TEACHER/TRAINER
GUIDE
Safeguarding Girls from FGM

Produced by 28 Too Many
Introduction to the *Safeguarding Girls from FGM Teacher/Training Guide*

This guide is aimed at teachers and helps them understand safeguarding of children in general and safeguarding from FGM in particular.

This workshop covers the following topics:

- What is safeguarding?
- Safeguarding legislation: The UNCRC and The African Charter
- Safeguarding issues in your community
- The 4 Ps of Safeguarding
A. What is Safeguarding?

Activity 1

BRAINSTORM: What do you think of when you hear the word ‘safeguarding’?

Capture as much feedback as you can on the board.

Now read out this definition of ‘safeguarding’:

‘Taking all reasonable measures to ensure that the risks of harm to children’s welfare is minimised; and where there are concerns about children and young people’s welfare, taking appropriate action to address those concerns.’

Activity 2

DISCUSS: Compare this definition with what we brainstormed together. What have we learned from the definition that was missing from our prior knowledge?

Activity 3

BRAINSTORM: What kind of harm do you think children in your community are at risk from? Identify as many as you can.

Make a list on the board.

Then ask participants to put this list into different groups/types of abuse. There is no rule for how many groups you can make.

PRESENT the five types of abuse

It is widely acknowledged that there are five types of harm or ‘abuse’ that a child is at risk from:

1. Physical
2. Emotional
3. Sexual
4. Neglect
5. Spiritual

For more detail, see definition of these five types of abuse in Appendix 1.

Activity 4

Ask the participants to compare their groupings/categories to these five types of abuse.

DISCUSS: Can you identify any examples of abuse for each of these categories? Hitting, punching and slapping are examples of physical abuse. Add these to the groups.
Activity 5

Draw a map of your school in groups of three or four. Using symbols not words, mark on it where there are places/people in the school where children can go when they need to seek safety.

OR

Draw a time-line of an average school day. What happens? Where do children go? What do they do? Mark on it how and when risk is taken into concern and children are reduced from harm; e.g. ‘At lunch time, a teacher supervises the playground.’

DISCUSS: How do we minimise these risks of harm to the children in our school?
B. Safeguarding Legislation

In the second part of the workshop we will look at the global picture. In the third part, we will look at legislation in your country:

- **International:** The UN Convention on the Rights of the Child
- **Continental:** The African Charter

In each case present an outline of the relevant legislation and then ask the participants to discuss its relevance and importance. See summaries of the UNCRC and African Charter in Appendix 2 and Appendix 3 for more detail.

**INTRODUCE the United Nations Convention on the Rights of the Child:**

**The UNCRC**

In 1989 The United Nations Convention on the Rights of the Child (UNCRC) was introduced with the aim of protecting children from all over the world and giving them access to things they need. Currently, the UNCRC has been signed and adopted all over the world. Only the USA and Somalia have not agreed to sign it.

**The 4 Ps of the UNCRC**

The UNCRC is focussed on children’s rights, which are divided into four groups, known as the Four Ps. These are:

1. **Provisional rights** – rights that enable children’s growth and development, including rights to adequate housing, food and education.
2. **Prevention rights** – enable systems to be put in place to protect children from abuse or infringement on their rights. These include the right to legal representation.
3. **Protection rights** – these protect children against exploitation and abuse and allow intervention when either occur. For example, children who are abused at home can be removed by the state.
4. **Participation rights** – rights that enable children to take part in decisions that involve or affect them and also includes the right to an opinion.

We will look at The 4 Ps of Safeguarding later on in the workshop.

**Activity 6**

**DISCUSS:** Why do you think that the United Nations developed the UNCRC? Can you identify why children might need a specific set of rights?

Make sure that participants have covered the following important elements in their discussion.

*Children need specialist provision for the following reasons:*
They are still growing; they are dependent on adults for many things including food, shelter, etc.

They do not know as much about the world. They are less experienced and therefore not always able to make judgements about what is best for them.

A child has not yet fully developed their language skills, so may not be able to communicate what they need.

Children have less power than adults, so are more at risk of exploitation or abuse.

**INTRODUCE The African Charter:**

**The African Charter**

Although the UNCRC has been accepted all over the world, some countries felt that it was important to create documents that were specific to their local context. One of the most significant of these is the African Charter on the Rights and Welfare of the Child, which was written in 1990.

It was written by the Organization of African Unity to include issues that were happening in African countries at the time, including apartheid, refugees and the use of children in armed conflict.

The African Charter also includes a section that the UNCRC does not; the responsibilities of a child.

Now, let’s compare these two documents.

**Activity 7**

Read the two articles below.

The first is Article 27, taken from the full version of the UNCRC. The second is Article 31, taken from the African Charter.

**Article 27: Parental Responsibilities**

State Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

The parents or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development . . .

**Article 31: Responsibility of the Child**

Every child shall have responsibilities towards his family and society, the State and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty:

(a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;

(b) to serve his national community by placing his physical and intellectual abilities at its service;

(c) to preserve and strengthen social and national solidarity;
(d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;

(e) to preserve and strengthen the independence and the integrity of his country;

(f) to contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African Unity.

ANALYSE: Circle the key words in each article. Which words stand out for you?

COMPARE: Are any key words that you chose the same/different to other participants’? Why are those words important to you?

SUMMARISE: If you had to summarise each article in just ten words, what would you write? If you had to teach each article to a child, how would you do that?

DISCUSS: What do you notice when you compare them? What are the biggest differences between these two articles?

How can these two approaches work together to ‘ensure that the risk of harm to children’s welfare is minimised’?

Activity 8

DISCUSS: How can you teach children about their rights? What methods will you use in your classroom?
C. Safeguarding Issues in Your Country

Children are at risk from abuse regardless of where they live in the world. However, children in some countries are more at risk from certain issues. For example, in some countries in Asia, such as Thailand, children are at risk of abuse from those working in the sex industry.

Activity 9

DISCUSS: What specific issues do you think children in your country are at risk from?

PRESENT an introduction to FGM to your group:

One of the issues that is specific to a number of African countries is the practice of FGM (Female Genital Mutilation). FGM has been practised for over 2000 years and is thought to have originated in the Horn of Africa. FGM is a very dangerous practice and can cause bleeding, infertility, infection, and, in many cases, death.

Activity 10

As you can see from this map, the prevalence of FGM is not uniform across Africa. It also varies very significantly within each country.

MAP: Where is FGM most prevalent in your country? Draw a map of your country on the board and mark the areas.
Girls are often subjected to FGM at different ages, depending on which community they come from. In some communities FGM happens most often in the first few years of life; in other communities it is viewed as a rite of passage and is most often performed around puberty (between the ages of 9 and 15). However, FGM can be performed at any age.

Activity 11

TIMELINE: At what age are girls most often subjected to FGM in your community? What about in other communities in your country?

Draw a timeline of a girl from birth to 18 on the board. Ask participants to add on:

- some of the most significant events in her life;
- when she starts caring for siblings;
- when she starts school;
- when she might get her period;
- when she might be subjected to FGM; and
- when she might be encouraged to marry.

See www.28toomany.org for more information specific to your country, including maps showing prevalence and age of FGM in different areas of your country.

Activity 12

FGM is illegal in many African countries.

DISCUSS: What laws specifically ban FGM or protect girls from FGM in your country?

See www.28toomany.org for laws specific to your country.

DISCUSS: What are some of the reasons that make it difficult to enforce these laws?

Make sure participants cover at least these two elements:

- The procedure is usually carried out in secret; for example, in remote areas at night time.
- Some communities are unwilling to cooperate with the police and protect those that perform the procedure.

The secrecy surrounding FGM is very dangerous, because it means that the girls who have experienced the procedure do not receive the necessary medical treatment, leading to further complications.

Activity 13

DISCUSS: How do you think you can help put a stop to FGM? What can you do to raise awareness of this issue?

PRESENT the following prevention strategy:
Be aware

*Know at which age FGM is most likely to occur to a girl.*

*Know which communities are most at risk.*

*She is particularly at risk if her mother or grandmother has experienced FGM.*

Know the signs

*A conversation with a child may refer to FGM; i.e. she may express anxiety about a ‘special procedure’ or event that is to take place.*

*A child may spend long periods of time away from class during the day – perhaps indicating bladder or menstrual problems.*

*A child may experience severe bloating due to menstrual retention.*

*Some teachers have described how children find it difficult to sit still, look uncomfortable, or may complain about pain between their legs or talk of something somebody did to them that they are not allowed to talk about.*

Education is key

*One of the best tools in preventing FGM is by ensuring that children know their rights.*

*Increasing awareness of the issue will help to protect children from the procedure.*

Get help

*If you believe that a child in your class has experienced FGM, it is important to get in touch with a local doctor or health specialist as soon as possible.*

The 4 Ps of Safeguarding

*As mentioned earlier in this workshop, one of the best ways of protecting children from harm is by ensuring that they know their rights.*
D: Safeguarding Issues in Your School

Activity 14

RECAP: Can you remember the 4 Ps of Safeguarding?

1. Provisional rights – rights that enable children’s growth and development, including rights to adequate housing, food and education.

2. Prevention rights – enable systems to be put in place to protect children from abuse or infringement on their rights. These include the right to legal representation.

3. Protection rights – these protect children against exploitation and abuse and allow intervention when either occur. For example, children who are abused at home can be removed by the state.

4. Participation rights – rights that enable children to take part in decisions that involve or affect them and also includes the right to an opinion.

DISCUSS: Which do you think is the most important? Which right might a five-year-old girl say is the most important? Which right might the father of a 15-year-old girl say is most important? Which right might a head teacher think is most important?

Teachers, youth workers and other professionals across the world usually agree that each of these rights are equally important; however, they are not always easy to put into practice. In particular, a child’s right to participate can be very challenging. However, as teachers, it is one of the most important rights that need to be taught to the children that you work with.

Activity 15

BRAINSTORM: ‘What do you think of when you hear the word ‘participation’?

Capture as much feedback as you can on the board.

PRESENT the following to your participants:

Participation is the active involvement of children and young people in decisions that affect their lives and communities. As the experts in their own lives, it is their right to be meaningfully involved in all decisions that affect them.

‘The purpose of participation is to ensure improved outcomes for children and young people themselves and also for the organisation and the wider community. Effective participation is likely to mean that the involvement of children actually leads to change (where they identify that change is needed).’ (Kirby et al., 2003)

“‘Participation’ is used to refer to a wide range of activities taking place in different contexts in which the level of active engagement by young people varies. This is often seen in terms of the amount of power shared between adults and young people. The model below shows four different levels of participation in which no level is assumed to be better or worse than another.’ (Kirby et al., 2003)
The appropriate level for a certain activity, or piece or programme of work, is determined according to the circumstances and the participating children and young people.

**Activity 16**

**DISCUSS:** What level of participation do you think children in your classroom currently have? If you asked your students, do you think they would give a different answer? What level would you like them to have?

*There are many different ways in which you can encourage children to participate in the classroom. This helps the children to learn better and understand topics in more detail.*

*A lot of the information in this pack has been on the subject of children’s rights; this is because if children are aware of their rights, they are more likely to be safe from harm.*

**Activity 17**

On the following page there are three sample activities. These are examples of activities that you can run with the children in your classroom.

**READ** through the activities now.

**DISCUSS:** What did you think of these activities? Are they easy to run? How would you do things differently?
Participation Example 1 – Agree/Disagree Line

Purpose
To encourage children to explore their own views on rights through group discussion.

Learning Outcomes
By the end of this activity participants will have:
▪ explored their own views on rights; and
▪ heard the opinions of other members of their group.

Method
1. In a cleared room, have an ‘AGREE’ sign on one wall and a ‘DISAGREE’ sign on the opposite wall. Draw an invisible line between the two signs.
2. Explain to children and young people that you are going to read out a statement. They will need to decide where to stand along the invisible line according to their view on the statement – from strongly agree (close to the ‘agree’ sign) to strongly disagree (close to the ‘disagree’ sign).
3. Read out the statements that you have written in turn; e.g. ‘Bananas are the best fruit in the world.’ Allow the children and young people to stand along the line where they choose after each one is read out. Encourage them to talk about why they have chosen that position on the line.
4. Conclude the activity by introducing the idea that what you have been discussing has been people’s rights – the right to do certain things or not to have certain things done.
Participation Example 2 – Children’s Rights Drama

Purpose
To support the development of a clear understanding of rights and responsibilities

Learning Outcomes
By the end of this activity participants will have:
▪ explored children’s rights through drama; and
▪ developed their knowledge of the UNCRC.

Method
1. Introduce the idea that all children and young people have rights, and that these are laid out in a document called the United Nations Convention on the Rights of the Child.

2. Explain that all rights may be divided into three broad groups: participation rights (taking part/being involved), protection rights (keeping safe/being looked after) and provision rights (things you need). Show the group the prepared pieces of paper and stick them up around the room (Resource 1).

3. Ask the group to think of one or two rights that would come under each of these headings. Remind them of some of the things you talked about in the previous activity.

4. Divide the group into pairs (Resource 2.) Get each pair to choose a card from the pack of rights cards. Take time if necessary to talk about what each of the rights means.

5. Give them time to prepare a short drama piece to act out their rights.

6. Ask each pair to perform their drama. Get the rest of the group to guess which right is being portrayed. Then ask them to decide as a group whether this is a provision, protection or participation right. Each pair should stand under the sign representing their group of rights.
participation rights
(taking part / being involved)

protection rights
(keeping safe / being looked after)

provision rights
(things you need)
Resource 2

- The right to equality
  (Article 2)

- The right to a family
  (Article 5)

- The right to freedom of speech/expresssion
  (Article 12)

- The state must ensure that all children receive their rights
  (Article 3)

- The right to a name and nationality
  (Article 7)

- The right to freedom of opinion
  (Article 14)

- The right to information
  (Article 13)

- The right to protection against violence and abuse
  (Article 19)

- The right to go to school and to learn
  (Article 28)

- The right not to take part in armed conflict
  (Article 38)

- The right to meet with others and to form groups
  (Article 15)

- The right to extra care if you have special needs
  (Article 23)

- The right to health care
  (Article 24)

- The right to rest, leisure and play
  (Article 31)
Participation Example 3 – The Change Tree

Purpose

This activity encourages children to think about things they might like to change in their local communities/lives.

Learning Outcomes

By the end of this activity children will be able to talk about their lives and local area.

▪ What change do they want to make?
▪ Who can support them in making this change and what resources do they need?

Method

1. Take the group outside and find a tree, or draw a picture of a tree for all the children to see. Explain that the tree is going to help them to think about their lives and what they might like to change.

2. Point to the roots of the tree and explain that they will represent the main concerns/problems for young people in their local area; e.g. not enough food and nowhere to play. Get them to think about why these problems exist.

3. Next, point to the leaves on the tree – these represent the positive change they want to bring about. Give each group member one or two leaves and ask them to write on them what positive change they hope to make; e.g. young people feeling happier about the area in which they live, feeling safer or having somewhere else to play. They stick the leaves on the branches of the tree.

4. Now go to the branches. These represent the activities that need to take place to make this change happen.

5. Finally, go to the trunk. What resources or support do they need to make these changes happen?
Activity 18

DISCUSS: What is the most important lesson you have learned through this workshop?
What three things will you do differently as a result of this training?

Well done! Thank you for all your hard work.
Appendix 1: Five Types of Abuse

This is how the NSPCC, a leading UK charity, defines the different types of abuse:

Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development.

It may involve conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.

It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying, causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.

The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching the outside of clothing.

They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Neglect

Neglect is the persistent failure to meet a child’s basic physical and/or psychological needs in a way that is likely to result in the serious impairment of the child’s health or development.
Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

▪ provide adequate food, clothing and shelter (including exclusion from home or abandonment);
▪ protect a child from physical and emotional harm or danger;
▪ ensure adequate supervision (including the use of inadequate care-givers); or
▪ ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

**Spiritual Abuse**

Spiritual abuse is the psychological manipulation and harm inflicted on a person by using teachings or doctrines of that person’s religion. This is perpetrated by members of the same or similar faith and includes the use of a position of authority within the religion over another person to inflict such harm.

It is most prevalently directed at children and emotionally vulnerable adults, and the motivations behind such abuse vary, but can be either well-intentioned or malicious.

Acts of spiritual abuse include physical, emotional or sexual abuse ‘in the name of God’, intimidation or manipulation in an attempt to control, and forced participation in ceremonies such as banishment, circumcision, etc.
Appendix 2: A Summary of the UNCRC

Article 1 (definition of the child)
Everyone under the age of 18 has all the rights in the Convention.

Article 2 (without discrimination)
The Convention applies to everyone: whatever their ethnicity, gender, religion, abilities, whatever they think or say, whatever type of family they come from.

Article 3 (best interests of the child)
The best interests of the child must be a top priority in all things that affect children.

Article 4 (protection of rights)
Governments must do all they can to make sure every child can enjoy their rights.

Article 5 (parental guidance)
Governments must respect the rights and responsibilities of parents and carers to direct and guide their child as they grow up, so that they enjoy their rights properly.

Article 6 (survival and development)
Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

Article 7 (registration, name, nationality, care)
Every child has the right to a legal name and nationality, as well as the right to know and, as far as possible, to be cared for by their parents.

Article 8 (preservation of identity)
Governments must respect and protect every child’s right to an identity and prevent their name, nationality or family relationships from being changed unlawfully. If a child has been denied part of their identity illegally, governments must act quickly to protect and assist the child to re-establish their identity.

Article 9 (separation from parents)
Children must not be separated from their parents unless it is in the best interests of the child (for example, if a parent is hurting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.
Article 10 (family reunification)
Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child’s parents live apart in different countries, the child has the right to visit both of them.

Article 11 (kidnapping and trafficking)
Governments must do everything they can to stop children being taken out of their own country illegally or being prevented from returning.

Article 12 (respect for the views of the child)
Every child has the right to say what they think in all matters affecting them and to have their views taken seriously.

Article 13 (freedom of expression)
Every child must be free to say what they think and to seek and receive all kinds of information, as long as it is within the law.

Article 14 (freedom of thought, belief and religion)
Every child has the right to think and believe what they want and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights of parents to give their children information about this right.

Article 15 (freedom of association)
Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16 (right to privacy)
Every child has the right to privacy. The law should protect the child’s private, family and home life.

Article 17 (access to information from mass media)
Every child has the right to reliable information from the media. This should be information that children can understand. Governments must help protect children from materials that could harm them.

Article 18 (parental responsibilities; state assistance)
Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by giving them the help they need, especially if the child’s parents work.

Article 19 (protection from all forms of violence)
Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.
Article 20 (children deprived of a family)

If a child cannot be looked after by their family, governments must make sure that they are looked after properly by people who respect the child’s religion, culture and language.

Article 21 (adoption)

If a child is adopted, the first concern must be what is best for the child. All children must be adopted and kept safe, whether they are adopted in the country where they were born or in another country.

Article 22 (refugee children)

If a child is a refugee or seeking refuge, governments must ensure that they have the same rights as any other child. Governments must help in trying to reunite child refugees with their parents. Where this is not possible, the child should be given protection.

Article 23 (children with disability)

A child with a disability has the right to live a full and decent life with dignity and independence, and to play an active part in the community. Governments must do all they can to provide support to disabled children.

Article 24 (health and health services)

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy. Richer countries must help poorer countries achieve this.

Article 25 (review of treatment in care)

If a child has been placed away from home (in care, hospital or prison, for example), they have the right to a regular check of their treatment and the way they are cared for.

Article 26 (social security)

Governments must provide extra money for the children of families in need.

Article 27 (adequate standard of living)

Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this.

Article 28 (right to education)

Every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children’s dignity. Richer countries must help poorer countries achieve this.
Article 29 (goals of education)
Education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Article 30 (children of minorities)
Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

Article 31 (leisure, play and culture)
Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

Article 32 (child labour)
Governments must protect children from work that is dangerous or might harm their health or education.

Article 33 (drug abuse)
Governments must protect children from the use of illegal drugs.

Article 34 (sexual exploitation)
Governments must protect children from sexual abuse and exploitation.

Article 35 (abduction)
Governments must ensure that children are not abducted or sold.

Article 36 (other forms of exploitation)
Governments must protect children from all other forms of bad treatment.

Article 37 (detention)
No child shall be tortured or suffer other cruel treatment or punishment. A child should be arrested only as a last resource and for the shortest possible time. Children must not be put in a prison with adults and they must be able to keep in contact with their family.

Article 38 (war and armed conflicts – see ‘Optional Protocols’)
Governments must do everything they can to protect and care for children affected by war. Governments must not allow children under the age of 15 to take part in war or join the armed forces.

Article 39 (rehabilitation of child victims)
Children neglected, abused, exploited, tortured or who are victims of war must receive special help to help them recover their health, dignity and self-respect.
Article 40 (juvenile justice)
A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to help from a lawyer and a fair trial that takes account of their age or situation. The child’s privacy must be respected at all times.

Article 41 (respect for better national standards)
If the laws of a particular country protect children better than the articles of the Convention, then those laws must stay in place.

Article 42 (knowledge of rights)
Governments must make the Convention known to children and adults.

The Convention has 54 articles in total. Articles 43–54 are about how adults and governments must work together to make sure all children get all their rights, including:

Article 45
UNICEF can provide expert advice and assistance on children’s rights.

Optional Protocols
In 2000, the UN General Assembly adopted two optional additions to strengthen the Convention. One protocol required governments to increase the minimum age for recruitment into the armed forces from 15 years and to ensure that members of their armed forces under the age of 18 do not take a direct part in armed conflict.

The other protocol provides detailed requirements for governments to end the sexual exploitation and abuse of children. It also protects children from being sold for non-sexual purposes, such as other forms of forced labour, illegal adoption and organ donation.
Appendix 2: A Summary of the African Charter on the Rights & Welfare of a Child

Article 1
Member States of the Organization of African Unity Parties will recognize the rights, freedoms and duties in this Charter and will adopt laws these rights. Any custom, tradition, cultural or religious practice that is inconsistent with these rights are discouraged.

Article 2
A child means every human being below the age of 18 years.

Article 3
Every child should be allowed to enjoy the rights and freedoms in this Charter, regardless of his or her race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.

Article 4
If children can voice their opinions, then those opinions should be heard and taken into consideration during legal and administrative proceedings.

Article 5
Every child has a right to live.

Article 6
Every child has the right to be named and registered at birth.

Article 7
Every child who is capable of communicating his or her own views should be allowed to express his or her opinions freely.

Article 8
Every child has the right to free association and freedom of peaceful assembly, in conformity with the law.

Article 9
Every child has the right to freedom of thought, conscience and religion.

Article 10
Children have a right to privacy.
Article 11

Every child has the right to an education, to develop his or her personality, talents and mental and physical abilities to their fullest potential. This education also includes the preservation and strengthening of positive African morals, traditional values and cultures. Governments should also take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.

Article 12

Children have a right to play and to participate fully in cultural and artistic life.

Article 13

Every child who is mentally or physically disabled has the right to special protection to ensure his or her dignity, promote his self-reliance and active participation in the community.

Article 14: Health and Health Services

Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.

States Parties to the present Charter shall undertake to pursue the full implementation of this right and in particular shall take measures:

(a) to reduce infant and child mortality rate;
(b) to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
(c) to ensure the provision of adequate nutrition and safe drinking water;
(d) to combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;
(e) to ensure appropriate health care for expectant and nursing mothers;
(f) to develop preventive health care and family life education and provision of service;
(g) to integrate basic health service programmes in national development plans;
(h) to ensure that all sectors of the society, in particular, parents, children, community leaders and community workers are informed and supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of domestic and other accidents;
(i) to ensure the meaningful participation of non-governmental organizations, local communities and the beneficiary population in the planning and management of a basic service programme for children;
(j) to support through technical and financial means, the mobilization of local community resources in the development of primary health care for children.
Article 15: Child Labour

Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.

States Parties to the present Charter take all appropriate legislative and administrative measures to ensure the full implementation of this Article which covers both the formal and informal sectors of employment and having regard to the relevant provisions of the International Labour Organization's instruments relating to children, States Parties shall in particular:

(a) provide through legislation, minimum wages for admission to every employment;
(b) provide for appropriate regulation of hours and conditions of employment;
(c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this Article;
(d) promote the dissemination of information on the hazards of child labour to all sectors of the community.

Article 16: Protection Against Child Abuse and Torture

States Parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.

Protective measures under this Article shall include effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for identification, reporting referral investigation, treatment, and follow-up of instances of child abuse and neglect.

Article 17: Administration of Juvenile Justice

Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others.

States Parties to the present Charter shall in particular:

(a) ensure that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment;
(b) ensure that children are separated from adults in their place of detention or imprisonment;
(c) ensure that every child accused in infringing the penal law:
   (i) shall be presumed innocent until duly recognized guilty;
   (ii) shall be informed promptly in a language that he understands and in detail of the charge against him, and shall be entitled to the assistance of an interpreter if he or she cannot understand the language used;
(iii) shall be afforded legal and other appropriate assistance in the preparation and presentation of his defence;

(iv) shall have the matter determined as speedily as possible by an impartial tribunal and if found guilty, be entitled to an appeal by a higher tribunal;

(d) prohibit the press and the public from trial.

The essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, re-integration into his or her family and social rehabilitation.

There shall be a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.

Article 18: Protection of the Family

The family shall be the natural unit and basis of society. It shall enjoy the protection and support of the State for its establishment and development.

States Parties to the present Charter shall take appropriate steps to ensure equality of rights and responsibilities of spouses with regard to children during marriage and in the event of its dissolution. In case of the dissolution, provision shall be made for the necessary protection of the child.

No child shall be deprived of maintenance by reference to the parents' marital status.

Article 19: Parent Care and Protection

Every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents. No child shall be separated from his parents against his will, except when a judicial authority determines in accordance with the appropriate law that such separation is in the best interest of the child.

Every child who is separated from one or both parents shall have the right to maintain personal relations and direct contact with both parents on a regular basis.

Where separation results from the action of a State Party, the State Party shall provide the child, or if appropriate, another member of the family with essential information concerning the whereabouts of the absent member or members of the family. States Parties shall also ensure that the submission of such a request shall not entail any adverse consequences for the person or persons in whose respect it is made.

Where a child is apprehended by a State Party, his parents or guardians shall, as soon as possible, be notified of such apprehension by that State Party.

Article 20: Parental Responsibilities

Parents or other persons responsible for the child shall have the primary responsibility of the upbringing and development the child and shall have the duty:

(a) to ensure that the best interests of the child are their basic concern at all times;

(b) to secure, within their abilities and financial capacities, conditions of living necessary to the child’s development; and
(c) to ensure that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child.

States Parties to the present Charter shall in accordance with their means and national conditions the all appropriate measures:

(a) to assist parents and other persons responsible for the child and in case of need provide material assistance and support programmes particularly with regard to nutrition, health, education, clothing and housing;

(b) to assist parents and others responsible for the child in the performance of child-rearing and ensure the development of institutions responsible for providing care of children; and

(c) to ensure that the children of working parents are provided with care services and facilities.

Article 21: Protection against Harmful Social and Cultural Practices

States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:

(a) those customs and practices prejudicial to the health or life of the child; and

(b) those customs and practices discriminatory to the child on the grounds of sex or other status.

Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

Article 22: Armed Conflicts

States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child.

States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.

States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situations of internal armed conflicts, tension and strife.

Article 23: Refugee Children

States Parties to the present Charter shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law shall, whether unaccompanied or accompanied by parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties.

States Parties shall undertake to cooperate with existing international organizations which protect and assist refugees in their efforts to protect and assist such a child and to trace the parents or other
close relatives or an unaccompanied refugee child in order to obtain information necessary for reunification with the family.

Where no parents, legal guardians or close relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason.

The provisions of this Article apply to internally displaced children whether through natural disaster, internal armed conflicts, civil strife, and breakdown of economic and social order or howsoever caused.

**Article 24: Adoption**

States Parties which recognize the system of adoption shall ensure that the best interest of the child shall be the paramount consideration and they shall:

(a) establish competent authorities to determine matters of adoption and ensure that the adoption is carried out in conformity with applicable laws and procedures and on the basis of all relevant and reliable information. Ensure that the adoption is permissible in view of the child’s status concerning parents, relatives and guardians and that, if necessary, the appropriate persons concerned have given their informed consent to the adoption on the basis of appropriate counselling;

(b) recognize that inter-country adoption in those States who have ratified or adhered to the International Convention on the Rights of the Child or this Charter may as the last resort, be considered as an alternative means of a child’s care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child’s country of origin;

(c) ensure that the child affected by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) take all appropriate measures to ensure that in inter-country adoption, the placement does not result in trafficking or improper financial gain for those who try to adopt a child;

(e) promote, where appropriate, the objectives of this Article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework to ensure that the placement of the child in another country is carried out by competent authorities or organs;

(f) establish a machinery to monitor the well-being of the adopted child.

**Article 25: Separation from Parents**

Any child who is permanently or temporarily deprived of his family environment for any reason shall be entitled to special protection and assistance;

States Parties to the present Charter:

(a) shall ensure that a child who is parentless, or who is temporarily or permanently deprived of his or her family environment, or who in his or her best interest cannot be brought up or allowed to remain in that environment shall be provided with alternative family care, which could include, among others. foster placement, or placement in suitable institutions for the care of children;
(b) shall take all necessary measures to trace and re-unite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters.

When considering alternative family care of the child and the best interests of the child, due regard shall be paid to the desirability of continuity in a child’s up-bringing and to the child’s ethnic, religious or linguistic background.

**Article 26: Protection Against Apartheid and Discrimination**

States Parties to the present Charter shall individually and collectively undertake to accord the highest priority to the special needs of children living under Apartheid and in States subject to military destabilization by the Apartheid regime.

States Parties to the present Charter shall individually and collectively undertake to accord the highest priority to the special needs of children living under regimes practising racial, ethnic, religious or other forms of discrimination as well as in States subject to military destabilization.

States Parties shall undertake to provide whenever possible, material assistance to such children and to direct their efforts towards the elimination of all forms of discrimination and Apartheid on the African Continent.

**Article 27: Sexual Exploitation**

States Parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent:

(a) the inducement, coercion or encouragement of a child to engage in any sexual activity;
(b) the use of children in prostitution or other sexual practices;
(c) the use of children in pornographic activities, performances and materials.

**Article 28: Drug Abuse**

States Parties to the present Charter shall take all appropriate measures to protect the child from the use of narcotics and illicit use of psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the production and trafficking of such substances.

**Article 29: Sale, Trafficking and Abduction**

States Parties to the present Charter shall take appropriate measures to prevent:

(a) the abduction, the sale of, or traffick in children for any purpose or in any form, by any person including parents or legal guardians of the child;
(b) the use of children in all forms of begging.

**Article 30: Children of Imprisoned Mothers**

States Parties to the present Charter shall undertake to provide special treatment to expectant mothers and to mothers of infants and young children who have been accused or found guilty of infringing the penal law and shall in particular:
(a) ensure that a non-custodial sentence will always be first considered when sentencing such mothers;

(b) establish and promote measures alternative to institutional confinement for the treatment of such mothers;

(c) establish special alternative institutions for holding such mothers;

(d) ensure that a mother shall not be imprisoned with her child;

(e) ensure that a death sentence shall not be imposed on such mothers;

(f) the essential aim of the penitentiary system will be the reformation, the integration of the mother to the family and social rehabilitation.

**Article 31: Responsibility of the Child**

Every child shall have responsibilities towards his family and society, the State and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty:

(a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;

(b) to serve his national community by placing his physical and intellectual abilities at its service;

(c) to preserve and strengthen social and national solidarity;

(d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;

(e) to preserve and strengthen the independence and the integrity of his country;

(f) to contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African Unity.