



# *The African Charter on the Rights and Welfare of the Child: Simple Copy or Contextualized Supplement to the Convention on the Rights of the Child?*

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## *Abstract*

*The Convention on the Rights of the Child adopted in 1989 devotes all States community's attention to children; thus, translating the rights of the Child into legal terms. And since the Child occupies an important place in the cultural context of a given region, the rights should reflect this assertion. In Africa, an African Charter on the Rights and Welfare of the Child has come to meet this requirement.*

*This article examines whether or not the African Charter is a mere copy of the Convention. In addition to being a continuation of the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child constitutes an adapted instrument, an adequate response for the effective protection of the rights of the Child. The article attempts to demonstrate the originality of the African framework to protect children's rights and possible improvements to make the framework more effective.*

**Keywords**— Rights of the Child, Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child, Universality, African Context.

## *I. INTRODUCTION*

The protection of human rights is fundamental to the international community. International conventions protect all human beings; this includes the two international covenants relating to civil and political rights and economic, social, and cultural rights. In addition to this general protection of human rights, specific protection has been developed to strengthen certain special categories' protection, such as refugees and children. Within this framework, the adoption of the Convention on the Rights of the Child (CRC), hereinafter “the Convention on the Rights of the Child,” takes place. It is a specific universal instrument for the protection of



the rights of the Child throughout the world. It recognizes children’s rights and sets up a mechanism to monitor their implementation by establishing the Committee on the Rights of the Child (hereinafter “the Committee”). With the Convention on the Rights of the Child, the Child has become a subject of law and no longer a mere object of attention. As author Géraldine Van Bueren points out, “[t]he recognition of the child’s legal personality is the precondition of recognition as a rights holder.”<sup>1</sup> Thus, children gain access to a new status that they did not have before.

In pursuit of the objective of protecting children, a conventional instrument has been adopted on the African continent: the African Charter on the Rights and Welfare of the Child (ACRWC), hereinafter “the African Charter.” Thus, the African Charter constitutes the specific regional instrument for the Child’s protection on the African continent. This Charter also affirms children’s rights and establishes a monitoring body, the African Committee of Experts on the Rights and Welfare of the Child (hereinafter “the African Committee”). The African Charter also recognizes the Child as a subject of law. Author Chirwa tells us that “[t]he Charter

joins the CRC in recognizing children not only as people in need of protection but as autonomous beings as well.”<sup>2</sup> In this regard, the two instruments proceed from the same philosophical starting point: children are a subject of law, and they are not an object of the law.

However, a fundamental question arises: what is the nature of the connection between the two instruments to protect the rights of the Child, a simple extension or an adaptation of the first by the second? Since the African Charter anchors the rights and mechanisms in the values of African cultural heritage while recognizing its affiliation to the Convention, one is led to wonder apropos of the idea of an African philosophy of the Child’s rights.

First, we will examine the African Charter on the Rights and Welfare of the Child’s dual material and organic adaptation. Secondly, we will see that this dual adaptation is not exempt from limitations, although it presents real prospects for adequate protection of children’s rights in Africa.

## II. MATERIAL ADAPTATION OF THE AFRICAN CHARTER OF THE



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## *RIGHTS AND WELL-BEING OF THE CHILD*

### *A. THE GENEROUS DEFINITION OF THE CHILD IN THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD*

The African Charter offers a more rigid definition of a child, considering it defines a child as “every human being below the age of 18 years.” This definition is also broader because it covers several categories of children of different ages and statuses (emancipation does not prevent a child from enjoying the protection offered by the African Charter). The definition of the Convention is more flexible. As stated in the Convention, a child is “every human being below the age of eighteen years unless, under the law applicable to the Child, majority is attained earlier.”

Consequently, the Child’s definition contained in the African Charter is more generous than that of the Convention on the Rights of the Child. Besides the definition, more rigorous principles are affirmed in the African Charter. By way of illustration, the principle of non-discrimination goes beyond grounds defined by the Convention on the Rights of the Child. In the African Charter, this principle includes, in

particular, the status and birth of the Child. The Child’s best interests principle is considered the primary consideration and not one of the primary considerations.

This definition impacts the protection of the African Child, particularly to suppress the phenomenon of recruitment and enlistment of child soldiers. The latter is a typical example of taking into account the problems facing African children. It is the continent that is home to a large number of child soldiers.<sup>3</sup> The Liberian, Sierra Leonean, and Congolese conflicts are living examples of it.

This strict definition is a significant contribution to international humanitarian law. No participation of children under the age of 18 is permitted under Article 22 of the African Charter.<sup>4</sup> It, therefore, takes African realities into account above all in trying to find a solution to the odious phenomenon of child soldiers, more present in Africa than elsewhere. It constitutes a positive enrichment to international humanitarian law. The adoption of this definition makes the provision of Article 22 of the African Charter one of the most advanced in international law, affirms F. Bugnion.<sup>5</sup> It goes beyond the prescriptions of the 1949 Geneva Conventions and their



additional protocols of 1977. It should be recalled that the Convention on the Rights of the Child was a clear step backward on this matter compared to existing international law.

Fortunately, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict has corrected this mistake.

### *B. THE COMBINED PROTECTION OF THE CIVIL AND SOCIAL RIGHTS OF THE CHILD*

Unlike previous declarations, the Convention on the Rights of the Child is a binding treaty that recognizes the children's rights. As Professor Carmen Lavallée says, the Convention on the Rights of the Child is above all "a true charter of the rights of the child."<sup>6</sup> The African Charter also recognizes rights in favor of children. It is also a binding convention for states, unlike the declaration that preceded it. Furthermore, the African Charter imposes firm obligations on States to respect the civil and social rights of the Child without reservation as to available resources (art.1, ACRWC), contrary to the Convention on the Rights of the Child, which links the fulfillment of social rights to the availability

of national resources. In general, social rights are collective rights and provide great protection for the family.<sup>7</sup> The family's protection constitutes one of the foundations on which the African Charter is based.

By establishing the principle of equal civil and social rights, Article 1 of the African Charter is a step forward to affirming social rights' justiciability. It is unyielding while the position of the Convention on the Rights of the Child is more flexible at this level. In contrast, nowadays, the justiciability of social rights is no longer contested as the author Chirwa underlines: "It is now accepted that economic, social and cultural rights entail negative obligations and therefore can be enforced immediately."<sup>8</sup>

It was expected that the African Charter would seize the opportunity to define social rights, clarify states' obligations, and set the modalities for social rights' justiciability at the domestic and regional levels. However, it would be ineffectual to put the two types of human rights within the same category if we do not develop the means of practice for one of them, in this case, social rights. Especially that beyond the rhetoric, a reality remains; the application of these two types of rights differs slightly. Social rights



require more positive action, while most civil rights require negative action (abstention) from the State. Indubitably, this distinction is not radical.

Why such an insistence regarding the social rights of the Child in Africa? It can be explained by poverty and lack of resources in the continent. Maternal and infant mortality, malnutrition, and other factors constitute severe violations of children's social rights that proper implementation of these rights could eventually resolve. Africa's distress demands that we do not neglect social rights, which can remedy many evils and reach a large number of people. The fundamental reason for the combined inclusion of social and civil rights stems from the poverty phenomenon on the African continent. Therefore, it is a question of realism, and considering the continent's situation grappling with significant economic problems, to pay attention to the social rights of the Child.

This inclusion is consistent with the evolution of international human rights law. Beyond any shadow of a doubt, social rights are no longer second-rank rights. This assertion thus enriches international human rights law. It has the merit of bringing the debate on justiciability to the realm of

positive law. The question is no longer whether social rights are justiciable, but rather how to achieve their justiciability. Considering the debate surrounding the question has been around for decades, this is a clear step forward.<sup>9</sup>

### *C. THE INSISTENCE ON THE RESPONSIBILITY AND DUTIES OF THE CHILD*

Recognizing the Child's rights brings to mind the image of the child-king — the Child who has all rights but no duties. On the one hand, there is an apparent contradiction between the wish to advocate for the Child's autonomy and only granting rights without any responsibility arising from these rights. Those irritated with the belief that there is an inflation of children's rights and that this inflation is likely to deprive the Child of more protection than is conferred are justified. In terms of law and even more so in terms of human rights, especially, duties are the other side of rights. The African Charter takes the opposite approach. While recognizing the rights of the Child, it also confers duties on the Child.<sup>10</sup>

More than the Convention, the African Charter emphasizes both the rights and



duties of the child (art. 31, ACRWC).<sup>11</sup> These duties are to respect their parents, to serve the community, and many others. The Child's duties mark the position of the African Child as an actor in the community and not as a simple individual endowed with rights but devoid of obligations. As A. De Waal points out, children "... are not simply 'future potential,' receptacles for learning, but they are active and contemporary social, political and economic actors in themselves."<sup>12</sup>

Is this insistence on duties by the African Charter not a constancy in the African philosophy of human rights? The international, regional instrument for the protection of human rights, the African Charter on Human and Peoples' Rights, mentions the duties of the human being in its articles 27 to 29. P. Erny notes that the Child is a member of the community from the beginning. "The child," he emphasizes, "is actively involved; he/she learns to bear the weight of real responsibility, he/she sees himself/herself integrated into the activities of the society as a whole, but in a way that is his/her own."<sup>13</sup> There can be no rights without responsibilities. Empowering the children even allows them to learn their own autonomy and, above all, to actively

take part in running the community according to their own abilities. "Isn't it contradictory to want both protection rights and capability rights? Can there be rights without responsibilities?" asks D.Youf.<sup>14</sup> To these questions, the African Charter provides an answer. The rights of the Child go hand in hand with the gradual responsibilities of the Child.

The notion of the Child's duties confirms the anchoring of the African Charter in the human rights' general theory, rights and obligations being two sides of the same coin. If this is true for the recognized human rights of adults, it should not be any different for the rights of the Child.

#### *D. FAMILY SOLIDARITY AS AN INSTITUTION FOR THE PROTECTION OF CHILDREN'S RIGHTS*

The family still constitutes a solid social structure in Africa, and the African Charter takes this into account by giving the family its rightful place in the child protection system. In Africa, the social foundations are still solid. There is a singular conception of the African family. The family is "understood very broadly since it is not a question of the small family restricted to



spouses and children born from the marital union. On the contrary, it is rather a question of the large family extended over time and which ranges from the eponymous ancestor, a mythical character, to all of his descendants.”<sup>15</sup> This strength forms the basis of child protection. In Africa, child protection is primarily the responsibility of the whole community. The African Charter gives a great place to the family. Article 5 of the African Charter refers to it. We see quite often that social structures in Africa fill the weakness of state resources. For A. B. Nsamenang, “[t]he extended African family is the primary sociological garden in which children begin cultural learning and training in responsibility.”<sup>16</sup> This statement also ties in with the notion of duty discussed above.

The Convention also mentions it, but the family has more weight in the African text. The Convention certainly reaffirms this, but there are no clues given as to the actual place of the family. S. Goonesekere also discusses the importance of the family in the protection of the Child. He essentially states that “[t]he concept of the child rights does not separate from family and community but has the rationable of enabling a child to grow into socially

responsible adult life in the community (Preamble, paras. 5 and 6; Art 3 para. (1) & (2), Arts. 29 5, 18, 7-10, 16, 23, 24, 26, 27 Art.12-14).”<sup>17</sup> This description is close to the African conception of the family’s function in protecting the Child. The family plays a role in protecting the Child’s best interests and serves as a place to exercise the Child’s autonomy. This function serves as a crucible to allow development in an environment in a responsible manner.

The more limited the resources and the stronger the family network, the less the State intervenes. Social structures strikingly differ from those of developed countries where the phenomenon of family recomposition pushes the State to great interventionism. Family solidarity compensates for the inadequacies of the State, but until when? The phenomenon of family instability also affects Africa. With urbanization, we are witnessing a loosening of family structures and consequently a low level of child protection by the extended family, which explains why everything is not ideal in the Child’s care. We can cite as an example the phenomena of children entrusted to “videmegon” in Benin, the cases of children in “education” in Guinea, young “talibés” in Senegal, etc.



International financial institutions (International Monetary Fund, World Bank...) are no strangers to this turning point taken with the loosening of social ties. Increased poverty caused by these institutions' structural adjustment programs has wiped out centuries of solidarity.

Ultimately, we can say that in Africa, the Child is an actor in the community and that a great place is given to the family. Hence the African Charter has taken into account African social structures in the care of the Child and did not simply use the terms of the Convention. In addition to these material originalities, the African Charter also contains originalities at the organic level.

### *III. ORGANIC ADAPTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELL-BEING OF THE CHILD*

#### *A. THE BROAD MANDATE OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD*

Pursuant to Article 32 of the African Charter, "an African Committee of Experts on the Rights and Welfare of the Child" was

established. This Committee's mandate is to monitor the application of children's rights on the African continent. However, its mandate goes beyond simply monitoring the implementation of the African Charter. The African Committee, operational since July 10th, 2001, has a comprehensive mandate which enables it to carry out its mission effectively. It is made up of 11 independent experts.

Under Article 42 of the African Charter, the African Committee's mandate essentially boils down to the following missions:

Promotion: gathering relevant documentation, carrying out interdisciplinary studies on children's rights in Africa, making recommendations to governments, developing rules and principles for child protection, and ensuring cooperation with institutions.

Protection: ensuring the monitoring and respect of the Child's rights, taking cognizance of personal communications.

Interpretation: interpreting the provisions of the African Charter at the request of States Parties, African Union institutions, institutions recognized by the African Union or by a State and finally,





Evaluation: examining periodic reports of States regarding the implementation of the rights recognized to the children.

The mandate to receive individual communications is beneficial, which is all the more true given that there is a substantial weakness in the procedure for examining state reports. In this regard, M. Dieng underlines that in “international law, the sovereign will of States constitutes a fundamental principle that undermines the effectiveness necessary in the promotion and protection of human rights and fundamental freedoms.”<sup>18</sup> We know that States do not often file reports or file them very late, which does not facilitate a careful and effective implementation review.

Established under Article 43 of the Convention, the Committee on the Rights of the Child’s mandate is circumscribed to two primary missions: examining state reports and developing general comments on the Convention. Moreover, it should be emphasized that of all the human rights treaty monitoring committees (Committee against Torture, Human Rights Committee, etc.), the Committee on the Rights of the Child is the body with the weakest mandate. This weakness contrasts with the constantly reiterated assertion of the Child as a subject

of law. Nevertheless, it must be recognized that the Committee on the Rights of the Child has established a very constructive framework for dialogue where NGOs and States engage in fruitful exchanges during the debates on the State periodic reports’ consideration.

Unlike the Committee on the Rights of the Child established by the Convention to monitor the implementation of the rights it recognizes for children, the Committee (hereinafter the African Committee ) has an expansive mandate. The African Committee’s mandate is broader than that of the Committee on the Rights of the Child: its investigative power is notably increased (“may resort to any appropriate method of investigating any matter...», art.45, ACRWC).

Therefore, we can see that the African Committee is not a faithful replica of the Committee on the Rights of the Child. It was built on the African Commission on Human and Peoples’ Rights model, whose originality has been repeatedly recognized in certain areas. Therefore, the extent of the African Committee’s mandate is the African Charter’s organic originality.



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*B. MONITORING BASED ON  
RECONCILED PERIODIC  
REPORTS FROM STATES PARTIES*

The close monitoring of the state reports' submission is set at 3 years for the African Committee, while that of the Committee on the Rights of the Child is longer and set at 5 years for periodic reports.

The short deadline for submitting reports to the African Committee achieves two objectives. First, it conforms to the notions of time and development of the Child, which cannot be satisfied with a very long delay, and in this respect, it is more reasonable than that of the Committee on the Rights of the Child. Second, a situation's domestic examination of the rights of the Child is more than beneficial. However, these goals will remain an illusion as long as African states fail to meet their primary obligation to file their report on time.

The advantages over the Committee's oversight on the Rights of the Child also lie in the proximity of the African Committee to African child protection organizations. The proximity of the session and forum sessions' location of the African Committee not only allows the participation of African

NGOs with limited resources and means but by holding its sessions each time in another member country, it offers an increased awareness-raising effect.

*C. THE OPENING OF THE  
REFERRAL TO THE AFRICAN  
COMMITTEE BEYOND THE  
STATES PARTIES*

The African Charter presents a wide opening as to the referral to the African Committee. Individuals, groups, or non-governmental organizations, whether recognized by the African Union, by a Member State, or by the United Nations, may refer the matter to the African Committee (art. 44, ACRWC).

There is a double standard of protection: through the state reports' review and individual communications' review. Thus, we find a combination of non-judicial protection through reporting and quasi-judicial protection through individual complaints review.

The African Charter recognizes through this provision the importance of human rights remedies. Recognizing a right is indeed one thing; providing the means to practice it is another. The two elements are two sides of



the same coin. While this applies to adults, it also applies to children.

The African approach is consistent with human rights theory, which considers it as essential to have rights as it is to have the means to exercise them. It joins the major international human rights law conventions such as the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, etc. All these conventions provide for the two monitoring types; state reports and individual communications.

#### *D. THE DIVERSITY OF ITS SOURCES OF APPLICATION AND INSPIRATION OF THE AFRICAN COMMITTEE*

The inspiration and implementation sources of the African Committee are very varied. They include the African Charter on Human and Peoples' Rights, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, the International Convention on the Rights of the Child, and other instruments adopted by the United Nations and by African States (art.46, ACRWC). We note that even national sources can serve as inspiration for

the African Committee. Combining all these sources will make it possible to build up solid case law on the Child's rights.

The list of sources is also not exhaustive. The reference to traditional African cultural heritage values will make it possible to settle conflicts between African and international standards, as long as these traditions and values do not violate the substantive aspects of children's rights. All international human rights law is referred to as a source of inspiration, both in its universal conventional, unconventional proclamations and national sources.

The African Committee can derive from this provision the advantages of flexibility and, above all, the margin of inspiration left to the African Committee to settle disputes while benefiting from everything done in terms of the children's rights protection. These positive aspects of the African Charter do not hide certain limitations it contains.

#### *IV. THE LIMITS OF THE AFRICAN CHARTER OF THE RIGHTS AND WELL-BEING OF THE CHILD*

##### *A. THE VAGUENESS OF THE MATERIAL RIGHTS AND DUTIES OF THE CHILD*



The implementation of social rights should be specified. While the African Charter unequivocally enshrined the social rights of the Child, it has failed to seize the opportunity to determine the content, duties, and ways of making them justiciable.

Duties are more like those of an adult than those of a child. For example, the duty to strengthen national independence (art.31, ACRWC) poses enough ambiguities. One wonders what a four-year-old child, for instance, can conceive of such a type of duty. Since rights take into account the maturity and development of the Child, one might expect that duties would also follow this pattern of progressivity. Duties such as sharing, respect for others, and many others can be taught in children of any age, the content varying to the degree of maturity.

It would be interesting to identify specific terms in the mechanism and the preamble, particularly the notions of traditional and cultural African heritage values, and proscribe negative values by citing them by name non-exhaustively. Article 1.3 of the African Charter is very timid; it evokes a “discouraged” rather than a “forbidden” practice by addressing the issue of harmful cultural practices. Practices such as force-

feeding young girls, child marriages, other forms of discrimination, and so on should be more firmly prohibited.

### *B. THE STRUCTURAL CONSTRAINTS OF THE AFRICAN COMMITTEE*

The African Committee has a comprehensive mandate, but the exercise of this mandate depends on several factors, including the quality, experience, and independence of the commissioners. However, some constraints can hamper the effectiveness of the African Committee.

Indeed, the African Committee’s method of appointing members risks favoring people close to political powers to the detriment of qualified people. An indication of experience in the field of children’s rights or the submission of nominations, half of which would come from professors and researchers at the university and the other half made up of judges and lawyers or other professions with a connection to the issue of children’s rights would have been beneficial.

The limited material and financial resources made available to the African Committee can also cause delays in executing its mission. The African Union’s means themselves being limited; one can envisage



a voluntary contribution fund supplied by States Parties, NGOs, United Nations institutions, and development agencies.

The appointment of the African Committee's Secretary by the Chairperson of the African Union is another area that needs improvement. The Committee members could, for example, be allowed to have an opinion on this appointment to ensure that the person approached has the necessary competence in matters of children's rights.

The African Committee's affiliation to the African Union's Assembly of Heads of State and Government is another impediment. The African Committee's report is only published after examination by the African Union's Assembly of Heads of State and Government. The latter makes it difficult to conceive that the African Charter drafters did not draw all the lessons and criticisms formulated against similar provisions in the African Charter on Human and Peoples' Rights. The free publication of the African Committee report constitutes a pledge of protection because the States are always afraid of being dragged into the public arena for human rights violations, especially those of children's rights. Authorization for publication by states

removes this chilling effect from the African Committee's report. However, the African Charter is an instrument with sufficient potential and guarantee to promote and protect the rights of the Child.

#### V. *THE PERSPECTIVES OF THE AFRICAN CHARTER ON THE RIGHTS AND WELL-BEING OF THE CHILD*

##### A. *THE POSITIVE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS*

No one today disputes the action of NGOs in the protection of the rights of the Child.<sup>19</sup> Non-governmental organizations are well placed in the mechanism of the African Charter.

First, these organizations cover a broad spectrum of clubs, associations, and communities. The organizations targeted include both national and international organizations. As the African Charter understands it, the concept covers NGOs, informal groups, and many other organizations dedicated to respecting children's rights.

Second, non-governmental organizations can play important and diverse roles in promoting and protecting children in Africa. They can contribute to the African



Committee’s hearing room through individual communications, provide information other than that conveyed by States parties, and participate in the dissemination and practical realization of children’s rights through community projects.

Lastly, it is important to highlight two crucial points that the African Charter grants to NGOs. Under Articles 42.3 and 44, they can request the interpretation of the African Charter and submit individual communications to the African Committee. Admittedly, while the Convention gives a good place to non-governmental organizations, we note that their place is more critical in the African Charter. Doesn’t this process reflect the community character of the African continent?

#### *B. EFFICIENT USE OF THE AFRICAN COMMITTEE’S MANDATE*

The African Committee is strong in its mandate’s nature. Efficient use of this mandate will enable the Committee to carry out its task effectively. The African Committee can make the African Charter known to African states through conferences and interdisciplinary studies on specific aspects of children’s rights in

Africa. This awareness-raising action can take various forms, ranging from translating the instrument into predominant African languages of communication (Kiswahili, Pular, Mandingo languages, etc.) to radio broadcasts in local languages; support for national monitoring of the African Charter.

Another vital point that the African Committee will need to address is carrying out its assigned mission of interpreting the African Charter to specify the rights, duties, and other principles for implementing human rights whilst taking African peculiarities into account. Despite the precision of some of the terms used in the African Charter, it is worth recalling that some remain vague.

Similarly, the African Committee should strive to make bold recommendations to States Parties during the State Periodic Reports’ review. Above all, it can work closely with NGOs, drawing on the collaborative technique employed within the Committee on the Child’s Rights. The idea of an African coalition of children’s rights NGOs with the Committee is also conceivable.

Lastly, the Committee should carefully and effectively carry out its task of examining



individual and NGO communications to build a rich body of case-law on children's rights protection. It will thus have contributed to the development of procedures for individual appeals at the international level, primarily when addressed to children. This practice will serve as a framework for national as well as international organizations.

## VI. CONCLUSION

In short, we can say after this observation that the African Charter does not serve as a simple copy of the Convention but is a very original work in the service of the African Child.<sup>20</sup> It constitutes both a deepening and a contextualization of the Convention. We have seen this both through the rights it recognizes and in the means to be deployed to effectively implement the rights of the Child in the African continent, a continent severely affected by challenges of various kinds: poverty, conflicts, natural disasters, etc. Faced with so many difficulties, an instrument that takes them into account is more than beneficial.

Although not a completed instrument, the African Charter remains a viable text. The tools of this viability are to be found in the commitment of NGOs, the work of the monitoring body, material and financial

support to the African Committee, and the commissioners' work.

This way is how we can establish the universality of rights, which must consider all the contributions of other protection systems, whatever their source. We agree with Rachel Murray that for "... the human rights system to be truly universal, it is necessary to examine how rights are interpreted in the world and what are the existing procedures to protect them. Therefore, international organizations should study African interpretations and practices and those of other countries to see if this experience can benefit them."

The African Charter will have contributed more to the international human rights law development solely with these aspects, and a motley collection of standards from various legal systems, fueled by positive regional cultural traditions rather than be reduced to standardization from the top. A more global question this evokes is the existence of an African philosophy of the rights of the Child, if not simply an African human rights philosophy. One that is not opposed to the universal philosophy of the rights of the Child but that is dependent on it. This issue has the merit of placing the debate in a more global framework, that of



the existence of various regional human rights philosophies which coexist with the universal philosophy of human rights.

## NOTES

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<sup>20</sup> Remy Bernard Ngombe, 'Les Normes Juridiques Internationales Relatives à la Protection des Droits de la