

## **Assessing The African Charter on the Rights and Welfare of The Child (ACRWC) As a Blueprint Towards the Attainment of Children's Rights in Africa**

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**Abstract:** *The paper seeks to analyse the provisions of the African Charter on the Rights and Welfare of the Child (ACRWC). The paper seeks to make this analysis based on the harmonisation and monism theories of the relationship between international law and municipal law which states that international pieces of law are essentially created to be domesticated within the municipal law of a state and vice versa. To this end, the ACRWC essentially acts as a blueprint for the facilitation of domestic measures and municipal law aimed at upholding children's rights in Africa. The ACRWC should then be an immaculate blueprint that can be followed by states so as to churn out domestic measures that are in the best interests of the child. The paper however seeks to assess whether there are vague, uncouth and contradictory articles within the provisions of the charter that might be interpreted by the states to the detriment of the rights of the African child.*

**Key Words:** *Children's rights, African Charter on the Rights and Welfare of the Child, Blueprint, municipal law, international law.*

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### **I. Introduction**

The African Charter on the Rights and Welfare of The Child (ACRWC), entered into force in 1999 under the auspices of the African Union (AU). The ACRWC came into being upon the consideration of the Declaration on the Rights and Welfare of the African Child (AHG/ST.4 Rev.I) adopted by the Assembly of Heads of State and Government of the Organization of African Unity, at its Sixteenth Ordinary Session in Monrovia, Liberia from 17 to 20 July 1979, that recognized the need to take appropriate measures to promote and protect the rights and welfare of the African Child. (African Charter on the Rights and Welfare of the Child, Preamble). The ACRWC also took a leaf from the Charter of the Organization of African Unity recognizes the elevation of Human Rights and the African Charter on Human and People's Rights proclaimed and agreed that everyone is entitled to all the rights and freedoms recognized and guaranteed therein, without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. Children are inherently human beings and deserve rights that are enshrined in the African Charter on Human Rights.

The ACRWC was designed to serve as a blueprint for the observance of children's rights by every African country. The African Charter became the epitome of what children's rights ought to be taking into consideration that the child, due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security. (African Charter on the Rights and Welfare of the Child, Preamble). However, the question is whether the ACRWC serves as a perfect blue print towards the upholding of children's rights in Africa. There is need to unearth elements of doubles standards, hypocrisy and blurred articles that might leave room for manipulation by states in the basis of the interpretation of the ACRWC, at the expense of the African child.

### **The Importance of Upholding Children's Rights**

The importance of upholding children's rights can be summed up using four interrelated reasons. The argument can be divided into the rights argument, social argument, the economic argument and the political argument.

The rights argument states stems from the obligation that is placed on states to fulfil and uphold the rights of children. By virtue of being human beings, children have significant rights that accrue to them. Children also have specific rights that accrue to them on the basis of being children, like the right to play and family. To this end, states have an obligation to put in place measures to fulfil such rights. The failure to put in place such measures will actually be a contravention of international law, as children's rights are enshrined in a plethora of international statutes like the United Nations Charter on the Rights of the Child (UNCRC) and the Bill of Rights itself. Although states are not forcefully obliged to adhere to international law, it is