



**‘Realising ECDC through the SADC Protocol on Children’:
Regional Trends**

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ABOUT CRNSA



NSA is a regional network of 11 national child rights networks.

Our vision: *'A Southern Africa where children's rights are respected, protected and fulfilled.'*

Our Goal: *'To strengthen child rights governance in Southern Africa' and in order to fulfil its vision and to realise its goals, strengthen child rights networks and children as rights holders to promote practices and policies that facilitates the promotion of children's rights, welfare and child participation.*

Our Mission: CRNSA strives to ensure that country level children and child rights networks have adequate and appropriate child development and child participation mechanisms, ensuring that children are active participants in decisions that affect them.

Beyond children and civil society organisations; CRNSA engages with regional and international institutions which include the Southern African Development Community (SADC) and the African Union (AU) in order to improve the quality of life for all children in the region and Africa

Our Motto: ‘Stronger Together For Children’

THREE STRATEGIC PRIORITIES



1. INTELLIGENCE, EVIDENCE AND KNOWLEDGE FOR INFLUENCING



2. STRONG CIVIL SOCIETY VOICE, ACTION AND MOVEMENT FOR CHILD RIGHTS



3. INSTITUTIONAL DEVELOPMENT FOR EFFECTIVENESS AND SUSTAINABILITY

CRNSA Members

Country	Name of Network	Status of Network
Angola	Angola Child Rights Coalition	The coalition is not registered
Botswana	Botswana Child Rights Coalition	Botswana Child Rights Network (ongoing registration proc)
Lesotho	Letsema Child Rights Network	The network is registered
Malawi	NGO Coalition on Child Rights	The network is registered
Mozambique	Rede da Crianca	The network is registered.
Namibia	Namibia National Child Rights Network	The National Child Rights Network is establishing itself
eSwatini	Children’s Consortium	The Consortium is under the ambit of Coordinating Assembly of NGOs (CANGO).
South Africa	South African Child Rights Coalition	The Coalition is not registered
Tanzania	Tanzania Child Rights Forum	The Network is registered.
Zambia	National Child Rights Forum	The National Child Rights Forum is not registered
Zimbabwe	Zimbabwe National Council for the Welfare of	The network is registered

The ECD Landscape in Africa

Global Level:

- UNCRC & CRC General Comment No. 7
- Sustainable Development Goal 4 Target 4.2

Regional Level:

- ACRWC & General Comment on Article 1
- AU Agenda 2063 & AU Agenda 2040
- AU CESA ECED Cluster, specific objectives related to ECD
- Five out of 8 RECs have policies which make some reference to early childhood care, development and education. (SADC, EAC, IGAD, COMESA and ECOWAS)

National Level:

- Forty-eight (48) out of the 55 African states have policy documents addressing ECD



LINKAGES – ECD & BROAD CHILDREN’S RIGHTS

General Children’s Rights Principles



1. Non discrimination (Article 2)

- Education, Protection, Nutrition, health (ECD) with focus on all children –diverse in status, literacy, socio-economic status, tribe/nationality, ability/disability, age, gender, rural/urban

2. Best interests of the child (Article 3)

- What can be done for a child being facilitated to grow up healthy and feeling protected or loved for self worthiness and seizing opportunities

3. Right to life, Survival and Development (Article 6)

- One becomes alive if they are free of diseases, can get information, eats well and is protected and can play

4. Respect for the views of the child (Article 12)

- Recognition that children are rights

These are well connected as one is an indicator of the other.

If children develop well and enjoy their childhood within the early ages of their growth, it means their rights are being fulfilled/promoted/respected

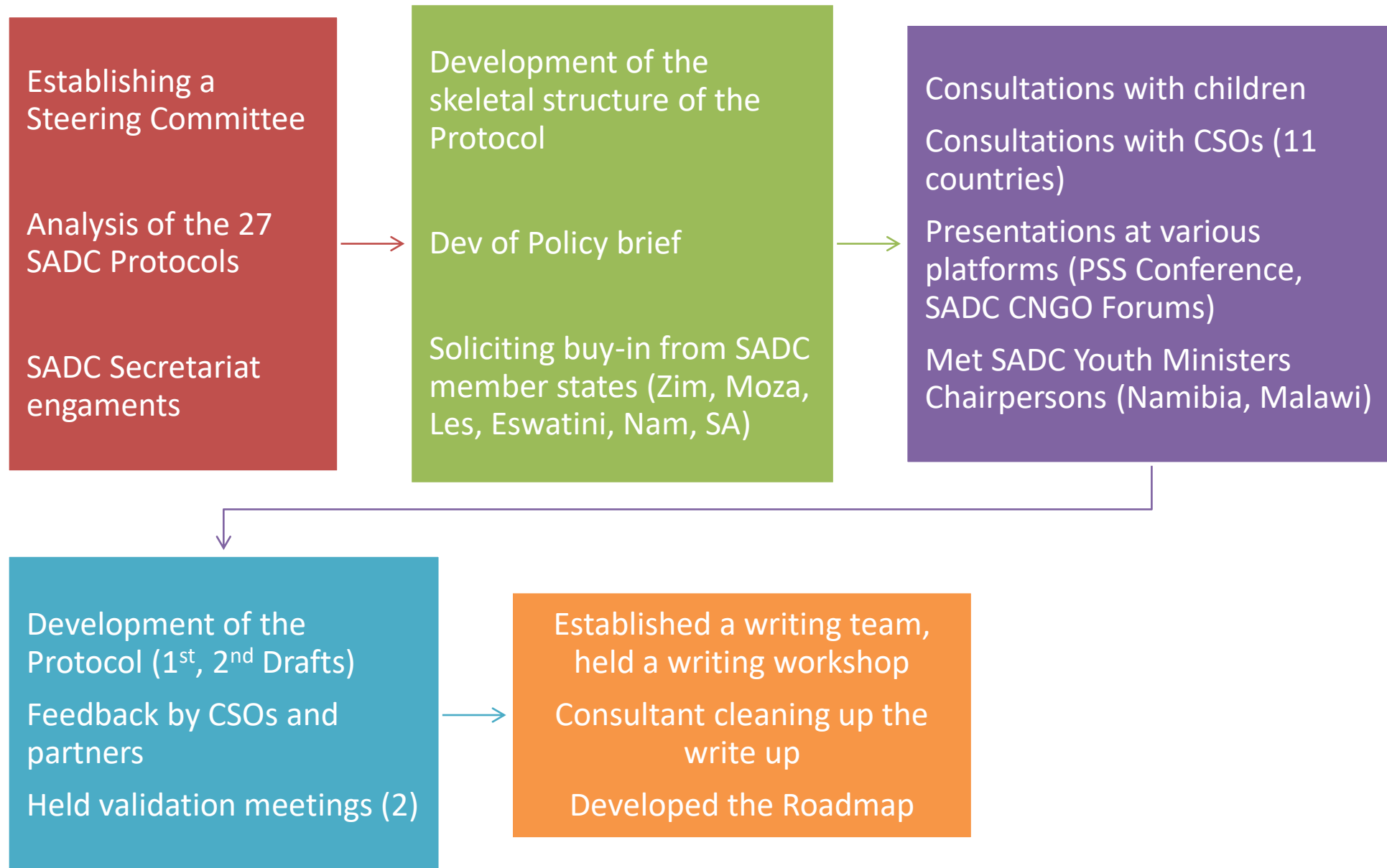
If children’s rights are provided for and promoted, children will enjoy their childhood and develop into self worth individuals

Question: What can we do to ensure that ECD is promoted for the enjoyment of rights by children?

BACKGROUND TO THE SADC CHILD RIGHTS PROTOCOL

- Children constitute more than 45% of the Southern Africa population. It is imperative for the region to give special attention to the aspirations and rights of such a significant population.
- Even though the member countries have done well in ratifying child rights instruments like the UNCRC and the ACRWC, the ratification has barely made children to realise their rights. The region is still bedevilled by a myriad of challenges for children leading to questions being asked whether the already ratified instruments are enough.
- The Child Rights Protocol was considered as important to move the region from an era of paying lip service to member states' regional commitments into one in which they will be compelled to act through the process of an obligatory, action oriented child rights framework

OVERVIEW OF THE PROCESS ON THE SADC PROTOCOL ON CHILDREN ADVOCACY AGENDA



JUSTIFICATION

Principle of subsidiarity

- While the primary responsibility for addressing many issues facing children rests with the member states at national level, there is a sub-regional and transnational dimension to the protection of children.
- A protocol at sub regional level is an opportunity to articulate in a nuanced manner some region specific child rights issues.

The demographic imperative

- The population of the region is “young”, with children 0-14 (42%) and children and youth 0-34 (75.7%)
- Turning the demographic bulge into a dividend needs to be deliberate linking the social policy to the economic policy

Structural gaps in existing protocols

- None of the current 27 Protocols of SADC specifically address challenges, rights and needs of children and young people comprehensively.
- Eight sector Protocols make partial mention of children in narrow specific contexts.

Transborder child rights violations

- More and more as regional bodies push for integration, this brings with it issues of migration, trafficking and unaccompanied children, drug trafficking and subsequent abuse etc
- There is another dimension of issues of commonalities within the SADC countries such as limited public investment in children, harmful social and cultural practices and

Conduits for the realisation of Vision 2063 and RISDP

- The strategic plan for SADC will not be achieved without meaningful investment in human development



SADC PROTOCOL ON CHILDREN JUSTIFICATION

- **Implementation of CRC & ACRWC – State Parties Reporting (SADC Member States -MS)**

Legislation: “Ratified international and regional treaties and conventions are not binding unless they are domesticated by a national legislation” (ACERWC)

- All SADC MS ratified the CRC; & all but Swaziland and Zambia ratified the ACRWC.
- All MS not ratified Optional Protocol to the Convention on the Rights of the Child on a communications procedure, April 2014
- Botswana and Malawi not ratified the Convention on the Rights of Persons with Disabilities, 2006, and are joined by Comoros, Lesotho, Madagascar, Mauritius the Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006
- 2/ 9 UN Core Conventions (Convention on the Elimination of All Forms of Discrimination against Women, 1979 & Convention on the Rights of the Child, 1989 ratified by all MS

National: All MS have laws, policies, programs and institutions on children’s rights, but:

- Plural legislation not harmonised nationally and sometimes not aligned to CRC /ACRWC
- Poor implementation of legislation across MS
- In few MS – huge backlog of parliamentary adoption of legislation
- Enforcement and adequacy of laws also a challenge

Table 1: Procedural and Technical Typologies of SADC Protocols

Procedural protocols	Technical protocols
SADC Protocol on Immunities and Privileges	SADC Protocol on Energy
SADC Protocol on Shared Watercourse Systems (Replaced by Revised Protocol)	SADC Protocol on Transport, Communications and Meteorology
SADC Protocol on Tribunal and Rules of Procedure	SADC Protocol on Combating Illicit Drugs
SADC Protocol on Wildlife Conservation and Law Enforcement	SADC Protocol on Trade
SADC Protocol on Legal Affairs	SADC Protocol on Mining
SADC Protocol on Shared Watercourses	SADC Protocol on Fisheries
SADC Protocol on Politics, Defence and Security Cooperation	SADC Protocol on Forestry
SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in SADC	SADC Finance and Investment Protocol
SADC Protocol on Extradition	SADC Protocol on Science, Technology and Innovation
SADC Protocol on Mutual Legal Assistance in Criminal Matters	
SADC Protocol against Corruption	

SADC REGIONAL FRAMEWORKS.....

Table 2: A child rights analysis of SADC Thematic Protocols

Legal Instrument	Date of Entry into Force	Total Number of Countries Which Have:				Child rights analysis of the Protocols
		Ratified	Ceded	Signed	Adopted	
Treaty of SADC	30/09/1993	10	3	0	0	The Treaty understandably covers 'all peoples of the region' without necessarily identifying specific groups. In the general undertakings section however, the Treaty places premium on non-discrimination on various grounds although age is not one of them. Non-discrimination is one of the pillars of child rights work as outlined in African Charter on the Rights and Welfare of the Child (ACRWC) Article 3.
SADC Protocol of Education and Training	31/09/2000	11	0	1	0	The Protocol on Education and Training Development in SADC identifies the areas of cooperation as follows: basic education, intermediate education and training, higher education and training, research and development, life-long education and publishing and library resources. The Protocol further gives guidance on institutional arrangements for implementation of the Protocol as well as resources and scholarship fund assists. Article 5 of the Protocol attends to key aspects necessary for basic education such as relevant curricular that is organic to the community; the idea of providing universal basic education; affirmative action for the disadvantaged groups. This article is in consonance with some of the provisions of the United Nations Convention on the Rights of the Child (UNCRC) Article 28 and Article 11 of the ACRWC.
SADC Protocol on the Development of Tourism	26/11/2002	9	0	2	0	The Protocol sets out SADC's objective to build upon the region's potential as a tourist destination. SADC intends to ensure even distribution of tourism development throughout the region and to create a favourable environment for tourism, thereby using tourism as a vehicle for socioeconomic development. To facilitate these plans, Member States agree to encourage private sector involvement in the industry through incentives, infrastructure, and a regulatory framework that encourages their participation. The protocol does not cover involvement of children in the tourism sector through sexual exploitation. This is a growing phenomenon in southern Africa which would need a systematic regional response. Articles 32 and 34 of the UNCRC covers this aspect comprehensively. Unfortunately, the protocol did not consider the nuances that exist since research has been showing that children are prone to sexual exploitation in some tourism hot spots
SADC Protocol on Health	14/08/2004	9	0	4	0	SADC Member States signed the Protocol on Health on the 18th of August 1999 to coordinate regional efforts on epidemic preparedness, mapping prevention, control and where possible the eradication of communicable and non-communicable diseases. Education and training, efficient laboratory services and common strategies to address the health needs of women, children and vulnerable groups are discussed within the Protocol. The challenge however is that the protocol does not capture the spirit of Article 24 of the UNCRC and Article 14 of the ACRWC on guaranteeing the enjoyment of the highest attainable standards of health. There seems to be an assumption that quality is guaranteed as well as that child sensitive services are available.
SADC Protocol on Culture Information and Sport	07/01/2006	9	0	4	0	To re-enforce the central role played by culture and sport in the integration and co-operation of the Member States of SADC, the Protocol on Culture, Information and Sport was developed in 2001. The Protocol is guided by the following general principles: striving to develop policies and programmes in the areas of culture information and sport; Pooling of resources (expertise, infrastructure facilities) by Members States; Commitment to enhance a regional identity in diversity and the right of access to information and participation in the areas of culture, information and sport by all citizens. The scope of culture covered in the protocol <u>does not</u> address some harmful cultural practices that violate children's rights as captured in Article 21 of the ACRWC which provides for states parties to 'take appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child' Articles 13 and 17 of the UNCRC address the issue of access to information for children.
SADC Protocol on the Facilitation of Movement of Persons	Pending	1	0	6	0	This protocol has not yet entered into force. It however addresses a pertinent issue of child migration and statelessness . If it receives enough signatures, it can help in making children's rights be realised through synchronised member states responses to children on the move. The protocol itself did not recognise children as a special group whose movement needs extra care and attention, it however provides wholesome guidelines for member states to follow in dealing with movement of persons
SADC Charter of Fundamental Social Rights	Pending			11		The overall objective of this Charter is to facilitate through close and active consultations amongst social partners, a spirit conducive to harmonious <i>labour relations</i> within the region. The Charter promotes the formulation and harmonisation of legal, economic and social policies and programmes, which contribute to the creation of productive employment and opportunities and generation of incomes in Member States. While the Charter was a unique opportunity in addressing social rights as its name suggests, it unfortunately focused primarily on labour rights, which is not enough to take care of the plethora of child rights issues that are in the region.
SADC Protocol on Gender and development	08/09/2008					The Protocol aims to provide for the empowerment of women, to eliminate discrimination and achieve gender equality by encouraging and harmonising the development and implementation of gender responsive legislation, policies and programmes and projects. There is focus also on the girl child which enhances the realisation of children's rights. This protocol can therefore be used to buttress child rights work in the SADC region since there is a deliberate effort to focus on the girl child.

CURRENT FOCUS OF THE PROTOCOL

FOCUS AREAS

DEFINITIONS, OBJECTIVES, GENERAL PRINCIPLES, AND IDENTITY	Definitions , Goal and Objectives, General Obligations, General Principles of Child Rights	
CHILDREN'S SUBSTANTIVE RIGHTS	The Right to Name, Nationality and Identity; Universal Birth and Death Registration; Protection from Violence; Protection of Children Online;	
	Protection from Corporal Punishment; Protection from Drug and Substance Abuse; Children with Disabilities; Children with Albinism; The Families and Alternative Care; Separation from Parents and Alternative Care; Adoption of Children; Child Migration (Children on the Move);	
	Protection of Children from Trafficking and Modern Slavery; Natural Disasters and Public Health Emergencies; Armed Conflict; Refugee and Internally Displaced Children; Protection of Children in Street Situations; Adolescent Pregnancy and Child Mothers; Child Labour	
	Climate Change and Children's Rights;	
CHILDREN'S HEALTH	The Right to the Highest Attainable Standard of Health; Mental Health and Psychosocial Support; Reproductive Health and Rights; Children and HIV and AIDS; Food and Nutrition	
QUALITY AND RELEVANT EDUCATION	The Right to Education; Early Childhood Development (ECD)	
CHILDREN IN THE JUSTICE SYSTEM	Children in Contact with the Law; Children of Imprisoned Mothers	
MATTERS OF EMPHASIS	Early Childhood Development; Child Rights and Business; Child Rights Emergency Response; Climate Change	
	Mental Health and Psychosocial Support ; Child Poverty ; Child Rights Governance and Accountability	
FINAL PROVISIONS	Remedies; Settlement of Dispute; Withdrawal; Amendments; Amendments; Ratification; Entry into Force; Accession; Depositary	

ECD WITHIN THE SADC PROTOCOL ON CHILDREN

Over and above those ECD related provisions under Health and Education; specifically the Protocol calls for:

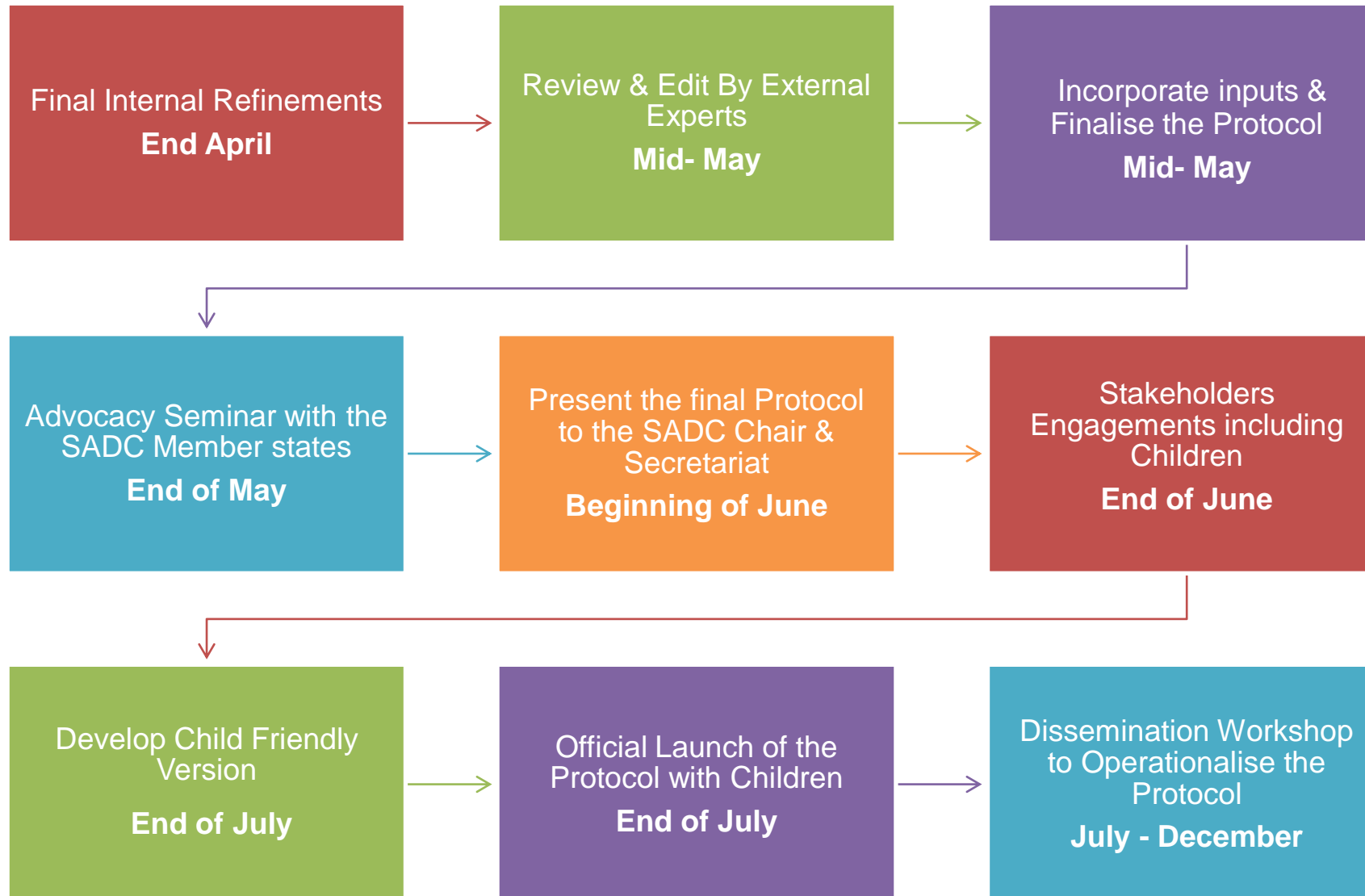
- Ensuring that ECD legislation, policies and guidelines that support inclusive, accessible and quality pre-primary, primary and secondary education are formulated, implemented, monitored and reported on.
- Integration and strengthening ECD policies, guidelines and strategies into whole-of-government, inter-ministerial and multi-sectoral approaches to ECCE planning and budgeting covering all domains of quality ECD provision, services and programmes.
- Protection and mobilization financial resources for ECD through increased public expenditures to 10% of public education budget and well-regulated partnerships, including with the non-profit, private and social sectors through just allocation for more equitable and efficient targeted underserved populations beneficitation through innovative financing mechanisms.
- Strengthening ECD systems including the recruitment, qualifications and working conditions of all ECD personnel and improve regulatory and quality assurance frameworks, striving towards policies and interventions on equal qualifications, certifications, wages and status of ECD personnel.
- Establishment and provision mechanisms, resources for identification of children with developmental delays, disabilities and special needs at ECD for early prevention, referral and management.
- Ensuring quality learning for all children, including foundational literacy, numeracy and social-emotional skills, to facilitate their development and transition from home to pre-primary and pre-primary to formal primary education with attention to mother tongue language of instruction.
- Provision of diversified ECCE learning spaces, facilities and practices for all children to learn and beyond schools, including in households, communities, playgrounds, museums, libraries and other places in their immediate environments.

- Ensuring universal access to good-quality day care or nurseries for children 0-3 year, as well as free, compulsory, inclusive and accessible pre-primary and primary education.
- Promotion and establish exclusive breastfeeding and ensure appropriate health care for expectant and nursing mothers and that mothers and enforce that working mothers are provided with at least three months and father fourteen days paid leave to nurse their children.
- Ensuring that all children 0-8 years in all institutions are provided with diversified and nutritionally balanced meals.
- establishing functional measures that ensure prevention of mother to child transmission.
- establish functional effective measures to prevent and eliminate stigma and discrimination experienced by children living with HIV, both on an institutional, community or individual level
- provision health assessments and early childhood development (ECD) information systems to monitor growth and developmental milestones.

CHALLENGES

- Non-existence of child sector at SADC level; children's issues decided for by SADC Youth Ministers who meet once in 2years
- 1 year Rotational Chairmanship rotation at SADC: minimal impact
- Duplication of efforts and audience fatigue - creating synergies
- Advocacy is a long term commitment and needs resources (technical and financial), e.g the lengthy process to promulgation of the Protocol- Government (ownership/championing, briefing Ministers), SADC Secretariat (agenda/guidance), SADC Youth Ministers' Chair and Ministers (Agenda, approval), SADC Council Ministers (resolution), SADC Heads of State Summit (signing), CSOs/Govt, Parliament (ratification, domestication, awareness raising)

NEXT PRACTICAL STEPS



CONCLUSION

- A SADC Protocol on children is a legal, moral, ethical, and economic imperative for facilitating investment in ECD, as a panacea to Africa's development.
- The Protocol will aid a call for action for increased government investment and accountability to integrated ECD in Africa; harnessing the existence of strong civil society networks on children's rights/ECD
- The Protocol requires the political will of AU Member States, concerted efforts from the AU, RECS, NHRI, CSOs and other key stakeholders towards a common children's rights at sub-regional level and the ECD agenda.



Facilitated and owned by Governments – SADC member states

Indeed we are '*Stronger Together*' - lets all contribute to An Africa fit for Children and Children fit for Africa (more partners needed)

These partners have walked the journey with CRNSA at various levels and we wish to thank them



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