sup> Media Monitoring Africa, 'Building Learner Resilience to Climate Change Disinformation Through Media and Information Literacy: A South African Case Study' (2024) (accessible here).

<sup>177</sup> The Article 12 Working Group are made up of Web Ranger ambassadors (13 to 17 years old), who reside in the Gauteng province, South Africa. They have been trained in digital and media literacy and have special interests in ICT-related policy. They represent a test group that is continuously exposed to digital and media literacy skills, and content and discussions, that specifically focus on developing their critical thinking skills.

<sup>178</sup> Article 12's submission on General comment No. 26 (2023) (accessible here).



environment. These challenges are substantial, but not insurmountable. Effective digital literacy through MIL programmes and other mechanisms such as community engagement and platform accountability can transform the information ecosystem. These interventions respect children's agency while providing them with tools to navigate complex information environments.

Today's children, and children to come, will inherit a climate crisis that they did not create. Whether they have the knowledge and agency to address it depends on actions taken now. Empowering African children to critically engage with climate information is a rights obligation under the Charter, as well as a practical necessity for the continent's future.

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