

Understanding the African Charter on the Rights and Welfare of the Child



"The situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child's physical and mental immaturity he/she needs special safeguards and care."

- African Charter on the Rights and Welfare of the Child



In July 1979, the Organisation for African Unity (now known as the African Union) recognized the need to promote and protect the rights of the child. A decade later, in an effort to further the implementation of the UN Convention on the Rights of the Child (CRC), the OAU drafted a document that integrated the basic rights of the CRC with the unique aspects of African culture. This document, the African Charter on the Rights and Welfare of the Child (ACRWC), was adopted in 1990. Its length and wording can sometimes be confusing, but the CPA would like to respond to some common questions about the ACRWC.

Q. How did the ACRWC come about?

A. When the CRC was written, it was important that it be applicable to countries and cultures across the globe. While this broad description of children's rights is relevant to all people, it became apparent that the situation of the African child is different from other regions. The Organisation for African Unity responded by drafting the ACRWC, which guarantees children's basic rights within the context of African culture.

Q. What is the relevance of the ACRWC in The Gambia?

A. The ACRWC was ratified by the Gambian government in September 2000. Ratifying the Charter means that the Gambian government shall recognize the rights... in this

Charter and... adopt such measures as may be necessary to give effect to this Charter (ACRWC Article 1). This means that the laws of The Gambia should be in line with the articles of the African Charter, and the activities and programmes of government departments should aim to provide and protect the rights of all children in this country.

Q. How is the ACRWC different from the UN Convention on the Rights of the Child?

A. The CRC is a general convention that applies to all countries. The ACRWC recognizes all the rights guaranteed in the CRC, but specifically applies them to African culture. For example, Article 21 of the ACRWC addresses harmful traditional practices common in many African countries that can violate the rights of children, such as corporal punishment, child labour, early marriage and FGM.

Q. What is the role of young people in the ACRWC?

A. The ACRWC guarantees every child certain rights, including the right to participation and consideration in matters affecting their own situation (Article 7). In addition, when the rights of the child are protected, the ACRWC highlights the child's responsibilities toward the family and society, the State and the international community (Article 31). This includes respect for parents and elders, the use of abilities to serve the national

community, and the protection and preservation of African cultural values.

Q. What is the role of parents and families within the ACRWC?

A. The African Charter places the primary responsibility for the care and well-being of the child with the parents, stating that it is the duty of the parent to ensure the best interests of the child are their basic concern at all times (Article 20). This includes ensuring the child has adequate housing and clothing, as well as providing the child access to education and health care.

Q. How can my organisation integrate the ACRWC into our programmes and activities?

A. You can start by obtaining a copy of the ACRWC. If you go to <http://www.african-union.org/en/docs/WELFAREOFTHECHILD.PDF>, you can download the Charter and print out a copy for yourself. In addition, the CPA will be producing a summary of the ACRWC in the near future for distribution to our member organizations. Once you are familiar with the ACRWC, you can decide which articles are relevant to the work of your organisation, and ensure that the principles of the ACRWC are upheld in all of your activities. One sure way to do this is to involve young people in all activities relating to issues affecting their lives and well-being.