

The African Report on Child Wellbeing 2016



Getting It Right:
Bridging the gap between policy and practice

An Overview



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THE AFRICAN CHILD POLICY FORUM (ACPF)

The African Child Policy Forum (ACPF) is an independent, not-for-profit, pan-African centre of policy research and advocacy on the African child. We were established in 2003 out of concern about the situation of the African child, and the need for us – Africans – to recognise our collective responsibility to ensure the realisation of all rights for all children.

The major focus of our work is the promotion of State Accountability. We are convinced that sustained change can come about only through vigorous state action, and that this can be brought about only by advocacy especially by us, Africans, and African civil society. The major pillars of our work are: knowledge-building; policy advocacy; policy dialogue; and the creation of a stronger collective voice for children in Africa. Only by so doing can we hold our governments accountable and help establish an Africa where our children will have roots to stand on and wings to fly.



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Finally, we thank Andre Wiesner, Patricia Martin and Mark Nunn for editing the report.

LIST OF ACRONYMS

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACPF	The African Child Policy Forum
ACRWC	African Charter on the Rights and Welfare of the Child
AMC	AfricaWide Movement for Children
AUC	African Union Commission
AU	African Union
CAPE	Cellule d'Appui à la Protection de l'Enfance (Child Protection Support Unit), Senegal
CDD	Centre for Democratic Development
CDOs	Community Development Officers
CFI	Child-Friendliness Index
CHRAGG	Commission for Human Rights and Good Governance, Tanzania
CNAC	Conselho Nacional da Crianca (National Council for Children), Angola
CONAFE	Coalition National des Associations et ONG en Faveur de l'Enfant (National Coalition of Child Rights Associations and NGOs)
CPWG	Child Protection Working Group
CRA	Child Rights Act
CSO	Civil Society Organization
DED	District Executive Director
DLT	District League Table
DSW	Department of Social Welfare
EPI	Expanded Programme on Immunization
ETI	Ecobank Transnational Incorporated
FGM	Female Genital Mutilation
GDP	Gross Domestic Products
HAQ	Centre for Child Rights India
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IBOT	International Board of Trustees of ACPF
IBP	International Budget Partnership
IICRD	International Institute for Child Rights and Development
ILO	International Labour Organization
ILO-IPEC	International Labour Organization-International Programme on the Elimination of Child Labour
MCDGC	Ministry of Community Development, Gender and Children
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MGLSD	Ministry of Gender, Labour and Social Development
MHCDGEC	Ministry of Health, Community Development, Gender, the Elderly and Children
MLSW	Ministry of Labour and Social Welfare
MoE	Ministry of Education
MoHSS	Ministry of Health and Social Services
MoHSW	Ministry of Health and Social Welfare

MoLE	Ministry of Labour and Employment
MVCCs	Committees for the Most Vulnerable Children
NCCS	National Council of Children’s Services
NCPA II	National Child Protection Agenda
NGO	Non-Governmental Organisation
NHRIs	National Human Rights Institutions
NPC	National Planning Commission
OAU	Organization of African Unity
OHCHR	Office of the High Commissioner for Human Rights
PMO-RALG	Prime Minister's Office Regional Administration and Local Government, Tanzania
SDGs	Sustainable Development Goals
SICA	Sistema de Indicadores para a Criança Angolana (System of Indicators for Angolan Children)
TACAIDS	Tanzania Commission on AIDS
TASAF	Tanzania Social Action Fund
UNCRC	United Nations Convention on the Rights of the Child
UNCT	UN Country Team
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children’s Fund
USD	United States Dollar
WHO	World Health Organization

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FOREWORD

Africa has made significant strides in strengthening governance to improve public services. African governments have also become more child-friendly, as elaborated in the previous edition of this report, through working to put in place laws and policies pertinent to children, and increasing budgetary allocations to sectors benefiting them.

While these efforts are commendable, implementation remains a major challenge in promoting child rights and wellbeing in Africa.

This 2016 edition of the *African Report on Child Wellbeing*, subtitled ***Getting It Right: Bridging the gap between policy and practice***, focuses on effective implementation – essential to advancement of child rights. The report aims to advocate for change in the functioning of structures and systems responsible for children’s affairs, and to help enhance their effectiveness in delivering on their mandates.

Since the adoption of the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), a number of regional and global initiatives have been underway to expedite implementation of children’s rights and materialise the ideals and principles of these charters. The Declarations of the World Fit for Children and An Africa Fit for Children and the accompanying plans of action are some noteworthy examples. These initiatives have been instrumental in encouraging action, organization and preparedness to implement the rights and wellbeing of all children across the world. Progress so far has not, however, been satisfactory; more needs to be done.

The findings of this report show that implementation of children’s rights is not getting the necessary attention in national development planning and resource allocation. Inadequacy of implementation across countries is manifested in the huge numbers of children who die needlessly of preventable causes; languish in poverty; and are malnourished and deprived of healthcare, early childhood care and development services. It also shows the absence of effective birth registration systems and child protection mechanisms in large parts of Africa, and the continued marginalisation of highly vulnerable groups of children, such as those with disabilities and those without parental care.

It is important that African governments and development partners break the downward spiral in which ministries and agencies responsible for children’s affairs are given insufficient resources, then accused of ineffectiveness, then made subject to further reductions in budgets and political clout. Instead, they need to be strengthened and empowered to deliver effectively on their mandates. I urge African governments to revisit regularly the structures and systems they have put in place to coordinate child rights implementation, identify bottlenecks hindering their smooth function, and take corrective measures to fix them. Monitoring and accountability mechanisms must also be strengthened to improve the performance of all implementing agencies.

I believe this report will bring to the forefront the issue of child rights implementation and the need to bridge the gap between policy and practice. It will also boost national and regional efforts aimed at ensuring that every child in Africa fully enjoys his or her rights, and can strive to reach his or her full potential. It is only then that we can fulfil our aspirations – as articulated by the African Union in the Agenda 2063 – to create an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena.

Graça Machel

Chairperson, International Board of Trustees, ACPF

PREFACE

Promotion of State Accountability to children is the main area of focus for ACPF's programmes. We are doing so to advocate for greater responsiveness of governments to the needs of children.

It is evident that African governments are disposed towards adopting the right laws and policies for children. However, they have been less successful in effectively implementing them. Our programme of work, therefore, emphasises the issues of implementation and narrowing the gap between policy and practice as major challenges to the promotion of child rights and child wellbeing in Africa. Furthermore, the implementation of the Agenda 2030 for Sustainable Development requires not only enabling environments for the realisation of children rights but also improvement in the national accountability mechanisms. It is within this context that this fourth edition of ACPF's flagship report series is entitled *The African Report on Child Wellbeing 2016. Getting it Right: Bridging the gap between policy and practice*. It takes up the issue of child rights implementation and advocates for change in the functioning of national structures and systems responsible for children's affairs in order to enhance their effectiveness and efficiency in delivering their mandates.

The 2016 African Report on Child Wellbeing is an important instrument in ACPF's advocacy. It comes at a critical moment: African governments have defined their aspirations in the Agenda 2063, and started the First Ten-year Implementation Plan to achieve them. The Report contributes to national and regional efforts to enhance implementation capacity to improve the effectiveness of interventions for children. It calls for improved coordination, and promotes for more efficient utilisation of resources.

The Report's main findings are that government structures responsible for child rights implementation across Africa are too often overburdened with multiple and competing mandates, and most suffer from severe capacity limitations. Inadequate budgets and shortages of human resources are among the main barriers to ministries' and agencies' ability to realise, progressively, children's rights and wellbeing. Coordination and accountability mechanisms are also noted to be weak, and fail to ensure quality services for children who represent 47 per cent of the population of Africa.

The Report echoes the call from stakeholders – treaty bodies, civil society and children themselves, among others – to bring change to the current state of affairs. It draws attention to the need to strengthen monitoring mechanisms and track progress in implementing children's rights; to devise appropriate strategies to expedite this process; and, ultimately, to improve the life situation of all children.

I hope that policymakers and practitioners from government and non-government sectors, civil society, and academics will find both the main report and its concise edition (**An Overview**) useful resources in their effort to push child rights implementation further up the national agenda, and narrow the gap between policy and practice pertaining to children.

Théophane Nikyèma
Executive Director, ACPF

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1

BACKGROUND

This volume is a concise version of *The African Report on Child Wellbeing 2016. Getting It Right: Bridging the gap between policy and practice*, the fourth edition of our flagship series. It provides an overview of current efforts by African governments to translate legal and policy commitments into effective actions that improve the wellbeing of children. It explores institutional, systemic and budgetary factors contributing to the prevailing gap between child rights policy and practice, and it highlights priority areas for action to address the implementation deficit.

Findings from various studies by the African Child Policy Forum (ACPF) and other child-focused organisations point to a common reality in which there has been encouraging policy progress, but a significant gap in implementation. This reality was frequently echoed in the deliberations on the post-2015 development agenda held within and outside Africa, and reflected in various national, regional and global policy and development platforms.

It is increasingly clear that governments are making more legal and policy promises than the implementing agencies and actors, in their current form, can accommodate. Evidently, there is a flaw in the policy cycle, and a general tendency to formulate policies without adequate consideration of the implementation capacities and/or the resources required to make them happen. The very broad area of child rights is not immune to this practice, and as a result there is a huge gap between the legal and policy frameworks targeting children, and their actual implementation.

This report is dedicated to putting implementation on the agenda for Africa's children, and promoting concrete actions to fulfil the legal and policy commitments made for children. It aims to support national and regional efforts to strengthen child rights governance and service delivery, by providing critical analysis of the current situation and policy options. By so doing, the report seeks to contribute to the overall improvement of African governments' performances in realising the rights and wellbeing of children. It also seeks to contribute to building momentum for the attainment of the global Sustainable Development Goals (SDGs) and the African Union's Agenda 2063.

This report benefited from intensive data collection from primary and secondary sources. In addition to in-depth country case studies undertaken in five countries (Egypt, Guinea-Bissau, Nigeria, Senegal and Tanzania), thematic research was undertaken on the main aspects of child rights implementation. The report also benefited from an extensive review of treaty body resources, including recent States Parties reports, Concluding Observations of both the UN Committee on the Rights of the Child and African Committee of Experts on Rights and Welfare of the Child, and other reports submitted by non-state actors. This data was complemented by considerable volumes of Africa-wide statistics on the state of children collected from a wide range of secondary sources. Much of this data is presented in the Statistical Annex of the main report and its background papers.

2

WHY WE SHOULD BE CONCERNED ABOUT THE GAP BETWEEN POLICY AND PRACTICE?

2.1 THE CONTEXT

Following the adoption of the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) in the early 1990s, a number of national, regional and international measures were taken to facilitate the implementation of the provisions and the principles contained therein. Much of their focus was on ratification and setting up structures and institutions to coordinate national efforts to implement these provisions. Many countries have also reformed their laws, harmonising them with international standards. This was accompanied by the development of plans of action and strategies for children, to guide the implementation process and monitor progress.

These efforts, though they yielded considerable results – particularly in enhancing the visibility and prominence of children’s needs in law and in development plans – have been generally unsatisfactory in terms of meeting governments’ commitments to provide better protection for all children and ensure their wellbeing. Generally, limited action has been taken to strengthen institutions and systems involved in the implementation processes, or to identify bottlenecks hindering effective coordination and delivery of services to children.

The last 25 years of child rights promotion in Africa has shown, in a very broad sense, two things: that modest progress has been made in improving child wellbeing; and that most countries are still gripped by significant implementation challenges. It is thus time that we ask some critical questions:

- How far have African governments gone in fulfilling their commitments under the CRC and the ACRWC?
- What are the operational bottlenecks and underlying factors hindering effective implementation?
- What can be done to address them and bridge the gap between policy and practice?

Not much is known, however, about factors affecting implementation activities in most parts of Africa – largely as a result of the failure of governments and others to examine and understand the process. Deep examination is therefore now imperative, to assess whether implementation is well organised, resourced and coordinated, and whether it is effective in improving the situation of children.

The in-depth case studies and thematic research feeding into this report examine some of these issues and provide insights into these hidden areas. The experiences of countries that have advanced in the promotion and realisation of children’s rights show that effective implementation is about managing the process well and ensuring efficient use of limited resources. The global experience in the past 25 years of child rights implementation

The global experience in the past 25 years of child rights implementation underlines the truism that process determines outcome. Effective implementation entails identifying and fixing process-related problems.

underlines the truism that process determines outcome. Effective implementation entails identifying and fixing process-related problems. This cannot be done overnight: it requires continuous and targeted effort by all actors involved in the process.

It is worth noting that the issue of implementation has wide scope and goes beyond the scope of child rights governance¹. Improving this sector requires reforming and enhancing the performance of the public service delivery system in general, as child rights implementation cannot take place in isolation. A series of public service reforms have been initiated in a number of African countries to improve public service delivery and enhance the effectiveness of policy implementation. These initiatives, although they have brought some improvements, have not been, in most cases, successful in creating efficient civil service delivery. In fact, systems in most counties are too often characterized, in the words of former Nigerian President Olusegun Obasanjo, by combined evils of inefficiency and corruption, impeding effective implementation of policies and delivery on commitments (UNCT (Nigeria) 2012).

While recognising the fact that effective implementation encompasses multiple and integrated measures, this report pays particular attention to national level structures, systems and mechanisms to coordinate implementation of laws, policies and programmes targeting children.

2.2 THE REALITY OF AFRICA'S CHILDREN

Every one of Africa's half a billion children deserves full enjoyment of all his or her rights and human potential. Children must be protected from all forms of abuse and exploitation, must have access to quality healthcare and education, and should be able to express their views freely on matters affecting them. They need to be cared for adequately and to live in an environment of safety, happiness and love. These are the ultimate objectives of the child rights instruments and the goalposts towards which national child rights efforts should be directed.

Every one of Africa's half a billion children deserves full enjoyment of all her/his rights, and should be able to live in an environment of care, safety, happiness and love.

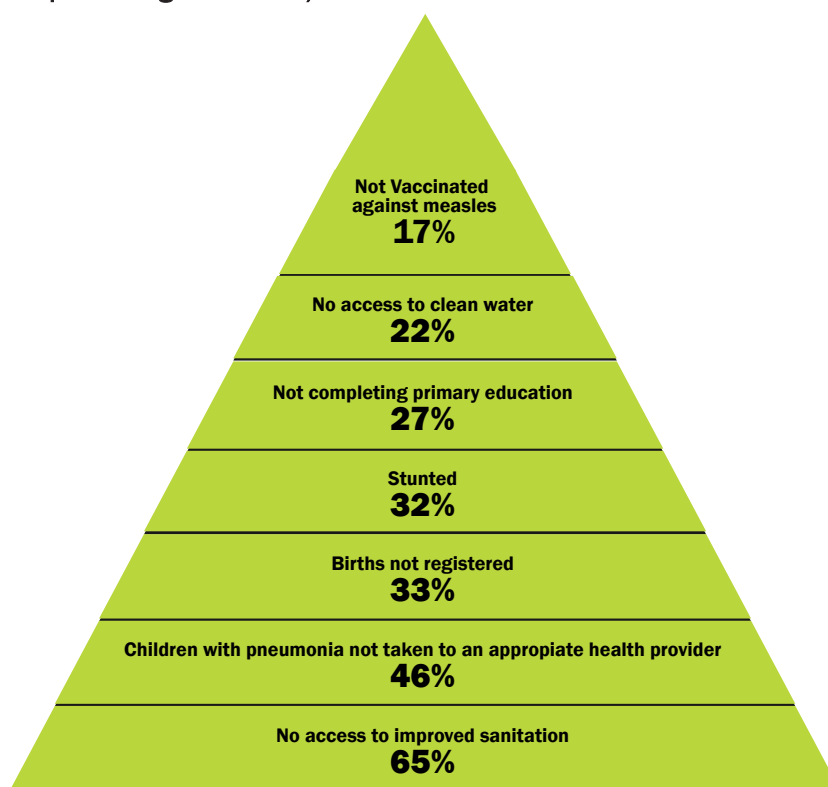
From the outset, it is important to emphasise that the primary obligation to implement all children's rights lies with the government. This has been underlined and elaborated clearly in all child rights instruments, and particularly in General Comment No. 5 of the UN Committee on the Rights of the Child. The reality, however, is that despite positive developments so far, realisation of children's fundamental rights to survival, development, protection and participation remains generally unsatisfactory, as the facts below demonstrate.

¹ Child rights governance refers to governments' responsiveness in implementing the standards and principles of the CRC and ACRWC, including its effectiveness in delivering and/or coordinating the essential services and support that children need (Save the Children International 2014).

Multiple deprivations of children from access to basic needs and essential services

Significant proportions of African children remain deprived of their basic rights to life, protection and development (see Figure 1).

**Figure 1: Pyramid of African children's exclusion from basic services, 2016
(median percentage for Africa)**

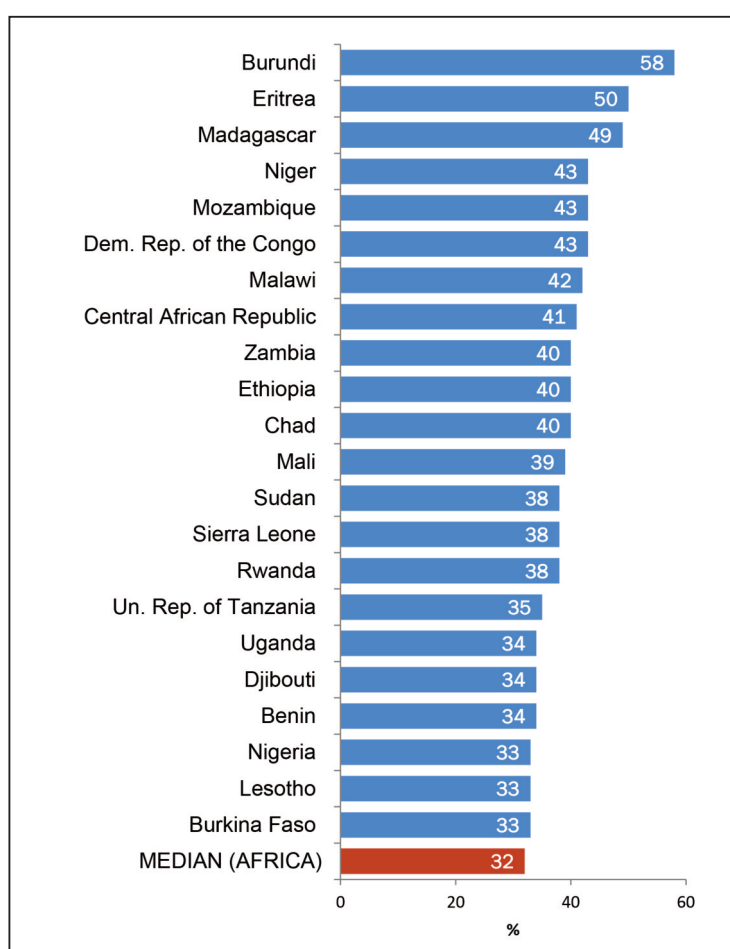


Sources: Based on data from UNESCO Institute for Statistics; UNICEF 2016b; WHO 2016.

- There are 34 million out-of-school children in Africa – more than half the total number in the world – with limited prospect of them entering school (UNESCO Institute of Statistics 2016a). Girls make up 54 per cent of the out-of-school child population and children with disabilities drop out more than their non-disabled peers (ACPF 2014).
- Child poverty, although declining slightly, is still very high in Africa. It is estimated that more than 53 per cent of children in sub-Saharan Africa live in extreme poverty (i.e. on less than USD 1.90 a day). If the current trend continues, nine out of ten of the world's children surviving on less than USD 1.90 a day will be African in 2030 (UNICEF 2016).
- Recent studies show that poverty is not just more pervasive in Africa than in other regions, but also more intense, particularly south of the Sahara. About 247 million out of 368 million children under 18 in 30 African countries have experienced two to five deprivations that threaten their survival and development (Milliano and Plavgo 2015). With its devastating effects on physical, cognitive and social development, child poverty remains a major challenge to realising the rights and wellbeing of African children.

- Significant proportions of African children do not have access to essential vaccines for deadly childhood illnesses. For instance, only one in every five children in South Sudan has been immunised against measles. Even in better resource-endowed countries such as Equatorial Guinea, more than half of all children (56 per cent) had no access to such vaccines (UNICEF 2016).
- There is high prevalence of child stunting across Africa. The absolute number of affected children increased by 23 per cent over the last 25 years, from 47 million in 1990 to 58 million in 2014 (UNICEF, WHO and World Bank Group 2015).

Chart 1: Countries with high rates of child stunting (per cent of stunted children under five years of age)



Source: Based on data from UNICEF 2016

Continued marginalisation and exclusion of the most vulnerable groups of children

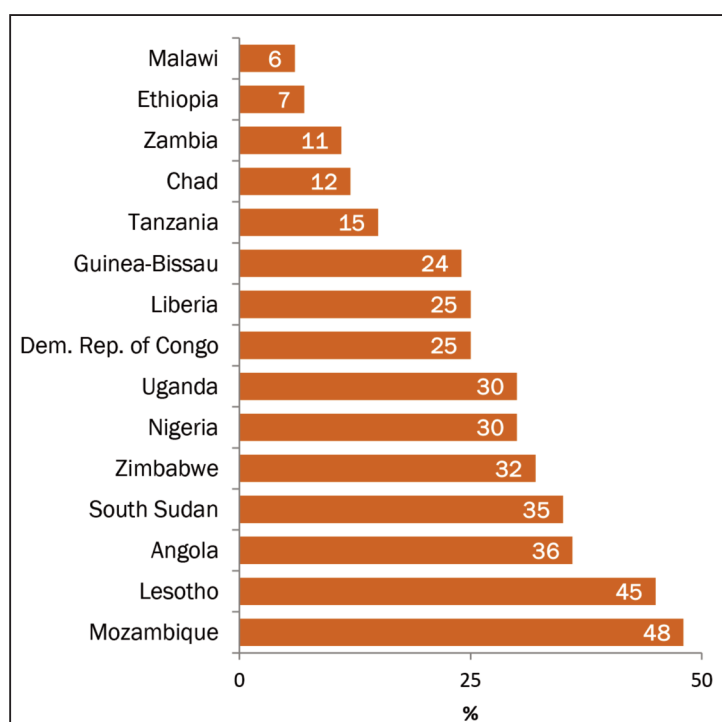
- Marginalised children living in illegal dwellings, urban slums and remote rural areas, as well as those with disabilities and without parental care, are particularly more vulnerable to abuse and exploitation, and remain deprived of access to basic services. The fact that these vulnerable groups continue to experience multiple deprivations and extreme forms of violence shows the extent of the challenge that still exists in reaching out to them, and the limited efforts being made to provide better protection and mitigate further marginalisation.

Inadequate protection of children against abuse and exploitation in most countries of Africa

- Protection of children against abuse, maltreatment and exploitation is generally very weak in most countries of Africa. This is particularly so for emerging forms of violence against children such as online and tourism related child abuse and exploitation. Recent studies by ACPF and other agencies on violence against children show that violent, often severe, disciplinary methods are practiced within homes, schools and communities across the continent (ACPF 2014; UNICEF 2014).

Birth registration, in addition to being a fundamental right in itself, is an important instrument in realising other child rights. At national level, civil registration and systems for registering vital events and statistics shed light on the level of administrative coordination and overall implementation processes. Coverage of birth registration is a strong indicator of the strength or weakness of a country's child rights governance and administration (Peters and Mawson 2015). Currently, coverage is less than 10 per cent in countries such as Ethiopia and Malawi and the systems are generally weak in many others, reflecting the significant gap in implementing this particular set of children's rights (see Chart 2).

Chart 2: Countries with low coverage of birth registration (percentage of children under five years of age whose birth was registered)



Source: Based on data from UNICEF 2016

Insufficient investment in children

- Current levels of investment in children, although they have shown some incremental increases over the years, are generally inadequate (ACPF 2013; Save the Children 2014). The recent resolution of the Human Rights Council adopted in March 2015 noted that lack of sufficient, efficient, inclusive and equitable public investment in children remains one of the main barriers to realising the rights of the child (OHCHR 2015).

Box 1: Manifestations of the implementation deficit

It is unacceptable that, after 25 years of interventions to realise children's rights, Africa is home to countries where:

- Two-thirds of children are experiencing multiple deprivations that are detrimental to their development
- 34 million children are out of school, with limited prospect of entering school
- As much as 94 per cent of births are not registered, with many children having no legal proof of existence
- 58 million children under the age of five are stunted, with proportions of stunting ranging from 30-50 per cent of the total child population across countries
- More than half of Africa's children are not getting vaccines for deadly childhood illnesses such as measles
- Most children are excluded from secondary education
- Girls continue to lag behind in access to education, particularly at secondary level
- Millions of children are experiencing physical, emotional and sexual abuse and exploitation, without any functional child protection system or access to psychosocial and legal services
- Programmes and structures set up for children remain a low priority for resources and lack the capacity and power to exercise their mandates.

These facts are manifestations of the implementation deficit and grim reminders of the urgent need to revisit structures, systems and mechanisms to realise children's rights.

Most of the problems highlighted above are manifestations of a cumulative deficit in implementation and the gap between policy and practice. They reflect, in a broad sense, challenges in reaching the most vulnerable and marginalised groups, ensuring efficient use of resources, and coordinating the activities of implementing agencies. All of these have impacted on the delivery of services to children across the board.

3

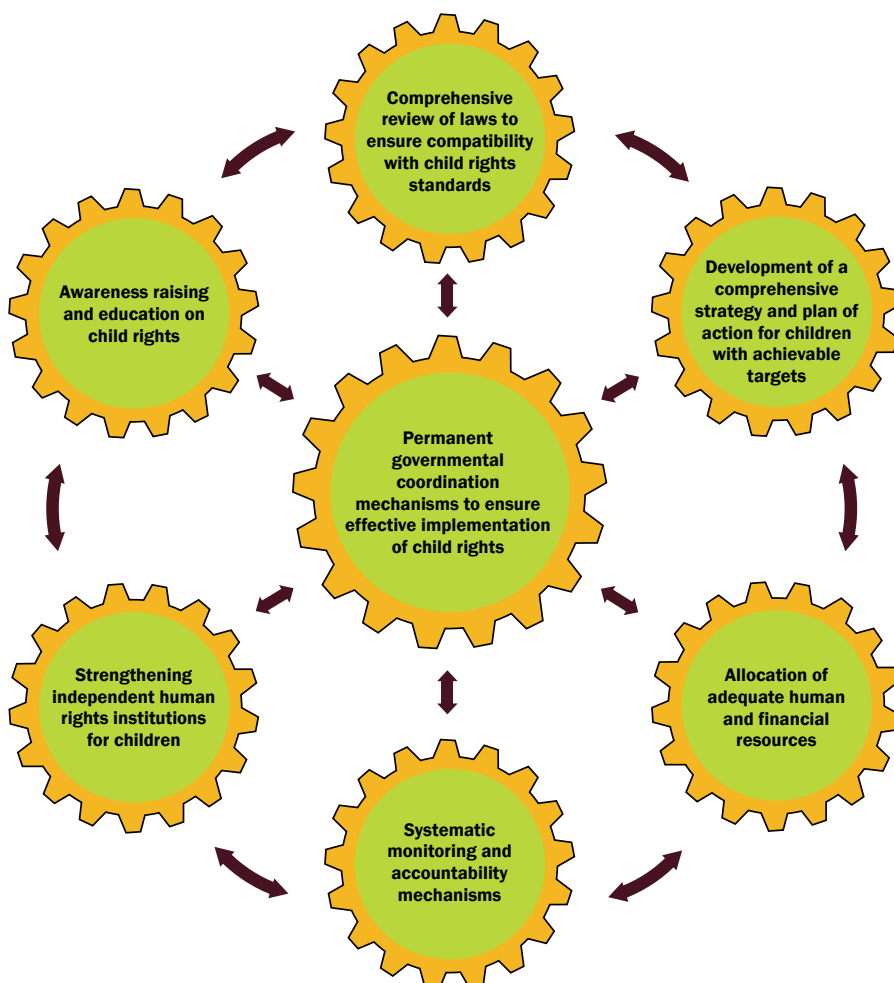
WHERE TO FOCUS? THE MAIN AREAS OF CONCERN

Implementation is a legal requirement as stipulated in in the CRC, the ACRWC, the Optional Protocols to the CRC, and and increasingly in national constitutions and legislations. These instruments lay the conceptual and legal foundations for the overall obligation of governments to realise all children’s rights and ensure their overall wellbeing. They provide the basis for putting in place the necessary legal and policy frameworks, establishing functional structures and systems for coordination and accountability, and allocating adequate resources to operationalize them.

As such, this report defines child rights implementation in the African context as:

...the process whereby governments take the necessary legal, policy, budgetary, administrative and other appropriate measures to ensure the full realisation of all children’s rights as stipulated in the CRC, the ACRWC and other relevant national, regional and international human rights laws pertaining to children, and ensure the wellbeing of all children.

Figure 2: Measures required to implement children’s rights effectively



Source: Adapted from UN Committee’s General Measures of Implementation (UNCRC 2003)

Child rights implementation thus entails the practical steps necessary to: secure the full attainment of children's fundamental rights to non-discrimination; uphold their best interests in all development endeavours; ensure their basic rights to life, development and protection; and involve them in decisions affecting their lives. In line with the UN Committee's General Measures of Implementation, effective implementation of children's rights requires that governments take continuous measures, as illustrated in Figure 2, to give effect to all children's rights.

Examining all these elements is beyond the scope of this report. Emphasis is therefore given to the four key aspects of implementation most pertinent to the delivery of services by the public sector in Africa:

- Institutional capacity
- Coordination mechanisms
- Budgets, and
- Monitoring and accountability systems.

The sections that follow consider each of these issues in greater depth and provide an overview of the current state of affairs, the challenges encountered, and some examples of good practice.

4

HOW EFFECTIVE ARE CHILD-FOCUSED INSTITUTIONS IN EXERCISING THEIR MANDATE?

The multi-sectoral nature of children's rights makes it almost impossible for a single agency to implement them fully. The overarching responsibility of governments is therefore to put in place a child rights governance system that ensures the visibility, advancement and realisation of all children's rights as implemented by all relevant role-players. A strong supporting institutional framework and effective governance systems are required to make this happen.

Current practices show that there are considerable differences between countries in the way they organise structures responsible for children's affairs at national and sub-national levels. While some have placed these structures close to the heart of government, others place them within ministries with multiple target beneficiaries and responsibilities, or in other agencies with limited power and political clout to exercise their mandate.

What characterises the structures responsible for children's affairs and what are the main challenges they experience? Are there emerging lessons? The following are among the main issues identified through background research and analyses of country case studies.

Most have multiple mandates and limited focus on children's issues

In most African countries children's issues are placed in broadly mandated, under-resourced, low-visibility ministries, or even in departments within larger ministries. It is common for children's issues to be appended to ministries of family, women, welfare, sports, youth, disability, culture or maternal issues, where even the term 'children' does not feature (see Table 1). But given the fact that women, persons with disabilities and even youth tend to have greater political visibility, children are disadvantaged when their rights are placed in the responsibility of composite ministries with multiple mandates.

In most African countries, children's affairs are placed in broadly mandated, under-resourced, low-visibility ministries.

The Federal Ministry of Women's Affairs and Social Development in Nigeria, for example, is broadly mandated to manage and coordinate issues related to several vulnerable groups including women, persons with disabilities and children. In Tanzania, children's affairs in the newly constituted cabinet fall under the Ministry of Health, Community Development, Gender, the Elderly and Children (MHCDGEC), a ministry with multiple responsibilities ranging from broader issues of public health to community development, women's affairs and care of the elderly – crowding out focus on the implementation of child rights. In Benin, children's issues are dealt with by the Ministry of Youth, Sports and Leisure; and in the Seychelles and Madagascar, children's affairs are respectively placed under the Ministry of Social Development and Culture, and the Ministry of Population and Social Affairs (ACPF 2016c).

Table 1: Examples of broadly-mandated ministries responsible for children’s affairs

Country	Lead ministry
Benin	Ministry of Youth, Sports and Leisure
Burkina Faso	Ministry of Social Action and Solidarity
Cameroon	Ministry of Women and Family
Egypt	Ministry of Health and Population
Ethiopia	Ministry of Women’s and Children’s Affairs
Guinea Bissau	Ministry of Women, Family and Social Cohesion
Lesotho	Ministry of Health and Social Welfare
Madagascar	Ministry of Population and Social Affairs
Morocco	Ministry for Solidarity, Women, the Family and Social Development
Nigeria	Federal Ministry of Women’s Affairs and Social Development
Rwanda	Ministry of Gender and the Family
Seychelles	Ministry of Social Development and Culture
South Africa	Ministry of Social Development
Tanzania	Ministry of Health, Community Development, Gender, the Elderly and Children

Sources: ACPF 2016d; 2016e; Tagwireyi 2012

In such cases, the reality is that the ministries’ attentions are divided and commitment to children varies depending on perceived urgency and political significance. In most cases children’s issues are not likely to be given the attention they deserve within the ministry, are a low priority for resources, and often appear to be seen as an “add-on” to the core ministerial portfolio.

Capacity limitation is a chronic problem for institutions responsible for children’s affairs in most countries

Severe capacity limitations are among the main barriers inhibiting ministries responsible for children’s affairs from exercising their mandates and expediting child rights implementation in Africa.

The case studies undertaken for this report show that ministries responsible for children’s affairs in the countries covered, as currently structured and staffed, face serious capacity constraints. These affect their ability to coordinate, implement, advocate or provide oversight of adherence to the principles and standards of child rights. They are too frequently side-lined, and often lack the political authority, budget, policy focus and resources to initiate and/or coordinate effective action for children on a significant scale. Capacity and administrative constraints severely limit the ability of these agencies to oversee efforts at lower administrative levels, let alone implement their mandates.

Constraints due to serious staffing shortages apply whether the ministry has a single mandate or several, and also cut across the full range of government services both for overall staffing levels and in technical areas relating specifically to children. Given that in numerous countries key children's services exist only in major cities, the constraints are far more pronounced in more distant regions and districts, limiting the capacity to implement laws, policies and programmes targeting children at sub-national levels. Even where well-trained professionals are available, many governments allocate insufficient funds to recruit and retain them, with the result that these scarce human resources migrate to better opportunities elsewhere.

The Executive Secretary in charge of children's affairs in Guinea-Bissau's government department for Women and Children, for instance, has only three experts and an intern-hardly sufficient for a country with many child rights concerns. In Tanzania, the Ministry for Community Development, Gender and Children (which since the establishment of a new government has moved to the MHCDGEC) faced a severe shortage

Shortage of human resources is worse at sub-national level. In Tanzania, about 61 per cent of community development posts at ward level had not been filled, and in many districts there are no community development officers at ward level at all.

of human resources both nationally and at lower administrative levels. Sub-nationally, it was noted that 61 per cent of community development posts at ward level had not been filled, and that many districts had no ward-level community development officers at all.

Most child-focused institutions lack authority and power to exercise their mandates

In addition to chronic capacity limitations, the main challenges relating to institutional frameworks include a lack of autonomy of those structures with mandates to coordinate and oversee child rights implementation. Often, ministries responsible for children's affairs are considered lightweight, and other line ministries are reluctant to be coordinated-and even less to be held accountable-by other ministries perceived in this way. It was noted that there is little or no dialogue among various institutions that are supposed to work together in a coordinated manner (ACPF 2016e; 2016f).

At risk of downward spiral

As a result of these factors, ministries for children are at risk, almost everywhere, of being trapped in a downward spiral. As elaborated in the following sections, they are allocated small budgets and staff because they are given little attention and seen as ineffective in exercising their coordination and oversight roles; but their lack of effectiveness is due in part to the inadequate funding and the ill effects it has on human and other resources. This self-perpetuating cycle must be broken.

It is imperative for effective child rights implementation that governments deploy existing human resources optimally, and at the same time that they initiate capacity development strategies to overcome the many existing gaps. Specific human resource requirements can be identified through needs assessments to gauge how far basic training in child-relevant fields has kept up with new concepts, techniques and interdisciplinary

Ministries for children's affairs are being trapped in a downward spiral where they are allocated small budgets because they are perceived to be ineffective – an ineffectiveness caused, largely, by inadequate funding.

Box 2: Lessons from the implementation of the AU Plan of Action towards an Africa Fit for Children

As part of the AU-led review of the implementation of the Plan of Action Towards Africa Fit for Children, assessments were made of progress towards, and challenges impeding, achievement of the goals set out in the Plan.

In the Plan of Action, strengthening the institutional frameworks is one of the top priority actions and a key consideration in assessments. The main finding was that limited effort had been made to build the capacity of institutions responsible for children's affairs, and that the resulting weak institutional framework was a main barrier to the Plan's effective implementation and achievement of its goals.

The major limitations relate to inadequate capacity to coordinate interventions and weak accountability mechanisms, attributable in part to a lack of institutional autonomy. This undermines effectiveness and efficiency of national programmes targeting children in a number of countries, because of the duplication of efforts and a lack of dialogue and shared planning among responsible role-players.

Sources: AUC 2012; AMC 2012

methods, and the degree to which it has responded to the evolving realities of African children and their families.

The reality, as noted above, is different from the expectations placed on these structures. Most are not effectively exercising their mandate to formulate policies for children and mobilise resources to implement them. Child-focused institutions need, as a starting point, to be more influential politically; to be strengthened to more effectively implement programmes for vulnerable children, mobilise resources, provide government oversight, and conduct monitoring and evaluation.

5

A SHARED VISION FOR CHILDREN: THE IMPERATIVE

While many governments express their goodwill towards children and their commitment to fulfilling children's rights, most lack a comprehensive, long-term, widely embraced and shared strategic vision for children that is rooted in the political, social and economic realities of their countries and inspired by the CRC, ACRWC and other child rights instruments. This absence is disturbing in a region where nearly half the population are children – children who need such a vision shared by all stakeholders in order to give them a central place in national development strategies, policies, plans and implementation practices. Such a vision is also needed because it serves as an overarching framework that can galvanise broad-based movements and collective and sustained efforts for social change in favour of children.

As clearly outlined in General Comment No. 5 on General Measures of Implementation, governments are obliged to develop a national plan of action for children that provides a common, unifying, comprehensive and guiding framework for action. The national plan is expected to be developed inclusively, and to pay particular attention to the steps that should be taken by role-players to realise the rights and wellbeing of all children. It further requires the highest level of political authority, and it must be linked to national development strategies, planning and budget processes. It should be outcome-focused, include achievable targets, and be given effect through aligned sectoral plans of action and the allocation of appropriate public resources, both financial and human.

In practice, however, many countries fall short of expectations, as the country case studies show. The governments of Egypt and Nigeria, for instance, have national plans of action, but these have limited ownership by different stakeholders and little linkage to national budget processes, which in turn creates problems in funding and coordinating their implementation. Similarly, the Government of Senegal has a comprehensive three-year plan for child protection with 39 costed priority actions, but the implementation mechanisms are not yet fully functional and there is a large funding shortfall. In Tanzania there are only thematic plans, which are not comprehensive enough to address the full spectrum of child rights issues. In Guinea-Bissau, the government has not revised the plan of action for many years, and it is too out-dated to serve its purpose and unify national activities targeting children. Because of these problems, existing plans of action and strategies have been largely ineffective in guiding national efforts to realise children's rights. They are usually seen as a means to broaden national dialogue on children, notably during the formulation phase, but are less useful as operational guides for implementation.

In line with the CRC and the ACRWC there is also a need to include the voices of children in planning and implementing their rights. The annual National Children's Summit organised by the Government of Rwanda is a pioneering initiative that other countries could emulate. It serves as a mechanism for soliciting children's views and perspectives, and has immense implications for programming, monitoring progress, and revising strategies to enhance their effectiveness.

Whatever the planning and programming modalities are, they invariably require extended partnerships, pooling of resources, and significant capacity development in order to implement them effectively and achieve the desired goals.

6

HOW MUCH IS BUDGETED FOR CHILD RIGHTS IMPLEMENTATION?

The implementation of children's rights entails costs in almost all phases. Governments are therefore expected to be proactive when it comes to allocating adequate budgets to implementation. They are also obliged to put in place systems and mechanisms to ensure efficient and effective use these budgets.

There have been positive developments in the allocation of resources to sectors benefiting children. But there is still persistent and serious mismatch between the policies, goals and standards adopted and the resources allocated to implementing them.

Chronic budgetary constraints are a major barrier to the mandates of most child-focused institutions

It is evident from the country case studies that one of the major constraints in implementing children's rights is inadequate funding for the structures responsible for children's affairs. For example, Uganda's Ministry of Gender, Labour and Social Development (MGLSD) consistently received less than 0.5 per cent of the national budget over the last seven years. The budget of Tanzania's Ministry of Community Development, Gender and Children of Tanzania (now in the MHC DGEC) provides another example: while its budget has increased over the years in absolute terms, the department responsible for children's affairs receives the lowest share.

The Ministry of Gender, Labour and Social Development (MGLSD) of Uganda, which is responsible for children's affairs, consistently received less than 0.5 per cent of the national budget over the last seven years.

In 2014/15, for instance, the Children's Department received only USD 230,500, most of which went to cover senior officials' administrative and travel costs, with almost nil budget left for the Department's core activities. Furthermore, the amount allocated was reduced drastically during the disbursement phase. While the full budget for salaries across government is usually provided on time, only 22.8 per cent of the total development budget had been disbursed by April 2015, 2-3 months before the end of the financial year. The delay in budget disbursement significantly limited the activities of many ministries, including those responsible for children's affairs, and affected the whole child rights implementation process. However, the government is now taking measures to make the use of public funds more efficient through reducing travel and event-related expenses. This is a promising development that could have significant impact on enhancing delivery of services and improving overall implementation performance.

The Children's Department in Tanzania's Ministry of Community Development, Gender and Children received a budget amounting to only US\$230,500 in 2014/5. The lion's share of this went to senior officials' administrative and travel costs, with almost nil budget for undertaking the Department's core activities.

In Nigeria, the ministry responsible for children is the least funded of all line ministries (ACPF 2016d). Even within the ministry, budgetary allocations to activities related to children are far less than those made to all other issues within the ministry's mandate (ACPF 2016d).

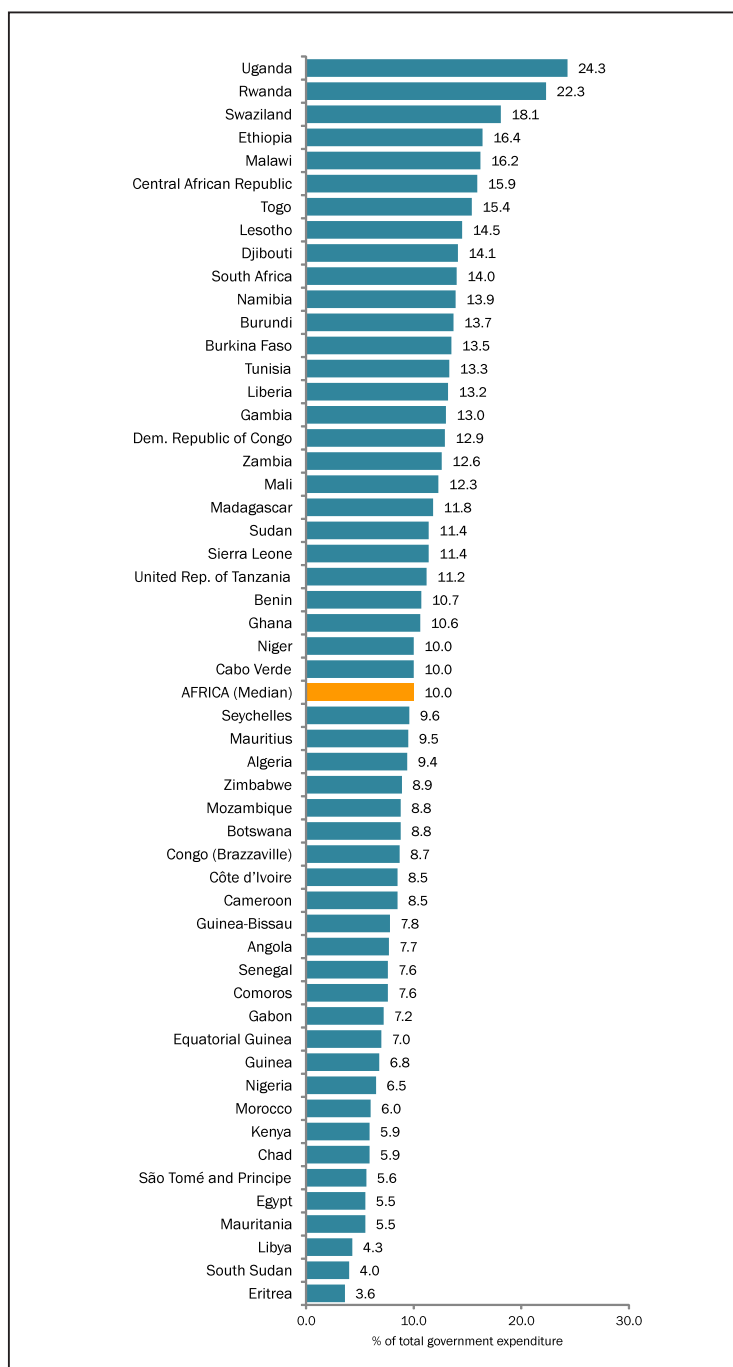
In many countries, ministries responsible for children's affairs receive funding support from sources including multi-lateral and bilateral agencies and international NGOs to carry out some of their core activities. Over-dependence on external resources and associated sustainability issues are among the main challenges facing the financing of child rights implementation in Africa.

Budgets for child health

Expenditure on other sectors involved in implementing children's rights also shows varied levels of commitment across countries. For example, the health sector, which plays a key role in fulfilling children's right to an adequate standard of health and their fundamental right to life, is not adequately budgeted on par with the growing demand for quality healthcare services across Africa. On average, African governments spend about 10 per cent of their budgets on health. Hidden within this average is a marked difference across countries. While countries such as Uganda and Rwanda spend a relatively high share of their national budget on health, the lowest expenditure is observed in countries like Eritrea and South Sudan, where health receives only four per cent of the national budget (see Chart 3).

While these figures give an overall picture of health sector financing, it is worth asking what the situation looks like within the health ministry and what share of the budget goes to departments or sections focusing on children's issues. For example, Tanzania's Department of Social Welfare, located within the Ministry of Health and Social Welfare (which has now moved to the Ministry of Health, Community Development, Gender, the Elderly and Children), is responsible for coordinating the National Child Protection Agenda; it received only one per cent of the ministry's budget. Children's sections within this department receive a relatively lower share of this already depleted budget, signalling availability of very limited funds for interventions targeting children's health.

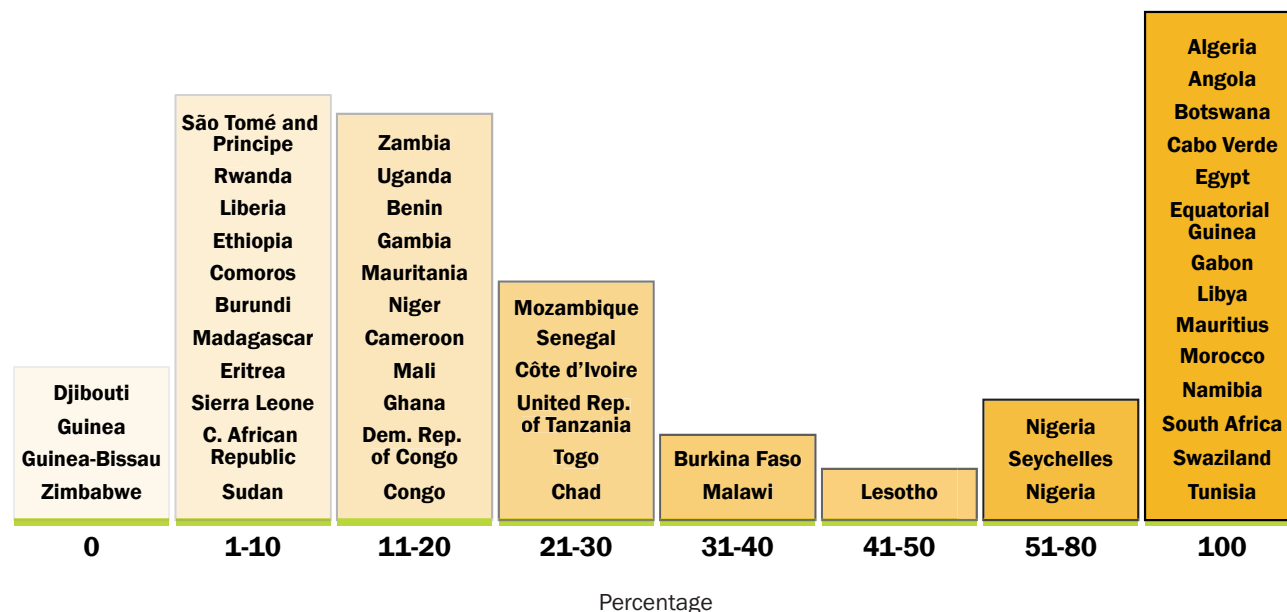
Tanzania's Department of Social Welfare, which is responsible for coordinating the National Child Protection Agenda (NCPA II), receives only 1 per cent of the budget allocated to its parent Ministry.

Chart 3: General health expenditure as a percentage of total government expenditure, 2015

Source: Based on data from WHO Global Health Expenditure Database, 2016

Governments' contributions to budgets for the routine immunisation programme (EPI) are another indicator used to assess budgetary commitment to the rights and wellbeing of children. As shown in Figure 3, most governments contributed less than 50 per cent of the cost of this important programme in their own countries, despite the fact that a considerable proportion of children have no access to vaccines for deadly childhood illnesses.

Figure 3: Percentage of routine EPI budget financed by the government

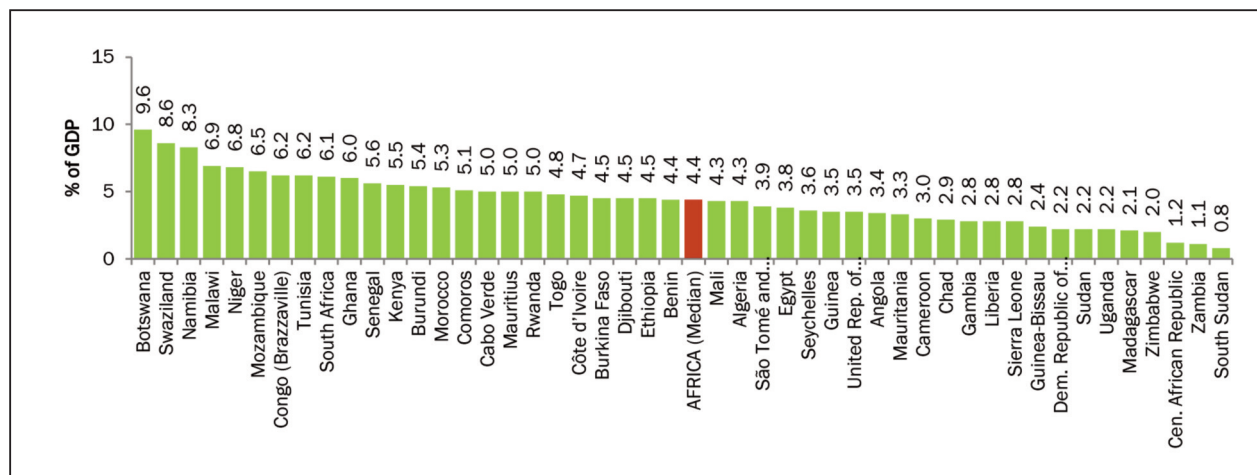


Source: Based on data from UNICEF 2015.

Budgets for children’s education

Education is another sector that provides essential services to children. Chart 4 shows expenditure on education as a percentage of gross domestic products (GDP) by country. According to the most recent data, southern African countries such as Botswana, Swaziland and Namibia spent a relatively high share of national income (more than eight per cent of their GDP) on education. Countries like Malawi, Niger and Mozambique also fare better than most others, with average allocations of about seven per cent of GDP. By contrast, countries such as South Sudan, Zambia and Central African Republic spent just one per cent of GDP on education, despite the fact that the majority of girls in these countries lack any access to secondary education, and a significant proportion of children do not complete primary school (UNESCO Institute of Statistics 2016; UNICEF 2016).

Chart 4: Total public expenditure on education as a percentage of GDP



Source: Based on the most recent data from UNESCO Institute for Statistics 2016b.

The median expenditure on education for Africa is 4.4 per cent of GDP, which is less than half of what governments pledged in 2000 at the Dakar Education for All Conference. When looking at individual performance, only Botswana met the nine per cent Dakar expenditure target. It is evident that commitment to this important sector, as in the case of health, falls short of expectation. Much must be done to improve financing for sectors benefiting children.

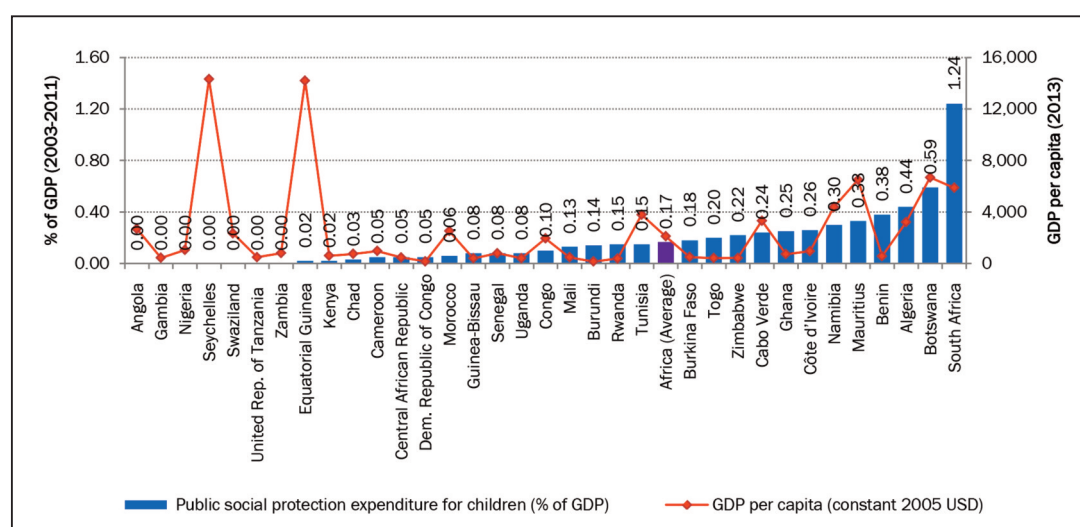
Budgets for social protection programmes benefiting children

There are, however, encouraging developments in various African countries with respect to allocation of resources to vulnerable groups through grants and support schemes benefiting children. Egypt, for example, is taking measures to ensure equity of resource distribution by geographical area, sector and beneficiary group. It does so through subsidies, grants and social benefits that by and large benefit families and, thereby, children. In the 2014/15 budget, for instance, Egypt allocated around USD 30 billion, or nearly 30 per cent of total government expenditure, to such support schemes.

The Government of South Africa increased its budget for social development in the 2015/16 fiscal year by about eight per cent to USD 10.7 Billion. The increase was largely to assist vulnerable groups, but mostly for children. There was a similar trend in the other sectors, where the government increased budgets of departments including those responsible for children to enable them to exercise their coordination and monitoring mandates (Ministry of Social Development, South Africa 2015).

While the experiences of South Africa and Egypt set a good example in provision of social protection that in most cases benefits children in disadvantaged families, most countries do not allocate adequate budgets to the sector. At less than half of the global average of 7.4 per cent, current expenditure on social protection in Africa is generally inadequate and incommensurate with the growing need for such services-particularly among the most vulnerable groups, including children (see Chart 5). Modelling by the International Labour Organization (ILO) shows that typically even low-income countries should be able to afford a minimal social protection package made up of targeted child support grants to the poorest 10 per cent of a population (ILO 2014).

Chart 5: Public social protection expenditure for children vs. GDP per capita



Source: Based on data from ILO & The World Bank, 2014

Limited accountability in the use of public budgets

There are also concerns around accountability for use of public funds in a number of countries-especially in the social sector-which continues to hamper the effective use of resources to bring about concrete results for children.

While officially inaugurating the 11th Parliament of the United Republic of Tanzania, President Magufuli cited statistics for expenditure on officials' foreign travel by the government, parastatal organisations and other institutions between 2013 and 2015. He said that a total of USD160 million was spent on foreign travel during that period; air ticketing alone consumed USD30 million, and per diem payments reached USD50 million. He noted that this money was sufficient to construct a 400-kilometre long paved road and said, "...let's ask ourselves how many dispensaries could have been constructed with the sum? How many teachers' houses? How many desks?" (Speech made on 20th November 2015 in Dodoma).

Within only two years (between 2013 and 2015), a total of USD160 million was spent on foreign travel for government officials. Air tickets alone consumed USD30 million and per diem payments reached USD50 million.

There is clearly a need to strengthen national and sectoral budgeting processes and oversight mechanisms to ensure value for money through optimal use of resources for intended outcomes.

There is also need to ensure child-sensitivity in national budget formulation and execution. While there are challenges to achieving this, there are also significant opportunities. For example, the UNCRC Committee has adopted General Comment No. 19 on Public Budgeting for the Realisation of Children's Rights that aims to provide guidance to States parties on generating, allocating and utilising public resources to realise children's rights. This is an important instrument for raising awareness among policy-makers and practitioners in the finance and economic sectors, who often have limited engagement with child rights issues. It is also a tool for ensuring that budget cycles and routine practices are more sensitive to children's rights and their special needs for care and protection.

7

HOW EFFECTIVE ARE THE COORDINATION MECHANISMS?

There is a wide range of actors whose decisions and actions impact on children, directly or indirectly – from family to governmental, non-governmental and private bodies, from religious and community leaders to the media and research institutions. They have varying roles and responsibilities in realising children’s rights. Effective implementation refers mainly to the extent to which their activities are integrated, complementary and mutually reinforcing in improving children’s access to basic needs and services, and enhancing their protection from abuse and exploitation.

Coordination, both policy and operational coordination from a child rights and wellbeing perspective, is about getting institutions – public, non-governmental and private – to work together to deliver better services for children. As clearly noted in the General Comment No. 5 of the UN Committee on the Rights of the Child, a national coordinating body is necessary, irrespective of the mode of political organisation prevailing in any particular country, to ensure that implementation efforts are integrated and coordinated. The experiences of the last decades show us that coordination mechanisms must be permanent, stable, effective and high in the government decision-making structures or executive offices.

Practices on the ground are diverse. Some countries give a particular Ministry, Council or Department a general mandate as the coordinating body for children’s rights. In others, a specialised committee or council is created by law and may take the form of a Commission for children. This can enjoy a relatively powerful position close to the heart of government, or could be placed at the periphery of power, with little budget and few human resources.

In Mauritius, there is a drive towards enhanced policy coordination premised on what is locally known as the Working Together Concept to fulfil the protection, development and welfare needs of children. This Working Together Concept has proved effective in enhancing coordination, expediting implementation and improving the performance of actors in the process. It has thereby enabled the country to achieve remarkable results in reducing child malnutrition, mortality and deprivations, particularly among the most vulnerable groups, who are deliberately targeted in interventions. All these efforts have contributed to improved performance in realising children’s rights in Mauritius.

The status that a coordinating body enjoys in the overall state apparatus is crucial to its ability to discharge its responsibilities effectively. The experiences of countries with relatively good mechanisms for coordination show that the ministerial cabinet of a government can be an effective locus for coordinating children’s policies-especially as overall government policy is often made at this level, and those cabinets offer great potential to integrate children’s issues into sectoral policies. Placing the coordinating body within the offices of presidents, vice presidents, prime ministers or deputy prime ministers also enhances its coordination role, and lends symbolic importance in terms of elevating children’s issues to higher status. The governments of Angola and Senegal, for example, have offices within the Office of the President that are directly responsible for children and families (see Box 3 for details in Senegal).

Box 3: Children in Senegal: close to the heart of government

Senegal has created a number of structures for coordinating child rights implementation. Two of them stand out in particular for their political visibility and position in the government hierarchy. The first is the Child Protection Support Unit (Cellule d'Appui à la Protection de l'Enfance – CAPE) under the Office of the President of the Republic, which was set up to raise the political stakes for children's issues in Senegal. It plays a lead role in harmonising national laws with international standards and advocating for children before the President, including for the allocation of more explicit and concrete budgets for implementing children's rights. It gives technical and administrative support to other actors and spearheads the state's engagement with national and international actors.

The second is the Intersectoral National Committee for Child Protection (Comité Intersectoriel National de Protection de l'Enfant) set up under the Prime Minister's office. This committee, established in 2014, is responsible for:

- Directing the development of public policies for the protection of children
- Coordinating the implementation of the national strategy on the protection of children
- Mobilising state and non-state actors and technical and financing partners to realise the national strategy for the protection of children
- Appraising the results of the implementation of the national strategy for the protection of children, the national framework for combating child labour, the national plan for combating human trafficking, and other programmes related to child protection.

The Committee is composed of representatives of relevant ministries, the Child Protection Support Unit under the President's Office, the National Assembly, local authorities, the Children's Parliament, CSOs, the private sector, technical and financing partners and the Economic, Social and Environmental Council. The Committee has structures at national, regional and local levels.

Although these structures are a recent phenomenon in Senegal, they are a good indicator of the country's political commitment to the cause of children. Besides generating greater visibility and recognition for children at the highest political level, such structures set an example for lower levels of government that children's issues are a national priority, and give impetus to the replication of such practices.

Source: ACPF 2016e

Some governments use 'ministers without portfolio'¹ for coordination, whether for children or other purposes. The freedom that such ministers have from departmental responsibilities not only gives them more time to devote to coordination, but also enables them to function as honest brokers between other ministers who do have to defend the interests of their own ministries. Ministers without portfolio may have a variety of titles and functions. In Botswana there is a Minister of the State President who can also function in this coordinating capacity.

A crucial question in any of these arrangements is whether designated officials actually devote their time and energy to coordinating for children, or whether they perceive other issues to be more important. Their performance in achieving coordination on behalf of

² The term refers to those Ministers who have cabinet status, or at least a definite position in the government, but no specific department to manage.

children depends on their commitment and that of the government to the cause, and their determination to act on it. Governments across Africa face numerous barriers to effective coordination in the implementation of children's rights. The main ones are highlighted below.

Narrow conception of the range of services needed for children

There is generally a narrow understanding of the range of services needed for children, and therefore of the necessary coordination required within government. Absence of a holistic policy and strategic framework for children is also a barrier to effective overall coordination. Cross-sectoral coordination becomes easier in countries with a comprehensive National Plan of Action for Children; likewise, thematic action plans enable sectoral thematic coordination.

Limited resources to plan and execute coordination

Coordination involves monetary and technical investment. However, in many countries, the budgets for such activities are contested and the whole exercise is jeopardised by insufficient resources to undertake effective coordination. There is very limited engagement of child rights practitioners and decision-makers, particularly in ministries of finance and planning, in lobbying and justifying budgets for key activities such as coordination. This has, in turn, compelled implementing agencies to focus more on managing individual programmes than on attempting to cope with coordination.

Box 4: Policy coordination: the reality in Ghana

An assessment of coordination bottlenecks examining reasons for apparent stagnation of the birth registration system in Ghana, and exploring the wider context for policy and practice, showed that the level of policy coordination is generally weak and there is little collaboration between various departments. As observed by one senior official, ministries are mandated with numerous responsibilities that leave very little time for working with others or effectively executing a coordinating function.

For example, the Ministry of Finance, potentially the most important coordinator in government, is overburdened with tasks that rule out the possibility of coordination. Likewise, the Ministry of Gender, Children and Social Protection, which should play a major role in coordinating programmes for children, appears to be a relatively weak ministry unable to bring about effective coordination.

Policy coordination at local level is even weaker. It happens largely on the basis of personal ties rather than organisational linkages. There also appears to be little central direction from government organisations that might be expected to provide it. It was noted, too, that opportunities for greater cooperation among governmental and non-governmental actors are not being seized.

Source: Peters and Mawson 2015

Proliferating, but weakening coordination mechanisms

One manifestation of the absence of a holistic and shared vision for children is the existence of multiple policy frameworks with specific focus and limited synergies, requiring distinct coordinating bodies. Coordination becomes difficult under such circumstances. The experience from Tanzania, where many national plans of action relating to children are

coordinated by different ministries, departments and agencies, demonstrates the need to mitigate proliferation of co-ordinating committees based on specific issues. Committees at district, ward and village levels established to coordinate the implementation of some plans of action in Tanzania often consist of the same people. Such proliferation significantly affects the overall coherence and efficiency of activities across ministries and implementing agencies, nationally and sub-nationally.

Challenges associated with devolving decisions

The way governments are structured, and in particular any disconnection and lack of communication between national, sub-national and grassroots levels, presents challenges for effective coordination. In federated states, inconsistency between the mandates of various ministries within the states, and the manner of decentralisation and devolution, can affect the consistent implementation of children's rights and hinder coordination and accountability. In Nigeria, for example, the 2003 Child Rights Act (CRA) has not been implemented by all states of the Federation; only 24 states have a child rights laws that give legal effect to the CRA and ensure enforcement in the courts at state and local government levels.

Some states have laws that do not reflect the letter and spirit of the CRA and which depart in varying degrees from international benchmark standards for child rights. Lack of uniformity in these legislative frameworks across has severely affected national coordination of child rights implementation. In states where the CRA has not been domesticated, there is obviously no statutory basis for coordinating child rights implementation. Furthermore, the federal ministry mandated to do this lacks budgetary influence, because states are independent in allocating budgets to various sectors, including programmes targeting children.

Effective coordination also requires mechanisms for ensuring accountability of those involved in the implementation process, and there are challenges in determining who is responsible and accountable when multiple agencies are involved.

8

MONITORING AND ACCOUNTABILITY MECHANISMS PERTAINING TO CHILDREN: ARE THEY EFFECTIVE?

Enhancing accountability is a key component of national efforts to realise children's rights. Ensuring that actors from all sectors work in a coordinated manner and with a strong sense of accountability is critical for effective implementation. The task of holding relevant state institutions to account is performed by both internal systems and external monitoring and oversight bodies.

While recognising the significant role that global and regional child rights treaty bodies – namely the UNCRC Committee and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) – play in monitoring the implementation of child rights, the focus in this report is on domestic accountability systems, given their direct relevance to implementation at national and sub-national levels. The UNCRC Committee recommends that accountability mechanisms at these levels should take three broad forms: self-monitoring, independent monitoring, and judicial process.

In most countries, the ministries, departments and agencies responsible for children's affairs have built-in self-monitoring and accountability mechanisms. Officials and technicians in these agencies are hierarchically accountable to their supervisors, who in turn report and are accountable to the Principal Secretaries of Ministries and Directors of the agencies. At local level, all officials are accountable to Heads of Department and Directors of local government agencies. However, in many cases this has not proved effective in improving the performance of these bodies (ACPF 2016f). What characterises these systems? Below are highlights from the findings of the assessments.

Generally less effective self-accountability systems, with limited influence on performance

An effective inbuilt accountability system that monitors performance, holds implementing agencies accountable and influences their practices is a rare commodity in Africa. Very few countries-Mauritius and South Africa being two such exceptions-have such a system. Self-accountability systems are generally ineffective in influencing the performance of government bodies responsible for children's issues. Accountability at local level in particular is a major concern (see Box 5). As a result, public service delivery, including to children, remains poor (ACPF 2016d; UNICEF 2015; UNESCO 2015; UNCT - Nigeria 2012).

Box 5: A glimpse into accountability mechanisms at sub-national levels–Bauchi State, Nigeria

In Nigeria, monitoring and accountability mechanisms for child rights implementation at state level more or less replicate Federal structures. State level ministries are primarily accountable to the Executive Governor and the State Parliament. They compile their respective reports to the state Governor usually when he or she delivers a public address marking 100 days or 1,000 days in office. As one of the Directors mentioned in interview, "... whatever achievement we have, goes into what the Governor reports as achievement of the State and is disseminated through public media".

Systemic accountability to the public in general and to children in particular is missing in most Nigerian states, which, in turn, hinders achievement of better child wellbeing outcomes and contributes to huge disparities in child wellbeing. The problem is worse in states that have not adopted the Child Rights Act. One such state is Bauchi, which uses the Nigerian Constitution at state level and the Sharia Law at grassroots level.

Lack of funds is a major barrier to promoting state level accountability. Officers working in these agencies mention that their hands are tied as they cannot collect information, visit local government staff or undertake other relevant activities within their mandate. Statutory bodies for monitoring child rights implementation, such as the State Child Rights Implementation Committee, are not functional, and there is a vacuum in this regard (ACPF 2016d). All of these factors have contributed to weak accountability systems and remain barriers to the realisation of children's rights.

Source: ACPF 2016d

Weak national human rights institutions

National Human Rights Institutions (NHRIs) are typical forms of independent monitoring mechanisms that exist in a growing number of African countries. These institutions are advantageous in that they are more accessible to the public than the courts. Their procedures are also informal and flexible, allowing them to respond to individual and systemic human rights violations proactively and/or retrospectively. National Human Rights Institutions can play a key role in undertaking in-depth studies and investigations, gathering evidence over long periods of time from a range of sources to establish systemic, gross and/or isolated causes or patterns of violations of human rights. They are also able to propose short-, medium- and long-term recommendations for how to redress, correct or prevent these (UNICEF 2013).

Almost all the Concluding Observations of the CRC Committee on African countries reveal that NHRIs are chronically under-funded, lack infrastructure, and do not have adequate or qualified personnel to perform their functions (ACPF 2016c). On the other hand, there are promising developments in countries like Nigeria where concrete measures are being taken to strengthen national human rights institutions. In addition to reforming laws and broadening the NHRIs' mandates, they are putting financing mechanisms in place to ensure their independence.

For example, the 2010 National Human Rights Commission (Amendment) Act of Nigeria enhanced the powers of the Commission to promote and protect human rights, investigate alleged violations, and enforce decisions. The amendment enables the Commission to draw funds directly from the Consolidated Revenue Fund of the Federation and, most

importantly, gives its recommendations the weight of High Court decisions. The amended Act also makes it difficult for the executive body of the government to oust executive secretaries of the Commission, which previously often happened if the Commission issued statements to which the government took exception. This Act requires a two-thirds majority vote in the Senate to force the Executive Secretary of the National Human Rights Commission (NHRC) to step down (ACPF 2016d).

These amendments are key to ensuring the Commission's independence and strengthening its credibility and influence on the human rights practices of executive and law enforcement bodies. There is a great deal that other countries can learn from Nigeria in terms of enhancing the effectiveness of independent human rights institutions. What is required is the political determination to support human rights, and especially the rights of the most vulnerable and voiceless groups.

In general, to ensure that monitoring and accountability systems work properly, the right legal and policy frameworks have to be in place, with the right expertise and commitment. If these are missing, the systems will not be fit for the purpose for which they were established. The example in Box 6 uses a human rights officer's experience to illustrate what these ingredients mean on the ground, and how they contribute to the implementation of children's rights.

Box 6: An encounter of a human rights officer in Nigeria

On 14th May 2015, Mrs Ronke Odeleye* filed a complaint against the father of her eight-year-old daughter, Mr Balarabe, alleging that he had taken their child away and would not allow her to have contact with the child. Mr Balarabe moved to the United States with their daughter in 2013, removing the child from her mother's custody in the process. He returned to Nigeria for a visit with the child, and was accommodated by an influential Nigerian official.

Officer Mariam Dauda from the National Human Rights Commission of Nigeria obtained an order of access and requested that police officers enforce it. When they got to the home of the influential official, they were denied access, and further uniformed officers were deployed to intimidate the police officers and Officer Dauda. The police officers accompanying Officer Dauda submitted to the pressure of the opposing uniformed officers and left the premises. Officer Dauda, however, stood her ground and persisted in attempting to enforce the access order. She resisted intimidation because she had confidence in the power of the law and was passionate about her work. Access was eventually granted to her, and the National Human Rights Commission was then able to mediate between the parents in the best interests of the child.

Enforcement of children's rights is about ensuring that the rule of law prevails. It entails vesting powers in entities mandated to hold relevant bodies accountable, and building their capacity to fulfil their duties. The experience of Officer Dauda demonstrates what independent institutions could accomplish when given power and capacitated to be persistent. It is an inspirational example from which many others can learn.

This encounter illustrates that what we broadly refer to as 'the implementation of child rights' involves exercising persistence and courage in difficult environments and challenging situations.

** Pseudonyms have been used to conceal the identity of all persons involved in the case.*

Sources: Interview with the Officer at the National Human Rights Commission of Nigeria who was involved in the case in Abuja; ACPF 2016d

Near non-existent judicial remedies

The expansion of accountability mechanisms as a means of fulfilling human rights does not mean that judicial remedies are unimportant. Ensuring accountability through the judiciary is an effective means of redressing rights violations (see some examples in Box 7). The judiciary can be seen as a means by which the government may be held horizontally accountable by other organs of state, and vertically accountable by victims of human rights violations.

For judicial mechanisms to work effectively in this manner, courts must be empowered to receive and adjudicate cases involving alleged violations of, or non-compliance with, human rights. It is also essential that human rights are protected as justiciable rights in the constitution or in domestic legislation. Judicial remedies make it possible for an individual to hold the state directly accountable for violations; through judicial proceedings, the state may then justify its conduct or be ordered to redress the violation. Unlike other accountability mechanisms, judicial remedies are binding on the state, and failure to abide by court orders often results in negative national and international publicity.

Box 7: Courts in action to safeguard children – Egypt

In March and April 2015 the Supreme Administrative Court and the Administrative Court in Alexandria gave verdicts that took into account the best interests of the child.

On 19 April 2015 the Supreme Administrative Court of Egypt gave recognition to a customary marriage contract presented by a mother, ordering the Interior Ministry to include the child's name in the Civil Status Department and provide the child with national identification. It also ordered the Ministry of Education to accept the child in a school convenient for the child. The Court based its ruling on the Egyptian Constitution and the Child Law, particularly its Article 4. In Egypt, customary marriage contracts are neither commonly authorised by public officials nor recognised in courts to prove paternity, making the decision by the Supreme Administrative Court a milestone in allowing children of such marital unions to register in civil records, enrol in school, and access other public services.

In another case, the Administrative Court of Alexandria issued a ruling in March 2015 that for the first time guaranteed a mother that her child must be registered and provided with a birth certificate. Birth registration is normally done through the father of the child, or his or her uncle, grandfather or other close male relative.

The ruling is significant as it allows mothers to have their children registered and obtain a birth certificate without needing the approval of the child's father or father's family. The court stressed that marital disputes should not prevent the child from establishing his or her legal identity and registering his or her birth.

Source: ACPF 2016g

In 2007, the Federal Supreme Court of Ethiopia, in a court litigation handled by the Children's Legal Protection Centre, passed a landmark decision that set a precedent for Article 3 of the CRC (regarding the best interests of the child) to be the principal consideration in cases concerning children (see Box 8).

Box 8: Upholding the best interests of the child in courts: the experience in Ethiopia

The Children's Legal Protection Centre in Ethiopia was established by the African Child Policy Forum (ACPF) in 2005 to provide legal advice, judicial representation and psychosocial support to children in need. The Centre also engages in advocacy for law and policy reform to ensure adequate legal protection of children and uphold their best interests in laws and enforcement practices.

In 2007, the Federal Supreme Court of Ethiopia, in a court litigation handled by the Centre, passed a landmark decision and set a precedent for Article 3 of the CRC, regarding the best interests of the child, to be the principal consideration for cases concerning children. In this case, the Centre was assisting a 15-year old child and his aunt who has been looking after him since infancy, in litigation concerning guardianship filed by the father following the death of the child's mother, who left behind a large amount of money and property. The court automatically granted guardianship to the father, who was married to another woman and who had been absent for many years, because the law did not provide other individuals with any legitimate grounds to become guardians if either of the child's parents was alive. In such cases, the courts examine only the hierarchy of relationship with the child, and not the child's best interests.

After a reckless squandering of assets left by the child's deceased mother, the Centre complained to the same court about the irresponsible actions of the father, but the court was not willing to entertain the complaint. The Centre then took the case on successive appeals all the way to the Federal Supreme Court, where the Cassation Bench reversed the decisions of the lower courts on the basis of the principle of the best interests of the child. The child's aunt was assigned legal guardianship. This decision resolved any ambiguity regarding direct application of the CRC in Ethiopian courts.

As the Centre embodied good practice in promoting and enforcing child-friendly laws, it was re-established within the Child Justice Project Office of the Federal Supreme Court of Ethiopia. It has continued providing legal representation and psychosocial services to children in contact with the law, and has engaged in publicity activities to improve awareness of children's rights to protection. This model serves as a good example of bridging the gap between laws and policies and their effective implementation.

Sources: ACPF 2013; ACPF 2008

Courts are, however, generally inaccessible to most people in Africa (ACPF 2016a; Penal Reform International 2000). Children are particularly disadvantaged in this regard because of their vulnerability, their dependence on adults and the state, and the formal nature of the courts. Noting the difficulties that children experience in using the judicial system and accessing other relevant institutions (UNCRC 2002), the UNCRC Committee recommends the use of child-friendly procedures, special courts, and programmes offering assistance and support for children to improve their access to justice (UNCRC 2003).

Promising informal monitoring mechanisms to hold governments accountable to children

The various 'formal' mechanisms for holding governments accountable to their commitments to children have merits and demerits. Often, formal mechanisms lack the independence and authority to impose sanctions on governments, even in situations where there are outright violations of basic rights (ACPF 2013). In response to such gaps, there are also informal mechanisms initiated by non-state actors - including civil society

organisations, UN agencies and other international and regional NGOs – to hold governments accountable and improve their performance.

Generally, the diminishment of space for civil society engagement, particularly on matters perceived as ‘sensitive’, such as governance, has limited both the scope and coverage of informal mechanisms of accountability in many African countries. However, there are existing initiatives from which countries can learn. Box 9 highlights some informal mechanisms used to promote greater accountability of government to children.

Box 9: Some tools developed by CSOs to monitor and promote government accountability to children

Generally, systematic interventions by non-state actors in Africa to promote greater accountability to children are limited. Some such initiatives are highlighted below, to provide insight for other practitioners and to encourage them to adopt similar approaches in promoting accountability for child rights implementation at national and sub-national levels.

The South African Child Gauge

The South African Child Gauge is an annual publication of the Children's Institute of the University of Cape Town that tracks South Africa's progress in realising children's rights. It critically examines the links between the state's commitment to children's rights and the reality on the ground, through evidence-based analyses of the status of children and the legal, policy and implementation environment at various levels of administration.

This annual publication bridges the gap between data generators, who often lack the expertise to provide in-depth analysis on children, and policy-makers, who need such detailed information to make informed decisions.

The South African Child Gauge targets multiple audiences, including policy-makers, programme planners and practitioners in government and non-government sectors; academics; civil society working on children's issues; the media; and human rights institutions. Its users recognise that the evidence and analyses in the report provide them with unbiased and independent perspectives on issues facing children and measures that need to be taken to address their problems.

Much can be learnt from *The South African Child Gauge* in terms of systematically and independently monitoring the state of child rights and wellbeing using the most recent available data and information at national and sub-national levels; providing analysis of gaps; and proposing solutions to fill them.

The Child-Friendliness Index (CFI)

The Child-Friendliness Index (CFI) is a quantitative framework for assessing and promoting accountability to children that was developed by ACPF. It serves as an advocacy tool to promote action to enhance compliance and improve the wellbeing of children. Although designed to assess and compare the performance of governments in realising the rights of children at regional level, this framework can be adapted to assess and compare government performance at national and sub-national levels as well. Its applicability at the lower administrative levels was demonstrated by its adaptation and use by the Centre for Child Rights (HAQ) of India to assess and compare the performance of states and examine the overall national situation of children with regards to the implementation of their rights.

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The CFI also serves as a framework to compile and analyse evidence of the state of child rights and wellbeing vis-à-vis national and regional targets and goals. Practitioners in both government and non-government sectors could adapt the CFI for use as a framework for monitoring child rights implementation and promoting action to strengthen accountability to children.

Sources: Children's Institute at the University of Western Cape; UNICEF-Ghana and Center for Democratic Development of Ghana (CDD) (2015); ACPF 2014

It should be noted that, functional systems of data collection, compilation and analysis for monitoring implementation are of critical importance. Although availability of child related data has improved, most countries in Africa are still struggling to establish and maintain comprehensive and coherent systems of data collection and dissemination. Some are developing child-specific indicator systems. Angola, for example, established the Angolan Child Indicator System (SICA), based on 11 commitments made at the Third National Forum on Children; the CRC; and the Millennium Development Goals (UNCRC 2010b). National statistical agencies have, in many cases, been given responsibility to collect data on socio-economic issues; but these agencies often pay limited attention to data concerning children. The provisional results of the 2014 Ugandan Bureau of Statistics national population and housing census, for example, were not disaggregated to show the composition of the child population (Uganda Bureau of Statistics 2014). The potential to improve data collection as a key accountability mechanism lies in strengthening the capacity of national statistical agencies and enhancing their collaboration with the government bodies responsible for coordinating child rights implementation.

Most importantly, governments must aim to establish national child rights observatories that regularly and systematically carry out data collection, compilation, analysis and dissemination on issues relating to children. Through its Renewed Call for Action on the Implementation of the Plan of Action Towards Africa Fit for Children, the African Union has urged governments to set up such observatories for effective child rights monitoring, and to make maximum use of relevant available data from national surveys, censuses, administrative records and other sources.

Limited involvement of children in the formulation and implementation processes

With very few exceptions, there is a striking absence across Africa of effective mechanisms and processes to seek the views of children on implementing their rights. Listening to children's voices is not just a matter of ad hoc consultation at strategic points in the planning and implementation cycles, but rather a permanent mechanism through which to solicit continuous input from children as main stakeholders in these important processes. Children's involvement at all levels, from planning through implementation to monitoring and holding responsible bodies accountable, would help ensure that the interventions responded to their needs. Experience has shown that interventions where children are engaged have a better chance of being effective.

Conclusion

In conclusion, it is important to note that there is a widespread under-estimation of the demand for effective child rights implementation among policymakers and practitioners. The complexities and challenges of child rights implementation have also been hugely under-estimated in the African context, both by governments and by the child rights communities in other sectors. Many fail to see that implementation is a long and protracted process that requires unwavering commitment; and there is often limited awareness of what constitutes effective implementation, and the inputs required to get the process right. Implementation requires sustained political and budgetary support over a long period of time before considerable progress can be made and concrete results achieved. Reaching an understanding of the complexity and underlying challenges, as well as the cost and resources required, is a critical step: such awareness helps policymakers make adequate preparations before they embark on reforms to address the problems.

9

PRIORITY AREAS FOR ACTION

The experience and lessons of the last 25 years of child rights implementation show that a business-as-usual approach does not work and that fundamental change is required – change that creates an attitudinal, structural and operational environment with functional accountability mechanisms that is conducive to child rights implementation. The analysis and findings in this report indicate numerous bottlenecks impeding the smooth functioning of implementation in most African countries. Action is long overdue and urgent measures must be taken to fix the problems.

The six priority areas for action required to transform child-focused structures, systems and mechanisms and enhance their performance in effectively realising the rights and wellbeing of children are as follows:

1. Governments need to articulate and develop shared visions for children that can serve as overarching national frameworks for action, and which enjoy strong political support and sustained commitment for their materialisation.

Lack of a common vision for children is an impediment to the progressive realisation of their rights. Governments must develop a well-articulated vision for children that can guide the legal, policy and administrative actions needed to give effect to all children's rights. Such a vision would also help in mobilising political and budgetary support.

Visions for children must be based on a thorough assessment and analysis of the state of child rights and wellbeing in the country, with a focus on the situation of vulnerable groups. This would serve as a basis for defining short-, medium- and long-term measures, and providing a common plan of action for children across the country. This in turn enhances coordination of implementation efforts, and contributes to the achievement of targeted goals.

2. Concrete measures must be taken to build the capacity of government bodies mandated to implement and coordinate child rights at all levels

The capacity of government bodies responsible for children's affairs, and how well they are funded to perform their mandates, strongly affects the progress that can be made in child rights implementation. Governments thus need to enhance the capacity of these structures and give them the authority and resources to develop plans of action and effectively coordinate national programmes that target children.

Deliberate measures must be taken to elevate the political profile and credibility of ministries and agencies for children so as to reverse the current negatively reinforcing cycle in which they get an inadequate budget because they are seen as ineffective.

Coordinated measures must be taken to address the deficit of professionals in the field of child rights, and to retain those in service by creating a good working environment, introducing attractive remuneration and benefit packages, and recognising how their services contribute to national development.

3. Cross-sectoral and hierarchical mechanisms dedicated to coordinating child rights implementation efforts must be established at national and sub-national levels.

The multidimensional nature of children's rights means that effective coordination is needed to drive implementation at all levels. Although there is no single model for coordinating child rights implementation, lessons from current practices show that effective mechanisms hinge on factors relating to the level of authority of the coordinating body; the availability of financial and technical resources; leadership; effective accountability mechanisms; and the participation of stakeholders from governmental and non-governmental sectors – including children.

Governments should revise their coordination mechanisms to ensure that they are fit for purpose. More specifically, the coordinating body should:

- Have a dedicated and clear mandate, conferred by law
- Have adequate political authority through its position in the government's decision-making hierarchy
- Be integrated into government-wide decision-making and accountability structures, to ensure continuity and accountability for implementation across the political and administrative spectrum
- Include representation from all line ministries to ensure their commitment and accountability to the national vision through appropriate sectoral policies, plans, budgets and reporting mechanisms
- Have regional and sub-regional reach and be able to effectively coordinate and ensure synergy of intervention between national, state and local levels
- Have adequate human and financial resources for its operations
- Have clear modes of collaboration with supra-national bodies, including in cross-country collaboration.

The overarching coordination structure must also involve traditional leaders as key actors to deal with culturally sensitive issues and address practices inconsistent with children's rights.

On their part, governments must strengthen efforts to raise awareness of these rights, influence attitudes and cultural norms (particularly among community leaders), and promote practices that respect child rights at all levels.

4. Accountability systems at all levels of governance need to be strengthened by building their capacity, investing in data collection and dissemination, enhancing monitoring, and empowering independent human rights institutions and the media.

A functional monitoring and accountability system is critical in order to track progress towards realisation of the national vision.

Governments need to put in place effective integrated horizontal and vertical accountability systems and mechanisms that facilitate internal self-monitoring and quality improvement processes. Governments should also ensure adequate political,

financial and administrative authority and resources for independent accountability mechanisms.

Governments should ensure the development and resourcing of adequate internal data collection, performance management, monitoring and evaluation and quality improvement systems within government structures. As is evident from the experiences in the few countries with national child rights observatories, these mechanisms are effective for monitoring and for enhancing accountability systems. National child rights observatories serve as independent monitoring mechanisms, regularly providing up-to-date evidence on child rights and wellbeing that other structures can use in their routine activities.

5. Further commitment is needed to increase budget allocations to structures, sectors and programmes benefiting children, and to ensure that these budgets are used efficiently.

Ensuring adequate investment in children is critical to achieving the implementation of their rights. Governments are urged to improve implementation of child rights by ensuring that adequate resources are allocated, including mobilisation of development cooperation, for effective planning, implementation, coordination, monitoring and accountability at all levels of governance.

Corruption and malfeasance are commonplace in many countries in Africa. These factors, together with weak public service delivery systems, severely limit the efficient use of resources, which are often already limited. Combating them should be an integral part of the national effort to implement children's rights. Governments must take measures to control corruption and strengthen public service systems. In so doing, they can free up resources for children that would be lost otherwise; be more efficient in using those resources; and achieve better child wellbeing outcomes.

6. Measures must be taken to enhance children's involvement in the implementation of their rights.

Governments must put in place systemic functional mechanisms for the routine involvement of children in decisions that impact on them. This will ensure more efficient, effective and responsive implementation of child rights.

The six priority areas for action

1. Articulate and develop a shared vision for children with achievable targets, that enjoys strong political support and sustained commitment from all role-players. This must be accompanied with a comprehensive plan of action for its realisation, strategies, and adequate budgets for effective implementation.
2. Take concrete measures to build the capacity of government bodies mandated to implement and coordinate child rights at all levels.
3. Establish, at national and sub-national levels, a cross-sectoral and hierarchical mechanism dedicated to coordinating child rights implementation.
4. Strengthen accountability systems at all levels of governance by building their capacity, investing in data collection and dissemination, enhancing monitoring, and empowering independent human rights institutions and the media.
5. Increase budget allocations to structures, sectors and programmes benefiting children, and ensure that these budgets are used efficiently.
6. Enhance children's involvement in the implementation of their rights.

10

THE FINAL CALL

The achievements of the last few decades have created the momentum for governments to do even better in transforming Africa. The last two years, especially in the context of the post-2015 development agenda, have provided impetus for further reflection and strengthening of the aspiration to grow, develop and prosper. The African Union's Agenda 2063 to build 'The Africa We Want' is a good example of the resolve to mobilise people, institutions and resources to make it happen. But such a grand agenda requires conscious effort at all levels to enhance implementation capacity and strengthen accountability systems. It is an imperative task with great moral, political, social and economic significance. It is a task to which all stakeholders, particularly governments, must pay close attention.

The sustainability of on-going development endeavours depends greatly on how much we invest in today's children, to prepare them to carry progress into the future. This entails ensuring the capacity and effectiveness of the structures, systems and mechanisms that play this role. Urgent and incremental actions must be taken, starting now, to transform how these institutions and systems function, making them efficient and effective. In this way only will they deliver on their main mandate: progressively implementing all children's rights; improving children's overall wellbeing; and ensuring children's active engagement in the social, economic and political endeavours of their countries.

The path towards sustainable development and full realisation of human rights has at its core long-term policies and courageous decisions that benefit the child from the very earliest years of childhood. It requires measures to significantly improve the effectiveness of public action and forge new partnerships with families and communities, shaping the agency of the child and creating more child-friendly societies. Only then that can we, as responsible Africans, fulfil our duty to create and support the new generation of leaders, scientists, technicians and practitioners in all spheres of development – those who will sustain and accelerate the momentum of change, transforming Africa into the continent that we all want.

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