

Preventing and Responding to Violence against Children in All Care Settings in Africa

A CALL TO ACTION

Preamble

We, the participants of the regional consultation on “Violence against Children in All Care Settings: Africa Expert Consultation” held in Nairobi on 21-22 June 2017,

Recognise that violence against children in whatever form and in whatever setting, is unacceptable, preventable and must be addressed,

Underline the fact that no child should be left behind and that all children have the right, regardless of age, gender, disability, socio-economic status, ethnic background, religion, political opinion, place of residence or any other attributes, to live in a supportive and caring family based environment, protected from all forms of violence, including physical, psychological or sexual violence, neglect and exploitation;

Are inspired by the principles and standards set out under the Convention on the Rights of the Child and its Optional Protocols, the African Charter on the Rights and Welfare of the Child, the Convention on the Elimination of all forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the African Women’s Protocol, the Guidelines on Alternative Care for Children, the Hague Convention on Intercountry Adoption, the Sustainable Development Goals (SDGs), Agenda for Children’s Rights 2040, Agenda 2063, the AU Social Policy Framework for Africa, The Addis Ababa Declaration on Strengthening the African Family for Inclusive Development and other international and African human rights instruments,

Recall that these instruments place the primary responsibility on parents to protect children from violence, abuse, exploitation and neglect, and further recognise the role and obligation of the State to support parents to nurture, care and protect children, and when parents are not able or willing to do so, to ensure alternative forms of care and protection are provided in a manner that is decided based on the principles of necessity and appropriateness, and in the best interests of the child;

Are deeply concerned, however, that these instruments and standards are not adequately integrated into, and harmonized, across domestic laws, policies and practices and therefore have not yet had a meaningful impact on the everyday lives of children in Africa,

Remain alarmed by the fact that millions of children in Africa continue to suffer from violence at the hands of parents, relatives, guardians, other caregivers and providers of alternative care.

Recognise that violence in the home can be a push factor to family separation and placement of children in alternative care,

Emphasize that children in residential care face greater risks of violence, abuse, exploitation and neglect,

Are concerned about the inadequate level of regulation, enforcement and monitoring of alternative care options in particular foster and residential care,

Are further concerned about the data and evidence gaps on violence against children in all care settings, especially within alternative care, and the lack of evidence-based interventions to prevent and respond to violence against children and young people in those settings.

Express concern about the limited number of programmes addressing the linkages between violence prevention and response and alternative care reform initiatives on the continent, and the high level of fragmentation of such efforts,

Appreciate the complexity and linkages between factors that trigger and sustain violence against children in the home and in alternative care, including, among others changing family dynamics as a result of emergency, migration and urbanization, poverty, gender norms, social exclusion, harmful practices, and weak and poorly monitored child protection systems,

Acknowledge, however, that commendable efforts have been made across the African continent at various levels in addressing these challenges,

We are also convinced that existing efforts are far from satisfactory and further action is needed as a matter of urgency at national, sub-regional, pan-African and global levels. It is in this spirit that we issue this call.

Call to Action

We call upon the African Union (AU)

- to revisit and renew the African Union Plan of Action on the Family in Africa to include the issue of the prevention of violence against children in alternative care settings;
- to strengthen the collaboration amongst the African Commission on Human and People's Rights, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), the African Court of Human and People's Rights and other AU departments to address violence against children (including in all care settings);
- to encourage Member States to strengthen legal and policy frameworks and their implementation including putting in place proper and dedicated structures mandated with overseeing the alternative care system as part of care reform and violence prevention efforts;
- to encourage Member States to report on violence against children as part of their National Voluntary Report (NVR) of the SDGs to the UN High-level Political Forum; and
- to launch an Africa-wide campaign against Violence Against children in all Care Settings in 2018-2020.

We call upon the African Committee of Experts on the Rights and Welfare of the Child:

- to dedicate its next general session (day of general discussion) to the issue of violence against children in all care settings ensuring that especially vulnerable children such as children with disabilities are also included;
- to develop a *General Comment on Violence against Children in all Care settings in Africa* on Article 16 of the African Charter on the Rights and Welfare of the Child to support and facilitate regional and national action; and
- to make a more effective and structured use of the recommendations on the implementation of the Guidelines for the Alternative Care of Children when reviewing State Party Reports and drafting general recommendations, including specific information on VAC within alternative care.

We call upon AU Member States

- to adopt and domesticate the Guidelines on Alternative Care into national laws and policies, strengthen the mandated government body(ies) and the social service workforce to ensure the implementation of the Guidelines,
 - to fulfil their obligation to establish and enforce independent oversight mechanisms for alternative care services including the registration of all residential care facilities and systematic collection of data on those facilities and children in their care as well as those receiving other alternative care services.

- to implement legal and policy frameworks by ensuring accessible and appropriate services or interventions aimed at strengthening families to prevent violence and unnecessary separation, and to monitor and report on the implementation of those frameworks;
- to ensure appropriate resources are allocated by states to support family-based care and family-based alternative care systems;
- to actively undertake care reform efforts that expand family-based alternatives and prevent the placement of children in residential care, including children with disabilities;
- to expressly recognise different forms of alternative care outlined in legal and policy frameworks and develop, implement and monitor minimum quality standards on alternative care, to ensure that effective decision-making mechanisms and processes are in place that prevent the unnecessary separation of children and ensure appropriate alternative care placement, when necessary;
- to pay special attention to the care and protection of especially vulnerable children and young people who are deprived of, or at risk of being deprived of parental care and developing policies and programmes that are inclusive of children in all circumstances;
- to create systems for family based support to ensure that all children, including children with disabilities, enjoy their rights to grow up in a family environment and receive appropriate care, and to prevent the need for placement of children in residential care;
- to ensure that national laws, policies and strategies to prevent and address violence against children specifically include children in alternative care;
- based on the existing evidence base that illustrates the negative effects of residential care on children's development, especially in the early years, adopt a legal ban of children under the age of three, in residential care;
- to regulate and collect evidence on international funding channelled to support alternative care with emphasis on funding towards residential care;
- to build a culture of peace and prevent violence through the promotion of positive, nonviolent, non-discriminatory forms of child care and child rearing in all care settings; and
- to report on violence against children as part of their National Voluntary Report (NVR) on the implementation of the SDGs to the UN High-level Political Forum.
- While recognizing the progress being made in eight African countries in outlawing corporal punishment in all care settings, we call upon the remaining States who have not yet outlawed corporal punishment in all care settings to do so immediately and ensure its enforcement

We call upon Regional Economic Communities in Africa

- to prioritise addressing violence against children in all care settings within their sub-regional policies and standard setting processes;
- to have a mechanism to monitor compliance and implementation of regional policies (such as the EAC Child Policy, the SADC Minimum Package of Services for Orphans and other Vulnerable Children and Youth) and other regional instruments through report-back mechanisms and ensuring alignment to SDG reporting processes;
- to identify, prioritize, collect data around and make recommendations to address violence against children in all care settings including in cross border contexts, such as migration;
- to facilitate the implementation of programmes aimed at strengthening national social service workforces with focus on the care workforce;
- to ensure that a national-level focal person is assigned to oversee VAC and care within their portfolio;
- to ensure the policy and legal instruments and standards developed within the Regional Economic Communities reflect and promote the Guidelines on Alternative Care for Children and the principles therein; and
- to provide adequate monitoring and reporting mechanisms or platforms for Partner States to report on VAC and care, including the issue of neglect.

We call upon Pan-African initiatives to:

- ensure that the issue of care is integrated into violence against children initiatives, such as the African Partnership to End Violence against Children;
- ensure that the issue of violence, including neglect, is adequately addressed within care reform efforts; and
- provide support, including regional and comparative evidence, to the AU, the ACERWC and to Regional Economic Communities in their efforts to undertake policy development and standard setting in the area of alternative care.

We call upon civil society representatives and organizations, including traditional leaders, faith based groups, academic institutions and donors, to join efforts with governments:

- to build upon existing efforts aimed at strengthening child protection systems using locally available evidence, including the Interagency Call to Strengthen Child Protection Systems adopted in April 2013 paying special attention to the issue of care and building the capacity of the social workforce;
- to contribute to a strengthened evidence base and improve knowledge about violence against children in all care settings and use data to inform policy and programming interventions;
- to minimize potential risk of VAC for children in care, adhere to minimum standards, ensure proper safeguarding mechanisms are in place including limiting volunteers within alternative care settings;
- to support the capacity of caregivers to adequately care for and protect their children, throughout their various 'ages and stages', including through developing and implementing stronger, evidence based family support strategies and services;
- to include the voice of children and young people on issues including care options and decisions that affect their wellbeing and take those views into account in all care related decision-making processes;
- to prioritise the development of appropriate after care and follow up services to support children and young people who have left the care system; and
- to build a culture of peace and prevent violence through the promotion of positive, nonviolent, non-discriminatory forms of child care and child rearing in all care settings.

We call upon bilateral, multilateral and United Nations agencies and private donors:

- to provide consistent and harmonised technical and financial support to programmes related to addressing violence against children in all care settings, as well as prioritising the issue within their respective agendas; and
- to increase their funding for research, advocacy and care and support services, including preventative initiatives to support and empower families to care and support children.

Our Collective Commitment

We all envision an Africa that is free from violence and that nurtures its children to grow into healthy and productive members of society. To that end, we pledge to commit ourselves individually and collectively to contribute towards the elimination of violence against children in family care, alternative care and after care, including by taking follow-up actions pertaining to this call and beyond. The future of Africa lies in its children. And the future of Africa's children lies singularly in the care and protection they receive during their childhood.

Adopted in Nairobi on 22 June 2017