

# UPDATE

## African Committee of Experts on the Rights and Welfare of the Child: Guiding Note on Children's Rights during Covid-19

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*Within the African human rights system, there are three major institutional organs responsible for the promotion and protection of the rights of persons on the continent. The first is the African Commission on Human and Peoples' Rights (African Commission), a quasi-judicial organ established under article 30 of the African Charter on Human and Peoples' Rights, to promote and protect human rights.*

The second is the African Court on Human and Peoples' Rights, established under article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the establishment of the African Court on Human and Peoples' Rights (African Court). In terms of article 2 of the Protocol, the role of the African Court is to complement the African Commission's protective mandate of human rights in Africa through binding decisions on cases of human rights violations in state parties.

The third organ is the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), whose focus is on the protection of children's rights in Africa in terms of the African Charter on the Rights and Welfare of the Child (ACRWC).

The ACRWC was adopted in 1990 by the then Organization of African Unity, the predecessor of the African Union (AU); it entered into force in 1999. At present, 50 member states of the AU are parties to the

Charter, which sets out the rights of the child, covering the entire spectrum of civil, political, economic, social and cultural rights. The states which are yet to ratify the Charter are Morocco, Saharawi Arab Democratic Republic, Somalia, South Sudan and Tunisia.

The ACRWC was influenced by and is complementary to its predecessor global child rights instrument, the United Nations Convention on the Rights of the Child (CRC). The main reasons for the adoption of an African child rights instrument are political and legal. The political reasons relate to a perception of exclusion or marginalisation of African states in the drafting process of the CRC, while the legal and more substantive reasons include the need to address matters of particular concern to children in Africa. These include the socio-economic conditions of children in Africa, the situation of children living under apartheid (at the time), harmful traditional practices and discrimination against the girl-child, and the impact of armed conflict on children.



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During the outbreak of the Covid-19 pandemic, the ACERWC issued to the African Union member states a 'Guiding Note on Children's Rights during Covid-19', on 8 April 2020. The Guiding Note is aimed at providing recommendations to member states on child protection measures to implement as part of their efforts to respond to the impacts of Covid-19. In the Guiding Note, the Committee stressed that, 'beyond its immediate impacts on children's health and that of their parents or caregivers, the social and economic disruptions caused by the outbreak also harm children's rights and welfare'.

The pandemic presents risks to the safety and wellbeing of millions of children, including separation from families, temporary school closures and permanent dropout of school for some children, as well as gender-based violence and exploitation. Children in vulnerable situations face greater risks to their security and wellbeing, and the violation of their rights generally.

Further, the 'pandemic is likely to result in a devastating effect on family functioning by limiting sources of income for households, resulting in limited access to adequate nutritious food, health care, appropriate shelter and other basic needs, which will then have an immediate and longer-term consequences on the life, survival and development of children'.

The child protection measures provided in the Guiding Note are as follows:

- establishment of child-friendly information and communication procedures;
- establishment of child-friendly quarantine procedures and environment;
- ensuring every child's right to education;
- ensuring continued provisions of essential services which are crucial to life, survival and the development of children;
- ensuring that children enjoy their right to parental care and protection; and
- tailoring responses to the special vulnerabilities of different groups of children, including children with disabilities, refugee and internally displaced children, and children in situations of conflict.

The Guiding Note concludes by urging member states to 'undertake a targeted national assessment on the outbreak of Covid-19 and its impact on the rights and welfare of children. The outcome of the assessment could also inform states' intervention strategies in the post Covid-19 era'.

To view the Guiding Notes, click here: <https://www.acerwc.africa/guiding-note-on-childrens-rights-during-covid-19/>

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