

# Problematism Concepts and Terms in Children's Rights in the African Children's Rights System: A Form of Decoloniality?

Robert Nanima - [rnanima@uwc.ac.za](mailto:rnanima@uwc.ac.za)

## Abstract

*Concepts and terminologies play a critical forming the narrative on a matter in the human rights landscape. The African Union is not a stranger to this problem, as it struggles in this area. Conversely, under the African children's rights system, it is imperative to note that concepts are either internally evident within the African Charter on the Rights and Welfare of the Child (African Children's Charter) or external to it. The problematisation of these concepts is critical to deconstructing the historical, cultural and societal narrative. With the aid of a document analysis research approach, this contribution sets the scene for where the agency lies in the determination of who a child is. This is followed by a contextualisation of decoloniality and a subsequent discussion of four terminologies, both within and outside the African Children's Charter. It is argued that a problematisation of these concepts is critical to shedding insights into the application of decoloniality by the African Committee on the Rights and Welfare of the Child (African Children's Committee). A clarion call to deconstruct these concepts and terms by the African Children's Charter follows suit. An evaluation of the impact of these terminologies on equity and accountability is done, followed by a conclusion and recommendations.*

**Keywords:** *african charter on the rights and welfare of children, african committee of experts on the rights and welfare of children, decoloniality, terminology*

## Introduction

The African Union faces challenges in defining certain terms, particularly those related to terrorism, due to concerns about their potential consequences (African Union, 1999; African Union, 2004). The lack of definitions for intricate concepts like terrorism and radicalisation hinders the effective implementation and interpretation of human rights standards in Africa (African Union, 1999; African Union, 2004). For example, the 1999 Convention on Terrorism and its 2006 Protocol define terrorist acts but not terrorism itself, creating ambiguity (African Union, 1999; African Union, 2006). This ambiguity may stem from historical complexities, such as the nuanced distinction between terrorists and freedom fighters in contexts like apartheid South Africa (Ofili, 2019), making it difficult for the African Union to establish a unified definition.

The author argues that the marginalisation of African cultures is a direct result of colonial policies that imposed foreign languages, such as English, in administration, commerce, and education (Bamgbose, 2011; Cakata & Segalo, 2017). This imposition led to the dominance of foreign languages in prestigious domains, relegating African languages to a

secondary status (Bamgbose, 2011). This process constituted a profound act of epistemic and psychological violence, where colonisers utilised language as a tool to transmit their cultures, impose their realities, and inferiorise indigenous ways of living and being (Cakata & Segalo, 2017). As noted by Ngũgĩ wa Thiong'o (1986), the colonial mission aimed to control the mental universe of the colonised. It goes without saying that colonial education systematically entrenched European cultures while erasing and distorting African cultures and history (Maine, 2022). As will be shown, it is crucial to evaluate whether deconstructing such terms and rebuilding them from an Afrocentric perspective is a necessary act in reclaiming and reasserting the value of African cultures.

The African Union also faces challenges in defining terms that affect the optimal promotion and protection of the rights of vulnerable populations, particularly children. Most terms used to describe negative aspects of children's experiences include the word "child," such as child marriage, child refugee, child abuse, child trafficking, child soldier, child labour, and handicapped children. These terms may perpetuate stigma or reinforce negative stereotypes. It should be noted, however, that this contribution does not seek to weaken existing norms but rather to challenge their colonial foundation in an attempt to propose a better and informed engagement with terminologies.

Beyond human rights, key terms related to peace and security in African Union legal instruments remain undefined, posing interpretive challenges (African Union, 1999; African Union, 2004). The 1999 OAU Convention on Terrorism and its 2004 Protocol describe terrorist acts but lack a clear definition of "terrorism," allowing Member States to label acts and opposition as terrorism, which can lead to human rights abuses (African Union, 1999; African Union, 2004). Similarly, the term "unconstitutional change of government" in the African Charter on Democracy, Elections and Governance (2007) is ambiguous, leading to inconsistent application of sanctions (African Union, 2007). These examples highlight the need for African Union law and policy to balance global standards with local realities, ensuring that terminologies promote protection, inclusion, and peace while respecting sovereignty and stability.

The use of concepts and terminologies plays a crucial role in shaping the narrative on human rights issues. The African Union is not immune to the challenges posed by ambiguous or undefined terms, which can hinder the effective implementation and interpretation of human rights standards (African Union, 1999; African Union, 2004). Concerning children's rights, concepts can be either internalised or externalised, and their problematisation is critical to deconstructing historical, cultural, and societal narratives that may perpetuate inequality and injustice. This discussion employs a document analysis approach to examine decoloniality and child-related concepts, with a focus on their potential application by the African Children's Committee. This contribution explores the agency involved in defining a child. It contextualises decoloniality and examines key terminologies within and beyond the African Children's Charter. By critiquing these concepts, the discussion aims to illuminate the African Committee's application of decoloniality. Ultimately, it calls for a re-examination of these terms within the Charter.

The author adopts a qualitative document analysis by analysing written documents to systematically examine a phenomenon (Bowen, 2009). Through the rigorous process of identifying, selecting, retrieving, and interpreting various documents, both physical and electronic, the author attempts to gain new empirical insights. To ensure a structured and reliable approach, the author adopts Dalglish et al.'s "READ" framework, which offers a systematic and replicable methodology for analysing documents (Dalglish, Khalid & McMahon, 2020). The READ approach is a systematic method for document analysis, and it involves four key steps: reading materials by preparing relevant documents, extracting data by identifying pertinent information, analysing data through examination and interpretation, and distilling findings by refining and summarising results. This structured framework enables one to effectively analyse documents and gain valuable insights. The author looked at the African Children's Charter and various documents by the African Children's Committee, such as communications, concluding observations, general comments, and literature on decoloniality. This approach enabled an analysis of various documents to extract meaningful data on the African child rights system, decoloniality and terminologies as a mode of contributing to a deeper understanding of the research topic. While document analysis can be combined with other research methods to enhance validity through triangulation, providing a more comprehensive understanding by cross-validating findings, it can also be applied as a standalone method to independently examine policy documents over time and across regions (Bardach & Patashnik, 2023). The author used the latter to inform the findings of this research.

## Setting the Scene

There are various determinants of the age of majority, and a close evaluation of these is important in understanding how these ages of minority may be arrived at. By design, it is argued that while there are various determinants, it is important to note that this contribution is based on the legal, theoretical and societal approaches. From a legalistic/ legislative perspective, international and national law come in handy. International law defines a child as an individual below 18 years old, but in two strands. First, the Convention on the Rights of the Child (CRC) allows national laws to set the age below 18, unless majority is attained earlier by national law (United Nations, 1989). In contrast, the African Children's Charter defines a child as anyone under 18 without exception (OAU, 1990). This difference raises questions about who determines childhood: is it the individual, society, or a higher authority? Should children have agency over their status, or is it determined by external factors? A clear understanding of childhood is crucial for discussing terminologies and coloniality in this context.

The definition of a child varies globally, with some countries defining it as an individual under 18 years old, while others set different age limits. In several nations, including Uganda (Uganda Government, n.d.), Kenya (Kenya Government, 2001), and South Africa (South Africa Government, 2005), a child is defined as someone under 18, aligning with international standards (United Nations, 1989). Similarly, the United Kingdom (UK Government, 1989) and Canada (Government of Canada, 2002) also define a child as under

18. However, in Australia, state laws differ: Victoria defines a child as under 15 (Victoria Government, 1970), Tasmania sets the age at 17 (Tasmanian Government, 1960), and Queensland defines a child as a minor (Queensland Government, 1991). It follows that, generally, from a legal/legalistic perspective, the law determines when one is a child or ceases to be one.

From a theoretical perspective, theories play a crucial role in understanding the rationale behind the age of majority, rather than determining a specific age. They provide a foundation for justifying the selection of a specific age or the need for further protection of children's rights. Erik Erikson's Psychosocial Development Theory is particularly relevant, as it considers the child's overall well-being and growth across eight stages of development (Erikson, 1950; Erikson, 1963). This theory proposes that human development occurs in eight stages, each with unique challenges and opportunities.

The first five stages, spanning from birth to approximately 18 years, are particularly relevant to promoting and protecting children's rights (Mezmur, 2017; Mezmur, 2020). These stages include trust vs. mistrust, autonomy vs. shame and doubt, initiative vs. guilt, industry vs. inferiority, and identity vs. role confusion (Erikson, 1950; Erikson, 1963). The subsequent stages, including intimacy vs. isolation, generativity vs. stagnation, and integrity vs. despair, are also crucial for understanding human development across the lifespan. The sixth stage of Erikson's theory, intimacy vs. isolation, highlights the ongoing need for support and protection as young adults navigate modern society (Erikson, 1950; Erikson, 1963). This stage is particularly relevant to young adults aged 18-40 and aligns with international instruments such as the African Youth Charter and the African Charter on the Rights and Welfare of the Child (African Union, 2006). These frameworks provide a structure for ensuring the protection and support of young people transitioning to adulthood.

Notably, Erikson's theory suggests that cognitive abilities continue to develop beyond the age of 18, underscoring the complexity of determining a specific age of majority (Erikson, 1950; Erikson, 1963). This is corroborated by some developmental psychology theories, such as Jean Piaget's work, which suggests that cognitive development reaches maturity around the age of 18 (Piaget, 1954). In addition, neuroscience posits that brain development continues into the early twenties (Giedd, 2004). These findings inform laws and policies related to the age of majority. Furthermore, other theories, such as the social contract theory, posit that rights and responsibilities are intertwined, requiring adult-level reasoning and decision-making capacity (Rawls, 1971). It is clear from the above few examples that the determination of the age is mainly informed by various theories that point to the age of a minor and an adult, and the legislative function concludes by attaching an age, reflective of when individuals have developed sufficient maturity to exercise their rights and fulfil their duties. It may, in the interim, be correct to assert that while theories provide valuable insights into the why behind the age of majority, they do not directly set the age. Lawmakers and policymakers consider these theoretical frameworks when determining the age of majority, but the specific age is ultimately a product of societal, cultural, and historical contexts.

## Contextualising Decoloniality

Decoloniality is the dismantling of relations of power, conceptions of knowledge and aspects of being from a Eurocentric perspective to an indigenous appreciation by individuals and societies (Grosfoguel, 2013; Quijano, 2000; Wynter, 2003) as part of the restoration of ontological density, sovereign subjectivity, as well as self-pride and self-assertion (Ndlovu-Gatsheni, 2015). The definitional contexts of power, knowledge and being are accorded an opportunity to contextualise decoloniality in three major aspects: as a process, an alternative and an epistemology. To these three, the author turns, followed by a look at how the foregoing aspects offer an understanding of terminologies.

As a process, decoloniality is the dismantling of power relations and knowledge conceptions that perpetuate racial, gender, and geopolitical hierarchies born out of the modern/colonial world (Maldonado-Torres, 2016). First, the person or organisation recognises the existence of power relations and dominant conceptions of knowledge which, in turn, perpetuate three forms of hierarchy: racial, gender, and geopolitical. It also follows from this definition that recognition of entrenched power relations and dominant epistemologies is a critical step in deconstructing systems of inequality. These knowledge structures actively shape and sustain social hierarchies. Quijano (2000) and Mignolo (2011) argue that the coloniality of power and knowledge perpetuates forms of exclusion and subordination across various axes. As a result, this leads to the production of racial, gender, and geopolitical hierarchies that privilege certain norms and marginalise alternative worldviews and identities (Grosfoguel, 2011). Consequently, such recognition demands a critical interrogation of how knowledge production and institutional power reinforce global inequalities.

In addition, the coloniality of knowledge has resulted in mainstream human rights discourse often being acultural. It is observed that in mainstream psychological discourse, "culture remains marginalised" (Misra and Gergen, 1993, p. 226). Consequently, terms such as "handicapped children" exemplify a "decontextualised science" that imposes an "alien ontology and an alien epistemology" (Misra & Gergen, 1993, p. 235) on African children with disabilities. This highlights the need for a more nuanced understanding that acknowledges and respects cultural differences in human rights discourse. An evaluation, therefore, of the place of terminologies in deconstructing power relations and knowledge or maintaining the status quo comes to the fore.

In practice, this alien epistemology perpetuates a damaging dichotomy, where colonial education created a "dissociation of sensibility" (Ngũgĩ wa Thiong'o, 1986, p. 11). In the context of this discussion a dissociation is characterised by the dominance of English as the language of intellect and school, whilst the mother tongue is relegated to the realm of home and lived experience. The uncritical adoption of universalised legal terms without consideration for local context merely serves to perpetuate this same damaging split between legal frameworks and African realities.

As an alternative, decoloniality introduces alternative interpretations that challenge dominant narratives, revealing the limitations of imperial ideology and uncovering silenced perspectives (Mignolo, 2005). The consequence of this approach is that decoloniality as a notion challenges the notion that Western knowledge is universal and neutral, instead revealing its deep connections to empire, colonialism, and modernity (Mignolo, 2011; Quijano, 2000). The presentation of alternative perspectives rooted in non-Eurocentric epistemologies adds value. These include Indigenous, Afro-diasporic, or Global South knowledge systems. It is argued that the extent to which decoloniality highlights how dominant narratives have marginalised or erased other ways of knowing and being is critical. This approach seeks to promote a more inclusive understanding of the world, acknowledging the value of diverse knowledge systems and experiences. The rhetorical question is how the pursuit of alternatives as part of the decoloniality agenda proffers one's understanding of terminologies.

As an epistemology, decoloniality is deconstructive as a pluriversality of an epistemology of the future, seeking to break free from the tyranny of abstract universals (Mignolo, 2011). This approach recognises decoloniality as liberality that questions universality as the projected Eurocentric perspective. From a redemptive and liberatory epistemological context, decoloniality informs ongoing struggles against the inhumanity (Mignolo, 2011). In addition, decoloniality acknowledges the coexistence and legitimacy of multiple knowledge systems across cultures, histories, and geographies, promoting the concept of pluriversality (Mignolo & Walsh, 2018). This approach resists the imposition of abstract universals rooted in Eurocentric contexts, which often marginalise non-Western worldviews (Quijano, 2000). Decolonial epistemology seeks to deconstruct this dominance by advocating for an inclusive, dialogic approach to knowledge creation (Escobar, 2020). Misra & Gergen's (1993) call for a "pluralistic human science" (p. 237) directly supports the goal of re-examining and redefining legal terminology to better reflect diverse cultural contexts. As such, decoloniality envisions a world where multiple worlds coexist, prioritising epistemic justice, plurality, relationality, and contextuality. While epistemic justice recognises and validates diverse knowledge systems, plurality embraces various perspectives and ways of knowing. Furthermore, while relationality acknowledges the place of interconnectedness and relationships, contextuality considers specific historical, cultural, and social contexts.

A critical question to ask is whether the marginalisation of both African languages and cultures as a consequence of historical colonial policies presents a contemporary danger. It is argued in the affirmative in light of various persisting factors. First and notably, elite closure and inheritance have enabled elites emerging from the colonial educational system to perpetuate the dominance of imported languages, resulting in elite closure (Scotton, 1990; Bamgbose, 2011) and the inheritance situation (Gellar, 1973; Bamgbose, 2011). The two foregoing concepts present individuals who emerge from the colonial educational system and wield a lot of power, and play a gatekeeping role to maintain their status to the exclusion of others. The danger lies in the fact that the act of exclusion limits the organic growth and use of language and terminology that imbue colonialism.

Secondly, internalised inferiority has become a lasting legacy of colonialism, with negative attitudes towards African culture and language, presenting a lack of opportunities (Cakata & Segalo, 2017). Thirdly, as a consequence, the dominance of white knowledge and history in professional culture has resulted in the dangers of a single story (Khoza-Shangase & Mophosho, 2018). As such, untrue or incomplete stereotypes about culture, backwardness for the blacks demonstrate that the marginalisation of African cultures continues to pose a significant contemporary danger. In light of the foregoing, the author turns to how the prioritisation of epistemic justice, plurality, relationality, and contextuality lends nuanced understandings to terminologies.

The problem of terminology also speaks to the broader colonial legacy of language imposition in Africa, which created a situation where imported colonial languages, policies, and cultures dominated the post-independence era. As such, it is argued that the dominance of Eurocentric legal terminology in human rights is a continuation of this legacy. Bamgbose (2011) illustrates that colonial powers imposed their languages, resulting in a persistent colonial legacy and an inheritance situation where imported languages and policies remained dominant post-independence. This legacy is not merely a historical relic, but a continuing phenomenon that shapes the linguistic and cultural landscape of Africa. Ngũgĩ wa Thiong'o (1986) further argues that this colonial legacy was not accidental, but a deliberate strategy of control, with the ultimate aim being to "control the mental universe of the colonised". The imposition of foreign languages and their concepts was a key tool in achieving this control. In this context, a focus on problematising terminology can be seen as a profound decolonial act, aimed at reclaiming this "mental universe" and challenging the ongoing dominance of Eurocentric perspectives.

## **Terminologies Involving the Phrase ‘Child’**

This section gives an overview of the African Children's Charter and the mandate of its monitoring body, the African Children's Committee, as a critical arm of the decoloniality discourse.

### ***The African Children's Charter***

The African Children's Charter on the Rights and Welfare of the Child was adopted in 1990 as a response to the distinct challenges and vulnerabilities faced by children in Africa. Several key factors drove the adoption of this landmark instrument. These included the impact of apartheid on children, as far as they faced extreme hardships, and violations of their rights, such as the rights to education and the environment. In addition, specific factors disadvantaging the girl child have not been captured in the United Nations Convention on the Rights of the Child (UNCRC). These factors included harmful practices such as Female Genital Mutilation (FGM), child marriages, which all posed significant risks to the health and well-being of the girl child. Furthermore, the aspect of the responsibilities of the child was missing from the UNCRC, creating a need to have a distinct instrument that recognised this special right. The incorporation of these elements in the African Children's Charter showed

an emphasis on the role of families, communities, and societies in protecting and promoting the rights of children. In addition, the minimum age for military service was not adequately addressed in the UNCRC. This was because the definition of a child therein did not accord protection to children below 18 without exception. Rather, it defined a child as a person below the age of 18 or where national law provides for a lower age. This is significantly proportional to continued violation of the rights of the child in situations of conflict, as far as the recruitment of children below 18 years was addressed by the UNCRC.

The African Children's Charter filled these gaps by prohibiting traditional harmful practices such as Female Genital Mutilation (FGM), child marriages, and recognising that children had responsibilities in the community. Furthermore, the African Children's Charter defined a child as a person below the age of 18 without exception and opted to use the concept of children affected by armed conflict, other than child soldiers. This approach, in passing, sent a strong message that continues to roar in the corridors of eternity that a definition and contextualisation of the child in Africa from both an objective and subjective approach is important. This approach, without direct reference to decoloniality, is argued to show a radical and normative shift from Eurocentric values that imposed a certain power, knowledge and being. The pushback in the African Children's Charter for an Afrocentric lens that values incorporation of these elements in its text showed an indirect pushback against power, knowledge and being. However, there are still terminologies in the African Children's Charter that stifle the promotion and protection of the rights of the child. A look at this and a conversation on how decoloniality may help follows suit.

### ***The African Children's Committee***

The African Children's Committee is a critical institution established under the African Charter on the Rights and Welfare of the Child (ACRWC) to promote and protect the rights and welfare of children in Africa (OAU, 1990, Article 32). The Committee's mandate is multifaceted, encompassing promotional, protective, monitoring, and interpretative functions. Its promotional mandate involves promoting the ratification, domestication and implementation of the ACRWC (Mezmur, 2017; Nanima, 2021). Currently, 51 out of 55 African states have ratified the Charter, demonstrating a strong commitment to protecting children's rights (ACRWC, 2025). The mandate of the African Children's Committee takes on both a promotional and protective function that is elucidated through its working methods. These include receiving and considering the state party reports, visiting states parties, receiving and considering communications from individuals and state parties that claim a violation of children's rights under the African Children's Charter, and engaging in research and other activities to improve the enjoyment of the rights of the child in Africa (OAU, 1990).

### ***Terminologies***

A look at the parent instrument, the African Children's Charter, reveals that the term 'child' is mentioned 81 times, while the term 'children' is mentioned 34 times. It also suffices to note that the number of times changes depending on the formatting that a publisher of the



African Children's Charter accords to the printout. It is for that reason that the author uses the original print of the African Children's Charter to get a closer evaluation of the document. The author identifies five terminologies within the African Children's Charter and two concepts that are used in the child rights system but are not found in the African Children's Charter. The five concepts are child labour, child marriage, handicapped children, child abuse, and refugee children. The two concepts (not in the African Children's Charter) include child soldiers and child trafficking. These concepts require a thoughtful and context-specific approach that addresses 1) an understanding in a normative sense, 2) the unique challenges they present in application, and 3) their relationship to the decoloniality debate.

All the aforementioned concepts, by their nature, add a negative notion to the person of the child; for adding labour, marriage, handicapped, abuse, refugee, soldier and trafficking. As will be shown shortly, the danger in this approach is multifaceted and affects the optimum promotion and protection of the rights of the child.

### **Child Labour**

About child labour, literature suggests that the terminology used to describe this phenomenon is crucial in understanding its impact on children and communities. Ngũgĩ wa Thiong'o (1986) states that language is more than communication; it is a "carrier of culture" and culture is the "collective memory bank of a people's experience in history" (p. 14-15). By arguing for terminology rooted in African realities, such as using 'child exploitation' instead of 'child labour', one is not just changing words, but reconnecting legal protections to the culture and lived experience of the people they are meant to serve. This approach acknowledges the significance of language in shaping perceptions and responses to social issues, and seeks to ensure that the terminology used is respectful, relevant, and effective in promoting the rights and well-being of children.

The heading to Article 15 of the African Children's Charter reads 'child labour', yet this term is only used once in the main text, in Article 15(2)(d) (OAU, 1990). From a normative position, the Article seeks to protect the child from economic exploitation that leaves a dual dent in the life of the child. This dual dent is the hazardous nature of the work on the one hand and the possible interference with the child's physical, mental, spiritual, moral, or social development (OAU, 1990). In addition, the Article requires states parties to the African Children's Charter to take necessary legislative and administrative actions to fully implement Article 15, including alignment with the provisions of the International Labour Organisation.

A look at the jurisprudence of the African Children's Charter; reference to Article 15 is premised on the term 'child labour'. For instance, the General Comment on state party obligations calls for the protection from child labour (ACERWC, 2025c). In addition, General Comment 7 on sexual exploitation refers to child labour as the worst form of child labour. It is also interesting to note that research by ECPAT calls for the need to refer such violations, like child labour, prostitution, as child exploitation (ECPAT, 2025). It should also be noted that in legislative drafting, the role of the heading is not settled. While some authors

state they play no role in statutory interpretation (Bhukuth, 2008), others note that they do, depending on who is the recipient or the implementor of the provision (Horn, 2011). To this end, looking at the jurisprudence of the African Children's Committee, they do play a critical role as far as reference is made to the heading of 'child labour' as the point of reference (OAU, 1990). It is argued in the interim that normatively, the concept of child labour as used in the African Children's Charter and by the African Children's Committee shows that children may be labourers in some spaces.

The challenges in the use and implementation of the term 'child labour' are multifaceted. The term presents a negative connotation that leads to the stigmatisation of children involved in work rather than focusing on protecting their rights (Adepoju, 2017). Consequently, this may lead to the elimination of all forms of child work, without considering the potential benefits of certain types of work, such as skill development and contributing to family income. In addition, the term fails to distinguish between work that is harmful from that which is beneficial to the child's development (Okechukwu, 2019).

### **Child Marriage**

In contrast with the previous conversation on child labour, the heading to Article 21 of the African Children's Charter reads 'protection against harmful social and cultural practice'. The point of confluence is that the term 'child marriage' is used only once in the entire Charter- in Article 21(2) (OAU, 1990). From a normative position, the Article seeks to protect the child from harmful social and cultural practices as far as they affect the welfare, dignity, growth and development of the child (OAU, 1990). The protection extends to the use of the principle of non-discrimination against a child in light of the glaring statistics that show that Africa is projected to have the highest number of child marriages by 2050 (UNICEF, 2015; Usang, 2024; Karabo & Nanima, 2024). While the African Children's Charter does not define child marriage; its jurisprudence, the Joint General Comment on ending child marriages uses Article 16(1) of the Universal Declaration of Human Rights to define it as 'Child marriage' is a marriage in which either one of the parties, or both, is or was a child under the age of 18 at the time of union' (ACERWC, 2025a). The problem with this definition is the presumption that a child can conclude a marriage. If a child can only contract for necessities through a guardian or a caregiver, they can't contract a marriage. This terminology of 'child marriage' sanitises the violation by according an instance that requires contractual capacity (marriage) on a subject (the child) who lacks the same. The single story (Khoza-Shangase & Mophosho, 2018) narrative is maintained in the use of this term. In addition, flawed terminology creates loopholes that undermine accountability. This is exacerbated where the notice and continued implementation of such imperfections (Cakata & Segalo, 2017) by duty bearers continues unabated. As a consequence, this sanitises the violations emanating from the continued use of such terminologies.

A look at the jurisprudence of the African Children's Charter shows that reference to Article 21 is premised on the phrase 'protection against harmful social and cultural practices'. In addition, the Joint General Comment on ending child marriages calls on states parties to use legislative, institutional and other measures to deal with the vice (ACERWC, 2025a,

paras 18-47). It is argued that the challenge in the use and implementation of the term 'child marriage' is multifaceted. In addition to the negative connotation and stigmatisation of children generally (Adepoju, 2017), it enunciates a potential conflict between cultural sensitivity and the protection of children's rights (Kishor & Gupta, 2009) especially where it is entrenched in some cultures, where efforts to prevent it may be met with resistance, making it essential to balance cultural understanding with the need to protect children from harm. While the focus on age is imperative, aspects that deal with the complexities.

## **Handicapped Children**

Concerning handicapped children, conceptual barriers are connected to negative outcomes, much like in healthcare. Khoza-Shangase & Mophosho (2018) state that groups outside the dominant culture often have "worse health outcomes... with language as an example of a barrier to health care"(p. 3). Similarly, in the legal system, conceptual barriers can lead to worse justice outcomes. Using an outdated, charity-oriented term like 'handicapped children' can lead to policies that fail to ensure equity and rights for children with disabilities. Such terminology perpetuates a negative narrative that emphasises dependence rather than empowerment, ultimately hindering the effective protection and promotion of their rights.

About the foregoing discussion on child labour, this term is only used in the heading under Article 13 of the African Children's Charter (OAU, 1990). About child labour, it appears once in the African Children's Charter. Once in the African Children's Charter in the heading of Article 13 (OAU, 1990). While the Article does not define a handicapped child, it goes describe the nature of disabilities and how they inform the right to special measures of protection (OAU, 1990). According to Shimelis (2024), the African Children's Charter's drafters used the term "handicapped" in Article 13 to describe children with disabilities, reflecting the prevailing attitudes of the time. The term "handicapped" has origins from the image of a person begging with a cap in hand, conveying a charity-oriented perspective that emphasises dependence on others (Levi, 2020). By using this term, the drafters inadvertently perpetuated a narrative that denies the autonomy and capability of children with disabilities to live independently and self-reliantly.

This approach by the drafters of the African Children's Charter has since found its relevance in the subsequent amendments on account of terminology by the UNCRC, the Convention on the Rights of Persons with Disabilities (CRPD), and the African Disability Protocol, most of which were subsequently revised and amended. Just like the previous terms such as 'child labour' and 'child marriage', the term 'handicapped children' serves the potential to individually and severally perpetuate stigma and reinforce negative stereotypes about children with disabilities. More respectful and inclusive language, such as "child with a disability," can help promote a more positive and empowering environment.

In addition, the term 'handicapped children' is more inclined to a medical model of disability, which can be fixed or cured (Botha & Watermeyer, 2024). The perpetuation of stigma is from the perspective that the child with disabilities is "broken" or "defective" (Qi &

Wang, 2023). A closer look at Article 13 of the African Children's Charter shows a plurality of terminology as far as it refers to 'handicapped children' other than the 'handicapped child'. This creates a sense of "one" group of children about the other group of "otherness" (Kewanian, Creely & Southcott, 2024). reiterates the perspective that children with disabilities are separate and/ or distinct from others.

### **Child Soldiers**

Some terminologies are not provided for therein; as previously earlier, there are two identified terminologies- child soldier and child trafficking. The available data on the two concepts shows a lot of traction on the phrase 'child soldier' (ACERWC, 2025). Though not in the African Children's Charter, the phrase 'child soldier' shows an inclination to children affected by armed conflict with a lot of jurisprudence by the Committee, like the General Comment, a Model Law, a Continental Strategy, as well as a designated special rapporteur for Children Affected by Armed Conflict in Africa. On the other hand, there is no Special Rapporteur for the trafficking of children in Africa, no General Comment or related jurisprudence. It is on this basis that, by design, the author elects to look at the terminology of 'child soldier' rather than 'child trafficking'.

Normatively, the concept of child soldiers is foreign to the African human rights system as far as it is not provided for in the African Children's Charter, let alone the jurisprudence of the African Children's Committee. The author, by design, looks at this specific provision as a form of application of decoloniality indirectly. The African Children's Charter provides for the protection of children who may be recruited. At its core, Article 22 is for the promotion and protection of children affected by armed conflict. The term 'children affected by armed conflict' also does not appear in the African Children's Charter. Rather, it points to the phrase children who are affected by armed conflict. This phrase is preferred because it calls for a holistic approach to the promotion and protection of children who are affected by armed conflict, both directly and indirectly.

A look at the jurisprudence of the African Children's Committee reveals that the phrasing concerning children and armed conflict is constantly shifting. For instance, the Model Law on Article 22 reflects the phrase 'children affected by armed conflict'. The General Comment on Article 22 has a title that reflects 'children in conflict situations' (ACERWC, 2025d). This is another indication that reframing and rephrasing terminology is critical to suit the emerging situations. Enjoyment of it offers the best approach to child rights best approach in a holistic manner that deals with both. This is because the effect might be both direct and indirect. The critical question to ask is how the lack of the term in the African Children's Charter points to its importance concerning decoloniality. This will be dealt with in the subsequent section.

Regarding the term 'child soldier', in hindsight, if the African Children's Charter had the term 'child soldier', it would be problematic for a couple of reasons. First, the term 'child soldier' can be problematic does not fully capture the experiences of children affected by armed conflict, because the aspect of recruitment of children is but one small part of a larger

problem. Statistics indicate that over 450 million children in areas affected by armed conflict, with over 150 million in Africa alone (UNICEF, 2025). Looking at the strand of only child soldiers does not capture the holistic picture of how children are affected both directly and indirectly. In addition, the term carries with it a stigmatisation of children who have been involved in armed conflict without recognising their experiences and providing support for their rehabilitation. It is argued that effective solutions require a focus on protection, rehabilitation, and reintegration, considering the unique needs and experiences of children who have been involved in armed conflict.

## **Using Decoloniality to Deconstruct Terminologies**

It should be noted from the onset that there is a need to challenge the colonial foundations of terms to build something stronger. As Cakata and Segalo (2017) highlight, post-apartheid policies failed because they attempted to "reform this beast" rather than opting to "break everything and start from scratch" (p. 324). In light of this, merely amending Eurocentric legal terms is insufficient; instead, their colonial underpinnings must be deliberately deconstructed.

Concerning child labour, decoloniality offers a process to unlearn child labour from a Eurocentric perspective, which mainly argues for an economic understanding of child labour (Nkatha & Nqobani, 2024). As noted earlier, the use of a 'white knowledge basis' to use such terms condones the dangers of a single story that creates stereotypes and beliefs that are not only false but incomplete (Khoza-Shangase & Mophosho, 2018). This is critical in creating knowledge that dismantles 'child labour' as understood and creates an understanding that shows a distinction between hazardous work and that which is beneficial for the development of a child. It follows that the critical interrogation of how knowledge production and institutional power reinforce global inequalities (Mignolo, 2005) is questioned concerning chores that a child should be expected to do at home with ease. This approach not only challenges the notion that Western knowledge is universal and neutral (Quijano, 2000) but also qualifies it with alternative perspectives, Afrocentric perspectives (Nkatha & Nqobani, 2024). A decolonial epistemology then deconstructs the status quo by seeking to call for an amendment to the African Children's Charter to provide for the term 'child exploitation' other than 'child labour'.

Similarly, about Child marriage, this terminology presents a rather interesting challenge; in part because it is part of the lived realities of the girl child in Africa and secondly, it is saved in the Continental instruments such as the African Children's Charter and the Maputo Protocol. The identification of the term as a challenging concept and the willingness to review it is a step that shows an identification of a challenge and the use of the principles of decoloniality to improve the situation. While effective prevention of child marriage requires addressing the root causes of the practice (Jensen & Thornton, 2003), the use of terms that do not accord power and influence to the perpetrator needs to be adopted. The use of the term imposes a single, sanitised story (Khoza-Shangase & Mophosho, 2018) that obscures the violent reality of the violation of the rights of the child. A revisiting of the

term from 'child marriage' to 'illegal unions', such that the stigmatisation, sanitisation of violations stop forthwith. In line with Misra & Gergen's (1993) call for a "pluralistic human science" (p. 237), the proposal to change 'child marriage' to 'illegal unions' is not merely a semantic preference, but rather a move towards a more pluralistic legal understanding that acknowledges and respects the complexity of different cultural practices and values.

Secondly, while the dismantling of power relations and knowledge conceptions has often been a matter this deconstructs the narrative of the global north; it is argued concerning the terminology of 'child marriage' that the perpetuation of gender stereotypes is a consequence of the global north narrative albeit indirect due the consequences of their various actions that inhibit poverty that in turn gives caregivers an alternative to look at child marriage as an economic tool. A strategic deconstruction starts with this recognition (Maldonado-Torres, 2016 ) and a distraction of the terminology to inform the need for inclusion and alternatives to child marriages as a mode of eradication of poverty (Grosfoguel, 2011; Mignolo, 2011). This pursuit of alternative terminologies to 'child marriage' as part of the decoloniality agenda calls for the use of other terms that are more inclusive.

Thirdly, as an epistemological perspective, the change of the term presents a resistance to the imposition of an abstract notion that finds no fault with the term 'child marriage'. As such, an inclusive dialogic approach to knowledge creation (Escobar, 2020) calls for a revisiting of the term as part of the journey to epistemic justice (Fricker, 2007). This would organically lead to the recognition and validation of diverse knowledge systems on one hand, and the promotion and protection of the rights of the girl child in Africa on the other.

About the term 'handicapped children', it is not in doubt that the choice of words regarding children with disabilities during the deliberations on the wording of the African Children's Charter points to a deconstruction of systems of inequality (Mignolo, 2011) and engaging a rebuilding using an Afrocentric position. The space of proffering alternatives does not stop but rather continues as societal perspectives change over time to embrace alternative worldviews and identities (Grosfoguel, 2011; 2013). It follows that opportunities to continually deconstruct the status quo should be welcomed. As an alternative, decoloniality introduces alternative interpretations that challenge dominant narratives, revealing the limitations of imperial ideology and uncovering silenced perspectives (Mignolo, 2005). The continuing evolution in the pursuit of alternatives as part of the decoloniality agenda remains a living process that calls for a willingness to embrace changes as they emerge. It is further argued that decoloniality emphasises the need to prioritise community and collective responsibility that starts from the terminologies we employ, to inform and develop more effective solutions that prioritise children's well-being and protection.

Regarding the term 'child soldier', it is often used by the Special Representative of the Secretary General on Children and Armed Conflict, based on Article 38 of the UNCRC, which calls on the states parties to refrain from the recruitment of persons who have not attained the age of fifteen years into their armed forces. It is argued that the departure from the use of the term 'recruitment of children' to 'protection and care of children affected by

armed conflict' offers a wide scope for protection. It is argued by the author that this is an example of the implicit application of decoloniality through a normative dismantling of power and knowledge surrounding the child in spaces of conflict (Maldonado-Torres, 2016; Nanima, 2021). As a point of departure from Quijano (2000) and Mignolo (2011), this decoloniality of power and knowledge mitigates forms of exclusion on account of the approach that a state party takes about children and armed conflict. It can also be stated with sufficient clarity that alternative interpretations that do not only place the child in a box of recruitment for use in armed conflict, but look at various areas where a child affected by armed conflict may obtain protection of their rights (Mignolo, 2005). This also shows how indigenous Afrocentric approaches speak to the child who requires support. From an epistemological perspective, this is an example of a normative-decolonial deconstructions that offer an inclusive, dialogic approach to knowledge creation (Escobar, 2020), use and implementation.

## **Impact on Equity and Accountability**

To maintain policy relevance, it is imperative that a link is established between pluriversality and the fundamental goals of equity and accountability. The core process of the non-marginalisation of non-Western views presents participation and the use of democracy. It is argued that a rephrasing of the current concepts is essential in the mitigation of exclusion and stigmatisation, thereby ensuring maximal participation. Often, terminologies embedded in policy carry potential drawbacks, like stigmatisation and negative connotations. For instance, terminology like 'handicapped children' reflects a charity-oriented perspective that emphasises dependence, inadvertently denying the autonomy and capability of children with disabilities. Equity is advanced by replacing such concepts with respectful and inclusive language, such as "child with a disability," fostering a more positive and empowering environment. Furthermore, rephrasing 'child labour' as 'child exploitation' and 'child marriage' as 'illegal unions' strategically deconstructs the narrative, stopping the stigmatisation and sanitisation of rights violations.

Concerning accountability, changes in terminology may uphold accountability within institutional and legal frameworks, particularly from a decolonial lens. Literature suggests that where legislation relies on terminology in a foreign policy language, participatory democracy is deemed an illusion (Chimhundu, 1997). Although the emphasis of the contribution is on terminology other than language, the use of instructive terminology reduces the impact of an already huge gap in policy implementation that often offers ground for an inferior status for locally relevant conceptualisations (Cakata & Segalo, 2017). It is correct to assert that the use of context-specific terminologies bolsters accountability, ensuring that they (terminologies) reflect local realities (Bamgbose, 2011/2017). This approach of decoloniality challenges how institutional power structures reinforce global inequalities.

## Conclusion and Recommendations

The problematisation of terminologies under the African Children's Charter is critical to appreciating the nature of challenges that children as constituents of the African Child Rights System face, and how this decoloniality plays a critical role. A couple of pointers are worth noting. First, the determination of the age of majority is a complex issue that is influenced by a multifaceted interplay of legal, theoretical, and societal factors. While international and national laws provide a framework for defining childhood, theories such as Erikson's Psychosocial Development Theory and social contract theory offer valuable insights into the rationale behind the age of majority. Ultimately, the specific age is shaped by societal, cultural, and historical contexts, highlighting the need for a nuanced understanding of childhood and adulthood. By considering these diverse perspectives, policymakers can develop more effective laws and policies that support the rights and well-being of individuals across the lifespan.

Secondly, decoloniality offers a critical framework for dismantling power relations, challenging dominant knowledge systems, and promoting epistemic justice. By recognising the coloniality of power and knowledge, decoloniality seeks to create a more inclusive understanding of the world, acknowledging the value of diverse knowledge systems and experiences. As a process, alternative, and epistemology, decoloniality provides a nuanced understanding of terminologies, highlighting the importance of contextuality, plurality, relationality, and epistemic justice. Ultimately, decoloniality envisions a world where multiple worlds coexist, prioritising the validation of diverse knowledge systems and promoting a more just and equitable society.

Thirdly, the African Children's Charter and the African Children's Committee represent significant milestones in promoting and protecting the rights and welfare of children in Africa in a normative and institutional context that translates to evolving jurisprudence. The African Children's Charter's adoption was driven by the need to address specific challenges and vulnerabilities faced by African children, including apartheid, harmful cultural practices, and the impact of armed conflict. The African Children's Committee plays a crucial role in promoting the implementation of the African Children's Charter, monitoring state compliance, and providing a platform for individuals to seek redress for violations of children's rights. While the African Children's Charter has made significant strides in advancing children's rights in Africa, there is still work to be done to address the complex challenges facing children on the continent. Ongoing efforts to promote and protect children's rights, including addressing terminological and conceptual issues, are essential to ensuring that African children receive the protection and support they deserve.

Four, the terminologies used in the African Children's Charter, such as "child labour," "child marriage," "handicapped children," and "child soldiers," have significant implications for the promotion and protection of children's rights in Africa. While these terms have been instrumental in highlighting specific challenges faced by children, they also carry potential drawbacks, including stigmatisation, negative connotations, and limitations in capturing the complexities of the issues. The African Children's Committee's jurisprudence has played a



crucial role in interpreting and applying these terms, often adopting a more nuanced and contextual approach. Ultimately, the use of respectful, inclusive, and context-specific language is essential for promoting a positive and empowering environment for children in Africa. By acknowledging the limitations and potential biases of certain terms, policymakers and practitioners can work towards developing more effective solutions that prioritise the best interests of the child. The place of decoloniality cannot be understated.

Five, the application of decoloniality to deconstruct terminologies surrounding children's rights offers a critical framework for challenging dominant narratives and promoting more inclusive and effective solutions. By interrogating how knowledge production and institutional power reinforce global inequalities, decoloniality provides a nuanced understanding of issues such as child labour, child marriage, and children with disabilities. The pursuit of alternative terminologies, such as "child exploitation" instead of "child labour" and "illegal unions" instead of "child marriage," can help to promote a more positive and empowering environment for children. Ultimately, decoloniality's emphasis on community, collective responsibility, and inclusive knowledge creation can inform the development of more effective solutions that prioritise children's well-being and protection. By embracing decoloniality, policymakers and practitioners can work towards creating a more just and equitable society for all children.

It is recommended that a contextualisation of terminologies should be encouraged such that the specific cultural, historical, and societal contexts in which they will be applied are considered. At its core, the contextualization of terminologies requires that the proposed terminologies are informed by the art of inward-looking that is anchored in an Afrocentric foundation (Cakata & Segalo, 2017) that requires that answers to the violations that are perpetrated by the current terminologies are deconstructed to stifle subservience to the status quo (Biko, 2004). This approach ensures that the terms are relevant and effective in promoting children's rights.

Inclusive language should be used to encourage the adoption of respectful and context-specific language that prioritises the best interests of the child. This involves using terms that are free from stigma and negative connotations, and that recognise the diversity of children's experiences.

The urge to challenge dominant narratives to interrogate how knowledge production and institutional power reinforce global inequalities is encouraged. This critical approach helps identify and challenge dominant narratives that may perpetuate harmful or exclusionary practices.

There should be a pursuit of alternative terminologies to better capture the complexities of issues such as child labour, child marriage, and children with disabilities. For example, using "child exploitation" instead of "child labour" or "illegal unions" instead of "child marriage" may help promote a more positive and empowering environment for children.

States should prioritise community and collective responsibility in developing solutions that prioritise children's well-being and protection. This approach recognises that children's rights are not solely the responsibility of individual caregivers but rather a collective effort that involves communities, organisations, and governments.

States should foster inclusive knowledge creation through dialogic approaches to knowledge creation, recognising diverse knowledge systems and experiences. This involves engaging with a range of stakeholders, including children, caregivers, community leaders, and experts, to develop a more nuanced understanding of children's rights and needs.

Finally, there should be a continuous review and revision of terminologies regularly to ensure they remain relevant and effective in promoting children's rights. This involves ongoing monitoring and evaluation of the impact of terminologies on children's lives, and adjusting as needed to ensure that the terms used are respectful, inclusive, and effective. By following these recommendations, policymakers and practitioners can harness the power of decoloniality to create a more just and equitable society for all children.

## References

- ACERWC (2025a). General Comment No. 7. 2022. on Article 27 of the African Children's Charter, Sexual Exploitation. Retrieved from [https://www.acerwc.africa/sites/default/files/2022-09/General-Comment-on-Article-27-of-the-ACRWC\\_English\\_0.pdf](https://www.acerwc.africa/sites/default/files/2022-09/General-Comment-on-Article-27-of-the-ACRWC_English_0.pdf)
- ACERWC (2025b). Joint General Comment of the African Commission on Human and Peoples Rights and the African Charter on the Rights and Welfare of the Rights and Welfare of the Child. Retrieved from <https://bit.ly/44N40vJ>
- ACERWC. (2025c). General Comment on General Measures of Implementation. Retrieved from <https://bit.ly/4m2rVxI>
- ACERWC. (2025d). General Comment on Article 22 'Children in conflict situations'. Retrieved from [https://www.acerwc.africa/sites/default/files/2022-09/General-Comment-on-Article-22-of-the-ACRWC\\_English\\_Web\\_version\\_final-1.pdf](https://www.acerwc.africa/sites/default/files/2022-09/General-Comment-on-Article-22-of-the-ACRWC_English_Web_version_final-1.pdf)
- Adepoju, A. (2017). Child labour in Africa: A review of the literature. *Journal of African Studies*, 26(1), 1-15.
- African Union. (1990). African Charter on the Rights and Welfare of the Child.
- African Union. (1999). OAU Convention on the Prevention and Combating of Terrorism.
- African Union. (2004). Protocol to the OAU Convention on the Prevention and Combating of Terrorism.
- African Union. (2006). Protocol to the OAU Convention on the Prevention and Combating of Terrorism.
- African Union. (2006). The African Youth Charter, 2 July 2006. Retrieved from <https://www.refworld.org/legal/agreements/au/2006/en/63961>
- African Union. (2007). African Charter on Democracy, Elections and Governance.
- Bamgbose, A. (2011). African languages today: The challenge of and prospects for empowerment under globalization. Selected proceedings of the 40th annual conference on African linguistics, 2011. Cascadilla Proceedings Project Somerville, 1-14.
- Bardach, E., & Patashnik, E. M. (2023). *A practical guide for policy analysis: The eightfold path to more effective problem solving*. CQ press.
- Bhukuth, A. (2008). Defining child labour: a controversial debate. *Development in Practice*, 18(3), 385-394.
- Biko, S. B. (2004). 1978. I write what I like. *Johannesburg: Picador Africa*.

- Botha, M., & Watermeyer, B. (2024). Metanarratives of visual impairment rehabilitation: The discursive positioning of disabled service users in South Africa. *Disability & society*, 39(2), 381-399.
- Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative research journal*, 9(2), 27-40.
- Cakata, Z., & Segalo, P. (2017). Obstacles to post-apartheid language policy implementation: Insights from language policy experts. *Southern African Linguistics and Applied Language Studies*, 35(4), 321-329.
- DalGLISH, S. L., Khalid, H. & McMahon, S. A. (2020). Document analysis in health policy research: the READ approach. *Health policy and planning*, 35(10), 1424-1431.
- ECPAT (2025). Terminology Guidelines For The Protection Of Children From Sexual Abuse. Retrieved from <https://bit.ly/4lNf2Hs>
- Erikson, E. H. (1950). *Childhood and society*. W.W. Norton & Company.
- Erikson, E. H. (1963). *Childhood and society* (2nd ed.). W.W. Norton & Company.
- Escobar, A. (2020). *Pluriversal Politics: Towards a Politics of Difference and the Reinvention of the World*. Duke University Press.
- Gellar, S., (1973). State-building and nation-building in West Africa. In S.N. Eisenstadt and Rokkan, S. (eds.) (1973). *Building States and Nations, Vol.II*. Beverley Hills: Sage Publications, pp. 384-426.
- Government of Canada. (2002). *Canada Child Benefits Act*.
- Grosfoguel, R. (2011). Decolonizing post-colonial studies and paradigms of political-economy: Transmodernity, decolonial thinking, and global coloniality. *Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World*, 1(1), 1–38.
- Grosfoguel, R. (2013). The epistemic decolonial turn: Beyond political-economy paradigms1. In *Globalization and the decolonial option* (pp. 65-77). Routledge.
- Horn, N. (2011). Legislative section headings: drafting techniques, plain language, and redundancy. *Statute law review*, 32(3), 186-208.
- Karabo, R. L., & Nanim, R. D. (2024). Article 3 Non Discrimination. In J. Sloth-Nielsen., E. Fokala., & G. Odongo. (Eds.), *The African Charter on the Rights and Welfare of the Child: A Commentary* (pp. 37-55). Pretoria: Pretoria University Law Press
- Kenya Government. (2001). *Children's Act*.
- Kewanian, A., Creely, E., & Southcott, J. (2024). Fierce parenting: an autoethnographic study of disability, inclusion, and 'othering'. *International Journal of Qualitative Studies in Education*, 37(6), 1736-1751.

- Khoza-Shangase, K., & Mophosho, M. (2018). Language and culture in speech-language and hearing professions in South Africa: The dangers of a single story. *South African Journal of Communication Disorders*, 65(1), 1-7.
- Levi, L. M. (2020). Early Traces of Karl Polyani's Discovery of Society: A Study of Sixteenth-Century Spirituality and Charity through Caravaggio's Paintings. *Yale JL & Human*, 31, 154.
- Maine, M. K. (2022). *Towards a decolonised research curriculum in psychology: a participatory action research exploration of students' perspectives*. University of Pretoria (South Africa).
- Mbiti, J. S. (1990). African philosophies and the African condition. *African Journal of Philosophy*, 1(1), 1-12.
- Mezmur, B. D. (2017). The African Children's Charter: Does it represent a relevant vision of childhood and children's rights? *Journal of African Children's and Youth Law*, 1(1), 1-20.
- Mezmur, B.D. (2020). The African Children's Charter@ 30: A distinction without a difference? *The International Journal of Children's Rights*, 28(4), pp.693-714.
- Mignolo, W. D. (2011). *The darker side of Western modernity: Global futures, decolonial options*. Duke University Press.
- Mignolo, W. D., & Walsh, C. E. (2018). *On Decoloniality: Concepts, Analytics, Praxis*. Duke University Press.
- Misra, G., & Gergen, K. J. (1993). On the place of culture in psychological science. *International Journal of Psychology*, 28(2), 225-243.
- Nanima, R. D. (2024). Article 22 Armed Conflict. In J. Sloth-Nielsen., E. Fokala., & G. Odongo. (Eds.), *The African Charter on the Rights and Welfare of the Child: A Commentary* (pp. 318-335). Pretoria: Pretoria University Law Press
- Nanima, R.D. (2021). Evaluating the role of the African Committee of Experts on the Rights and Welfare of the Child in the COVID-19 era: Visualising the African child in 2050. *African Human Rights Law Journal*, 21(1), pp.52-73.
- Ndlovu-Gatsheni, S. J. (2015). Decoloniality as the future of Africa. *History Compass*, 13(10), 485-496.
- Nkatha, M. & Nqobani, N. (2024). Article 15 Child Labour. In J. Sloth-Nielsen., E. Fokala., & G. Odongo. (Eds.), *The African Charter on the Rights and Welfare of the Child: A Commentary* (pp. 220-236). Pretoria: Pretoria University Law Press
- OAU. (1990), African Charter on the Rights and Welfare of the Child, CAB/LEG/24.9/49 (1990), 11 July 1990,

- Ofili, P. (2019). Contextual Complexities and Nelson Mandela's Braided Rhetoric [Unpublished doctoral thesis, University of Waterloo].
- Okechukwu, E. (2019). Child labour in Nigeria: Causes, consequences, and control. *African Journal of Social Sciences*, 10(2), 1-12.
- Qi, C., Wang, Y., Lai, J., & Jiao, Y. (2023). Hidden hurt: A qualitative study of the microaggressions experienced by disabled children in education in China. *Child Abuse & Neglect*, 141, 106200.
- Queensland Government. (1991). Child Care Act.
- Quijano, A. (2000). Coloniality of Power and Eurocentrism in Latin America. *Nepantla: Views from South*.
- Quijano, A. (2000). Coloniality of power and Eurocentrism in Latin America. *International Sociology*, 15(2), 215–232.
- Scotton, C.M., (1990). Elite closure as boundary maintenance. The case of Africa. In Weinstein, B., (ed.) (1990). *Language Policy and Political Development*. Norwood, N.J.: Ablex Publishing Corporation, pp.25- 42.
- Shimelis, T.T. (2024). Article 13 Handicapped Children. In J. Sloth-Nielsen., E. Fokala., & G. Odongo. (Eds.), *The African Charter on the Rights and Welfare of the Child: A Commentary* (pp. 191-205). Pretoria: Pretoria University Law Press
- South African Government. (2005). Children's Act.
- Tasmanian Government. (1960). Child Care Act.
- Uganda Government. (1996). Children's Act.
- UK Government. (1989). Children Act.
- UNICEF 'Profile of child marriage in Africa' November 2015, Retrieved from [https://www.unicef.org/wca/media/1001/file/A percent20Profile per cent20of per cent20Child per cent20Marriage per cent20in per cent20Africa.pdf](https://www.unicef.org/wca/media/1001/file/A%20Profile%20of%20Child%20Marriage%20in%20Africa.pdf)
- UNICEF. (2025). Children are recruited by armed forces or armed groups. Retrieved from <https://www.unicef.org/protection/children-recruited-by-armed-forces>
- United Nations. (1989). Convention on the Rights of the Child.
- Usang, A. (2024). Article 21 Protection against Harmful Social and Cultural Practice. In J. Sloth-Nielsen., E. Fokala., & G. Odongo. (Eds.), *The African Charter on the Rights and Welfare of the Child: A Commentary* (pp. 301-317). Pretoria: Pretoria University Law Press
- Victoria Government. (1970). Community Services Act.

- wa Thiong'o, N. J. (1986). *Decolonising the mind: The politics of language in African literature*. J. Currey.
- Wynter, Sylvia. "Unsettling the coloniality of being/power/truth/freedom: Towards the human, after man, its overrepresentation—An argument." *CR: The new centennial review* 3, no. 3 (2003): 257-337.