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

Felistus Motimedi – RD, CRNSA
ABOUT CRNSA

CRNSA 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’

### STRATEGIC PLAN FOCUS and MEMBERSHIP

#### 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

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

Establishing a Steering Committee
Analysis of the 27 SADC Protocols
SADC Secretariat engagements

Development of the skeletal structure of the Protocol
Dev of Policy brief
Soliciting buy-in from SADC member states (Zim, Moza, Les, Eswatini, Nam, SA)

Consultations with children
Consultations with CSOs (11 countries)
Presentations at various platforms (PSS Conference, SADC CNGO Forums)
Met SADC Youth Ministers Chairpersons (Namibia, Malawi)

Development of the Protocol (1st, 2nd Drafts)
Feedback by CSOs and partners
Held validation meetings (2)

Established a writing team, held a writing workshop
Consultant cleaning up the write up
Developed the Roadmap
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

*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

<table>
<thead>
<tr>
<th>Procedural protocols</th>
<th>Technical protocols</th>
</tr>
</thead>
<tbody>
<tr>
<td>SADC Protocol on Immunities and Privileges</td>
<td>SADC Protocol on Energy</td>
</tr>
<tr>
<td>SADC Protocol on Shared Watercourse Systems (Replaced by Revised Protocol)</td>
<td>SADC Protocol on Transport, Communications and Meteorology</td>
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<tr>
<td>SADC Protocol on Tribunal and Rules of Procedure</td>
<td>SADC Protocol on Combating Illicit Drugs</td>
</tr>
<tr>
<td>SADC Protocol on Wildlife Conservation and Law Enforcement</td>
<td>SADC Protocol on Trade</td>
</tr>
<tr>
<td>SADC Protocol on Legal Affairs</td>
<td>SADC Protocol on Mining</td>
</tr>
<tr>
<td>SADC Protocol on Shared Watercourses</td>
<td>SADC Protocol on Fisheries</td>
</tr>
<tr>
<td>SADC Protocol on Politics, Defence and Security Cooperation</td>
<td>SADC Protocol on Forestry</td>
</tr>
<tr>
<td>SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in</td>
<td>SADC Finance and Investment Protocol</td>
</tr>
<tr>
<td>SADC</td>
<td></td>
</tr>
<tr>
<td>SADC Protocol on Extradition</td>
<td>SADC Protocol on Science, Technology and Innovation</td>
</tr>
<tr>
<td>SADC Protocol on Mutual Legal Assistance in Criminal Matters</td>
<td></td>
</tr>
<tr>
<td>SADC Protocol against Corruption</td>
<td></td>
</tr>
<tr>
<td>Legal Instrument</td>
<td>Date of Entry into Force</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Treaty of SADC</td>
<td>30/09/1993</td>
</tr>
<tr>
<td>SADC Protocol on Education and Training</td>
<td>31/09/2000</td>
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<tr>
<td>SADC Protocol on the Development of Tourism</td>
<td>26/11/2002</td>
</tr>
<tr>
<td>SADC Protocol on Health</td>
<td>14/08/2004</td>
</tr>
<tr>
<td>SADC Protocol on Culture Information and Sport</td>
<td>07/01/2006</td>
</tr>
<tr>
<td>SADC Protocol on the Facilitation of Movement of Persons</td>
<td>Pending</td>
</tr>
<tr>
<td>SADC Charter of Fundamental Social Rights</td>
<td>Pending</td>
</tr>
<tr>
<td>SADC Protocol on Gender and development</td>
<td>08/09/2008</td>
</tr>
</tbody>
</table>
# Current Focus of the Protocol

## Focus Areas

<table>
<thead>
<tr>
<th>Definitions, Objectives, General Principles, and Identity</th>
<th>Definitions, Goal and Objectives, General Obligations, General Principles of Child Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Substantive Rights</td>
<td>The Right to Name, Nationality and Identity; Universal Birth and Death Registration; Protection from Violence; Protection of Children Online;</td>
</tr>
<tr>
<td></td>
<td>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);</td>
</tr>
<tr>
<td></td>
<td>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;</td>
</tr>
<tr>
<td></td>
<td>Climate Change and Children’s Rights;</td>
</tr>
<tr>
<td>Children's Health</td>
<td>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</td>
</tr>
<tr>
<td>Quality and Relevant Education</td>
<td>The Right to Education; <strong>Early Childhood Development (ECD)</strong></td>
</tr>
<tr>
<td>Children in the Justice System</td>
<td>Children in Contact with the Law; Children of Imprisoned Mothers</td>
</tr>
<tr>
<td>Matters of Emphasis</td>
<td>Early Childhood Development; Child Rights and Business; Child Rights Emergency Response; Climate Change</td>
</tr>
<tr>
<td></td>
<td>Mental Health and Psychosocial Support; Child Poverty; Child Rights Governance and Accountability</td>
</tr>
<tr>
<td>Final Provisions</td>
<td>Remedies; Settlement of Dispute; Withdrawal; Amendments; Ratification; Entry into Force; Accession; Depositary</td>
</tr>
</tbody>
</table>
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 beneficiation 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 2 years

• 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

Final Internal Refinements
End April

Review & Edit By External Experts
Mid- May

Incorporate inputs & Finalise the Protocol
Mid- May

Advocacy Seminar with the SADC Member states
End of May

Present the final Protocol to the SADC Chair & Secretariat
Beginning of June

Stakeholders Engagements including Children
End of June

Develop Child Friendly Version
End of July

Official Launch of the Protocol with Children
End of July

Dissemination Workshop to Operationalise the Protocol
July - December
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)
THANK YOU…

These partners have walked the journey with CRNSA at various levels and we wish to thank them.
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+267 73652185