



Tanzania Child Rights Forum

"together for a lasting positive change for children"

**THE PROPOSED CONSTITUTIONAL PROVISIONS
RELATING TO CHILDREN'S RIGHTS
WITH EXPLANATORY NOTE**

Annexed to the TCRF Position Paper dated 23 January 2013

RIGHTS OF THE CHILD

A.1 THE PROPOSED CONSTITUTIONAL PROVISIONS

(1) Every child has the right –

- a) The right to name, nationality and to know biological parents and extended family;
- b) The right to free and compulsory birth registration and issue of a certificate after birth or immediately thereafter;
- c) The right to free and basic education and progressively towards free secondary education which shall be accessible to all;
- d) The right to family care or parental care, or to appropriate alternative care when removed from the family environment;
- e) The right to basic nutrition, shelter, health care and social services;
- f) The right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment;
- g) The right to be protected from economic exploitation and shall not be employed or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral social development;
- h) The right to, whether or not born in wedlock, to a reasonable provision out of the estate of his parents;
- i) The right not to be detained, except, as a measure of last resort and when detained, to be held –
 - (i) for the shortest period of time; and
 - (ii) separated from adults and treated in a manner, and kept in conditions, that take account of the child's sex and age;
- j) The right to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
- k) The right to every child, who is mentally or physically disabled, shall have the right to special protection in keeping with physical and moral needs and under conditions which ensure his dignity, promote his self-reliance and active participation in the community.

(2) The child's best interests shall be of paramount consideration in every matter concerning the child.

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

A.2 EXPLANATORY NOTES ON THE PROPOSED CONSTITUTIONAL PROVISIONS

PROPOSED PROVISIONS	SOURCE	JUSTIFICATION
<p>a. The right to name, nationality and to know biological parents and extended family</p> <p>b. The right to free and compulsory birth registration and issue of a certificate after birth or immediately thereafter.¹</p>	<p>Section 6(1), (2) and (3) of the Law of the Child Act (LCA); Article 6(2) of the African Charter on the Rights and Welfare of the Child (ACRWC); and Article 7 of the Un Convention on the Rights of the Child (CRC)</p>	<p>(a) Article 6(4) of the ACRWC obliges States Parties to undertake measures ‘to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child’s birth, he is not granted nationality by any other State in accordance with its laws.’²</p> <p>(b) In an effort to implement this right, member states of the African Union (AU) have committed themselves within the African Fit for Children (AFFC) Framework³ to ensure effective implementation of the universal birth registration as a child protection measure.⁴ This is based on the principle that the child’s right to protection can only be exercised if the rights bearer can be identified as the true beneficiary.</p> <p>(c) Birth registration, therefore, is important to ascertain the child’s status for purposes of constitutional and legal</p>

¹ UNICEF defines birth registration as ‘the official recording of the birth of a child by a State’s administrative process. It is the permanent and official record of a child’s existence and is fundamental to the realization of children’s rights and practical needs.’ See UNICEF, “Birth Registration” *Child Protection Information Sheet*, 2006, p. 1.

² Similarly, Article 7(2) of the CRC obliges States Parties to ‘ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.’

³ The African Common Position –*Africa Fit for Children* – was adopted in 2001 and given greater impetus in 2007 with the Call for Accelerated Action. It constitutes ‘a novel and determined effort by African leaders to build renewed momentum towards the realisation of the rights of children in Africa.’ See African Child Policy Forum, *Harmonisation of Children’s Laws in Eastern and Southern Africa: Country Briefs* Addis Ababa: African Child Policy Forum, 2012, p. iv.

⁴ See para 7(a) of the Call for Accelerated Action.

PROPOSED PROVISIONS	SOURCE	JUSTIFICATION
		protection – that is, to enable the child enjoy his/her rights and benefits under the constitution and the law.
c. The right to free and basic education and progressively towards free secondary education which shall accessible to all	Section 9(1) of the LCA; Article 11 of the ACRWC; and Article 28 of the CRC	(a) The right to education is one of the most indispensable rights for the upbringing and development of children to be able to reach their full potential and assume their respective and rightful place in society as responsible and productive adults. This is why UNESCO has pointed out that free and compulsory primary and secondary education is one of the fundamental pillars of sustainable development. ⁵ (b) Access to quality education is an important component of early child development (ECD). (c) Article 11(2) of the ACRWC expressly stipulates, <i>inter alia</i> , that the education of the child should be directed towards the preservation and strengthening of positive African morals, traditional values and cultures.
d. The right to family care or parental care, or to appropriate alternative care when removed from the family environment	Section 9 of the LCA; Regulation 3 of the Children’s Homes Regulations (2012) ⁶ ; Articles 5, 9, 18 and 20 of the CRC and Article 20 of the ACRWC	(a) Under international children’s rights law and the LCA, parents are vested with the primary duty and responsibility for the child’s upbringing and development. The duty and responsibilities for the child is also extended to “other persons responsible for the child”, in which they “have the primary responsibility of the upbringing and development the child.” ⁷ (b) The child has the right to grow up in a family environment for the full and harmonious development of his or her personality. Therefore, removal of a child from his or her family environment and being placed in an institution shall be: (i) temporary rather than permanent; (ii) used as a measure of last resort; (iii) in the best interests of the child; and (iv) family-based institution.
e. The right basic nutrition, shelter, health care and social services	Section 8 of the LCA; Article 14 of the ACRWC and Articles 24 and 26 of the CRC	(a) The right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health is pivotal to the future of every country; thus, States Parties have the duty to protect this rights by particularly striving to ensure that no child is deprived of his or her right of access to such health care services. (b) Under the Africa Fit for Children (AFFC) Framework, States have a duty to achieve a number of targets to ensure that the right to health is attained: strengthening health

⁵ UNESCO, *Draft International Implementation Scheme for United Nations Decade for Sustainable Development 2005-2014* Paris: UNESCO, 2005, p. 14.

⁶ GN. 155 published on 04/05/2012.

⁷ See particularly Article 20(1) of the ACRWC.

PROPOSED PROVISIONS	SOURCE	JUSTIFICATION
		<p>systems to provide quality and accessible health, maternal and child health services and ensure that there are accessible health facilities.</p> <p>(c) Therefore, the constitutionalisation of these rights is essential in achieving this goal.</p>
<p>f. The right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment</p>	<p>Sections 13 and 14 of the LCA; Sections 138A, 138B, 138C, 139(d), 169A and 252, of the Penal Code; Article 16 of the ACRWC and Article 24 of the CRC</p>	<p>(a) The practice of subjecting a child to torture, cruel, inhuman or degrading treatment is prohibited under both international human rights law and the municipal laws in Tanzania. The UN General Assembly Resolution of 2007 on the Promotion and Protection of Children⁸ condemns all forms of violence against children and requires States to address this problem through a number of ways, including constitutional prohibition of violence against children.</p> <p>(b) Tanzania is one of the first few countries in Africa to undertake a National Study on Violence Against Children (2010/11), which for the first time measures all forms of violence against the child (sexual, physical and emotional). It reveals incidents of severe violence and grave abuses against children.</p> <p>(c) Therefore, constitutionalisation of these rights is important in constitutionally addressing the problem of subjecting the child to torture, cruel, inhuman or degrading treatment.</p>
<p>g. The right to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral social development.</p>	<p>Sections 12, and 77-93 of the LCA; Section 5 of the Employment and Labour Relations Act (2004)⁹; Article 32 of the CRC; and Article 15 of the ACRWC (See also ILO conventions include the Minimum Age Convention of 1973, (No. 138);¹⁰ the Equal Remuneration Convention of 1951 (No.100); the Elimination of the Worst Forms of Child Labour Convention of 1999 (No. 182);¹¹ the Discrimination</p>	<p>(a) The child's right to be protected from economic exploitation, including child labour, constitutes today's leading forms of child abuse in most parts of the world. Child labour increasingly draws many children to work fields as a result of increasing poverty amongst most of the population in the developing world.¹²</p> <p>(b) As a general rule, children are not required to work. However, under circumstances children of a certain age may be allowed to work. When they are allowed to work, such children should be provided with adequate protection both socially and constitutionally/legally.</p> <p>(c) As a response to the child labour problem, the world community, particularly through the International Labour Organization (ILO), and Tanzania have adopted a number of international instruments and national laws aimed at coming up with binding legal protection mechanisms in</p>

⁸ UNGA, "Rights of the Child". Resolution adopted by the General Assembly [on the report of the Third Committee (A/61/439 and Corr. 1)] 61/146.A/RES/61/146 (2007) Sixty-first session Agenda item 63.

⁹ Act No. 6 of 2004.

¹⁰ Entered into force on 19th June 1979.

¹¹ Entered into force on 19th November 2000.

PROPOSED PROVISIONS	SOURCE	JUSTIFICATION
	(Employment and Occupation) Convention of 1958 (No. 111); the Forced Labour Convention of 1930 (No. 29); the Abolition of Forced Labour Convention of 1957 (No. 105); and the Right to Organise and Collective Bargaining Convention of 1949 (No. 98)).	favour of such children. (d) There are three categories of child labour to be abolished by international human rights/labour rights instruments, national constitutions and labour/child laws: (i) labour performed by a child who is <i>under a minimum age</i> specified in national legislation in line with international standards for that kind of work; ¹³ (ii) labour that jeopardizes the physical, mental or moral well-being of a child, known as <i>hazardous work</i> ; and (iii) the <i>unconditional worst forms of child labour</i> , ¹⁴ which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment for use in armed conflict, prostitution and pornography and illicit activities. ¹⁵
h. The right to, whether or not born in wedlock, to a reasonable provision out of the estate of his parents.	Section 10 of the LCA and para 26 of the Second Schedule to the Customary Law (Declaration) Order ¹⁶ (1963)	(a) The general rule of the law of succession is that children have the right to inherit from their deceased parents' estates. ¹⁷ (b) Currently, there incidents where children, particularly girls and those born out of wedlock, are being denied of their right to inherit from their deceased's estates. (c) Therefore, it is imperative to have a specific provision in the constitution that guarantees all children of their right to succession without discrimination.
i. The right not to be detained, except, as a measure of last resort and when detained, to be held – (i) for the shortest	Sections 97-132 of the LCA; Article 17 of the ACRWC; Articles 37 and 40 of the CRC; and Rule 1 of the UN Rules for the Protection of Juveniles Deprived of their	(a) Both Article 17 of the ACRWC and Article 40 of the CRC require that States Parties to take necessary measures for the full realisation of basic rights by children who come into conflict with the law. (b) States Parties are required to adopt constitutions, laws, procedures, authorities and institutions specifically

¹² Report of the Director-General, *The End of Child Labour: Within Reach* Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 95th Session, 2006, Report I (B), Executive Summary, p. XI.

¹³ See particularly the Minimum Age Convention of 1973, (No. 138), op. cit.

¹⁴ See particularly the Elimination of the Worst Forms of Child Labour Convention of 1999 (No. 182), op. cit.

¹⁵ Report of the Director-General, *A Future without Child Labour* Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 90th Session, 2002, Report I (B), Executive Summary, p. X. This report is discussed at length in Hodgkin, R. and P. Newell, op. cit, pp. 480-481.

¹⁶ GN. No. 436 of 1963.

¹⁷ Section 10 of the LCA lucidly and simply provides that: 'A person shall not deprive a child of reasonable enjoyment out of the estate of a parent.' In *Masudi Ally v Chiku Masudi* [1992] TLR 50, for instance, Korosso, J. (as he then was) held that under the law children of the deceased person have the right to inherit from their deceased parents' property.

PROPOSED PROVISIONS	SOURCE	JUSTIFICATION
<p>period of time; (ii) separated from adults and treated in a manner, and kept in conditions, that take account of the child's sex and age.</p>	<p>Liberty (JDL Rules)</p>	<p>applicable to children alleged as, accused of, or recognized as having infringed the penal law.¹⁸ (c) Both international and domestic juvenile justice law 'recognises the fact that lengthy periods of imprisonment are generally harmful to children.'¹⁹ (d) The Constitution should contain basic due process rights in the criminal justice – from the arrest stage to the sentencing stage. For instance, it should provide that a child deprived of his or her liberty must be released from detention if the interest of justice so permits, but subject to reasonable conditions. In addition, this should require that detention of children should be a matter of last resort. Further the Constitution should require that a child has the right to challenge the lawfulness of the detention wrongly imposed upon her or him. (e) It should be noted that these due process rights in the Constitution do not seek to replace the statutory and common law principles governing the administration of criminal justice in the country; the latter must comply with the provisions of the Bill of Rights and the rest of the Constitution.</p>
<p>j. The right to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result.</p>	<p>Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa²⁰; and Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa²¹</p>	<p>(a) Legal aid is an essential element of the criminal justice system and is also seen as the foundation for the enjoyment of other rights, including the right to a fair trial as well as an important safeguard for ensuring fundamental fairness and public trust in the criminal justice process.²² Legal aid in civil cases is no less important and is vital to poverty eradication and gender equality. Without free legal advice and representation children will find it difficult, if not almost impossible to make an application to court to enforce their rights against an administrative body, or to defend themselves against a criminal charge and thus to</p>

¹⁸ Article 40(3) of the CRC; and UN Committee on the Rights of the Child, *General Comment No. 5: "General Measures of Implementation for the Convention on the Rights of the Child."* CRC/GC/2003/5 (Adopted at the 34th session on 27 November 2003).

¹⁹ Ballard, C., "Youthfulness and Sentencing Prior to the Operation of the Child Justice Act: A Case Review of *Fredericks v The State*" *Article 40*, Vol. 14 No. 1, April 2012; and Article 37(b) of the CRC; and Rule 1 of the UN Rules for the Protection of Juveniles Deprived of their Liberty (JDL Rules).

²⁰ This Declaration was adopted by the Conference on Legal Aid in Criminal Justice: the Role of Lawyers and Other Service providers in Africa, held in Lilongwe from 22 to 24 November 2004. The text of the Declaration is available in Official Records of the Economic and Social Council, 2007, Supplement No 10. The Declaration has been adopted by the African Commission on Human and Peoples' Rights and formally endorsed by ECOSOC. See (E/2007/30) Chap. 1, sect. B draft resolution VI, annexes 1 and II.

²¹ Adopted by the African Commission on Human and Peoples' Rights, 2001.

²² See Draft UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, Principle 1

PROPOSED PROVISIONS	SOURCE	JUSTIFICATION
		<p>access justice.</p> <p>(b) The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa require that the Government make civil legal aid available.²³</p> <p>(c) In most States, resource limitations mean that the provision of legal aid is available only to those who fall within certain criteria. The most common form of criteria is financial: applicants need to show that their income and capital falls below the set financial limits. Clients who fall within the criteria may receive legal advice and representation free of charge, or may be asked to make a contribution according to means. In the case of children, nearly all will be eligible as few children earn an income and even fewer have capital resources.²⁴</p> <p>(d) Therefore, the new constitution should contain provisions for provision of legal assistance and representation to children. It should be noted, nevertheless, that there is no requirement in the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa that the Government actually deliver legal aid itself, but there is a requirement that the Government enable parties to a civil case to access such legal assistance.</p>
<p>k. The right to every child, who is mentally or physically disabled, shall have the right to special protection in keeping with physical and moral needs and under conditions which ensure his dignity, promote his self-reliance and active</p>	<p>Section 5 of the LCA; Article 13 of the ACRWC; and Article 23 of the CRC [See also Article 7 UN Convention on the Rights of Persons with Disabilities (2006)]²⁵</p>	<p>(a) The UN Convention on the Rights of Persons with Disabilities obliges States Parties to undertake measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.²⁶ It also requires that in all actions concerning children with disabilities, the best interests of the child with disability shall be of paramount consideration.²⁷</p> <p>(b) In its General Comment No. 9 on “The Rights of Children in Conflict with Disabilities” (2006), the Committee on the</p>

²³ They provide that: ‘The accused or a party to a civil case has a right to have legal assistance assigned to him or her in any case where the interest of justice so require, and without payment by the accused or party to a civil case if he or she does not have sufficient means to pay for it.’

²⁴ In common law all children, once born, have legal personality but may need to make an application through a next friend or guardian.

²⁵ See also Committee on the Rights of the Child, General Comment No. 9 on “The Rights of Children in Conflict with Disabilities” (2006), para 2.

²⁶ Article 7(1) of the UN Convention on the Rights of Persons with Disabilities (2006).

²⁷ Ibid, Article 7(2).

PROPOSED PROVISIONS	SOURCE	JUSTIFICATION
participation in the community.		<p>Rights of the Child, has urged States Parties to undertake measures to in their efforts to prevent and eliminate discrimination against children with disabilities. These measures include the requirement to include explicitly disability as a forbidden ground for discrimination in constitutional provisions on non-discrimination and/or include specific prohibition of discrimination on the ground of disability in specific anti-discrimination laws or legal provisions.</p> <p>(c) Being a State Party to these international child rights instruments, Tanzania is obliged to constitutionalize rights of children with disabilities.</p>

A. BEST INTERESTS OF THE CHILD

The child's best interests shall be of paramount consideration in every matter concerning the child.	Section 4(2) of the Law of the Child Act (2009), Article 3 of the Convention on the Rights of the Child (CRC) and Article 4(1) of the African Charter on the Rights and Welfare of the Child (ACRWC)	<p>(a) The principle of the best interests of the child provides a yardstick by which to measure all the actions, laws and policies affecting children. It is the lens through which all other rights are viewed.²⁸</p> <p>(b) The principle acts as a mediating standard that assists in resolving conflicts between various provisions of the international children's rights conventions, the constitution and laws relating to child rights and welfare. It also assists in the interpretation and application of constitutional and statutory provisions as well as practices relating to the protection and promotion of children's rights.</p> <p>(c) Therefore, the principle of the best interests of the child signifies that the child's best interests determine the course of action to be taken in relation of children; thus, it should be the first consideration amongst others. This is because children's rights, like all human rights, remain subject to the rights, interests and duties of others in society.²⁹</p> <p>(d) One of the aims of the principle of the best interests of the child is to strike the balance between the rights</p>
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²⁸ Alston, P., "The Best Interest Principle: Towards a Reconciliation of Culture and Human Rights" *International Journal of Law, Policy and the Family* Vol. 8 No. 1, 1994, p. 5.

²⁹ For example, in *Canadian Foundation for Children, Youth and the Law v Attorney General* (2004), the Canadian Supreme Court held that while the best interests of the child is an established legal principle in both international and domestic law, it was not so fundamental to the dispensation of justice that it should trump all other considerations. It is to be noted that 'one should distinguish between children's interests as persons (which they have in common with all persons), as children (which they have as immature and dependent persons), as juveniles (which they develop as they approach maturity) and as future adults (which relate to their future interests as adults).' Wolleswinkel, R., "Children of Imprisoned Parents" in Willems, J. (ed.), *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* Intersentia, 2002, p. 195.

		and the duties of the parents and the obligation of the State to interfere directly on behalf of the child where his rights are violated. ³⁰
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B. DUTIES OF THE CHILD

<p>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;</p> <p>(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;</p> <p>(b) to serve his national community by placing his physical and intellectual abilities at its service;</p> <p>(c) to preserve and strengthen social and national solidarity;</p> <p>(d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance,</p>	<p>Section 15 of the Law of the Child Act (2009) and Article 31 of the African Charter on the Rights and Welfare of the Child</p>	<p>(a) This is a key African communal ethic/social value which emphasizes ‘group solidarity, conformity, compassion, respect, human dignity, humanistic orientation and collective unity.’³¹</p> <p>(b) In <i>DPP v Daudi Pete</i>³² the Court of Appeal of Tanzania considered the African communal ethic to be ‘the co-existence of the individual and society, and also the reality of co-existence of rights and duties of the individual on the one hand, and the collective of communitarian rights and duties of society on the [which in effect] means that the rights and duties of the individual are limited by the rights and duties of society, and vice versa.’</p> <p>(c) a society based on communal ethic/social value places strong emphasis on family obligations. In Africa it is viewed as the basic constitutional value of human dignity; it is an idea based on deep respect for the human dignity of others.³³ Therefore, it should be intrinsic to and constitutive of our constitutional culture.³⁴</p> <p>(d) Therefore, this key African communal ethic/social value requires children to respect their parents, siblings, relatives, members of the extended family as well as the wider society in which they grow. In recognition of the central role it plays in the regulation of matrimonial and parent-child-community relations in the African society, the African Charter on the Rights and Welfare of the Child (ACRWC) has codified this value in Article 31. This provision has been adopted in many laws related to</p>
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³⁰ For instance, in *Re A-conjoined twins* and *Wisconsin v Yoder* the State intervened to protect the interests of the child where, in the former case, the parents exercised their rights to refuse a medical operation to be performed on their child; and, in the latter case, where they refused to send their children to school.

³¹ Mokgoro, Y.J., “Ubuntu and the Law in South Africa” *Buffalo Human Rights Law Review* Vol. 4, 1998. See also Himonga, C., op. cit, p. 81.

³² [1993] TLR 22 (CA).

³³ See particularly Mokgoro, J., in *Dikoko v Mokhatla* 2006 6 SA 235 (CC), para 68.

³⁴ In *Port Elizabeth Municipality v Various Occupiers* 2005 (1) SA 217 (CC) Justice Sachs of the South African Constitutional Court, J., held that the spirit of *Ubuntu*, as part of the deep cultural heritage of the majority of the population in Africa, ‘suffuses the whole constitutional order.’ It ‘combines individual rights with a communitarian philosophy. It is a unifying motif of the Bill of Rights, which is nothing if not a structured, institutionalized and operational declaration in our evolving new society of the need for human interdependence, respect and concern.’ *Ibid.*

<p>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.</p>		<p>children's rights that were enacted in many sub-Saharan African countries after the adoption of the ACRWC.³⁵ For instance, Section 15 of the Tanzanian Law of the Child Act, almost verbatim, reproduces Article 31 on the duties and responsibilities of the child.</p>
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³⁵ See particularly Section 21 of the Kenyan Children's Act (2004).