

VIOLENCE AGAINST CHILDREN IN AFRICA: **A Report on Progress and Challenges**



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AFRICAN PARTNERSHIP TO END VIOLENCE AGAINST CHILDREN (APEVAC)

The African Partnership to End Violence against Children (APEVAC) is a Pan-African platform established to promote an Africa-wide movement and conversation and contribute to global, continental, regional and national agenda on ending violence against children. It was also born of the need for a continental collective platform for innovation and cross-learning on violence against children

The Partnership draws from the opportunities but also the unique challenges of Africa, hence prioritises entrenching the violence against children agenda within the AU and Pan-African child rights mechanisms. Anchored within African values and reality, and as a platform initiated and led by Africans, the Partnership enjoys the moral legitimacy and credibility to address issues considered a taboo or issues that can easily be bypassed for fear of antagonising governments. APEVAC also draws its legitimacy from its recognition by African organisations and global and national players as a legitimate, credible voice of African organisations and as a movement that can advance the violence prevention agenda in Africa.

With a strong focus on a multi-faceted engagement, experience sharing and cross-learning, the Partnership is keen on tying together efforts of different actors to inform eradication of violence against children. The Partnership provides scope for joint programming and complementarity amongst actors within a specific region or country based on the priorities of a region or country. It strives specially to create synergies with existing partnerships on children in Africa.



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AFRICAN CHILD POLICY FORUM (ACPF)

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

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

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



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ACRONYMS

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACRWC	African Charter on the Rights and Welfare of the Child
ACPF	African Child Policy Forum
AMC	Africa Wide Movement for Children
AU	African Union
AUC	African Union Commission
CAR	Central African Republic
CDC	Center for Disease Control and Prevention
COVID-19	Coronavirus disease 2019
CRC	Convention on the Rights of the Child
C-SEMA	Children Speaking (Tanzania)
CSO	civil society organisation
DRC	Democratic Republic of Congo
EAC	East African Community
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution and Trafficking
FGM/C	female genital mutilation/cutting
GDP	Gross Domestic Product
HRW	Human Rights Watch
ICT	Information and communications technology
IEA	International Association for the Evaluation of Educational Achievement
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
INTERPOL	The International Criminal Police Organization
IWF	Internet Watch Foundation
MICS	Multi-Indicator Cluster Survey
NGO	non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
REC	Regional Economic Community
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SRSR	Special Representative of the (UN) Secretary-General
VAC	Violence Against Children
UN	United Nations
UNESCO	United Nations Economic, Social and Cultural Organisation
UNICEF	United Nations Children's Fund
WHO	World Health Organization
YONECO	Youth Net and Counselling
ZAR	South African Rand



PREFACE

The first assessment of the state of violence against children in Africa was conducted in 2014, following a joint request by the Special Representative of the Secretary-General on Violence against Children (SRSG VAC) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) for more country-specific evidence of violence against children in Africa. ACPF conducted country-based studies that culminated in the African Report on Violence against Children 2014.

Six years after the publication of this landmark report, the APEVAC and ACPF conducted a continent-wide assessment of the state of violence against children in Africa. This report builds on the 2014 report and provides a comprehensive analysis of violence against children on the continent and offers new insights into the progress made by governments across the African continent.

The report makes an in-depth exposition of the magnitude, extent, and prevalence of VAC notably ‘new, evolving and emerging forms’ of violence against children including policy, legislative and programmatic interventions. It also assesses the extent to which the COVID 19 pandemic, has exacerbated violence against children, highlighting the impact and the challenges of addressing VAC in the context of the pandemic. Beyond this, it provides a series of concrete recommendations and priority actions to be undertaken by different stakeholders at various levels.

We would like to take this opportunity to express our gratitude to our partners and particularly the respective national governments for their invaluable contribution to the report. We are hopeful that this report is a valuable addition to the much-needed evidence on violence against children on the continent and will inform legislative, policy, and programmatic actions as well as advocacy efforts.



EXECUTIVE SUMMARY

African children are exposed to various forms of physical and psychological violence. Sexual abuse and exploitation, neglect, and child labour are widespread. With urbanisation, armed conflict, displacement, and globalisation, they also face threats to their survival and wellbeing stemming from the effects of technology, humanitarian crises such as attacks on civilians. Gender-based violence is on the rise, with severe and life-changing consequences for girls. Violence against children (VAC) happens in almost all settings – the home, the school, within the community, and in alternative care and justice institutions, often at the hands of individuals whom the child knows and trusts. Children with disabilities, those in armed conflict or humanitarian crisis settings, and those engaged in child labour or living and working on the streets are at higher risk of violence.

VAC manifests differently in every society, as a consequence of many socio-cultural, economic, and political factors, which operate across age, gender, rural or urban location, technology access, and other status markers. Unpacking the drivers of violence and how they interact among themselves and with the risk or protective factors that children face daily does not begin to explain the complexities of VAC and its potential solutions.

The continent's rich and diverse cultural values, practices, and structures, underpinned by strong traditional tenets and beliefs, contribute to the context in which VAC occurs. Meanwhile, some traditional ideas about gender roles and how to bring up children properly have

distorted our understanding of VAC and increased children's vulnerability to it.

It is evident that VAC in all its forms invariably affects a child's dignity, physical and psychosocial wellbeing, life, their survival, and their development. Its impact on society in terms of social, economic, and financial costs is equally serious. A child's experience of physical, psychological, or sexual violence or neglect is associated with reduced school attainment and earlier school dropout, as the associated fear, anxiety, and depression impair their ability to learn. The longer-term impact of this is that their future earnings and employability diminish. Beyond these direct costs, there are significant economic costs to VAC. The lost human capital reduced productivity, and costs to the health-care system of treating both physical and mental injuries are cumulatively massive. For instance, the figures in South Africa are startling. The estimated economic value of the disability-adjusted life years resulting from VAC in 2015 totalled ZAR 173 billion (USD 13.5 billion) – or 4.3 percent of the country's GDP.

But all is not doom and gloom. There are significant efforts to end VAC in Africa. There is a strong continental legal and policy framework on children's rights that addresses VAC. The widely ratified Convention on the Rights of the Child (CRC) and its Optional Protocols and the African Charter on the Rights and Welfare of the Child (ACRWC) serve as the cornerstones. The adoption of Agenda 2063, Agenda 2040, and the Sustainable Development Goals (SDGs) further augment the efforts within these binding legal instruments

to address VAC. The African Committee of Experts on the Rights and Welfare of the Child has contributed to advancing efforts to end VAC through its General Comments and its Days of General Discussion that focused on ending child marriage, sexual exploitation, and child labour, among other things. Against this background, there is evidence of progress made in using legal frameworks to address VAC on the continent. This is complemented at the national level in many countries by national frameworks that aim to do the same.

Measures to enhance access to justice for victims of VAC at the African regional and sub-regional levels are visible through the application of legal instruments and judicial decisions. Landmark cases such as *APDF and IHRDA v. Republic of Mali* at the African Court on Human and Peoples' Rights (African Court), and *Dorothy Njemanze v. Federal Republic of Nigeria* at the court of the Economic Community of West African States (ECOWAS) demonstrate the role of the courts in addressing VAC. Further progress has been made in Nigeria, where states such as Enugu and Kaduna apply stringent laws to punish sexual violence. In South Africa priests accused of sexual abuse have received stiff sentences, providing justice for victims and uncovering previous systematic impunity.

Even though African governments have been investing more in social services which benefit children and are increasingly taking steps to prevent and respond to violence, the persistently fragile state of children's rights on the continent marked by ever-increasing and changing forms of violence is a huge concern.

This study uses data generated through key informant interviews and an extensive review of secondary sources. It offers new insights into the progress

made by national governments across African countries in addressing VAC since the last ACPF Pan-African Report on VAC, published in 2014. This study emphasizes the "new and emerging forms" of VAC, highlighting the impact of VAC and the challenges involved in addressing it. It also identifies good practices in combatting VAC and opportunities to reinvigorate action among state actors at the national levels.

The report finds that progress from 2014 is based on states' ability to effect changes in legislation, policy, and practice in support of their child rights obligations at the national, sub-regional, and continental levels. However, despite the findings and recommendations of the 2014 *African Report on Violence against Children*, not much has changed practically and this situation requires renewed state commitment and action.

Key findings of the study

This study reveals partial success in ending VAC. Progress has been uneven, fragmented, and too slow. Some countries have shown marked progress, but others where the situation has stagnated or which have, worse still, regressed.

This study has highlighted the urgent need for a renewed commitment to the effective implementation of children's rights in Africa, particularly for the most vulnerable and marginalised children. The knowledge and ability to prevent VAC and reduce its consequences are there. What is missing is sufficient political commitment and economic investment, and innovative approaches to VAC prevention and response. These are key to providing the much-needed momentum to end VAC on the continent.

Progress

- There have been some legal and policy reforms aimed at addressing

prevalent forms of VAC, notably, female genital mutilation/cutting, child marriage, and corporal punishment. There is modest progress with respect to other common forms of VAC, such as sexual violence and exploitation, child labour, among others. Cameroon amended its penal code in 2016, to criminalise VAC-related offences. The Central African Republic adopted a Child Protection Code in 2020, criminalising online sexual exploitation and the recruitment of children into armed groups. The Gambian Women's Amendment Act 2015 addresses sexual violence and FGM/C.

- More countries have adopted multi-sectoral national strategies on child protection that have coordination and collaborative mechanisms to drive a holistic VAC response. Tanzania's National Action Plan (2016–25), is a comprehensive policy document addressing the rights of children and women through a multi-sectoral and multi-stakeholder coordination mechanism. This system obviates the fragmentation and duplication of policies and strategies and wastage of resources. Zambia has recently launched a national Child Online Protection Strategy, providing clear guidelines on how to address the issue of online VAC.
- Some countries have introduced programmes on VAC sensitisation, awareness-raising, and training that broadly address its causes, how to prevent and respond to it, and the social norms that underlie it. Tunisia has established a National Strategy for the Fight against Violence within Family Setting, which has special programmes and courses on how to use non-violent methods of discipline on children.
- There has been the development of research and data collection surveys, complemented by efforts

to produce accurate, reliable, and disaggregated data. Some countries, like Senegal, have developed their systems of data collection.

- Good practices have been rolled out which can be adapted and replicated in other countries. An example is sustained activism to raise awareness of gender-based violence. In South Africa, this has led to the Gender-Based Violence and Femicide National Strategic Plan of April 2019, and in Tanzania, to the establishment of a national child helpline service called C-SEMA for victims, families, and witnesses to report VAC.

Key challenges

- The major challenge lies in the failure of states to act with urgency to fulfil their obligations to children by delivering on their commitments to protect children from all forms of violence. By saying this, we are not seeking to undermine the importance of realising all rights of children across the full ambit of the CRC, ACRWC, and SDGs, but to highlight VAC as a violation that minimises the enjoyment of all those rights. Greater political will needs to be seen.
- Some countries have expressed reservations about some key provisions in the CRC and ACRWC that would address VAC. In relation to the ACRWC, Botswana does not consider itself bound by the definition of "child" under Article 2, while Egypt does not consider itself bound by Article 21(2) regarding child marriage or Article 30 (a-e) regarding the special treatment of children of imprisoned mothers. Sudan does not consider itself bound by Article 10 regarding the protection of privacy, Article 11 (6) on the education of children who become pregnant, or Article

21(2) on child marriage. These reservations are contrary to the prohibition of VAC under those provisions. They are wholly against child protection and the very purpose and objectives of the Charter.

- Challenges in dealing with conventional forms of VAC have been magnified by a new layer of previously unencountered challenges when addressing new and emerging forms of VAC.
- While ending VAC requires both prevention and response strategies, there generally appears to be more focus on response than prevention across several African countries.
- There is a multiplicity of legal systems and a lack of harmonisation of legal standards within the same country. A notable example is the varying and conflicting standards on the minimum age of marriage and sexual consent.
- There are significant gaps in the implementation of existing relevant laws, thus encouraging impunity. The lenient sentencing of soldiers who summarily executed two children and two women by a military court in Cameroon in September 2020 is an example. Reports of peacekeepers, humanitarian workers who ought to be child protection actors, perpetrating VAC, and especially sexual exploitation, with impunity in humanitarian crises, is an additional example.
- There are increasing information and knowledge gap on the new forms of violence, and consequently, governments face major constraints in instituting national prevention and response measures. There are limited research and documentation on the new and emerging forms of VAC, which explains the current lack of awareness. The strategies to address the classical forms of VAC do not respond to the dynamics and idiosyncrasies of the new and emerging forms.
- Gender norms and cultural stereotypes remain serious impediments to efforts at ending VAC, particularly sexual and gender-based violence. Deeply rooted, they remain very strong and compelling tenets of the African cultural identity, and of African values and practices, which many communities have found difficult to let go. In Uganda, for example, it was found that attempts to reconfigure gender power relations, for example by empowering women economically or changing marriage laws or the division of household labour, were considered excessive. Addressing VAC in Africa is a long-term mission that must confront and change cultural values and gender stereotypes.
- Child protection systems generally remain weak across African countries, mainly as a result of poor resourcing. Equally challengingly, current child protection efforts are plagued by the absence of dedicated ministries for children. This perpetuates the chronic shortage of human and financial resources for child protection systems.
- Systematic failures in VAC programmes have resulted in poor outcomes. Some programmes have been driven by ill-advised policy measures while others are simply under-resourced. The weak or absent provision for children's participation in policy formulation and adoption of legislation is a key contributor.
- Complex emergency, political and economic situations in many countries, driven by armed conflict or environmental disasters, resulting in the breakdown of child protection systems and social services, and economic deprivation and child poverty, thus leaving more children

at greater risk of VAC and with minimal access to VAC prevention and response measures.

Key recommendations

Based on the findings and analysis of this study, recommendations are made to key stakeholders at different levels.

The African Union and sub-regional institutions

- The African Union (AU) must continue to demonstrate high-level political leadership on children's rights. The ACRWC and its monitoring institution, the African Committee of Experts on the Rights and Welfare of the Child, and the Special Rapporteur on Child Marriage should be supported and facilitated to advance efforts to end VAC.
- Both the AU and sub-regional communities should develop child protection strategies to help strengthen national strategies and/or obviate national lethargies. Sub-regional parliaments and courts can play a vital role in ending VAC by fighting impunity through relevant instruments and judicial decisions, as illustrated by the African Court case APDF and IHRDA v. the Republic of Mali and the ECOWAS court case Dorothy Njemanze v the Federal Republic of Nigeria.
- The birth certificate establishes both the legal existence of the child and child status for protection purposes. Yet, birth registration across African countries is generally still low. There is a need to develop a Pan-African strategy to achieve universal free birth registration throughout the continent. Countries should urgently put in place universal birth registration services and confer on birth registration the political visibility it deserves.
- Regional Economic Communities (RECs) need to act in solidarity on VAC. A high-level multilateral political dialogue on VAC, convened by these RECs, would catalyse the adoption of an African Regional Action Plan to end VAC. The responsibility of the RECs would lie in ensuring compliance with the plan and monitoring its implementation through their relevant organs, such as the sub-regional parliaments, and reporting to the AU via the Committee of Experts. This would invariably bolster state reporting before the Committee itself. A comprehensive Plan should have protection, prevention, and accountability components with clear indicators for evaluating compliance and accountability.

National governments

- All African governments should adopt and domesticate international standards. They should ensure that laws that prohibit all forms of VAC are in place and adequately enforced and implemented, thus enabling effective child protection.
- Governments should develop National Action Plans with clear and comprehensive multi-sectoral strategies. These must be supported by national prevalence data with quantitative baseline and target indicators, and sufficient budgets and human resources.
- Governments should enhance collaboration with CSOs, through a coordination mechanism that avoids contradictions and duplication of efforts and resources. This multi-stakeholder and multi-sectoral collaboration strategy will promote efficiency and accountability.
- National governments must ensure that child referral services are friendly, prompt, and effective in handling complaints. This will

increase reporting, and enhance victims' access to legal aid, justice, and psychosocial support. Police units should have a well-staffed child protection desk at each police station. Strengthening the police forensics unit to support investigations and evidence management, particularly in sexual violence, cases is crucial.

- Governments should invest in data generation on all forms of VAC, by funding research, disseminating data, and sharing information widely, including with CSOs.

Civil society organisations, local communities, and families

- CSOs should place equal emphasis on advocacy and lobbying states on the one hand and activism on the other. CSO activism and a vibrant civil society enhance public awareness and create a critical mass of citizenry advocating for policy reform, stronger institutions, and increased funding, among other necessary changes. The United Nations (UN) 16 Days of Activism against Gender-Based Violence has produced varied gains for victims and survivors of violence, women and children alike, across the continent.
- The Organisation of African First Ladies for Development should help initiate an African dialogue on VAC in AU sessions and other initiatives which can rekindle political will. Partnerships with other stakeholders, UN agencies, donor agencies, and wider civil society would augment such efforts
- There must be greater synergy between CSOs and local communities to ensure that policy measures proposed by CSOs are understood, owned, and supported by the affected communities, especially in relation to child marriage, female genital mutilation/

cutting, and justice for victims of sexual violence. This synergy will enhance trust and catalyse changes in cultural values and norms.

- CSOs should seek child and public participation by engaging meaningfully with children, families, and communities. These must be integral players in proposing and designing policies, strategies, and preventive and response programmes.
- Families should be at the forefront of VAC prevention. Positive parenting must be the cornerstone of VAC prevention. This involves promoting non-violent approaches to parenting, alternatives to institutional care and imprisonment, and alternative rites of passage to replace female genital mutilation/cutting, as well as supporting education and opposing child labour and other forms of exploitation.

UN agencies

- There is a need for enhanced synergy among diverse UN agencies and with local CSOs. Among other advantages, it enables the timely identification of each actor's priorities and interventions, thus avoiding duplication of efforts.
- UN agencies should do more in the area of new and emerging forms of VAC. This may include knowledge and evidence-building, capacity building, and systems strengthening, to equip national governments and CSOs with the relevant knowledge, tools, and strategies to end VAC.

Thirty years after the African Children's Charter was adopted, it is our individual and collective duty to protect African children from violence and to create an Africa that is safe for them, and where their dignity and freedom are protected and promoted.

CHAPTER 1: INTRODUCTION

1.1. Background

Children everywhere are vulnerable to violence, abuse, and neglect. Between 500 million and 1.5 billion children worldwide endure some form of violence annually.¹ Around the world, a hundred and sixty-eight million children are engaged in child labour, while 100 million live or work on the streets.² In Africa, 50 percent of the child population is estimated to have experienced or witnessed some form of violence (physical, sexual, or emotional).³ The situation is even worse in conflict situations, where children experience several forms of human rights violations, especially sexual and gender-based violence such as rape, sexual slavery, and sexual mutilation.⁴ There are also gender and disability dimensions to this. While girls are more at risk of sexual violence, boys experience more severe physical punishment and more gang-related violence. Children with disabilities experience physical, psychological, or sexual violence at higher rates than their non-disabled peers.

A number of child rights instruments at the global, African, sub-regional, and national levels are essential for addressing violence against children (VAC). These include the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), the Optional Protocols to the CRC, and relevant provisions in other international, regional and sub-regional human rights instruments. In addition, guidelines and directives, such as General Comment 13 and General Comment 8 of the UN Committee on the Rights of the Child,

and the Joint General Comment of the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on Ending Child Marriage, articulate the obligations of states concerning specific forms of VAC.⁵

There are also important policy frameworks with a relevant provision on VAC, such as the Sustainable Development Goals (SDGs), Agenda 2063: The Africa We Want, and Africa's Agenda for Children 2040: Fostering an Africa Fit for Children. Target 16.2 of the SDGs aspires to end abuse, exploitation, trafficking, and all forms of VAC by 2030. Agenda 2063, under Aspirations 4 and 6, provides for the protection of children from gender-based violence. Africa's Agenda for Children 2040 (Aspiration 7) pledges to protect every child from violence, exploitation, neglect, and abuse. Other relevant policy documents include the Guidelines for the Alternative Care of Children, endorsed by the UN General Assembly in 2009; the African Union Strategy for Gender Equality and Women's Empowerment 2018–2028; the African Union (AU) Plan of Action on the Family in Africa; the AU's Social Policy Framework for Africa; and the Addis Ababa Declaration on Strengthening the African Family for Inclusive Development, as well as national policy frameworks. These policy documents, along with regional policy frameworks, place responsibility on state and non-state actors to ensure that accessible preventive, protective, promotional, monitoring, and family support services are available to reduce phenomena such as exclusion,

discrimination, separation, exploitation, and neglect, which lead to various forms of VAC.

The major challenge is for states to act with urgency to ensure the effective protection of children from all forms of violence, using their national legal, policy, and institutional frameworks and relevant implementation strategies.⁶ Despite commendable efforts in several countries, African children continue to face multiple threats to their survival and wellbeing. Statutory and protection systems are weak, and implementation strategies under-resourced, which exacerbates social, cultural, political, and economic barriers and allows them to become further entrenched.⁷ Moreover, a lack of information and knowledge on the new and emerging forms of violence deters the development of novel approaches and strategic frameworks.

Another challenge relates to relevant data, which appears to be scarce. According to UNICEF, most countries have insufficient data to assess whether

they are on track to achieve the SDG targets for children.⁸ The SDGs' call to leave no one behind requires countries to generate, analyse and use data for all the indicators, including by developing international standards and establishing mechanisms for the compilation and verification of national data. Therefore, it is important to generate much-needed data to inform advocacy, prevention, and protection, and to aid the prosecution of offenders.

To this end, in 2014, following a joint request by the Special Representative of the UN Secretary-General on Violence against Children and the ACERWC for more country-specific evidence of VAC in Africa, the African Child Policy Forum published the ground-breaking *African Report on Violence Against Children*. The report not only provided an Africa-wide picture of the magnitude of VAC and the corresponding responses but also revealed the hidden but alarming level of violence against certain groups of children, particularly children with disabilities and children living and working on the street.⁹

Box 1 Major findings from the *African Report on Violence against Children*

- Insufficient investment in violence prevention
- High social cost of inaction
- Fragmented or non-existent national strategies to combat violence against children
- Uncoordinated policy interventions, with weak communication and articulation across government departments and between central and local authorities
- Unconsolidated and poorly enforced legislation, with notable gaps in legal protection of children
- Lack of information on laws, policies or advocacy on the gender dimension of violence or on gender-based violence among 40 percent of national governments
- Insufficient attention to the situation of particularly vulnerable children, who remained hidden and overlooked
- Inadequate attention to the cumulative impact of violence across children's lives, and insufficient investment in early childhood care and development or positive parenting programmes
- Inadequate investment in child-sensitive mechanisms for counselling, reporting and complaints on VAC
- Paucity of data and research on the extent and impact of violence against children, the risk factors, the underlying attitudes and the social norms that perpetuate it.

Source: African Child Policy Forum, *African Report on Violence against Children*, Addis Ababa: APCF, 2014.

Six years after the report, African governments have made significant progress towards enhancing the protection of children.¹⁰ There is a gradual recognition of both the human and the social costs of violence, as well as the high social return that investment in prevention can bring. Efforts in advocacy are having a growing impact on improving adherence to international standards on the protection of children from violence.

Challenges, however, remain. The “new and emerging” forms of VAC are becoming more and more apparent and topical. This is an indication that VAC is still expanding or even worsening, posing a challenge to current VAC prevention and response strategies. The “new and emerging” forms are yet to be captured as a new phenomenon, well conceptualised and clearly defined. Achieving this would in turn provide insights into how to ensure the effective containment of these forms of VAC, through appropriate novel and/or adapted strategies.

1.2. Objectives

Violence against Children in Africa: A Report on Progress and Challenges provides a comprehensive analysis of efforts by national governments in Africa towards ending VAC since 2014. It also specifically aims to do the following:

- generate and consolidate knowledge on the magnitude of, and trends in, persisting, new and emerging forms of VAC on the continent, as well as assessing the implications for protecting children from this violence;
- identify and assess legal, policy, institutional, and other measures for preventing and responding to VAC;
- propose priority areas for action and reinvalidate commitments at regional and national levels to end VAC.

1.3. Methodology

The study employed both quantitative and qualitative tools from both primary and secondary sources to analyse the magnitude, patterns and drivers of VAC, as well as the challenges involved in addressing it and the progress made so far.

Secondary review of relevant documents, including the following:

- country VAC surveys and other relevant government reports
- national laws, policies and strategies
- SDG monitoring reports
- reports on the implementation of Africa’s Agenda for Children 2040
- annual and thematic reports, and other publications by the Global Partnership to End Violence against Children
- annual and thematic reports of the Special Representatives and Rapporteurs of the UN Secretary-General on Violence against Children and Violence against Women,
- Universal Periodic Review reports
- States Party report to the CRC and ACERWC and Concluding Observations
- books, peer-reviewed journals, papers and NGO reports.

Primary data collection was conducted through virtual interviews with government officials, UN agency staff, civil society organisations and child rights experts, as well as those responsible for VAC-related efforts at the national level. For purposes of comparison, emphasis was also given to pathfinding countries. Other important data sources were representatives from global, regional and sub-regional multilateral agencies, think-tanks and academia.

Data limitation: The review was limited by a lack of publicly available information, particularly on country progress in implementing country priorities on violence against children.



CHAPTER 2: UNDERSTANDING VIOLENCE AGAINST CHILDREN IN AFRICA

2.1. Violence against children in the African context

Violence against children (VAC) in the African context is complex and bound by multifaceted socio-cultural norms, values, practices, power relations, and structures, which are underpinned by strong, longstanding traditional tenets and beliefs alongside written formal laws. Boyden et al. argue that human-rights-based approaches emphasise the right to be protected from harm and to have a say in decisions that affect one's life, whereas traditional approaches emphasise collective wellbeing and social acceptance, a different form of protection.¹¹

Perspectives on what constitutes positive or acceptable treatment and what is abusive or violent vary even within particular African countries.¹² Marcus says that "international human rights-based definitions of abusive treatment of children often sit uneasily with local perspectives" and that "in any context, prevailing ideas about how children should be raised and what constitute acceptable, desirable or abusive practices set the frame of reference within which people – both poor and well off – make decisions concerning themselves, their children or other children for whom they have responsibility."¹³

Violence in the African context is strongly underpinned by cultural norms,

which largely condone violence for one reason or the other. Even where relevant laws backed by sanctions exist, traditional communities often stick to their cultural norms. As a result, the traditional justice systems, which should have been protective mechanisms, tend to foster those norms even when they support violence.

The key question is this: what is violence and what is not violence in the context of Africa? Generally speaking, in Africa, violence is not perceived as an abusive act unless it exceeds a level of generally accepted severity. The threshold would depend on either the perception of the perpetrator or that of society in each situation, which would be based on personal or societal considerations, existing socio-cultural norms, and prevailing practices and power relations. Corporal punishment, for example, has been accepted in most African communities, if not all, for a long time as an appropriate measure in child-rearing. However, no two perceptions by the person inflicting the punishment are the same in like circumstances. Because the discipline is considered acceptable, its magnitude is hardly subjected to scrutiny – especially so if the reason behind it is "justified". This is possibly one of the reasons why several African states still tolerate corporal punishment in different settings. This is reflected in some laws that authorise parents and others to impose "moderate" correction or "reasonable" punishment

on children. Yet, the United Nations (UN) Committee on the Rights of the Child has cautioned that “definitions [of VAC] must in no way erode the child’s absolute right to human dignity and physical and psychological integrity by describing some forms of violence as legally and/or socially acceptable”.¹⁴

From an early age, African children are expected to perform certain tasks and behave as directed by their parents and elders. This is endorsed by Article 31 of the African Charter on the Rights and Welfare of the Child (ACRWC), according to which the child is bestowed with responsibilities towards the family, society, the state, and other legally recognised communities, as well as the international community, subject to parameters of age and ability. Thus, among other things, the child is required to work for the cohesion of the family, to “respect his parents and to preserve and strengthen African cultural values”. Nevertheless, these kinds of responsibilities seem to expose the African child to some cultural norms and practices that compromise his or her safety. The African child is never expected to question the authority, instructions, or decisions of adults. Most often, questioning is perceived as disobedience and is harshly sanctioned with corporal punishment.

It is worth noting that the above considerations are against the spirit of both the Convention on the Rights of the Child (CRC) and the ACRWC, which clearly and unambiguously reject any form of violence as unacceptable for all children, at all times. Therefore, decoupling traditional methods of child-rearing from harmful acts, and developing alternative non-violent methods of achieving the same upbringing goals, is central to the elimination of all forms of VAC across Africa.¹⁵ This should be achieved through national legislation with a clear and comprehensive prohibition of all

manifestations of violence, reinforced by sustained social mobilisation, education, and effective advocacy efforts. These measures would go a long way towards supporting a transformation of cultural ideas and gender norms.

According to the UN Committee on the Rights of the Child, “violence is understood to mean all forms of harm to children – ‘all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse’ as listed in article 19’, paragraph 1, of the Convention”. This definition “encompasses all types of violence and covers the wide range of acts of commission and omission that constitute violence and outcomes beyond deaths and injuries”.¹⁶

Gender norms and stereotypes rooted in cultural constructs have supported or sustained violence against girls in Africa. These norms and constructs have contributed to the creation of a largely “male-dominated” culture, which sustains the high prevalence and acceptance of gender-based violence within communities, families, and schools, and policy-making and religious institutions.¹⁷ While these norms remain very strong central tenets of the African cultural identity and value systems, they are serious impediments to efforts to protect girls from all forms of violence, including child marriage and female genital mutilation/cutting.

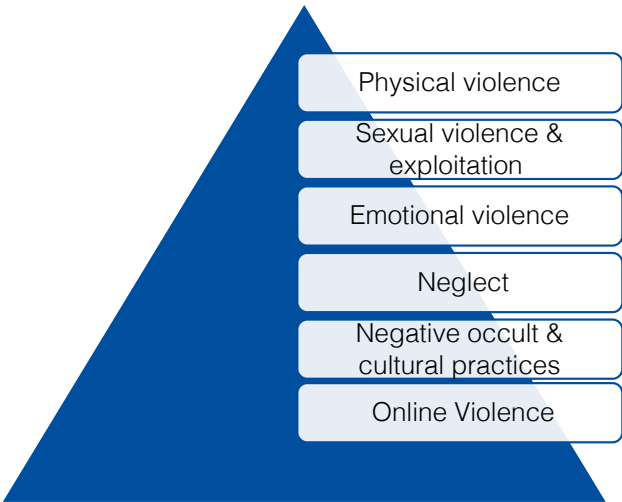
Traditional gender-based constructs are at odds with formal laws and human rights standards, as well as strategies to prevent violence against girls. For example, there is some evidence that the financial empowerment of women can attract more violence because the man perceives his role in meeting his responsibility to provide for the family – the mark of his power, authority,

and discretion – as diminished. In Uganda, it was found that attempts to reconfigure gender power relations, for example, by empowering women economically or financially or changing marriage laws or the division of household labour, were considered excessive by men.¹⁸ This shows that there is some way to go before deep-seated norms can be changed.

2.2. Types of violence against children

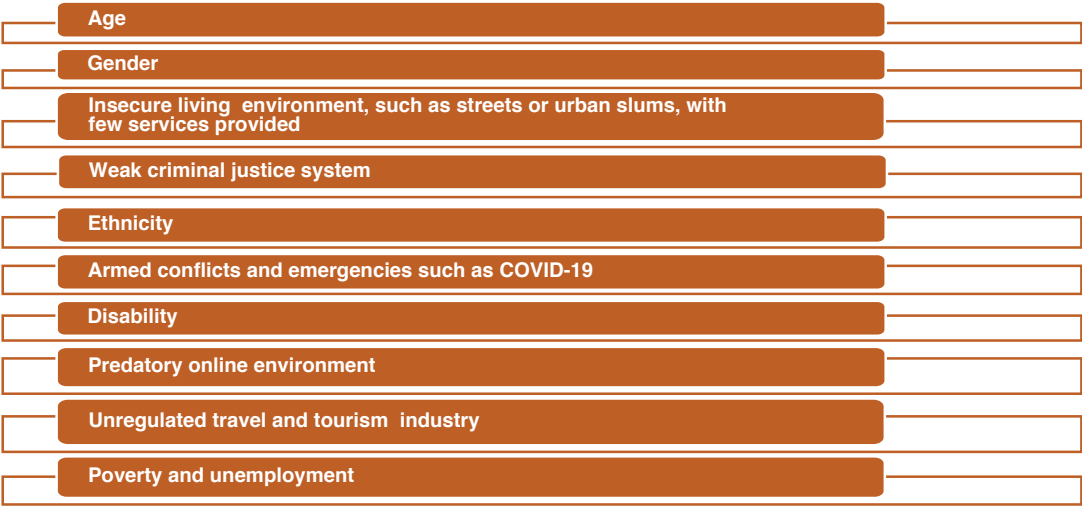
The main types of violence perpetrated against African children are physical violence, sexual violence and exploitation, emotional violence, neglect, and negative occult and cultural practices as set out in Figure 1 below.

FIGURE 1: Types of violence against children



Certain circumstances contribute to VAC, and some children are more at risk than others. Figure 2 depicts the drivers and risk factors for VAC.

FIGURE 2: Drivers of and risk factors for violence against children



2.3. Impact of violence against children

The devastating impact of VAC was earlier presented in the world 2006 report on VAC.¹⁹ A key informant from a network of civil society organisations (CSOs) says that “the wellbeing of children is very important for their development. Violence destroys the wellbeing of the children, yet it is easier to prevent violence than to provide psychosocial care for victims.”²⁰

VAC has an immediate impact and can have long-term consequences. The Committee on the Rights of the Child describes them as follows, in its General Comment 13:²¹

- fatal or non-fatal injury (possibly leading to disability)
- health problems (including failure to thrive, lung, heart, and liver disease, and sexually-transmitted infections in later life)
- cognitive impairment (including impaired school and work performance)
- psychological and emotional consequences (feelings of rejection, impaired attachment, trauma, fear, anxiety, insecurity, and shattered self-esteem)

- mental health problems (anxiety and depression, hallucinations, memory disturbances, and suicide attempts)
- risky behaviours such as substance abuse and early initiation of sexual activity
- developmental and behavioural consequences, such as non-attendance at school, and anti-social and destructive behaviour, leading to poor relationships, school exclusion, and conflict with the law²²
- intergenerational transmission of aggressive, violent, or abusive behaviour, usually learned from homes where inter-partner violence is common or schools where peer-to-peer or teacher-to-pupil violence are common
- immediate and long-term social and economic costs, such as foregone human capital, reduced productivity, and the costs of treating both physical and mental injuries.

It is evident that the costs of violence drain national budgets and limit social expenditure, slow economic development, and erode nations' human and social capital. Violence and its consequences have direct costs for countries in terms of health care, child welfare, criminal justice, and the value of lost future productivity and earnings.²³

Box 2 The economic cost of violence against children

Globally, USD 7 trillion is lost each year as a result of VAC, including sexual exploitation. This is equivalent to 8 percent of the global GDP. Nigeria has cumulatively lost earnings of up to 967 billion Naira (USD 6.1 billion) – 1.07 percent of the country's GDP – as a consequence of VAC.

In South Africa, the estimated economic value of the disability-adjusted life years resulting from VAC in 2015 totalled 173 billion South African rand (ZAR) (USD 13.5 billion) – or 4.3 percent of the country's GDP. Besides, the reduced earnings attributable to physical and emotional violence in childhood in the country in 2015 were ZAR 25.2 billion (USD 2 billion) and ZAR 9.6 billion (USD 750 million), respectively. If this cost to GDP was replicated across sub-Saharan Africa, it would come to more than all the official aid to sub-Saharan Africa from OECD countries (Official Development Assistance totals USD 47 billion, including both bilateral and multilateral aid).

Source: ACPF and OAK Foundation, Sexual exploitation of children in Africa a silent emergency, 2019; Xiangming Fang et al, The economic burden of violence against children in South Africa, International Journal of Environmental Research and Public Health, 2017, 14 (1):1431

CHAPTER 3: PREVALENCE OF VIOLENCE AGAINST CHILDREN IN AFRICA

Numerous studies and reports on the scale and nature of violence against children (VAC) have been carried out. Landmark reports by UNICEF have presented the latest statistics and analysis on the violent disciplining of children, exposure to abuse in early childhood, violence in schools, violent deaths among adolescents, and sexual violence in childhood and adolescence. The acknowledgement of the global prevalence of VAC and the recognition of its impact draw attention to the gravity and urgency of the problem, which requires immediate global action.

Africa has a long history of armed conflicts, natural disasters, displacement, and harmful practices. While these are not the root causes of VAC, they have contributed to the high prevalence of physical abuse in Africa – with 60 percent of boys and 51 percent of and girls experiencing it.²⁴ Widespread child neglect in Africa, with median rates of neglect being the highest in the world (girls, 41.8 percent; boys, 39.1 percent) have contributed to VAC.²⁵

In some countries in Africa, 30–40 percent of adolescent girls are victims of sexual violence before the age of 15.²⁶ The ACPF's report entitled *Sexual Exploitation of Children in Africa: A silent emergency*, published in 2019, revealed that in Kenya, Malawi, Tanzania, Swaziland, and Zimbabwe, the prevalence of experiences of sexual violence during childhood

varies between 22 and 38 percent for girls, and 9 and 17 percent for boys. In Malawi, about 22 percent of women reported having experienced child sexual abuse in one form or another. In Ghana, 39.4 percent of child respondents reported having experienced indecent assault, and 18 percent reported having experienced defilement. Data from South Africa in 2016 revealed that one in three people, male or female, was at risk of sexual abuse before reaching the age of 17. The percentage of girls aged 18–24 who had experienced sexual violence before the age of 18 ranged from 15.6 percent in Kenya²⁷ to 33 percent in Zimbabwe²⁸ and 35 percent in Uganda. In South Africa, a country with a painful, violent past, the rate of VAC is high. One in three girls is sexually assaulted before they reach the age of 18, mainly in the home, by stepfathers or uncles, but also in schools.

Findings from the VAC surveys in several countries have established the percentage of children who witnessed violence in the home before the age of 18 years. Worldwide, one in four children (176 million) under 5 years old lives with a mother who is a victim of intimate partner violence.²⁹ While 66 % females children in Nigeria and 67 % of female children in Uganda have witnessed violence in the home while 58% and 65 % of male children in Nigeria and Uganda respectively have witnessed violence in the home before the age of 18.³⁰

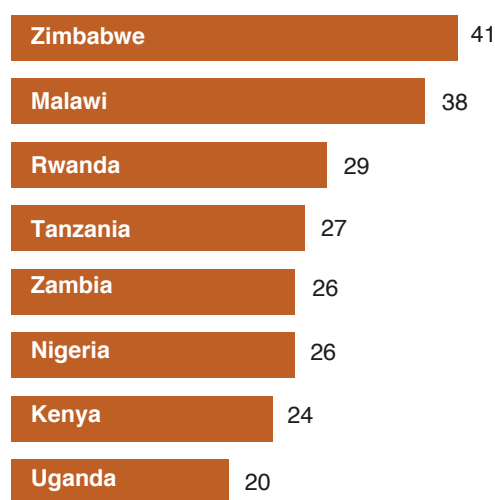
According to the 2018 Multiple Indicator Cluster Survey (MICS), 50.6 percent of girls between 0 and 14 years old, and 27.3 percent of girls between 0 and 4 years old have undergone a form of female genital mutilation/cutting. Similarly, about one-third (34.2 percent) of women aged 20 to 49 years got married before the age of 18.³¹ For instance, Madagascar has one of the highest rates of child marriage in the world; in Madagascar, 41.2 percent of girls aged 20–24 report having been married before the age of 18, and 12 percent before the age of 15. Almost one in four children aged 5 to 17 are involved in economic activity, including prostitution.

Almost nine out of ten adolescents report having been victims of corporal punishment at home.³² The use of violence to discipline children is widespread in Africa. The 2017 global report on ending violence in childhood³³ showed that in West and Central and East and Southern Africa, more than eight out of ten children aged 1–14 years had experienced violent discipline in the form of psychological aggression or physical punishment at home in the past month. The report also revealed that the use of violent discipline at home was almost universal in Burundi, Ghana, and Mozambique, where more than nine out of ten children experienced a form of corporal punishment at home. The rate of corporal punishment in South Africa is high as 56 percent.

Bullying in schools is a growing problem in Africa. About half the children in the 13–15 age group reported being bullied in schools in West and Central Africa (51 percent) and East and Southern Africa (47 percent).³⁴ The rate of bullying in schools is as high as 70 percent in Burundi and Egypt, 65 percent in Zambia, 62 percent in Ghana, and 58 percent in Rwanda.³⁵

According to a 2019 study, more than one in every three girls are married before they turn 18.³⁶ Cameroon was ranked 20th among the countries with the highest prevalence of child brides. The trend has remained the same in the data collected for this study. Lawyers and associations leading the fight against child marriage report that sexual abuse affecting children of both sexes is on the rise in Cameroon. Almost 90 percent of sexual abuse cases in the country have been committed within the family or circles of friends, or by people close to the victim.³⁷ At the children's service centre run by the *Association de lutte contre les violences faites aux femmes*, more than 40 cases of sexual abuse were recorded between March and June 2020.³⁸ Reports by other associations included sexual abuse of 6-month-old children. The top eight African countries where girls in mid-adolescence reported having experienced forced sex are shown in Figure 3.

FIGURE 3: Percentage of girls aged 15 to 19 who report having ever experienced forced sex (in eight African countries)



Source: Together for Girls (2019)

Box 3 Example of child sexual abuse by parents**NIGERIA**

In Nigeria, Martha, a young girl of 15 years (real name withheld), had been repeatedly raped by her biological father since she was eight years old. He variously threatened to “flush her in a toilet” and not to pay her school fees should she ever report the matter. Her fear of the threats stopped her even telling her mother. She lived in fear, anger and pain. To ease her pain, she wrote down her ordeal in a diary. However, one day she gathered courage and reported the assaults to neighbours, who helped her escape and reported the matter to the police. She was disowned by her mother and siblings for making such allegations, and the only tangible evidence she had were her diary entries. Martha’s dream is to study law and become a lawyer, so that she can seek justice for the victims of rape. Lagos state is reportedly increasingly issuing guilty verdicts in rape cases, making victims and their families hopeful that they can get justice as the justice system shows less tolerance of rape.

Source: Child Rape: “how my papa rape me” available at <https://www.bbc.com/pidgin/world-53921308>

Severe forms of sexual violence are more prevalent in outdoor locations. These include streets, markets, shops, schools, the shores of lakes or rivers, and open fields. In Kenya, for example, among the 13–17-year-old females who had experienced sexual violence in the past 12 months, the most common location was outdoors (75.5 percent).³⁹ Similarly, for the same age and sex category in Rwanda, sexual abuse incidents were found to be most common by the roadside (40 percent).⁴⁰ Among females aged 18–24 who had experienced forced sex in childhood, nearly three in ten experienced the first incident between the ages of 14 and 15 in Rwanda, and 16 and 17 in Kenya. Of 18–24-year-olds reporting sexual violence, 76 percent of females and 69 percent of males had experienced two or more incidents of abuse before the age of 18 in Rwanda. In Uganda, among those aged 13–17 years, one in four girls and one in ten boys reported having been a victim of sexual violence in the year before the survey.⁴¹

As pointed out in the 2016 report by the UN Secretary-General’s Special Representative on Violence against Children, *Protecting Children Affected by Armed Conflict in the Community*, despite the scale and severity of

the problems associated with gang violence, there is a stark absence of data and evidence.⁴² Children who are affected by gang and community violence may well be more likely to feel under pressure to leave their homes.⁴³

3.1. Neglect of growing sexual violence against boys

Even the limited data available tell us that the sexual exploitation of boys is a far greater problem than once thought. It is now known that boys may be just as heavily impacted by this as girls, and in some contexts, maybe even more so. Despite signs of growing awareness, the problem is still under-researched, unrecognised in relevant legislation and policy, and not addressed in programming. There is data showing that boys experience high levels of sexual violence, often with severe consequences. All forms of violence against boys are associated with negative mental health. Boys who experience sexual violence in childhood are significantly more likely to perpetrate violence themselves. Figure 4 shows how prevalent this is in six African countries.

3.2. Violence against children in especially vulnerable circumstances

Some children experience violence in a more sustained and damaging way than others because of the circumstances in which they find themselves (for example, conflict, displacement, or poverty) or their circumstances (for example, age, gender, or disability). Vulnerability is a key driver of violence. The ACPF's 2014 report on VAC⁴⁴ identifies a range of vulnerability factors as triggers of VAC, including socio-economic stress, lack of adequate parental care or complete abandonment by parents, disability, stigma, and lack of special protection services.

Vulnerable children include girls, children with disabilities, children growing up in poverty, children living and/or working on the street, indigenous children and children

belonging to minorities, and children with albinism. Where children are especially young and/or female or have two or more vulnerability factors, the risk of harm is magnified. Children who are especially vulnerable face multiple risks of exposure to violence.⁴⁵ On its part, the 2014 report on VAC presents the situations of four groups of especially vulnerable children: children living or working on the streets, children (mostly orphans and abandoned children) in residential care, children living in other people's homes to perform domestic work, and children with disabilities.

Whatever the classification, these children are all subject to discrimination in Africa, and this discrimination is more profound when the children come from less educated and economically poorer populations.⁴⁶ Many children in these groups are forced to internalise violence as an integral part of their lives and may emerge as potential perpetrators of violence themselves.



According to ACPF research, sexual violence inflicted on children with disabilities is high in many countries, ranging from two incidents of sexual violence per child in Senegal to about four incidents per child in Cameroon. These include rape (52 percent), forced involvement in “transactional sex” (30 percent), and indecent touching (43 percent). Another study shows that children with speech and language difficulties are at up to three times greater risk of sexual abuse than other children. For children with behavioural disorders, the risk is between five and seven times higher than for children without disabilities.

There are estimated to be 2,000–5,000 people with albinism in sub-Saharan Africa.⁴⁷ Children with albinism are sometimes subjected to ritualised forms of violence. In East Africa where myths abound on albinism, children with albinism have been killed for their body parts. In Tanzania, 35 children with albinism were murdered in just over a year, particularly in the areas near Lake Victoria, such as Mwanza, Shinyanga, and Mara.⁴⁸ In 2008, the government of Tanzania declared the death penalty for the killing of a person with albinism but few prosecutions have been registered.⁴⁹

Violence against children with albinism ranges from killings, mutilation, and amputation of fingers and limbs to forcible shaving of hair. Under the Same Sun, an NGO supporting people with albinism, documented violence against people with albinism in Africa and reported 204 killings and 354 attacks in 29 African countries between 2008 and 2018. Abductions and grave robberies are also common.⁵⁰ Children with albinism, just like adults, are subjected to bullying, discrimination, rejection, isolation, ostracism, and

exclusion from education and health care.⁵¹

Africa has established a Regional Action Plan on Albinism in Africa 2017–2021,⁵² adopted in 2017, and endorsed by the African Commission on Human and Peoples’ Rights, the Pan African Parliament, and the African Union.⁵³ It is a five-year plan aimed at addressing attacks and related violations against persons with albinism in sub-Saharan Africa. This Plan is the first-ever continental strategy to address violations of the rights of people with albinism. It contains preventive, protective, accountability, and equality, and non-discrimination measures.

3.3. Children living and/or working on the street

Children’s vulnerability to violence is exacerbated by the circumstances surrounding life on the street. Children living and/or working on the street are subjected to physical and sexual abuse by security officers and the police, and by street gang leaders, among others. They are often victims of random police round-ups, in which case they come into conflict with the justice system, and their rights to protection and legal representation are frequently denied. According to ACPF research, the prevalence of sexual violence against children on the streets, especially girls, is extremely high. More than 74 percent of surveyed girls living and/or working on the street in Uganda had been subjected to at least one form of sexual harassment or violence; the figure for Kenya was 70 percent and for Malawi 62 percent. Among girls living on the street in Kenya, 25 percent reported rape.



CHAPTER 4: NEW AND EMERGING FORMS OF VIOLENCE AGAINST CHILDREN

4.1. Introduction

The category of “new and emerging forms” of VAC refers to violence that has evolved from the classical forms of VAC or from those around which there is a relatively high level of awareness. Changing political, economic, and social contexts and settings, emerging crises, globalisation, urban and technological developments, poverty, and weak social protection systems may directly or indirectly heighten the risk of VAC, modify its forms, aggravate its magnitude, or create new forms altogether.

Online forms of violence may be considered new in the sense that they did not exist before the information and communication technology (ICT) or internet era. However, their extent in terms of numbers of child victims, access to the target audience, scale, magnitude, and spontaneity has broadened because of the technology uptake on the continent. In Zambia alone, in 2017, there were 8,000 registered cases of online abuse of children. Evidence suggests that the trend is increasing as children gain greater access to the internet.⁵⁴

The rapid growth in urbanisation and road and air transport has also

eased movement across continents and countries. The travel and tourism sector has created an opportunity for “sexual offenders on the move” to take advantage of the poor national regulatory frameworks in many African countries to sexually exploit children.

The COVID-19 pandemic has forced millions of children to spend more time at home as a result of lockdowns and school closures, leaving them exposed to much higher levels of emotional and physical violence, often driven by increased economic stress and domestic discord. Girls have faced more sexual and emotional abuse at home, from their family members. Those children able to access online learning are further exposed to online violence.

It is to be noted, however, that the categorisation of “new and emerging” is subjective and the types of violence put into that category may vary considerably, depending on how they are viewed in the different country contexts. Table 1 shows how different child rights actors in different countries view different forms of VAC. Among the key informants interviewed for this study, there was no consensus as to whether the expression “new and emerging” was even appropriate in the first place.

TABLE 1: Summary of country-specific new and emerging forms of violence against children

Country	New and emerging form of VAC
Cameroon	<ul style="list-style-type: none"> • Children accompanying their parents to prison • Ritual killings • Kidnappings • Maiming • Selling of unborn babies • Attacks on schools and hospitals • Online sexual violence • Economic exploitation of children
Central African Republic	<ul style="list-style-type: none"> • Recruitment and use of children by armed groups • Restriction of access to humanitarian assistance • Attacks on schools and hospitals • Economic exploitation of children • Kidnappings • Forced and dangerous work
Cape Verde	<ul style="list-style-type: none"> • Cyber violence • Sexual violence
The Gambia	<ul style="list-style-type: none"> • Sexual abuse of boys • Sexual abuse or rape of very young girls • FGM/C of young babies • Sex tourism
Mali	<ul style="list-style-type: none"> • Violence involving religious and cultural practices • Forced recruitment into regular forces and armed groups • Kidnappings • Attacks on schools and hospitals • Forced closure of schools • Killings and maiming of children • Drug abuse
Mauritania	<ul style="list-style-type: none"> • Online sexual violence • Child pornography • Enslavement of black children • Sexual violence within family circles • Child suicide • FGM/C
Senegal	<ul style="list-style-type: none"> • Paedophilia • Pornography through social media • Violence arising from COVID-19 pandemic
Tunisia	<ul style="list-style-type: none"> • Violence arising from COVID-19 pandemic • Online violence • Confinement as domestic workers

Source: Interviews with key informants.

4.2. Online violence against children

The ICT age provides users with an array of tools and almost limitless opportunities to communicate with others and share information. Online spaces do not always afford the traditional protections enjoyed by children. In addition to the usual means by which sexual abuse of children is

perpetrated, children now face risks of sexual abuse through technological media and platforms. A 2015 study by the United Nations Office on Drugs and Crime shows that new technologies can increase access to victims and child sexual abuse material, increase profits for criminal enterprises, reduce the risk of identification and prosecution for perpetrators, provide social affirmation for offenders, and increase levels of harm to victims.⁵⁵

Digital technology and internet platforms can produce photos and videos on a massive scale and disseminate them rapidly across the globe, reaching a wider audience of child abusers. Live images of abuse may also be recorded for future distribution to generate maximum profit. Personal gratification may also coincide with obtaining an economic benefit, such as when a trafficker abuses a child they intend to exploit.⁵⁶

It should be noted from the outset that the Convention on the Rights of the Child (CRC), in Article 37(a), provides that “[no] child shall be subjected to torture or other cruel, inhuman or degrading treatment”. The ACRWC includes the same provision in Article 16 of its charter but adds “and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse”.⁵⁷ The UN Committee on the Rights of the Child held that “non-physical forms of punishment are [considered] cruel and degrading and thus incompatible with the Convention. These include punishment which belittles, humiliates, denigrates, scapegoats threatens, scares or ridicules the child.”⁵⁸ Thus, cyberbullying violates both the CRC and the ACRWC.

The research carried out by ECPAT (formerly known as End Child Prostitution and Trafficking) into children’s use of ICTs in Cameroon, The Gambia, Kenya, Togo, and Uganda gives insight into their vulnerabilities. The research showed that African children are increasingly accessing the web at home, in schools, and in public spaces, but their safety online is not assured. There is an insufficient appreciation by parents, teachers, and cybercafé operators of the risks, exacerbated by the big gap in introducing monitoring and control of child access to adult websites.⁵⁹

The evidence of online child abuse is alarming, going by reports from the

Internet Watch Foundation (IWF) that its services assess a webpage every four minutes, and every seven minutes they find a webpage that shows images of a child being sexually abused.⁶⁰ The images are grouped by the type of abusive conduct/activity – Categories A, B, and C.⁶¹

1. **Category A:** Images showing sexual activity between adults and children, including rape, or sexual torture including self-penetration
2. **Category B:** Images involving non-penetrative sexual activity
3. **Category C:** Indecent images of children not falling within Category A or B

The 2020 IWF annual report shows that the 2019 figures for the severity of this abuse (that is, the percentage of images falling into each category) were 20 percent for Category A, 20 percent for category B, and 58 percent for Category C.⁶² This marks a trend down from 33 percent for Category A, slight decrease to 21 percent for Category B and a worrying increase to 44 percent for Category C in 2017.⁶³

As far as gender is concerned, girls are by far the most common victims in terms of online VAC. In 2017, girls registered an 86 percent appearance rate against only 7 percent for boys. The 2019 data shows that 92 percent of online victims were girls as opposed to 3 percent for boys.⁶⁴ Regarding age, about 48 percent of the victims were in the 11–13 age group, followed by 34 percent from the 7–10 age group. It is concerning that the 0–2 years age group accounted for 11 percent.⁶⁵

A major difficulty in assessing online child sexual abuse imagery featuring teenagers (particularly girls) pointed out by IWF, is reliably determining the age of the victim. This is even harder in the increasing instances of self-generated imagery, as the children will often be trying to appear older than they are,

by wearing make-up, for instance.⁶⁶ When the age of the victim cannot be ascertained, this frustrates child protection efforts.

One key finding of an ECPAT/INTERPOL 2018 report was that some images or videos of child sexual abuse depict boys and very young children and that their abuse was likely to be more violent and more severe.⁶⁷ The research also found a fall in the age of victims. An estimated 72 percent of children exploited online are under the age of 10, with 7 percent being infants.⁶⁸

Children may be victims of various forms of online gender-based violence, with research showing that girls are more easily coerced or pressured into “self-produced child pornography” than boys.⁶⁹ Such pornography includes *cyber flashing*, where the victim is sent unsolicited sexual images to harass or upset him or her, or sexting, where there is an exchange of sexual images or messages that are consensually taken (though sometimes non-consensually) but non-consensually shared or forwarded via mobile phones or the internet.⁷⁰

4.3. Violence in the context of armed conflict and other emergencies

The wave of attacks on civilians, including children, in parts of the continent by groups designated as terrorists, has become a grave child rights challenge. Non-state armed groups, such as Boko Haram in Nigeria, Al-Shabaab in Somalia, and Amba in Cameroon, continue to commit grave violations against children, including killing, maiming, recruitment and use, abduction, rape, and other forms of sexual violence. The Nigerian military has detained thousands of children, some as young as 5, for suspected involvement with Boko Haram, in many cases with little or no evidence, and few

are ever charged with any crime.⁷¹

At least 240 million African children live in countries affected by conflict and fragility.⁷² In times of armed conflict and other emergencies, internally displaced, refugee and returnee children suffer insecurity, may be caught in the line of fire, or fall onto land mines. A study by the African Child Policy Forum and the Africa Wide Movement for Children graphically captures the types of violence children are exposed to in armed conflict, with reference to data from specific conflict situations on the continent.⁷³ They may be wounded or killed, abducted by traffickers, or recruited as child soldiers.⁷⁴ They risk detention, forced labour, sexual violence and forced prostitution, emotional and psychological trauma, denial of access to humanitarian aid and basic health services, drug abuse, and lost education. In South Sudan alone, more than 4 million children living under the constant threat of violence also face famine, disease, forced recruitment into armed groups, and lack of access to schooling.⁷⁵ Lack of effective organised response has further exacerbated the plight of children in crisis zones.⁷⁶

The African Children’s Committee has stated that children in situations of armed conflict should not be precluded from enjoying or exercising their rights as appropriate in the circumstances.⁷⁷ This is read to include the right to protection from all forms of VAC.

4.4. Violence against children in the context of COVID-19

COVID-19 has brought in an additional challenge to efforts to prevent and respond to VAC. Efforts to contain the Coronavirus have exposed children to an increased risk of violence. High-stress levels increase the likelihood of domestic violence and abuse which children witness or experience,

particularly sexual abuse and corporal punishment.

Sexual and gender-based violence has increased during the COVID-19 pandemic as people spend more time at home and in their communities. Women and girls have become easier prey for sex offenders. In Nigeria, in the State of Enugu, between April and May 2020, during the COVID-19 lockdown period, Women's Aid Collective, an NGO supporting women's rights, received and handled about 156 cases of sexual and gender-based violence, of which 25 were cases of rape, defilement and the sexual assault of girls. The complaints received included six cases of defilement and the gang rape of girls. Of these child sexual abuse cases, two resulted in pregnancy, putting the girls at risk of forced marriage to the perpetrator.

Increased and unregulated access to online spaces has exposed children to all forms of online abuse, including online recruitment into child labour, sexual abuse, child trafficking, or child soldiering. The strain on social services and families has resulted in impaired child protection and care, even at the family level, made worse by income loss and illness or death of parents and caregivers. The pandemic-containment measures have disrupted access to social and protection services, thus exacerbating the vulnerability of children to various forms of VAC. The full magnitude and impact of the pandemic on VAC, and especially on girls, is yet to be fully documented.

4.5. Child sexual exploitation in travel and tourism

The travel and tourism sector is now becoming a factor in the sexual exploitation of children. This is partly due to an absence of laws, and weak enforcement where they exist,

and partly driven by local contextual factors such as corruption and poverty. Tourism itself is not the cause of child exploitation but the situation in tourist destinations, together with an associated increase in demand for sexual services, can create an unsafe environment for vulnerable children.⁷⁸ Child sex tourism is often practised by sexual offenders seeking to evade stringent laws in their own countries by travelling to places where the laws are less stringent or are unenforced.⁷⁹

ECPAT characterises Kenya, Senegal, Morocco, and South Africa as emerging African hotspots for child sex tourism. Ethiopia is now becoming a popular destination. In Kenya, for example, 10,000–15,000 girls are involved in sex work related to the tourism industry, with more than 45 percent of these girls aged just 12 or 13.⁸⁰ There are reports in Nigeria of recruitment and transportation of adolescent girls between the ages of 15 and 18 from one part of the country to another, or within the same city, for the sexual entertainment of wealthy men or visiting officials from both the public and the private sector.⁸¹

4.6. Abuse in humanitarian crises and child-care institutions

It is expected that children in humanitarian crises or care-giving institutions should feel secure in the hands of persons who are mandated to care for and protect them. This is not always the case. There have been reports of sexual abuse by peacekeeping forces involving UN blue berets in the DRC and the Central African Republic.⁸²

In the DRC, UN peacekeeping forces have been involved in the practice of “food for sex” or paying a dollar for sex (the “One-Dollar UN Girls” phenomenon). This phenomenon is

more widespread in humanitarian crises. Teenage girls are sexually exploited for a mug of milk, a cold soda, or, at best, a single dollar.⁸³ The UN has investigated reports of rape and sexual assault in DRC, including one case in which a French logistics employee was found with hundreds of videotapes that showed him torturing and sexually abusing girls.⁸⁴ Regrettably, the UN and AU peacekeeping missions and the Oxfam incident in Haiti⁸⁵ are certainly not the only reports of humanitarian actors in high-profile sexual abuse scandals.

The UN has a ban on any sexual relationships that include “abuse of a position of vulnerability”, which essentially covers the local population everywhere UN peacekeepers are deployed. Poverty and conflict make women and girls profoundly vulnerable to abuse by UN soldiers. In 2015, the UN began publishing the nationalities of soldiers alleged to have sexually exploited and abused women and girls. It also established a trust fund and programmes for psychological care, job training, and other services for victims, including children fathered by peacekeepers. In 2017, the UN established a global “Victim Rights Advocate” and embedded victim advocates within peacekeeping missions.⁸⁶

4.7. Violence against children within religious institutions

VAC in religious institutions, particularly in Christian churches, has not attracted much attention in Africa until recently. Awareness around clerical abuse is now growing and is of great concern to the African Christian church. The most prominent forms of VAC include sexual abuse of both girls and boys, witchcraft

accusations, exorcism practices, and prolonged periods of enforced fasting.

Most cases of VAC within religious institutions go unreported for the same reasons as harmful practices do but even more so because of fear of the institution,⁸⁷ respect for the deity, the risk of stigma, or fear of being ostracised for reporting on “a man of God”. The weak media coverage of abuse within religious institutions compounds the accommodating societal perception. A Kenyan priest is reported as saying that the “cover-up is very strong” in the church and that in his opinion, “there should be some punishment for those who are involved in the cover-up”.⁸⁸ In October 2019, the Catholic church in South Africa took a bold step and excommunicated three priests over the sexual abuse of children in their parishes. Since 2003, 35 cases of abuse involving priests have been reported to the church in South Africa, out of which only seven were investigated by the police, with one leading to a criminal trial and life sentence.⁸⁹

Allegations of sexual abuse involving clergymen in the Pentecostal churches are alarmingly on the rise. Some Pentecostal churches encourage accusations of witchcraft and sanction extreme acts of violence which can result in death, under the guise of exorcism.⁹⁰

UNICEF noted with concern that “confessions” of witchcraft and the number of children accused of being “witches” in certain parts of Africa is rising, and so is the number of children suffering extreme physical or psychological violence as a result.⁹¹ In addition, persons accused of witchcraft often face legal challenges and societal punishment.

CHAPTER 5: NORMATIVE AND POLICY FRAMEWORKS

5.1. Progress in the ratification of international and regional child rights instruments

The obligation of states to protect children from all forms of violence is drawn from a range of international and regional human rights instruments and humanitarian law. The United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of Children (ACRWC) are the two main child rights instruments. The CRC benefits from its universal character but more so because it represents a new and multidisciplinary approach to protecting children.⁹² In relation to the African child, the ACRWC goes beyond the CRC, as it reflects the needs and circumstances of the African child.

Progress in formulating legal frameworks can be measured using two criteria: ratification by governments of international and regional child rights instruments (see Table 2 on ratification status), and the enactment of national laws and policies intended to provide adequate protection.

Ratification is, therefore, an important first step to preventing and responding to violence against children (VAC). It obliges governments to harmonise their domestic laws with the treaties' standards and principles. It is undeniable that African states have made significant progress in ratifying key legal instruments, although much work is still to be done. Table 2 presents the main international and regional instruments related to children's rights and indicates how many African countries have ratified them and which ones have not.

TABLE 2: Ratification of the main international and regional instruments related to children's rights

Name of instrument	Number of countries that have ratified	Remaining countries
Convention on the Rights of the Child, 1989	54	Sahrawi Arab Democratic Republic (not a member of the UN)
African Charter on the Rights and Welfare of the Child, 1990	50	Morocco, Sahrawi Arab Democratic Republic, Somalia, South Sudan, and Tunisia
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities, 2018 (status as of 18 June 2020)	0	

Name of instrument	Number of countries that have ratified	Remaining countries
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003	42	Botswana, Burundi, Central African Republic, Chad, Egypt, Eritrea, Madagascar, Morocco, Niger, Sahrawi Arab Democratic Republic, Somalia, South Sudan, and Sudan
African Youth Charter, 2000	39	Algeria, Botswana, Burundi, Central African Republic, Comoros, Democratic Rep. of Congo, Equatorial Guinea, Eritrea, Liberia, Madagascar, Morocco, Sahrawi Arab Democratic Republic, Sierra Leone, Somali South Sudan, and Sudan
Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009	32	Algeria, Botswana, Burundi, Cape Verde, Comoros, DRC, Egypt, Eritrea, Ghana, Guinea, Kenya, Libya, Madagascar, Morocco, Mauritius, Namibia, South Africa, Senegal, Seychelles, São Tomé and Príncipe, Sudan, Tanzania, and Tunisia
Convention on Cybersecurity and Personal Data Protection, adopted by the African Union in 2014	8 (Angola, Ghana, Guinea, Mozambique, Mauritius, Namibia, Rwanda, Senegal)	
Optional Protocol on the Involvement of Children in Armed Conflict, 2000	48	Comoros, Equatorial Guinea, Liberia, Mauritania, São Tomé and Príncipe, Somalia and Zambia
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 2000	48	Cameroon, Ghana, Kenya, Liberia, São Tomé and Príncipe, Somalia, and Zambia
Optional Protocol to the CRC on a Communications Procedure	3 (Benin, Gabon, and Tunisia)	52 countries have not ratified this
Convention on the Elimination of All Forms of Discrimination against Women, 1979	52	Somalia and Sudan and Sahrawi Arab Democratic Republic
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999	30	Algeria, Burundi, Chad, Comoros, Congo, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Kenya, Liberia, Madagascar, Malawi, Mauritania, Morocco, Sierra Leone, Somalia, Sudan, eSwatini, Togo, Uganda, and Zambia
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	51	Sudan, Tanzania, Zimbabwe, and Sahrawi Arab Democratic Republic
Convention on the Rights of Persons with Disabilities, 2006	49	Botswana, Cameroon, Equatorial Guinea, Eritrea, South Sudan, and Sahrawi Arab Democratic Republic

Name of instrument	Number of countries that have ratified	Remaining countries
ILO Convention concerning Minimum Age for Admission to Employment (No. 138), 1973	52	Liberia, Somalia, and Sahrawi Arab Democratic Republic
ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), 1999	54	Sahrawi Arab Democratic Republic
Hague Convention on Protection of Children and Co-Operation in Respect of Inter-Country Adoption, 1993	19	Algeria, Angola, Botswana, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Guinea-Bissau, Liberia, Libya, Malawi, Mozambique, Mauritania, Morocco, Nigeria, Niger, South Africa, Sahrawi Arab Democratic Republic, Sierra Leone, Somalia, São Tomé and Príncipe, South Sudan, Sudan, Tanzania, Tunisia, Uganda, Zambia, and Zimbabwe
Hague Convention on International Child Abduction, 1980	11 (Burkina Faso, Gabon, Ghana, Lesotho, Mauritius, Morocco, Seychelles, South Africa, Tunisia, Zambia and Zimbabwe)	
Hague Convention on Child Support, 2007	0	
Hague Convention on Parental Responsibility and Protection of Children, 1996	2 (Lesotho and Morocco)	

This apparent commitment to human rights – including children’s rights – has not yet translated fully into national laws and corresponding implementation and enforcement systems and structures.

5.2. Continental and regional policy frameworks

Children’s issues within the African Union (AU) are housed within the Department of Social Affairs, which seeks to promote the AU’s health, labour, employment, migration, social development, drug control, crime prevention, sport, and cultural agendas. Over the years, the Department has

leveraged important policy frameworks – for example, the AU’s Social Policy Framework for Africa and African Union Plan of Action on the Family, which promoted the central role of families in the protection and wellbeing of children.

The year 2014 saw the creation of the mandate of the AU Special Rapporteur on Child Marriage, and the launch of the AU Campaign to End Child Marriage (for 2014–16, now renewed for 2019–23). There are also campaigns to tackle harmful practices such as female genital mutilation/cutting (FGM/C) and VAC, as well as social ills such as child undernutrition.⁹³ The department is also

the host for the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

In 2015, the appointment of the Independent Expert on the enjoyment of human rights by persons with albinism and the adoption of the Regional Action Plan to End Attacks and Related Violations against Persons with Albinism in Africa (2017–21) have helped to raise awareness about these important concerns and pave the way for more concrete evidence.⁹⁴

5.2.1. The African Committee of Experts on the Rights and Welfare of the Child

The ACERWC, the child rights body responsible for monitoring the implementation of the ACRWC, has four functions: promotion, protection, monitoring, and interpretation of the African Children's Charter.⁹⁵ In addition to this mandate, the ACERWC can receive and consider communications (article 44) and resort to any appropriate methods of investigation to address any matter under its auspices.⁹⁶ Besides its

mandate to support and follow up the implementation of the ACRWC, the Committee has also been making efforts to monitor the framework for child rights, Africa's Agenda for Children, launched in 2016.

The ACERWC consists of ten experts, each of whom focuses on a particular thematic area while also representing countries in the continent.⁹⁷ These thematic areas include children in vulnerable situations, child marriage, and other harmful practices, children and armed conflict, child participation, child education, parental and child responsibilities, children on the move, children in conflict with the law, VAC, and health, welfare and development. Members serve as special rapporteurs on these thematic areas, with specific terms of reference requiring them to monitor and report on the rights of children around these themes.

5.2.2. Regional Economic Communities

There are eight Regional Economic Communities (RECs) in Africa. Generally, the purpose of RECs is to

Box 4 Africa's Agenda for Children: Fostering an Africa fit for children

The Agenda lays out a 25-year vision of a continent where the rights of Africa's children are firmly protected, with full effect being given to the priorities in this Agenda. Aspiration 7 of the Agenda is that "every child is protected against violence, exploitation, neglect, and abuse".

The Agenda envisions that by 2040:

- No child is exposed to any form of violence, including gender-based violence, in the public or private sphere.
- Children are free from physical and psychological abuse, sexual violence and exploitation, and sex trafficking.
- Harmful practices (such as breast ironing, female genital mutilation or cutting, and child marriage) have been ended.
- No child is exposed to sexual exploitation and/or used for child pornography.
- Harmful child labour practices and child trafficking for forced labour are eliminated.
- No child is subjected to corporal punishment.

Source: www.acerwc.africa/agenda-2040/

facilitate regional economic integration among members of the individual regions and through the wider African Economic Community, which was established under the Abuja Treaty (1991). The 1980 Lagos Plan of Action for the Development of Africa and the Abuja Treaty proposed the creation of RECs as the basis for wider African integration, with a view to regional and eventual continental integration (as the African Union).

The Abuja Treaty, along with the African Charter on Human and Peoples' Rights, influenced RECs to review their founding documents and include, for the first time, the promotion and protection of human rights as part of their fundamental principles, goals and mandates. Box 5 lists the eight RECs recognised by the AU.

In the past two years, RECs took important steps to reinforce their child

rights and protection architecture, by promoting harmonisation of legal and policy frameworks vis-à-vis international and regional instruments, introducing mechanisms to coordinate and monitor policies, using guidelines to catalyse and support capabilities of the social workforce, improving collaboration of sectors and stakeholders within the context of strengthening national child protection systems, and setting standards, norms and practices for the implementation and resourcing of laws and policies.

ECOWAS is the first REC to work on a Child Protection Policy, for which a Plan of Action was developed for 2007–11. In 2017, ECOWAS also adopted a Strategic Framework for Strengthening National Child Protection Systems, which guides the mainstreaming of child protection into all relevant programmes carried out in the member states. The REC's legal, policy, and institutional framework for the fight against VAC is complemented by its court, which appeared to have jurisdiction over VAC matters.

Box 5 Regional Economic Communities

The AU recognises **eight** of these:

1. **CEN-SAD:** Community of Sahel–Saharan States
2. **COMESA:** Common Market for Eastern and Southern Africa
3. **EAC:** East African Community
4. **ECCAS:** Economic Community of Central African States
5. **ECOWAS:** Economic Community of West African States
6. **IGAD:** Intergovernmental Authority on Development
7. **SADC:** Southern African Development Community
8. **UMA:** Arab Maghreb Union

Forty-three countries are members of more than one Regional Economic Community. The exceptions to this are Algeria, Botswana, Cameroon, Congo, Equatorial Guinea, Gabon, Lesotho, Mozambique, Namibia, South Africa, South Sudan and Eswatini.

The most significant example of good practice regarding protection measures in times of conflict is the ECOWAS Code of Conduct. In June 2000, a Child Protection Code of Conduct for Soldiers was developed by soldiers from 13 West African countries and this has now been adopted by ECOWAS to provide guidance in the field. Associated measures include training courses, with a course on child rights and child protection in their curriculum, both for their military units and for special peacekeeping contingents. The military protection scheme in ECOWAS is complemented by the Accra Declaration on War-Affected Children in West Africa. This Declaration acknowledges the extent of VAC in the region and the need for strengthened regional initiatives for the security and well-being of children. Specifically, the

Declaration Calls for the release by armed groups in the sub-region of all children abducted and held against their will.

The EAC, on the other hand, has reached some significant milestones in its endeavours to champion the rights and wellbeing of children, by adopting a comprehensive Child Policy in 2016, Minimum Standards on Comprehensive Services for Children and Young People in the East African Community in 2017 and a Framework for Strengthening Child Protection Systems East African Community in 2018. The EAC has also finalised a Monitoring, Evaluation and Reporting Framework for Child Rights in East African Community, which aims primarily to monitor and evaluate compliance with and enforcement of the Child Policy and to further reinforce accountability for child rights. In line with promoting children's participation in decision-making processes, the EAC has also produced a child-friendly version of the policy. In 2020, the EAC, in collaboration with ACPF and Save the Children International, undertook a study evaluating the progress of the implementation of its Child Policy in the six partner states.

Equally, over the past few years, the SADC has undertaken several initiatives to promote the rights of children. SADC's Model Law on Eradicating Child Marriage, and Protecting Children already in Marriage is a major milestone in the efforts to end child marriage in Southern Africa. Among other instruments, SADC also has a Framework and Plan of Action for Comprehensive Care and Support for Orphans, Vulnerable Children and an accompanying Monitoring, Evaluation and Reporting Framework for Orphans, Vulnerable Children and Youth. Currently, SADC is in the process of drafting a Children's Protocol, which will be the first comprehensive policy document, and an implementation

framework for the realisation of children's rights in the community.

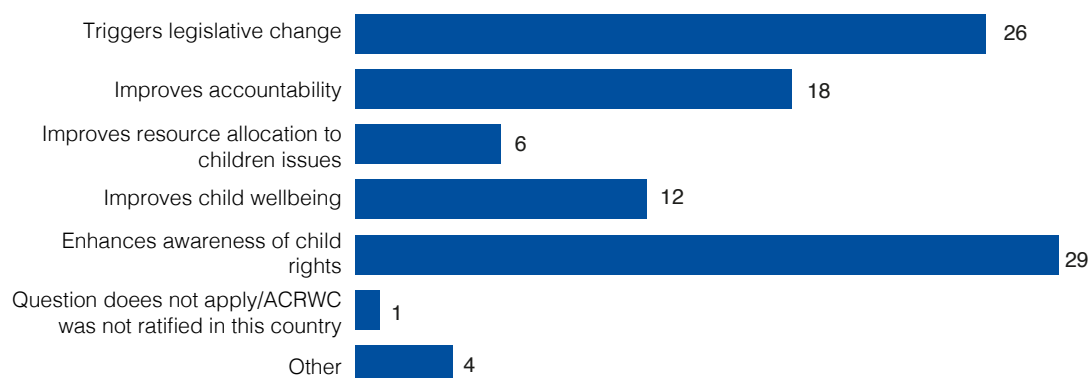
Similarly, IGAD, which promotes regional cooperation and integration among eight countries in East Africa and the Horn of Africa, has adopted policies aimed at ensuring the protection of children on the move. IGAD's recent policy-level milestones include the Djibouti Declaration on Refugee Education and the Regional Migration Policy Framework.

Apart from these key milestones, RECs, because of their convening power, cross-sectoral mandate, and experience in mobilising regional consensus, are also advocating, although to a limited extent, integrated implementation and monitoring of the AU's Agenda 2063 sub-titled *The Africa we want, the SDGs, and Africa's Agenda for Children 2040*).⁹⁸

5.3. Constitutional and legal reform

The ratification of international instruments, which has a bearing on the structural mechanisms for combating abusive or exploitative practices, is the dominant mechanism used by African states to combat VAC. International and regional instruments provide a framework for national laws and policies affecting children. The ratification of international human rights instruments is an expression of a society's general commitment to non-violence and to adopting a human-rights-based approach to combating child abuse. But these intentions can only have a positive impact on children's lives when they are translated into laws and policies intended to reduce all forms of VAC and promote social norms and values that support children's rights.⁹⁹

Therefore, when countries endorse treaties by ratification, those treaties supersede their national laws but are

FIGURE 4: Reported contributions of the ACRWC by UNICEF country offices in Africa

Source: UNICEF, Review of progress in the advancement of child rights in Africa: Reflecting on the past and future challenges and opportunities, Report submitted to the UNICEF Office to the African Union & United Nations Economic Commission for Africa and UNICEF Evaluation Office, 2020, p.16.

still subject to the constitution. Under the legal framework for the ACRWC, the benchmark commitments are that all AU member states must have ratified and domesticated it by 2010, and must harmonise laws at the national level, bring them in line with the standards in the ACRWC, and carry out comprehensive reforms that cover the scope of the Charter. However, there remain discrepancies in the processes that guide constitutional reform processes.

As Figure 5 shows, the ACRWC's contribution to children's rights, as seen by UNICEF country offices, mostly relates to enhancing awareness of child rights (29 countries) and legal reform (26 countries), followed by improving accountability.

Thus, one of the most notable impacts of the ACRWC is how it has shaped national law and policy on the protection of children's rights in Africa. In some cases, reference is made to the African Children's Charter as a basis for new legislation, such as in the case of Lesotho, Liberia, Rwanda, Sierra Leone, and South Africa. In most cases, the laws specifically incorporate provisions related to the declared values of the

ACRWC.¹⁰⁰ Those countries that have not ratified the ACRWC still have uncoordinated laws on children and are behind in legislation.

5.4. Legislation against offences related to violence against children

Legislation to combat VAC in its various forms comes in different shapes and sizes. Some countries use broad legislation to address VAC, while others have thematic legislation, such as on sexual violence or child trafficking. For instance, Cameroon revised its 2016 Penal Code to criminalise VAC-related offences.¹⁰¹ The new Article 277-1 punishes genital mutilation; article 277-2 prevention of growth of organ (especially breast ironing); article 277-3, torture, which includes physical, psychological, and emotional VAC, including neglect; article 302-1, sexual harassment; article 342-1, trafficking and slavery of persons; and article 347-1, homosexuality. Unfortunately, article 277-3, contains a drawback clause, where it contends that torture does not apply to pain or suffering resulting from legitimate punishment.¹⁰² The meaning that can be given to this provision

is that corporal punishment is still acceptable under the justice system in Cameroon. Despite its progress in the criminalisation of VAC-related offences, Cameroon has yet to adopt a child protection code and a family code, although both are under preparation. Policy-makers believe that the long delays to these projects are due to the bijural nature of the country since the codes under preparation have to take into consideration the specificities of the two legal systems existing in Cameroon.

The Cape Verdean legislation – both institutional policies and constitutional legislation – assigns full responsibility for the children and adolescents' rights (Article 74 – Constitution of the Republic of Cape Verde) to the State, Society, and Families'. The Legal and Institutional Reform in Childhood and Adolescence, initiated in 2005, culminated in the adoption of the Child and Adolescent Statute on 26 December 2013 as one of the most important pieces of legislation for the children and adolescents' rights in Cape Verde. The Child and Adolescent Statute is a landmark law in the consolidation of the entire system of children and adolescents' rights in Cape Verde, as it enshrines children's fundamental rights and freedoms in law and establishes a children and adolescents' rights protection system. This system confirms the responsibility of the state and the society in the whole development process of the child and the adolescent. The Criminal Code is also important, as it defines offences relating to all forms of VAC.¹⁰³

The Central African Republic has made good progress, with the adoption of a Child Protection Code on 28 February 2020 and its promulgation into law by the Head of State on 15 June 2020. This is a significant step forward in the prevention of and response to VAC in the country, particularly, as it

takes into consideration the armed conflict situation by criminalising the recruitment of children into armed groups and online sexual exploitation.¹⁰⁴

The Gambia has adopted the Children's Act 2005, the Domestic Violence Act 2013, the Sexual Violence Act 2013, the Trafficking in Persons Act 2011, The Women's Amendment Act 2015, and the Tourism Offences Act 2003. The main problem is the ineffective enforcement of these laws. The major stride since 2014 is the Women's Amendment Act 2015, which particularly addresses the emerging problems of sexual violence and FGM/C.¹⁰⁵ Other notable advances are related to raising the minimum age for criminal responsibility to 12 and the age of marriage to 18, for both boys and girls.

At the policy level, it is worth pointing that The Gambia's government, with support from UN partners, finalised its first-ever National Social Protection Policy (2015–25). The National Social Protection Steering Committee was established in 2012 to advance the country's social protection agenda and lead on the preparation and implementation of the policy. The Committee is chaired by the Director of the Policy Analysis Unit of the Office of the President of the Gambia. The Director of Social Welfare is the Secretary.¹⁰⁶

Malawi's Government has shown its commitment to combating VAC with the adoption of the Justice, Care, and Protection Act 2010; the Disability Act 2012; the Trafficking in Persons Act 2015; the 2018 Malawi Regulatory Authority on Tracking Sexual Abuse; and the Street Children's Policy 2019. It is noteworthy that the implementation of the Justice, Care, and Protection Act 2010 provides for the establishment of child justice panels within courts, but this is yet to become operational

at district and local levels.¹⁰⁷ Relevant policy documents in Malawi are the Child and Welfare Policy (adopted in November 2014) and the National Plan of Action for Vulnerable Children 2015–19.

In Mauritania, the preamble to the Constitution of 20 July 1991 recognises the necessity to make Mauritania a state of law and affirms the importance of human rights instruments, particularly those on the protection of children. In this regard, the country has adopted a definition of VAC that is in line with the UNCRC and the ACRWC. This is inferred from the fact that, under article 80 of the constitution, duly ratified international instruments shall rank higher than national instruments.¹⁰⁸ Apart from corporal punishment, there are laws in Mauritania that prohibit the sexual exploitation and abuse of children and the economic exploitation of children and protect vulnerable children. The real problem lies with implementation.

Mauritius has performed relatively well over recent years. It has reduced poverty, increased access to child-friendly environments, and set the minimum employment age at 16 – even higher than the ILO recommendation. The country has ratified almost all relevant international and regional child rights treaties and has incorporated them into domestic laws and policies. The minimum age for criminal responsibility and marriage are also in line with international guidelines.¹⁰⁹

Senegal has ratified all major international instruments relating to children, except the Optional Protocol to the CRC on a Communications Procedure (OP3). The provisions of these international instruments are reflected in the national corpus, where, for instance, the constitution of Senegal guarantees special protection for children and women,

by referring to particular international and regional instruments, under article 98. Also, the Penal Code and the Family Code, criminalise certain types of VAC, in the following terms: sexual harassment (article 319bis); rape (article 320); paedophilia (article 320bis); pornography and corruption of minors (article 320ter); VAC and women (article 297bis); kidnapping of minors (article 346); sequestration (article 334–337bis); and begging (article 245–247).¹¹⁰

Sudan has ratified some major child rights instruments, including the Optional Protocols dealing with the rights of children during armed conflicts and on the sale of children, child prostitution, and child pornography. Sudan has also adopted the Arab Charter on the Rights of the Child.¹¹¹ The child protection sector in Sudan is regulated by the Interim National Constitution of the Republic of the Sudan of 2005 and the Child Act of 2010. The two laws are in line with the principles enshrined in the CRC. Sudan has also established many procedures and mechanisms to implement the Child Act 2010, and to enact policies, strategies, and plans to enforce child rights.¹¹² Despite progress made regarding child legislation, inconsistencies have emerged between the Child Act and other existing legislation, such as the Criminal Code 1991 (concerning criminal responsibility and the death penalty). The incorporation of children's rights in the country's new constitution will guarantee the inclusion of child protection standards in all national laws. Financial and human resources and commitment must be scaled up to ensure the enforcement of existing laws and the development of mechanisms and relevant jurisprudence.¹¹³

Tunisia has made important strides in terms of putting into place legislative frameworks and ensuring

Box 6 Instances of retrogression

Somalia developed two important national action plans in 2012 aimed at protecting children from situations of extreme violence: The Action Plan to End Killing and Maiming of Children, and the Action Plan to Eliminate Recruitment and Use of Child Soldiers. But the country is trying to offset these achievements with the introduction of a draft Sexual Intercourse Related Crimes Bill, which encourages child marriage.

In Sudan, there have been several attempts to criminalise all forms of FGM/C but none have been successful. The most significant setback occurred in 2009 when the Council of Ministers decided to remove Article 13 of the 2010 Child Act, which would have prohibited FGM/C as a harmful practice and tradition affecting the health of children. Evidence shows that FGM/C has remained established in Sudan. In the period 2004–15, 87 percent of all girls and women aged 15–49 years had undergone FGM/C; for girls aged 0 to 14 years, the figure was 32 percent, between 2010–2015. More than 90 percent of girls in northern Sudan are subjected to the most severe form of FGM/C.

their implementation. The country has reduced child labour and child marriage to levels that are among the lowest in Africa (2.1 percent and 2 percent, respectively), while coverage of birth registration is also the third-highest (99.2 percent). In 2018, Tunisia was the third-highest spender on social protection programmes, after Egypt and Lesotho, and has a poverty level of just 2 percent, slightly higher than the top scorers, Algeria and Mauritius (0.5 percent).¹¹⁴

Finally, Zambia has an impressive legal, institutional and procedural framework, which, if appropriately used, can sufficiently address cases of VAC. Notably, the main progress so far relates to the strategy put into place by the Zambia Ministry of Transport and Communication, which oversees the Zambia ICT Authority. On 27 August 2020, the latter launched the National Child Online Protection Strategy, which provides clear guidelines on how to address the issue of online VAC. At the moment, the validation of the document is still pending. This is good evidence that there is some political will to tackle this new and emerging form of VAC.¹¹⁵

5.4.1. Legislation against sexual violence

There has been significant progress on the legal protection of children from sexual violence, with close to 100 percent of countries reporting that they have laws in place against it.¹¹⁶ Out of the 37 African countries¹¹⁷ included in the 2020 *Global Status Report on Preventing Violence against Children*, most have laws prohibiting sexual violence, and the perceived enforcement of these laws is rated as high by 33 countries for statutory rape; by 29 countries for contact sexual violence; and by 30 countries for non-contact sexual violence.¹¹⁸

South Sudan remains the only country that does not criminalise different forms of sexual conduct involving children, including sexual exploitation and child pornography. On a positive note, the 2007 Criminal Law Amendment Act of South Africa has broadened the definition of rape to include a wide range of crimes that commonly occur against children, like sexual grooming, sexual exploitation, and use of and exposure to pornography,¹¹⁹ and one of the strongest laws on sexual

exploitation is the South African Sexual Offences Act, which is among the continent's most comprehensive pieces of legislation on this, covering issues such as sexual grooming and the extradition of sexual offenders.

According to UNICEF, Nigeria has long faced a sexual violence crisis, as one in four women is sexually abused before they turn 18. Some parts of the country are now addressing the phenomenon with much more seriousness.

5.4.2. Legislation to ban corporal punishment in all settings

Studies conducted as part of UNICEF's Multiple Indicator Cluster Survey (MICS) programme have found high rates of "violent disciplining" (psychological

aggression and/or physical punishment) of 1- or 2-14-year-olds in the Democratic Republic of Congo (92 percent), Djibouti (72 percent), Malawi (72 percent), Madagascar (84 percent), Somalia (75 percent in the Northeast Zone, 78 percent in Somaliland) Swaziland (89 percent) and Zimbabwe (63 percent).¹²⁰ Laws that ban the violent punishment of children have the potential to reduce both the violent punishment of children by adults, and the likelihood of violence between children. They are most effective when they cover all settings, including family homes, schools, day care, alternative care facilities, penal institutions and as a punishment for crime under state, customary and religious law. Table 3 summarises the legal status of corporal punishment in Africa.

TABLE 3: Legal status of corporal punishment in Africa

Legal status of corporal punishment	Number of countries	List of countries
Outlawed in all settings	9	Benin, Cape Verde, Congo (Republic of), Kenya, Seychelles, South Africa, South Sudan, Togo, Tunisia ^a
Prohibited at home	9	Benin, Cape Verde, Congo (Republic of), Kenya, Seychelles, South Africa, South Sudan, Togo, Tunisia
Prohibited in alternative care institutions	16	Benin, Cape Verde, Chad, Congo (Republic of), Ethiopia, Kenya, Liberia, Malawi, Namibia, Seychelles, Somalia, South Africa, South Sudan, Togo, Tunisia, Tanzania
Prohibited in day care	22	Benin, Burkina Faso, Cameroon, Cape Verde, Chad, Congo (Republic of), Ethiopia, Gabon, Kenya, Liberia, Libya, Malawi, Mali, Mauritius, Namibia, Seychelles, Somalia, South Africa, South Sudan, Togo, Tunisia, Zambia
Not prohibited as a sentence for a crime	3	Botswana, Libya, Mauritania
Not prohibited in the penal justice system	21	Algeria, Angola, Botswana, Burundi, Central African Republic, Comoros, DRC, Djibouti, Equatorial Guinea, Egypt, Eritrea, Eswatini, The Gambia, Guinea, Lesotho, Libya, Madagascar, Niger, Sudan, Western Sahara and Zimbabwe
Not prohibited in schools	21	Angola, Botswana, Central African Republic, Comoros, Côte D'Ivoire, Egypt, Equatorial Guinea, Eritrea, eSwatini, Gambia, Ghana, Guinea, Liberia, Mauritania, Morocco, Mozambique, Niger, Nigeria, Sierra Leone, Tanzania, and Zimbabwe
Allowed as discipline	2	Ethiopia and Sierra Leone

^a Of the countries in this list, Kenya and South Sudan have the prohibition in their constitutions.

Source: African Child Policy Forum, *The African Report on Child Wellbeing 2020: How friendly are African governments towards girls?* Addis Ababa: ACPF, 2020.

5.4.3. *Legislation on a minimum age of employment and criminal responsibility*

ILO Convention No. 138 sets the general minimum age of employment at 15 years but allows for developing countries to set it at 14 (13 for light work). All African countries except Kenya, Sierra Leone, and Uganda have domestic laws in line with the Convention, and 29 of them set the minimum employment age higher than 14 years. In practice, however, poor enforcement means that many children start work at a very young age and child labour continues to be a widespread phenomenon across the continent.¹²¹ It is estimated that one in four African children are engaged in child labour, although rates vary widely by country. In Mali, Benin, Cameroon, Chad, and Guinea-Bissau, for example, more than half of all children are engaged in child labour.¹²² Children from poor families are three times more likely to be involved in child labour than those from wealthier backgrounds.¹²³ Table 4 presents the minimum age of employment in African countries.

In relation to criminal responsibility, the AU Principles and Guidelines on Fair Trial Rights set the minimum age of criminal responsibility at 15 years.¹²⁴ The Committee on the Rights of the Child recommends an absolute minimum age of criminal responsibility of 14 years.¹²⁵ Previously, this age was 12 years¹²⁶ but this was revised in 2019 when the Committee adopted a new General Comment on the Rights of Children in the Child Justice System. The upward revision of the recommended minimum age of criminal responsibility to 14 years brings many countries into disharmony with international standards. Unlike in the past, when only 13 countries fell short of the international standard, there are now 38 countries that need to revise their laws accordingly.

Nobody under the age of 18 should be subjected to the death penalty, nor should they face life imprisonment without the possibility of release. In some countries, the law can expose children to this type of violence if they are convicted of a crime. More than 60 percent of governments confirmed

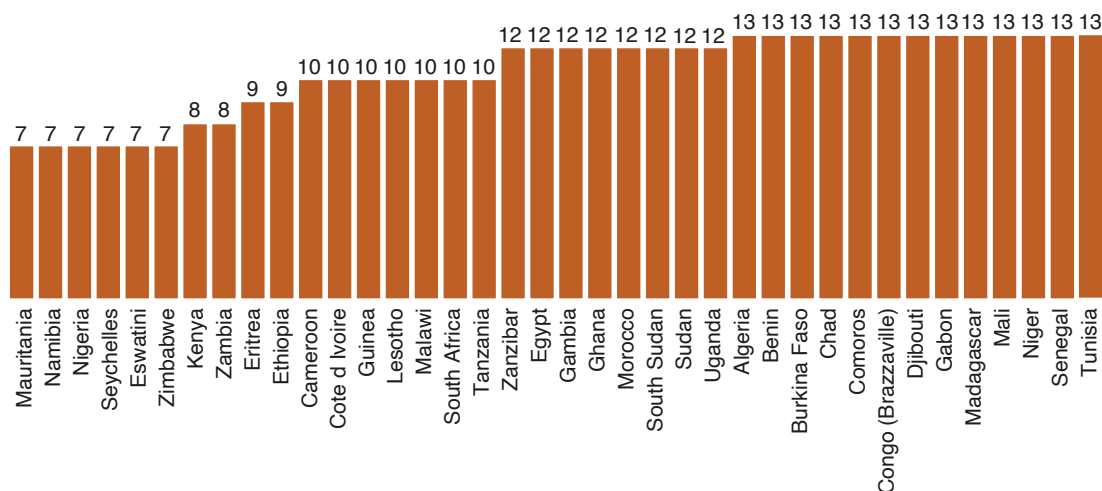
TABLE 4: Minimum age of employment in African countries

14 years	Above 14 years	Below the age of 14 years for light work
Angola, Benin, Botswana, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Equatorial Guinea, Eritrea, Ethiopia, Guinea-Bissau, Malawi, Mauritania, Namibia, Niger, Nigeria, São Tomé and Príncipe, Sudan, and Tanzania	Algeria, Burkina Faso, Burundi, Cape Verde, Comoros, Congo Republic, Democratic Republic of Congo, Djibouti, Egypt, Gabon, Gambia, Ghana, Guinea, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritius, Morocco, Mozambique, Rwanda, Senegal, Seychelles, Somalia, South Africa, eSwatini, Togo, Tunisia, Zambia, Zanzibar, and Zimbabwe	Burundi, Egypt, Kenya, Lesotho, Mauritania, Somalia, South Sudan, Uganda, Zambia **Liberia allows employment of children below the specified minimum age but the lowest age limit is not provided.

Source: Compiled by African Child Policy Forum (ACPF), 2013, available at <http://www.africanchildforum.org>

FIGURE 5: Countries in Africa with a minimum age of criminal responsibility below 14 years

The recommended minimum age (14)



the prohibition of life imprisonment and capital punishment for children and young people, and many others have introduced a moratorium on these.¹²⁷

Togo's minimum age of criminal responsibility, marriage, and admission to employment is also in line with international recommendations, and the country has made significant progress in reducing child labour and child marriage. In 2016, for example, the government of Togo significantly increased the number of labour inspectors and created the National Domestic Workers' trade union to help combat child labour and protect domestic workers of legal working age.¹²⁸

5.4.4. Laws to ban harmful social/traditional practices

Research shows that millions of children are subjected to harmful practices such as FGM/C, early and forced marriage, breast ironing, son preference, female infanticide, virginity testing, honour crimes, bonded labour, forced feeding,

nutritional taboos, and accusations of witchcraft.¹²⁹ Such practices may be traditional, or they may represent emerging forms of VAC. They may well have cultural, social, or religious underpinnings. But one thing they share is their association with violence and its devastating consequences for children.¹³⁰

African countries have done fairly well in prohibiting harmful social practices. To date, 42 countries have laws that prohibit harmful social/traditional practices, but 12 countries – Botswana, Burundi, Cape Verde, Comoros, Congo (Republic of), eSwatini, Gabon, The Gambia, Libya, Madagascar, Mozambique, and Sierra Leone – are yet to enact a law that criminalises these practices.

FGM/C is still a common harmful practice in some areas. However, it is illegal in at least 28 African countries.¹³¹ Eleven of these have separate statutes or policies on the prohibition of FGM/C or other harmful practices.¹³² Sanctions for FGM/C range from fines

TABLE 5: Country-specific statutes/policies on FGM/C

Country	Statute
Benin	Law no. 2003-03 on the Suppression of Genital Mutilation of Women in Benin Republic
Cameroon	Law No. 2016/007, of 12 July 2017, relating to the penal code
Chad	Act no. 06/PR/2002 on Reproductive Health
Central African Republic	Order no. 66/16 of 22 February 1966 on Abolition of Excision
Côte d'Ivoire	Law on female genital mutilation (1998)
Eritrea	Proclamation 158/2007 to Abolish Female Circumcision
Kenya	Prohibition of Female Genital Mutilation Act of 2011
Nigeria	- Enugu State FGM (Prohibition) law of 2004 - Edo State Female Genital Mutilation (FGM) Prohibition law 2000 - Bayelsa State FGM (Prohibition) law of 2004
Togo	Act no. 98-016 of 17 November 1998 Prohibiting Female Genital Mutilation in Togo
Uganda	Prohibition of Female Genital Mutilation Act no. 5 of 2010
Mali	National Programme for Combating the Practice of Excision (2010–14)

Source: African Child Policy Forum, *The African Report on Child Wellbeing 2020: How friendly are African governments towards girls?* Addis Ababa: ACPF, 2020

to imprisonment, and where FGM results in the death of the victim, life imprisonment (in Uganda), or the death penalty (in Cameroon and Kenya). In Cameroon, where the offender habitually carries out such a practice or does so for commercial purposes, the death penalty is applicable. Some countries specify that consent of the victim cannot be a defence for the perpetrator, while in Benin, Djibouti and Eritrea failure to report FGM/C is a criminal offence.¹³³

5.4.5. Laws setting a minimum age of marriage and sexual consent

Another means of addressing harmful cultural practices, such as child marriage, is to harmonise the minimum age at marriage with international standards. In Africa, 36 countries have set the minimum age at marriage at 18 years or above, equally for both girls and boys. Algeria, Lesotho, and Rwanda have a higher minimum age, with no gender discrimination, while

in Burundi, Republic of Congo, Côte d'Ivoire, and Togo, it is 18 years or above for girls but higher for boys¹³⁴. The remaining countries either have a minimum age at marriage that is below 18 years for both girls and boys, or a discriminatory minimum age at marriage, with that of girls being below 18 years.¹³⁵ Commendable progress has been made in some countries – notably Zimbabwe and Malawi – to bring the law on the minimum age at marriage into line with international standards. In January 2016, Zimbabwe's Constitutional Court unanimously ruled that section 22 of the Marriages Act, which set the minimum age at marriage at 16 years for girls and 18 years for boys, was unconstitutional and therefore invalid, as no person of either sex should be married before 18.¹³⁶

In 2015, Malawi passed the Marriage, Divorce and Family Relations Act, which set the minimum age at marriage at 18 years for both boys and girls, putting the law at odds with the constitution,

which allowed children as young as 15 years to marry. Under Article 44 of the ACERWC, a communication on the definition of a child was filed with the ACERWC in the case of *the Institute for Human Rights Development in Africa (IHRDA) v Malawi*, and the Malawian government ended up amending the constitution in February 2017 to raise the age of majority from 16 to 18. The constitutional amendment also repealed the provisions that allowed children to marry at 15 years old with parental consent.¹³⁷

These requirements have to tally with the minimum age for sexual consent. In Sudan, for example, the minimum age of sexual consent for a girl is 18 years, but girls as young as 10 years are legally allowed to marry. Furthermore, the law specifically protects the husband from prosecution for sex with a girl aged below 18 (Section 316(a), Sudanese Penal Code, 2003). Given that many cultures view consummation as a prerequisite for a valid marriage, governments should act to ensure the minimum age of marriage is set higher than that of sexual consent or the same as it., and where such consent is allowed for people under 18 years, it must never be given in the context of abuse or exploitation of the child.¹³⁸ Below is an example of the way

legislation can be applied to bring to justice those who abduct children and force them to marry even though they haven't given their consent.

The minimum age of sexual consent is just 13 in Chad, Niger, and the Sahrawi Arab Democratic Republic, while in Angola, Cape Verde, Madagascar, and São Tomé & Príncipe, it is 14.¹³⁹ On a more positive note, many countries have set the minimum age of sexual consent to 18.¹⁴⁰

5.5. National strategies and action plans

As previously stated, one of the principal ways of preventing and responding to VAC is the formulation of laws, policies, and programmes that fully comply with international human rights agreements and current scientific knowledge. Such frameworks should cut across all the domains of child protection, including social protection programmes, health, education, empowerment, and the like. These laws, policies, and programmes must form part of the enlarged legal and policy framework, for a holistic realisation of the end of VAC.

One way for African countries to devise such frameworks is by adopting

Box 7 Relationship between child/forced marriage and sexual consent

In August 2015 in Nigeria, a young girl named Ese Oruru was abducted by a man called Yunusa Dahiru from her home in Bayelsa in Nigeria and given in marriage to a Muslim man. She was forced to convert to Islam and her name was changed to Aisha. After several months of lamenting by her parents over the disappearance of their daughter, efforts by human rights activists to trace her, and police investigations, she was returned to her parents in March 2016 but she was already pregnant. In May 2016, she gave birth to a baby girl. Dahiru was charged with child trafficking, abuse, rape, kidnapping, infringement of the right to religion, and holding a person against her will. On 21 May 2020, the Federal High Court of Yanagooa sentenced Dahiru to 26 years' imprisonment for child trafficking and other charges.

Source: Nigeria: Finally, Court Sentences Ese Oruru's Abductor to 26 Years, available at <https://allafrica.com/stories/202005220470.html>

National Action Plans. These may be limited to the issue of VAC, linked to broader efforts such as gender-based violence, youth violence, and children's vulnerability, or aimed at advancing progress toward multiple SDGs. A number of countries in Africa now have

either comprehensive or thematically focused National Action Plans. Of the 37 countries that were included in the 2020 *Global Status Report on Preventing Violence against Children*, 24 have at least one comprehensive plan on violence, as indicated in Table 6.

TABLE 6: Countries with comprehensive or thematic National Action Plans to end violence against children

No.	Country	National Action Plan				
		Child maltreatment	Youth violence	Sexual violence	School-based violence	Gender-based violence
1.	Burkina Faso	No	No	No	No	No
2.	Cameroon	Yes	Yes	Yes	Yes	Yes
3.	Central African Republic	No	No	No	No	No
4.	Chad	No	No	No	No	No
5.	Comoros	No	No	No	No	No
6.	Congo (Republic of)	Yes	Yes	Yes	Yes	Yes
7.	Côte d'Ivoire	Yes	Yes	Yes	Yes	Yes
8.	Eswatini	Yes	Yes	Yes	Yes	Yes
10.	Gabon	No	No	No	No	No
11.	Ghana	Yes	Yes	Yes	Yes	Yes
12.	Guinea-Bissau	Yes	Yes	Yes	Yes	Yes
13.	Kenya	Yes	Yes	Yes	Yes	Yes
14.	Lesotho	Yes	Yes	Yes	Yes	Yes
15.	Libya	No	No	No	No	No
16.	Madagascar	Yes	Yes	Yes	Yes	Yes ¹⁴¹
18.	Mali	Yes	Yes	Yes	Yes	Yes
19.	Mauritania	No	No	No	No	No
20.	Mauritius	Yes	Yes	Yes	Yes	Yes
21.	Morocco	Yes	Yes	Yes	Yes	Yes
22.	Mozambique	Yes	Yes	Yes	Yes	Yes
24.	Niger	No	No	No	No	No
25.	Nigeria	Yes	Yes	Yes	Yes	Yes
27.	Senegal	Yes	Yes	Yes	Yes	Yes
30.	South Africa	Yes	Yes	Yes	Yes	Yes
32.	Sudan	Yes	Yes	Yes	Yes	Yes
35.	Uganda	Yes	Yes	Yes	Yes	Yes
37.	Zimbabwe	Yes	Yes	Yes	Yes	Yes

Source: World Health Organization, *Global Status Report on Preventing Violence Against Children*, Geneva: WHO, 2020.

A few countries also have additional specific action plans (See Table 7 below)

TABLE 7: Countries with specific Action Plans

Country	Action Plan
Madagascar	National Action Plan to End Gender Violence
Ghana	The Child and Family Welfare Policy (adopted in November 2014)
Malawi	National Plan of Action for Vulnerable Children 2015–19
Nigeria	National Priority Agenda for Vulnerable Children 2013–20
South Africa	National Action Plan for children (2019–24)
Tanzania	National Plan of Action to End Violence against Women and Children, 2016
Tunisia	<i>Politique Publique Intégrée de Protection de l'Enfance</i> , 2016

Source: WHO, *Global Status Report*.

There are encouraging examples of countries using an integrated approach to address women's and children's issues together. For instance, the Tanzania National Plan of Action to End Violence against Women and Children (2016) envisages improved national coordination efforts, delivery of high-quality services, and the application of innovative solutions to build a unified protection system for both women and children in pursuit of the country's National Five-Year Development Plan II, the 2030 Agenda and the African Union's Agenda 2063.¹⁴² The National Plan of Action was developed through a rigorous consultation process, by consolidating eight government action plans addressing violence against women and children into one single comprehensive plan to eradicate such violence. Eight government ministries, as well as CSOs, development partners, faith-based organisations, children, and young people participated in the multi-stakeholder platform. The participation of all stakeholders in the review and consultations heightened ownership of the new National Plan of Action across ministerial and civil society partners.

Notable also is how National Action Plans can be used to address quantified baselines and targets for children's rights, SDGs, and public health issues. A timely example of how baseline targets were used to address a specific situation of violence was in South Africa. With regard to refugee children, the ACERWC recommended that South Africa eliminate barriers (legal and non-legal) to their access to social services. In response, the South African National Action Plan for children (2019–24) contains an action area on the development and implementation of a protocol to streamline delivery of services promptly to refugees, asylum-seekers, and migrant children.¹⁴³

All in all, in 2006, 47 countries had some form of policy agenda on this issue – today, there are more than 80. Some African countries have no action plans, strategies, or policies to address one or more forms of VAC,¹⁴⁴ while some have one or more actions plans, strategies, and policies that are not funded,¹⁴⁵ partially funded¹⁴⁶, or fully funded.¹⁴⁷



CHAPTER 6: CHILD PROTECTION SERVICES AND PROGRAMMES

6.1. Introduction

Some African countries have put in place comprehensive child protection services and by so doing have brought about positive change, particularly for children who are marginalised and left behind. However, despite notable advances, progress remains uneven and unsatisfactory in terms of prevention and response to violence against children (VAC). Some of the major developments related to incorporating standards within the constitutional corpus and enactment in national legal and policy frameworks are discussed below.

Programmes and services to address VAC have to strengthen their commitment to international instruments while ensuring they are accountable to national constitutions and laws. One of the fundamental recommendations of the 2006 World Study on VAC¹⁴⁸ is the establishment of safe, well-publicised, confidential, and accessible mechanisms for children, their representatives, and others to report VAC.

6.2. Availability of child-friendly referral and complaint mechanisms

The report advocated the need to put in place systems with confidential, child-friendly complaints and reporting mechanisms, with counselling available if required, linking informal and formal mechanisms with recognition for the needs of children, especially vulnerable ones.

This means that during legal processes, complaints, redress procedures, and policy-making, children can provide feedback and help challenge violations and uphold rights. Helping children build their confidence and self-belief from an early age encourages them to speak out against injustice and corruption and, as adults, to hold politicians accountable. In many societies, abusers operate with impunity because children cannot report abuse for fear they will not be believed or will be further punished.

Some African countries have developed mechanisms of identification and referral for both victims and perpetrators.¹⁴⁹ Others have developed identification and referral mechanisms only for victims,¹⁵⁰ while others have developed none and are dependent on the usual legal processes.¹⁵¹ Those that are incorporating child-friendly implementation strategies are fostering justice both for and with children. For example, in Tanzania, such efforts are led by a network of frontline service providers (mostly social welfare officers, staff from the police's Gender & Children Desk, or representatives of Community Based Organisations [CBOs]); in The Gambia, there is a Police Child Welfare Unit and a Child Unit in the Ministry of Justice; in Sudan, there is a Family and Child Protection Unit within the police, with Standard Operating Procedures for Child Protection. Those countries lagging behind, are engaging in processes to facilitate justice for children, such as Cameroon's Standard Operating Procedures for the Prevention,

Reporting, and Care of Children Victims of Gender-Based Violence, including in School Environments,¹⁵² which builds an atmosphere of psychological, intellectual, physical and spiritual safety for children.

In The Gambia, the Network Against Gender-Based Violence, created in 2013, under the country's Gender-Based Violence Programme, has established a Care Team, made up of personnel from the Ministry of Justice, the Department of Social Welfare, the police, two major general hospitals, and the female lawyers' association. The Care Team obtains data on gender-based violence from relevant institutions across the country (from service providers like the police Gender/Child Welfare Unit, the Department of Social Welfare, the Ministry of Justice, and nine health facilities) and harmonises and forwards the data to the relevant government agency (the Ministry of Social Affairs and the Women's Bureau) on a quarterly basis, to inform policy on the state of gender-based violence in the country.¹⁵³ Programmes run by the Network against Gender-Based Violence are also exploring the factors behind the social norms. Cognisant of the fact that female genital mutilation/cutting (FGM/C) cannot be addressed as a stand-alone issue, the Network is strengthening the child protection system at national and regional levels. These efforts have led to a drastic decline in support for FGM/C, with 49 percent of women denouncing the practice, according to UNICEF's 2018 Multiple Indicator Cluster Survey (MICS).¹⁵⁴ This is remarkable progress in a country where less than a decade ago, the prevalence of FGM/C in some regions was as high as 96 percent (according to the 2013 Demographic and Health Survey), and the topic of FGM/C was taboo in families and communities.

6.3. Prevention through skills training

Prevention is an area in which the government of Tanzania has deemed it worth investing. Its strategy is to communicate with the public and inform it about particular aspects of the law related to child protection issues.¹⁵⁵ UNICEF Tanzania has adopted a different approach, by providing skills training to frontline workers on VAC prevention, through training manuals for example, although the training has not yet reached all frontline workers. They also provide training and manuals to the police and justice systems on how to handle child cases.¹⁵⁶

In Tunisia, the government recently adopted a National Strategy for the Fight against Violence within Family Setting. Through this strategy, parents, guardians, and caregivers are expected to benefit from special programmes teaching them how to use non-violent methods of discipline on their children and adolescents.

6.4. Social protection programmes and services to address violence against children

The Convention on the Rights of the Child obliges state parties to help parents provide a decent standard of living for their children in accordance with national conditions and within their means.¹⁵⁷ Social protection is one of the key tools for enabling families to better care and provide for their children. Countries in Africa spend on average less than 0.7 percent of GDP on social protection, which means that a very low percentage of the population benefits from it: as few as 18 percent of the total population received at least one cash social protection benefit.¹⁵⁸ The figure is even lower for children. In Africa, only

16 percent of children receive social protection benefits. Further, ensuring adequate social protection requires allocating sufficient resources to children and families. Equally importantly, there are limited or weak linkages between social protection and child protection.

Nevertheless, many countries have invested in this sector, mostly by funding the provision of benefits in cash or in-kind. For example, common types of cash transfers to poor parents include those that help improve child nutrition, reduce child neglect, promote attendance at school, prevent under-age child work and early marriage, and affect child protection.

One way to enhance social protection programmes is to integrate several non-cash assistance and subsidy programmes into cash transfer programmes. In African countries where this approach is used, the programmes are either funded or not funded,¹⁵⁹ and the perceived reach is considered high,¹⁶⁰ above average,¹⁶¹ or below average,¹⁶² or figures are not available in some countries.¹⁶³ For instance, cash transfers and food subsidy programmes are currently used by the World Food Programme and other aid agencies to alleviate the livelihood situation of vulnerable families in the conflict-hit North West and southwest regions of Cameroon. Well-designed and shock-responsive social protection schemes in East Africa, for example, have helped vulnerable communities cope with the impacts of climate change and environmental degradation.¹⁶⁴

There are efforts to use social development programmes for the protection of children by reducing anti-social and aggressive behaviour in children and violence among adolescents. This includes improving their social skills with peers and promoting behaviour that is positive, friendly, and cooperative.¹⁶⁵ But, in

most countries, such programs on VAC are not lacking due to a lack of human and financial resources. However, The Gambia's Department of Social Welfare, through its outreach activities, targets children living in poverty and the streets around the Tourism Development Area, markets, and car parks. These children are taken to the Child Drop-in Centre, counselled, and provided with educational support. Their parents are also provided with support through the Family Strengthening Programme to take care of their basic needs.¹⁶⁶ Some of these issues have been legally addressed within Cameroonian institutions.¹⁶⁷

6.5. Birth registration services

Free birth registration, by enabling the determination of the age of a child, has far-reaching implications for the protection of children from forced marriage, sexual exploitation, recruitment for employment, and recruitment into armed groups, among other things. In terms of coverage, there are wide disparities in birth registration – some countries (Algeria, Egypt, and Tunisia) have universal birth registration, while coverage in many others is extremely low – just 3 percent in Ethiopia, for example.¹⁶⁸ Population and geographical size appear to be a critical factor – smaller countries such as Cape Verde, Djibouti, and Gabon have higher birth registration coverage than bigger countries with a large population. Less than a third of births in Nigeria and Uganda are registered, dropping to a quarter in Tanzania, the DRC, and Angola.¹⁶⁹ In The Gambia, there has been an increase from 52.5 percent in the 2010 MICS to 57.9 percent in the 2018 MICS in registered children, but only 32.3 percent had actual birth certificates in 2018, according to the MICS. It is noteworthy that Algeria's birth registration, at 99.6 percent, is the highest in Africa.¹⁷⁰

6.6. Services for addressing violence in schools

Schools play a key role in preventing violence and ensuring that children are protected, and education itself is crucial for safeguarding children's rights.¹⁷¹ Indeed, SDG 4 on high-quality education for all envisages that schools that are safe and supportive, and that that helps to build peaceful societies. According to UNESCO,¹⁷² one in three students (32 percent) experienced bullying every month in 2019 while a similar number faced physical violence. Physical bullying is the most frequent type of bullying in many regions, while sexual bullying often comes in second place. Physical bullying is more common among boys, while psychological bullying is more prevalent among girls. Online and mobile phone bullying is also shown to be increasing.¹⁷³ School-related gender-based violence is a phenomenon that affects millions of children, both male and female.¹⁷⁴

Tackling these issues in Africa is still very challenging, in terms of reducing

violence by school staff, helping children protect themselves from violence, and encouraging schools to adopt anti-bullying strategies. Some countries have anti-bullying laws and have developed standard operating procedures and/or skills training skills to address them.¹⁷⁵ Some countries that do not address violence by children have developed strategies to deal with violence by school staff.¹⁷⁶ Others do not have specific legislation on the subject, but rather depend on generalised legislation. The perceived enforcement in these countries is either high, average, or below average, whereas some countries do not address school violence at all.¹⁷⁷

There is also the problem of determining the exact content of sexual education that will focus on the prevention of violence. In Cameroon, for example, in 2018, the government attempted to introduce sex education into its primary school curriculum but faced a public backlash as the approach, the language and the graphic descriptions were considered too vulgar. Public outrage and rejection later forced the programme to be scrapped.

6.7. Positive parenting programmes

A variety of positive parenting programmes have been tested in Africa, most of which work through the health system, capitalising on the regular links between health workers and, in particular, new parents. Such parenting programmes aim to strengthen positive relationships between parents and their children through play and praise and provide positive discipline, with the clear potential to reduce or prevent violence.¹⁷⁸ Examples of parenting programmes in Africa include national family planning programmes, mentoring programmes, peer mediation or



peer counselling, temporary foster care programmes for serious and chronic offenders, family therapy, and programmes to strengthen ties to family and jobs and to reduce involvement in violent behaviour. Parenting skills training programmes aim to improve family relations and child-rearing techniques and thereby reduce youth violence.¹⁷⁹ Their objectives include improving the emotional bonds between parents and their children, encouraging parents to use consistent child-rearing methods, and helping them to develop self-control when bringing up children.

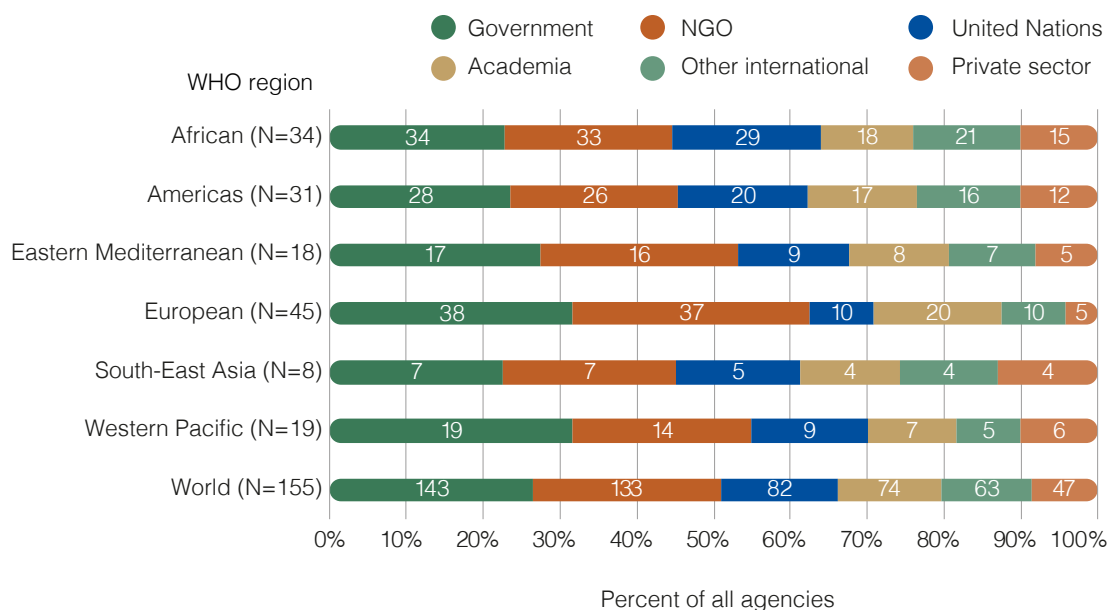
Two parent-support programmes in South Africa – the Isibindi Child and Youth Care programme and the Sinovuyo programme – have shown encouraging potential to reduce violence in the home. The Isibindi initiative reached 352,000 children in 2017, through home visits as well as access to 400 “safe parks” nationwide. The Sinovuyo programme to prevent maltreatment and violence against adolescents trained 1,200 caregivers in four provinces.¹⁸⁰ Results have included increased matriculation and exam pass rates among the adolescents, decreased violence, and better relationships at home.

6.8. Multi-sectoral coordination and collaboration

It should be recalled that the best way to significantly end VAC is through the implementation of laws, policies, and programmes which strengthen and support families, and address the underlying community and societal factors that allow violence to thrive. Thus, effective policies require effective coordination and collaboration among multiple sectors and stakeholders, including through partnerships at global, national, and local levels.¹⁸¹

The monitoring of implementing laws and policies on VAC should be led by a high-level coordinating body, with clear roles and responsibilities assigned to relevant departments and institutions to avoid overlap and to promote synergies. Seen in this light, there are several sectors with functions addressing VAC, that could take on a coordinating function. In some countries, like Cameroon, more than ten ministries are addressing VAC, with more than four sectors having coordinating functions. In other countries have fewer than five sectors addressing VAC, with all or some playing a coordinating function. In some countries, all the government agencies addressing VAC have coordinating functions. Some have just one coordinating sector for all the government agencies addressing VAC, whereas others, like Niger, and São Tomé, and Príncipe, do not have any sectors addressing VAC. Of interest, however, is the number of sectors in a particular country addressing VAC, and most especially, the number with a coordinating function. If the coordination function is carried out by more than one government agency in a country where multi-sector, multi-stakeholder collaboration is challenging, effective coordination can be difficult. It is undeniable that the public sector in Africa is marked by interagency competition secretiveness in terms of performance and accountability, and heavy bureaucracy.

While a high degree of inter-sectoral collaboration is crucial for preventing VAC, the large proportion of countries reporting multiple coordinating sectors suggests that national responses in many countries may be fragmented along sectoral lines.¹⁸² Figure 7 depicts the sectors included in mechanisms used to address VAC in a selection of countries around the world and compares the degree of participation of the different ones.

FIGURE 6: Sectors included in multi-sectoral coordinating mechanisms to address violence against children, by WHO region (2018)

Source: World Health Organization, *Global Status Report on Preventing Violence Against Children*, Geneva: WHO, 2020, p. 23

From the foregoing, it is obvious that most countries report multiple government sectors with functions addressing VAC. Findings show that 89 percent of countries allocate responsibility to multiple sectors for addressing VAC, with the education, health, justice, and social sectors most often mentioned; and 80 percent of countries reported having at least one National Action Plan to prevent VAC.¹⁸³ To avoid fragmentation, wasteful overlaps of resources, and serious gaps in delivery, the establishment of a national strategy or agenda is also crucial to engage civil society in the prevention of and response to all forms of VAC.¹⁸⁴

The effective multi-sectoral collaboration to end VAC must involve government and non-governmental stakeholders, UN agencies, and academic institutions.¹⁸⁵ Their interactions must benefit from clearly defined roles and responsibilities. There should be a designated lead

agency that coordinates violence prevention activities with other sectors, with adequate authority and resources to make decisions, implement action steps, and hold participating sectors accountable.

There are examples of success in this regard. Collaboration between the government of Cape Verde and UNICEF culminated in the adoption of the Child and Adolescent Statute on 26 December 2013. Other collaboration initiatives include the elaboration and approval of a National Action Plan for the Prevention and Fight against Sexual Violence (2017–19). These collaborations extend to the capacity building of the different professionals in the child protection sectors.

Notably, coordination in some countries is led by an institution in charge of child protection, like the Cape Verdean Institute of Children and Adolescents, and the Sudan National Council for Child Welfare. The coordination function

of Cape Verde's Institute of Children and Adolescents was established in 2019 when the government formulated the child and adolescent protection policy document and the respective Action Plan (2020–21).¹⁸⁶ In Cameroon, at the national level, the coordination function is animated through inter-ministerial committees and multi-sectoral platforms, depending on the thematic protection issue at hand.¹⁸⁷ There is also the collaboration with specialised institutions, like the Supreme State Control Office of Cameroon and United Councils and Cities of Cameroon.

According to government authorities in Zambia, there is multi-sector, multi-stakeholder collaboration through the establishment of a National Coordination Committee for Children. Its secretariat is hosted by the Child Department of the Ministry of Youth Affairs. Collaboration extends beyond government agencies to include UN agencies, CSOs, and faith-based organisations. However, might be that the Zambia VAC response plan, resulting from the National Report on VAC, has not yet been validated, thereby causing the National Coordination Committee for Children not to have a clear road map, and so not to be visible.

Coordination in some countries, like Central African Republic, Mali, and Senegal, is addressed by UNICEF, through its Protection Cluster, which acts as a consultation platform for child protection and collaborates with ministries responsible for health, education, justice, police, social affairs, and civil society.¹⁸⁸ Efforts by UNICEF to encourage multi-sector, multi-stakeholder collaboration through the cluster approach, coordinate humanitarian interventions in the domain of child protection. Unlike in some African countries, where a government agency plays a leading

role in child protection, UNICEF's role in the Central African Republic is fundamental in this respect.

In Tunisia, the situation has improved significantly in the aftermath of the Arab Spring. The private sector engages more with CSOs through their corporate social responsibility policies and supports child protection actors in the field. The private sector and CSOs mainly collaborate on sensitisation. However, multi-sector, multi-stakeholder collaboration is absent. Therefore, the major challenge when it comes to ending VAC in Tunisia is encouraging synergy of action.

In terms of coordination, despite efforts at collaboration in Cameroon, there is no real coordination mechanism with legal status. Actions are largely geared towards collaboration between government ministries and child protection CSOs, to build capacity for action. However, child protection services are well structured within state institutions, from national, regional, divisional, and district level to the village level. There are social centres in schools, courts, police stations, prisons, hospitals, recreational centres, re-educational centres, and reintegration centres, to give children new capacities and abilities to integrate into their communities. There are also thematic platforms, for example, juvenile justice, gender-based violence, early marriage, and birth registration, which are part of national platforms, under the coordination of the Ministry of Social Affairs. There is the need to strengthen coordination, which is seriously hampered by financial constraints.

Other collaboration strategies include the development of national protection strategies, with coordination mechanisms at the national, regional, and district levels, and even at the village level. These collaborations in countries like Cameroon and Senegal

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are limited to consultation, evidence-building, and reporting, to inform policy at the national level. Some coordination initiatives are regulated by excellent multi-sectoral approaches to child protection, as in Tanzania. The Tanzania National Action Plan has called for the creation of a single unified multi-stakeholder coordination mechanism on preventing VAC, with accountability at the most senior level, in the Office of the Prime Minister, to ensure responsive collaboration across ministries. The National Protection Committee is chaired by the Permanent Secretary of the Prime Minister's Office.¹⁸⁹ This shows how seriously the issue of VAC is taken at the highest policy level.

In a nutshell, the quality of progress so far is mixed, as countries like Cameroon, Sudan, Somalia, and Tanzania struggle with either slow progress, stagnation, or retrogression. Others, such as South Sudan, the Central African Republic, Chad, Cameroon, Zambia, Liberia, the DRC, Guinea, Egypt, and Eritrea, are performing poorly as a result of inadequate child protection laws and policies but are yet to ratify most of the relevant child rights instruments. These countries have high rates of child marriage, sexual violence, child labour, and physical violence, just to name a few aspects of VAC, and are greatly frustrated by implementation challenges.

CHAPTER 7: PERSISTING CHALLENGES TO THE ENDING OF VIOLENCE AGAINST CHILDREN IN AFRICA

7.1. Introduction

Laws and policies are only as good as their implementation and enforcement. When there is a gap between laws and their enforcement, it is difficult to link theory with practical realities. This study has revealed that there are gaps in legal and policy options and institutional lapses across African states which thwart the effective realisation of goals regarding the prevention of violence against children (VAC).

Despite some encouraging progress in addressing VAC across Africa, a number of challenges remain and require renewed commitment. There is still an insufficient investment in violence prevention, despite the clear benefits for human and economic development, and the high social cost of inaction; national strategies to address VAC remain largely fragmented or non-existent. Policy interventions remain uncoordinated, with weak communication and articulation across government departments and between central and local authorities. Legislation remains unconsolidated and poorly enforced, with notable gaps in children's legal protection and between law and practice in many countries. The focus on gender remains, with up to 40 percent of governments providing no information on laws, policies, or advocacy on the gender dimension

of violence. There is insufficient attention given to the situation of particularly vulnerable children, who remain hidden and overlooked. There is inadequate attention to the cumulative impact of violence across children's lives, and insufficient investment in early childhood care and development of positive parenting programmes. Investment in child-sensitive mechanisms for reporting and making complaints about VAC remains inadequate, while services to aid children's recovery and reintegration are limited. Where such services exist, they fail to address all forms of VAC, and little information is available on their quality or impact. There is a paucity of data and research on the extent and impact of VAC, the risk factors, and the underlying attitudes and social norms that perpetuate violence.

7.2 Lack of a dedicated children's ministry

In several countries, children's rights are fragmented and treated thematically across several ministries, with weak or non-existent coordination structures. This dilutes efforts at preventing and responding to VAC. In Zambia, the Ministry of Community Development and Social Services is mandated to address VAC; the Ministry of Education addresses violence in schools; the Ministry of Gender coordinates all gender-based violence issues, and

the Ministry of Telecommunications addresses online protection strategies. This makes coordination difficult and protection haphazard, preventing a holistic approach.

7.3 Underreporting or failing to report violence

Reporting is a crucial component of the fight against violence. It helps to provide a true picture of the prevalence and magnitude of violence, thereby making it easier to prevent and respond to it. But it also provides evidence for administrative, civil, child-protection, and criminal proceedings.¹⁹⁰ The Committee on the Rights of the Child makes the reporting of VAC mandatory,¹⁹¹ although, generally, voluntary reporting is encouraged. As seen in this study, failure to report incidents of violence is a criminal offence in some countries (Djibouti, Eritrea, and Niger). Depending on the angle from which this measure is viewed, it is either an incentive to report VAC or a deterrent to failure to report it. Effective detection and reporting mechanisms are a critical precondition of reporting systems. Reporting may be done by a host of persons, starting with the victims themselves, their families, or community members, and including professionals who work with children such as law enforcement officers, social workers, teachers, child-care providers, medical doctors, and other health-care workers, drug counsellors and probation officers.¹⁹²

While mandatory reporting has its pitfalls, reporting by professionals who work with young children is especially important; it is important to enabling children to report violence and make complaints, as early detection and intervention help reduce the risk of repeated abuse, as well as long-term health and social consequences.¹⁹³ Mandatory reporting is relevant in

specific situations, such as where the act constituting violence is committed by a colleague. Paragraph 87(c) of the United Nations Rules for the Protection of Juveniles Deprived of Liberty makes provision for this: “Personnel who have reasons to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power.” Also, it has been suggested that mandatory reporting is particularly important for those who provide medical or psychosocial assistance within residential facilities. The failure of such personnel to report evidence of violent treatment contributes to impunity.¹⁹⁴

Voluntary reporting is encouraged, and this works well where there is legislation in place to protect those who report child abuse or where there are anonymous channels that allow children themselves to report a risky situation, through telephone hotlines, e-mail addresses, or toll-free numbers, including for suspected cases of sexual exploitation on the internet.

Despite the need to report violence, there is overwhelming evidence of underreporting or failure to report VAC, and this has far-reaching effects – from misinformed legal and policy strategies and measures, and failure to provide psychosocial support for victims, to the encouragement of impunity. Findings from 30 countries confirm the weak reporting trend. Only 1 percent of adolescent girls who had experienced forced sex sought professional help.¹⁹⁵ As mentioned earlier in this section, reluctance on the part of victims to report incidents to authorities or other professionals prevents the exposure of the true extent and nature of VAC. Silence only serves to perpetuate it.

Underreporting violence and failing to seek help are worldwide phenomena,¹⁹⁶

but they are a particularly serious concern in Africa. The barriers to reporting violence or seeking care from formal sources include shame and stigma, financial barriers, perceived impunity for perpetrators, lack of awareness of available services or access to such services, cultural beliefs, the threat of losing children, fear of getting the offender into trouble, fear of retaliation, discriminatory and stereotypical attitudes toward victims in courts and law enforcement settings, and distrust of health-care workers.¹⁹⁷ In Nigeria, CLEEN Foundation National Crime and Safety Survey 2012 carried out in all 36 states of the Federation revealed that only 23 percent of rape incidents in Nigeria were reported to the police. Thus, about 77 percent of rape cases went unreported, while those who managed to report their cases did not receive treatment or special help from the police and other actors, including health-care providers. According to the study, the reasons for not reporting rape cases included the following: police insensitivity (32 percent); fear of stigma (21 percent); fear that the accused might not be arrested (21 percent); and police corruption (14 percent).¹⁹⁸

In addition, many children simply do not report violence or seek care, especially in the event of corporal punishment, because they believe that the violence is normal, while girls subjected to gender-based violence such as sexual exploitation and abuse remain quiet as a result of fear of getting the offender into trouble or fear of retaliation from the offender. Children, however, may also distrust the police, often for good reason, including the fact that perpetrators are often able to find their way out of detention or prison and are found roaming the streets again ready to pick up new victims or retaliate.

Underreporting VAC or failing to report it altogether adversely impacts efforts

to combat it. First, the capacity of the criminal justice system to intervene proactively to protect children against violence is usually quite limited, and it is quite powerless unless complaints and reporting mechanisms exist and are fed with data to identify the incidence of violence. Secondly, knowing what proportion of individuals are reporting violence has direct implications for funding, resource allocation, and policy, and understanding the characteristics of those less likely to report has direct implications for programme design and the evaluation of prevention and treatment services.¹⁹⁹ Thirdly, underreporting or failure to report may compound biases in reported data and widen the gap between laws and strategies. This makes it difficult, if not impossible, to understand underlying trends and to close that gap.²⁰⁰ Appropriate and effective policy responses to prevent and address the effects of gender-based violence depend on an accurate and complete understanding of its prevalence, dynamics, and root causes. Lastly, underreporting or failure to report VAC encourages a climate of impunity, which can easily lead to a persistent pattern of violence, as perpetrators see themselves as untouchable and their conduct as permissible.

7.4 Deep-rooted cultural values and practices

In many African countries – for example, The Gambia – socio-cultural beliefs and practices, such as patriarchy, continue to hinder the complete acceptance of the rights of women, and especially children, and their participation in national development. Cultural phenomena have created the stereotype that “men are superior and women are inferior” and a socialisation process that has also led men and women to perceive “men as leaders and women as supporters”. These perceptions are alleged to

“put women into the private sphere as wives, mothers and daughters and men into the public domain of decision-making, as well as the economic and political arena”. Further discriminatory stereotypes prevail, especially as relates to education, where preference is given to males in the family as they are viewed as the breadwinners. In Mali, for example, there is a belief that women and girls who have not undergone FGM/C are likely to be sexually overactive and will be unable to control their sexual desires. In The Gambia, the enforcement of the Domestic Violence and Sexual Offences Acts of 2013 is particularly challenging for law enforcement agencies because it protects women’s rights.

7.5 Chronic shortage of human and financial resources in child protection systems

This is a common concern, raised by both state and non-state actors across countries in this study. Child protection is not, however, the sole responsibility of the government. Civil society and concerned groups and individuals have to advocate for it and apply pressure through regional mechanisms and communications campaigns to advance the rights of children. Child protection services play a critical role in supporting children affected by violence, and in violence prevention. There are, however, gaps between the best intentions and the resources – human and financial – that are needed.

Child protection systems remain weak in many countries, lacking skilled social workers to do the job and often placing too heavy a burden on the shoulders of the workers they already have. Weaknesses in such systems only help to perpetuate the violence. To be effective, child protection systems need far greater investment as a

matter of urgency, and they need to be supported as a priority in the policy agenda.

7.6 Child protection actors as violators

A serious challenge to child protection is that protection measures can be abused to exploit children by those in charge of such measures. Here, children and women are the most affected, especially in emergencies and conflict situations, where child protection actors are themselves the violators. This means those involved in carrying out protection measures/processes, and not necessarily the warring parties, can be the actual violators of children’s rights. It has been reported that children on the move and children in refugee camps have been exposed by social workers to trafficking and slavery and other forms of abuse and economic exploitation, as well as cruel and degrading retreatment. The Chad and DRC examples described below offer graphic examples.

In Chad, children were illegally adopted and taken to France. In 2007, six members of the French charity Zoe’s Ark (whose aim was to increase awareness of the Darfur crisis and provide aid for children affected by it) were formally charged by the government of Chad with child abduction and acting illegally as an adoption agency while purporting to do humanitarian work. They claimed the children were orphans from Darfur taken to be fostered in France and that the French and Belgian foster families had paid about EUR 2,000 each to foster the children. But the children were found to be Chadian and to have at least one living parent. Many parents said they had entrusted their children to the group thinking that they would be educated at a project. The six members of the charity were sentenced to eight years’ imprisonment with hard labour

in Chad but were later pardoned by Chadian President Idriss Deby.²⁰¹

Sudanese children in refugee camps in eastern Chad were forcibly recruited by Sudanese rebel groups, some of which were backed by the Chadian government. Chad is a source and destination country for children fleeing conflict zones in northern Nigeria, Sudan, and the Central African Republic. These children are victims of trafficking, for child soldiering, child/forced labour, and prostitution.²⁰²

In the DRC, children are being recruited as soldiers and trafficked for sexual ends from refugee camps. Newspaper articles in 2004/05 reported cases of rape and “survival sex”, torture, the fathering of children, and pornographic videotaping of Congolese women and children by UN peacekeepers, in the DRC.²⁰³ The UN investigated the particular case of a French logistics employee who videotaped himself torturing and abusing naked girls. Other peacekeepers allegedly lured girls as young as 10 years old to have sex with them in cars or peacekeeper camps in exchange for a cup of milk, a few eggs, peanut butter, or a dollar.²⁰⁴ Children in refugee camps in Rwanda are trafficked to Kenya, Uganda, the DRC, Tanzania, Zambia, South Africa, and China, with some ending up as combatants in warring factions in these countries. Children from Somalia are forced into prostitution and forced labour after being lured to Rwanda.

7.7 Weak children’s participation

Poor participation of children in matters that affect them is commonplace in Africa despite the existence of children’s parliaments in some countries. There is a lack of mechanisms to engage children. For example, in South Sudan, there is no children’s parliament despite

international recommendations in this regard, and no alternative child participation platforms have been put in place by the government. NGOs are reported to have such platforms but they are poorly structured. This situation explains why, during this ongoing COVID-19 era, children in South Sudan have been able to report cases of sexual violence but not much has been done in terms of either relevant action or psychosocial support, thereby discouraging further reporting.²⁰⁵

7.8 Focus on response than prevention

Prevention is generally cheaper than response. To respond, you need a host of measures, strategies, institutions, and resources. Response would require, for example, special child courts, child protection desks in the police, training for the police, reporting procedures, forensic services, capacity building of welfare service staff and other frontline actors, health and psychosocial support measures, and other social reintegration measures. All these engender huge costs. A preventive approach would clearly limit the human and financial resources needed for response.

7.9 Economic and poverty concerns

As seen in the report, this is both a risk factor and a challenge. While no child – rich or poor – is immune to violence, the stresses of poverty can fuel family tensions and undermine children’s access to the services that could, or should, protect them, including education and health. And no country – rich or poor – is immune. VAC is found in the most affluent countries on our planet. But where poverty is pervasive, the risk of neglect, abuse, and exploitation can become particularly acute.²⁰⁶

The evidence is clear both for communities and countries. The fact is that poverty, social exclusion, and violence are intertwined and present serious risks for children and their societies. Also, countries affected by violence tend to lag behind economically, with higher levels of child poverty and malnutrition, worse health and school performance, and special risks for vulnerable children, including those forced to leave their homes to seek refuge in a place of safety.²⁰⁷

The general tendency is that when economies perform well, there are expected strides in social protection. Unfortunately, this does not reflect the situation in leading African economies like Nigeria and South Africa, which are plagued by high levels of VAC. Owing to a lack of political goodwill with regard to the prioritisation of resources, this growth has not translated into VAC prevention and response. Domestic resources and government revenues have not flowed as anticipated, leading to high poverty, unemployment, and inequality.²⁰⁸ The mood is that overall growth is not being felt at lower levels; this can be inferred from indicators representing life-changing events that signal the disruption of childhood: poor health, malnutrition, exclusion from education, child labour, child marriage, and early pregnancy.

7.10 Armed conflict

Countries in which there is conflict or which are emerging from conflict situations suffer from challenges that hamper the entire child protection system.²⁰⁹ First and foremost, services are fragmented and uncoordinated, and systems do not work. In many of these countries, capacity is low, the rule of law is weak, and there are territories beyond state control.

As such, investment in one service often does not yield the expected results because the rest of the system (including health, education, civil registration, governance, police, justice, public transport, and communication) is not working as it should. In this situation, as a result of the weaknesses of national coordination mechanisms, there is a shift from child protection delivery services at a national scale to appropriate models at the district level, as in Niger. Second, the judiciary is severely depleted in conflict and post-conflict countries. For example, in Liberia, few magistrates have formal legal training, and there are reports of police who cannot read or write, a lack of lawyers outside the capital city, and social workers who lack transportation and are unable to visit communities to provide services. Third, many states have abandoned their functions to CSOs (NGOs and faith-based organisations), community-based organisations and associations, and the private sector, who experience decreased cooperation and fragmentation among themselves in relation to their actions, and are localised as a result of the conflict patterns.

7.11 Information and communications technology

Embracing the ICT age and its tools without proper safeguards can create problems for young people, yet the speed of its encroachment into social norms and habits over the last decade has been phenomenal. It is true that, as seen in this study, the Internet World Foundation is assisting several states to identify abusive data on the internet and to remove it. But that is not sufficient. African states must adopt stiff regulations on ICT, focusing

on service providers and instituting empowered regulatory authorities to carry out effective controls. They must also empower local NGOs to operate helpline services for local communities where the reporting of VAC is poor because of communication problems and a lack of services.

7.12 Research and knowledge gap

Research identifies gaps in laws and policies as well as in previous research; it also opens up new areas for further research based on the findings. Research on VAC would invariably enhance knowledge on the magnitude of VAC, the drivers of violence, and the underlying risk and protective factors. Such knowledge would in turn be a vital tool for legal,

policy, and institutional orientation. Several factors may be responsible for poor research. These range from a lack of interest in the area to a lack of funding or data. On the issue of VAC in Africa, there is a body of literature that focuses on specific aspects of violence but there hasn't been any comprehensive research addressing violence against children through the lens of children's rights as a whole. The current study, as much as the 2014 report, focuses on VAC. The evidence and knowledge gap have been particularly marked when it comes to new forms of VAC. Because these have not been properly identified, regulatory and protection mechanisms are limited. Even for those that have been identified, like violence over ICT platforms, African states lack legal, institutional, and regulatory capacities to effectively address them.



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CHAPTER 8: CONCLUSIONS AND RECOMMENDATIONS

8.1 Conclusions

Ending violence against children (VAC) is a long-term mission, involving multiple strategies by multiple actors. It requires constant updating of our understanding of the context and new forms of VAC and exploitation. The study finds that progress is generally slow and setbacks persist, even though milestones have been achieved. The result is remarkable leaps forward on some fronts and backwardness on others.

In spite of progress on the legislative, policy, and institutional fronts, many countries still struggle to implement and enforce these laws and policies. In some countries, laws that fall short of international standards have been enacted. Mali's Persons and Family Code (2011) and Somalia's Sexual Intercourse Related Crimes Bill (under consideration by the parliament at the time of writing) are worrying examples.

Lack of harmonisation of laws sets back progressive legal reforms. Somalia adopted two important action plans in 2012 aimed at protecting children from situations of extreme violence: the Action Plan to End Killing and Maiming of Children and the Action Plan to Eliminate Recruitment and Use of Child Soldiers. But the proposed Sexual Intercourse Related Crimes Bill would, if enacted, effectively permit sexual violence and child marriage, obviating past efforts to address prevalent forms of VAC in Somalia.

A daunting challenge cutting across countries is the interplay between weak technical capacity, poor financing, weak institutional structures, and poor multi-sectoral coordination. This creates gaps in the implementation and enforcement of laws. Regrettably, economic progress has not translated into commensurate economic investment in combating VAC. Countries with a higher GDP, like Nigeria and South Africa, still have millions of children falling victim to VAC because of the low budgetary allocation to child protection and weak integration of child services into the national budgeting process.

Further, the majority of countries are lagging behind in their response to emerging forms of VAC. They are ill-prepared to deal with online sexual exploitation and child sexual exploitation resulting from travel and tourism.

While great strides have been made in developing VAC programmes, most programmes are response-oriented rather than preventive. There are far fewer programmes that address the root causes of violence. Widespread awareness-raising programmes are needed to address cultural beliefs and norms.

Non-state actors, including international development partners and local civil society organisations (CSOs), have been instrumental in supporting the implementation of legal, policy, and

institutional reforms and in ensuring their implementation. They have equally contributed to growing knowledge through the financing of national surveys and other VAC-themed studies. Their financial and technical investment in building and transferring technical capacity has advanced national efforts to end VAC. However, despite efforts to collect data, there is a persistent lack of accurate, reliable, disaggregated data.

Because of the interplay between the above and other factors, VAC in Africa remains widespread. Corporal punishment is a prevalent practice across all settings in many countries and is in many situations sanctioned by law. Sexual abuse and exploitation are on the rise in several countries, partly because of cultural beliefs but also because of weak laws or weak enforcement. Emerging forms of child sexual exploitation have become the new challenge in the African child protection landscape. The travel and tourism sector and an unregulated online environment mean that Africa has now become the new frontier for child sexual exploitation in these contexts.

Initial reports during the ongoing COVID-19 pandemic indicate that school closures and online learning have worsened many forms of VAC, including online abuse, during lockdown periods. This means that, while Africa is still struggling to devise and roll out effective strategies to address the classical forms of VAC, new forms have emerged, now outpacing existing strategies and leaving most countries in a reactionary state.

8.2 Recommendations

Great strides have been made by African countries in addressing VAC, amidst numerous setbacks. Concrete steps must now be taken urgently;

efforts must be accelerated in order to protect children from VAC. The following recommendations target not just governments, as principal duty bearers when it comes to all children's rights, but also the African Union, the Regional Economic Communities, UN agencies, and civil society.

The African Union and sub-regional institutions

- The African Union (AU) must continue to demonstrate political leadership on children's rights. The African Charter on the Rights and Welfare of the Child and its monitoring institution, the African Committee of Experts on the Rights and Welfare of the Child, as well as the Special Rapporteur on Child Marriage should be supported and facilitated to advance efforts to end VAC.
- Sub-regional parliaments and courts can play a vital role in ending VAC by fighting impunity through administrative and judicial processes and decisions. The African Court on Human and Peoples' Rights must do more to produce legislation on children's rights. Sub-regional communities should guide member states by adopting policies on VAC, especially emerging and cross-border forms.
- The birth certificate establishes both the legal existence of the child and the age of the child, thus establishing child status for protection purposes. Yet birth registration across African countries is generally still low. There is a need to develop a Pan-African strategy to achieve universal free birth registration throughout the continent. Countries should urgently put in place universal birth registration services and confer on birth registration the political visibility it deserves.

- Regional Economic Communities (RECs) must act in solidarity on VAC. A high-level multilateral political dialogue on VAC, convened by these RECs, would catalyse the adoption of an African Regional Action Plan to end VAC. The responsibility of the RECs would lie in ensuring compliance with the plan and monitoring its implementation through their relevant organs, such as the sub-regional parliaments, and reporting to the AU via the Committee of Experts. This would invariably bolster state reporting before the Committee itself. A comprehensive Plan should have protection, prevention, and accountability components, as well as clear practical indicators for success and evaluation of compliance and accountability.

National governments

National governments must do the following:

- incorporate into their domestic law the provisions of the treaties which they have ratified. Countries that have expressed reservations about the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child should withdraw these reservations. It is equally important for governments to regularly report on their progress in implementing both instruments and to act upon the respective concluding observations.
- enact laws that criminalise VAC, in all its forms, repeal those that condone violence, and speed up efforts to enact legislation that protects children from new and emerging forms of VAC, such as online sexual exploitation and child sexual exploitation in the travel and tourism sector
- provide additional protection to the most vulnerable children, such as children with disabilities, children with albinism, children living and/or working on the street, child domestic workers, and children in conflict situations and humanitarian emergencies
- adopt National Action Plans with comprehensive multi-sectoral national child protection strategies and monitoring frameworks. Such Plans should be fully funded and properly staffed. They should enhance the political visibility of child-focused ministries and agencies by placing them high in the government hierarchy and allocating sufficient budget.
- establish VAC programmes that emphasise prevention by addressing the root causes and drivers of VAC, while at the same time making sure that child-friendly response services and mechanisms are accessible and well resourced. These include referral services, helplines, child-sensitive counselling, and social support, and child-friendly complaint and reporting procedures.
- scale-up data collection through research, regular surveys and surveillance systems, and ensure the dissemination and uptake of such data in policy and programme design
- develop a cross-sectoral, multi-stakeholder collaborative framework that cuts across sectors and tiers of governments, including national, regional, and district-level governments, CSOs and development partners and is reflective of the expertise of each. This will avoid contradictions and duplication of effort and resources, and enable accountability.
- acknowledge the interconnectedness of VAC and violence against women. This will help to address the common causes and to break

intergenerational cycles of violence while solving the problem of duplication and fragmentation of effort.

- establish structures and processes for safe and meaningful participation by children in matters that affect them, through inclusive children's parliaments and clubs and child-led networks
- work closely with communities and adopt community-based models to ensure that child protection programmes and services are locally relevant. Communities become the first port of call, especially in the context of fragile states and emergencies, where state functions become dysfunctional. Governments should aim to build the capacity and resilience of local communities and families to participate meaningfully in child protection efforts.

Civil society organisations, local communities, and families

- CSOs should play a more active role in advocacy, lobbying, and activism. A coordinated advocacy strategy, visible campaigns, and partnerships with child rights or VAC champions can make a difference in mobilising political will, creating awareness, triggering a change in cultural norms and practices, and breaking the silence around VAC. The Organisation of African First Ladies for Development has opportunities to initiate an African dialogue on VAC to rekindle political will.
- CSOs must sustain their efforts at influencing Pan-African and sub-regional policy processes. They should be strategic in advocating for national parliaments to compel member states to comply with their obligations and commitments to adopt child-friendly legislation and policies.

- CSOs should work closely, in a coordinated manner, with governments, and complement government, engaging with them constructively and providing technical support. Their active role in national multi-sectoral platforms is fundamental to driving and implementing programmes.
- Partnerships involving community-based organisations should be strengthened, to drive the success of community programmes, from sensitisation and awareness-creation to service provision. Mutually respectful partnership will enhance trust and catalyse changes in cultural values and norms, especially in relation to the implementation of programmes to end child marriage, stop female genital mutilation and seek justice for the victims of sexual violence.
- Child participation in decision-making should be promoted through meaningful engagement with children and by supporting the establishment of structures that facilitate children's right to participate in matters that affect them.
- Families should be at the forefront of VAC prevention. Positive parenting must be the cornerstone of VAC prevention. This involves promoting non-violent approaches to parenting, alternatives to institutional care and imprisonment, and alternative rites of passage to replace female genital mutilation, as well as supporting education and actively opposing child labour and other forms of exploitation.

UN agencies

UN agencies should do the following:

- continue providing technical assistance, capacity building, and financial support to governments and CSOs. This should be

coordinated and cover the new and emerging forms of VAC, which require new knowledge and strategies.

- support national governments in the development and roll-out of holistic national strategies and plans on VAC.
- complement governments' efforts to collect data, by supporting the establishment of routine data collection and surveillance systems.
- synergise their efforts to ensure coordinated collaboration among diverse UN agencies with national governments, CSOs, and community-based organisations, using a locally acceptable strategic

approach.

- prioritise children living in fragile and emergencies when collaborating with their governments.

Thirty years after the African Children's Charter was adopted, Africa still grapples with widespread violence that denies children the enjoyment of their rights. Ending VAC has become one of the most important priorities of our time. It is our individual and collective duty to protect African children from violence and to create an Africa that is safe for them, where their dignity and freedom are protected and promoted.



Photo credit: dregmstime.com



ENDNOTES

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²⁰⁶ Office of the SRSG on VAC, *Keeping the Promise*, p.52.

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