



**EAST AFRICAN COMMUNITY**

# **EAC CHILD POLICY (2016)**

## **FOREWORD**

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The renown saying “children are the future leaders” has been stated for decades and is completely true. Likewise, what we give our children today, whether physical, emotional, spiritual or psychological shapes their tomorrow. We must therefore constantly reflect on what we are ready to do as individuals, families, nations, and as a region, warrant that our children are loved, well educated, and protected. That being said, it is everyone’s obligation to ensure that all rights of children in East Africa are recognised, promoted and protected in order to nurture young ones to become great personalities and leaders who will steer the region to greater heights.

As the East African Community motto ‘*One people, One destiny*’ aspires, it is the responsibility of each and every one in the region to facilitate a common future for the Children in the EAC. A harmonised policy document provides a framework and suggests a regional approach to realising a vision where children’s rights and wellbeing are guaranteed. This is cognizant of the fact that all Partner States’ children face nearly the same challenges such as abuse, forced separation from their families, lack of adequate healthcare and quality education. Children born with disabilities, those living on the streets, orphans, the ones affected and infected by HIV and many more facing all kinds of vulnerabilities face a double burden in their lives and need special emphasis and targeted approaches.

This policy further recognises that children constitute the biggest population group in the region. Therefore as a community, with support of civil society organizations, the private sector, caretakers, and all other stakeholders, it is our responsibility to promote the rights of children as guided by this policy, in order to guarantee a brighter, healthier and prosperous future.

It is through our combined determination and the effort that this policy will be implemented effectively.

**Liberat Mfumukeko**

**Ambassador**

**Secretary General**

**East African Community**

## ACKNOWLEDGEMENTS

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The EAC Child Policy is the culmination of various processes geared towards the harmonisation of standards on and approaches to the implementation of child rights in the EAC. The hallmarks of these processes include the Bujumbura Declaration on Child Rights in the EAC of 2012, and the subsequent Directive of the 25<sup>th</sup> Meeting of the Council of Ministers calling on the EAC Secretariat to develop a Policy on Children's Rights and Wellbeing (**EAC/CM 25) Directive 23**). In 2013, the EAC Secretariat with the support of the Inter-Agency Working Group, commenced the process of developing the Policy.

In this regard, we appreciate the efforts of the EAC Secretariat and the interagency group especially in their midwifery activities in the formulation and eventual presentation for the approval of the EAC Child Policy.

The compilation of this policy went through various stages. This includes; literature review, data collection, draft formulation, consultations and finalisation. Numerous parties and individuals including Children, Child Experts, Consultants and stakeholders of the respective Partner States participated in this process and the contribution of everyone involved is acknowledged.

The process also involved the passage through the hierarchical decision making structures of the East African Community where it was considered and adopted by 3<sup>rd</sup> meeting of the Sectoral Council on Gender, Youth, Children, Social protection and Community development. To that end, great appreciation is conveyed to the Sectoral Council for the effort in developing the final draft and the swift consideration and timely approval of the EAC Child Policy.

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## **LIST OF ACRONYMS/ ABBREVIATIONS**

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<b>ACRWC:</b>	African Charter on the Rights and Welfare of the Child
<b>AfDB:</b>	African Development Bank
<b>AIDS:</b>	Acquired Immuno-Deficiency Syndrome
<b>AU:</b>	African Union
<b>CRPD:</b>	Convention of the Rights of People with disabilities
<b>CSOs:</b>	Civil Society Organisations
<b>EAC Treaty:</b>	Treaty for the Establishment of the East African Community
<b>EAC</b>	East African Community
<b>FGM:</b>	Female Genital Mutilation
<b>GDP</b>	Gross Domestic Product
<b>HIV:</b>	Human Immunodeficiency Virus
<b>IDPs:</b>	Internally Displaced Persons
<b>MDGs:</b>	Millennium Development Goals
<b>MKUKUTA:</b>	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Tanzania
<b>MKUZA:</b>	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Zanzibar
<b>National Forum:</b>	National Children’s Policy Forum
<b>NGOs:</b>	Non-Governmental Organisations
<b>OAU:</b>	Organisation of African Unity
<b>Policy:</b>	East African Child Rights Policy
<b>Regional Forum:</b>	Regional Children’s Policy Forum
<b>UN:</b>	United Nations
<b>UNDP:</b>	United Nations Development Programme
<b>UNICEF:</b>	United Nations Children’s Fund
<b>UNCRC:</b>	United Nations Convention on the Rights of the Child
<b>IAWG:</b>	Inter- Agency Working Group
<b>APSP:</b>	Africa Platform Social Protection
<b>WVT:</b>	World Vision Tanzania
<b>ACPF:</b>	African Child Policy Forum

## DEFINITIONS

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**A child protection system:** is a comprehensive and sustainable approach to preventing and responding to violence against children, comprising the set of laws, policies, regulations and services required across all social sectors, especially social welfare, education, health, security and justice.

**Child abuse** - any intentional or unintentional harm to a child within relationships of responsibility, trust or power.<sup>1</sup> Abuse can be physical, sexual or emotional mistreatment or neglect of a child.

**Emotional abuse:** persistent emotional maltreatment that impacts on a child's emotional development. Emotionally abusive acts include restriction of movement, degrading, humiliating, bullying (including cyber bullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment

**Physical abuse:** actual or potential physical harm perpetrated by another person, adult or child. It may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

**Sexual abuse:** forcing or enticing a child to take part in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration, or non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving children in looking at, or producing sexual images, watching sexual activities and encouraging children to behave in sexually inappropriate ways.

**Neglect and negligent treatment:** allowing for context, resources and circumstances, neglect and negligent treatment refers to a persistent failure to meet a child's basic physical and/or psychological needs, which is likely to result in serious impairment of a child's healthy physical, spiritual, moral and mental development. It includes the failure to properly supervise and protect children from harm and provide for nutrition, shelter and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and the neglect and ill treatment of a disabled child.

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<sup>1</sup> World Vision International Child Protection Strategy (2012) accessed on 26<sup>th</sup> February 2016 from <http://www.keepingchildrensafe.org.uk/guidelines/child-safeguarding-standards-and-how-implement-them/page-3>

**Child labour:** Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development, including work that interferes with their schooling.

**Child Participation:** Informed and willing involvement of all children including the most marginalised and those of different ages and ability in any matter concerning them directly or indirectly.

**Child protection:** the measures that are taken to prevent and respond to all forms of abuse, neglect, exploitation and violence against children in development and emergency settings.

**Child rights:** The inherent fundamental entitlements and freedoms of children which they have merely by virtue of being human.

**Child work:** Age appropriate, non-harmful tasks done by children, and which need not be remunerative.

**Child:** Any human being below the age of eighteen (18) years.

**Children associated with armed conflict:** children involved directly and indirectly in armed conflict, as well as those affected whether directly or indirectly by such conflict

**Community-based child protection mechanisms:** are formal and informal prevention and response tools to address child protection within communities, progressively becoming formal and linked to the state system.

**Corporal punishment:** any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc.

**Marginalized groups of children:** children who experience exclusion and who have a high risk of violence and multiple deprivations.

**Most vulnerable children:** Children whose vulnerability is exacerbated by factors such as the death of parents or caregivers, disability, HIV/AIDS, etc.

**Social Protection.** A set of public policies, programmes and systems that help poor and vulnerable individuals and households to; reduce their economic and social vulnerabilities, improve their ability to cope with risks and shocks and enhance their human rights and social status

**Violence against children:** is an ‘umbrella term’ and includes all forms of abuse, neglect, exploitation and violence against children, in accordance with the Convention on the Rights of the Child and General Comment No. 13 of the Committee on the Rights of the Child.

## EXECUTIVE SUMMARY

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The EAC Treaty (Article 120 (c)) calls upon Partner States to develop and adopt a common approach towards marginalised groups including children. This undertaking is anchored by the EAC's commitment to the principle of good governance including adherence to, among other things, the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights (Article 6(d)).

EAC Partner States have further, in their individual capacity, signed and/or ratified a range of documents on children's rights, and adopted a variety of legislative, policy and programmatic measures to implement the resulting obligations. Thus far however, there has been no common approach towards the implementation of children's rights at the sub-regional level.

The EAC Child Policy is the culmination of various processes geared towards the harmonisation of standards on and approaches to the implementation of child rights in the EAC. The hallmarks of these processes include the Bujumbura Declaration on Child Rights in the EAC of 2012, and the subsequent Directive of the 25<sup>th</sup> Meeting of the Council of Ministers calling on the EAC Secretariat to develop a Policy on Childrens Rights and Wellbeing (**EAC/CM 25 Directive 23**). In 2013, the EAC Secretariat with the support of the Inter-Agency Working Group, commenced the process of developing the Policy.

The Policy seeks to:

- a) Provide a functional, regional, policy, and institutional framework to facilitate the development, co-ordination, harmonisation and strengthening of national efforts geared towards the promotion of children's rights and child wellbeing.
- b) Guide Partner States in prioritisation and integration of child's rights concerns in their planning, budgeting and resource mobilisation processes.
- c) Establish and strengthen existing inter-country partnerships on the promotion of child rights, child protection and child well being
- d) Guide Partner States in the monitoring and evaluation of the Implementation of, of the UNCRC, ACRWC and national commitments to children's rights
- e) Strengthen capacity in research, advocacy, knowledge management and innovation on child rights and child wellbeing.

## **1.0. INTRODUCTION**

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The East African Community (EAC) is an inter-Governmental organization comprising of five Partner States namely Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. The Treaty for its Establishment was signed on 30 November 1999 and came into force on 7 July 2000. The Treaty of the EAC envisages four stages of integration; the Customs Union, a Common Market, subsequently a Monetary Union, and ultimately a Political Federation.

The objectives of the Community include developing policies and programmes aimed at widening and deepening co-operation among the Partner States in the political, economic, social and cultural fields among other areas. One of the fundamental principles of the EAC is good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights.

Under Article 120(c) of the Treaty Partner States undertake to cooperate in the field of social welfare, and particularly with respect to the development and adoption of a common approach towards the disadvantaged and marginalized groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of among others, foster houses, health care, education and training among others. The foregoing provisions alongside others in the Treaty form the basis for the promotion and protection of children's rights in the EAC.

### **1.1. Background**

The EAC Council of Ministers is charged with the responsibility for Policy making within the Community. In December 2010 the Council established the Sectoral Council on Gender, Youth, Children, Social Protection and Community Development to spearhead action in relation to matters affecting social welfare, including children's rights. In accordance with a directive of the 1st Meeting of the Sectoral Council held on 2nd March 2012 in Arusha, the First EAC Child Rights Conference was held in Bujumbura from 1st to 3rd, September 2012. The conference laid the foundation for the development of the EAC Child Policy and adopted a declaration (The Bujumbura Declaration on Child Rights and Wellbeing in the EAC) which called for the development of an EAC Child Policy. The 1<sup>st</sup> meeting of the Sectoral Council on Gender, Youth, Children, Social Protection and Community development subsequently directed the EAC Secretariat to develop among others, an EAC Children Policy and align it with the the strategic plan on Gender, Youth, Children, Persons with Disabilities, Social Protection and Community Development. This call was further anchored by the Council

Directive (EAC/CM 25) Directive 23) of 2012 calling upon the EAC Secretariat to develop a Policy on Children's Rights and Wellbeing in the EAC. It is against this backdrop that this EAC Child Policy is developed.

## **1.2. Rationale**

While the primary responsibility for addressing many issues facing children rests with the Partner States at national level, there is a sub-regional and transnational dimension to the protection of children. To date EAC Partner States have ratified various international treaties including the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) and put in place laws, policies and other measures for the implementation of the rights of children at the national level, there still exists gaps in protection of child rights in EAC partner states.

Children constitute more than 50% of EAC population and yet this segment of the population continues to face numerous challenges some of which are beyond the scope of national laws. Emerging issues that require a regional policy framework include among others forced separation of children from their families and or displacement from their country homes (children are the biggest age group among refugee populations in the EAC); children trafficked across borders in EAC and timely access to justice for child offenders in conflict with the law across borders.

The EAC stands to benefit from a coherent EAC Child Policy that would be responsive to emerging child related issues of regional stature. The policy would among others provide guidance to EAC Partner states on focused implementation of the core principles of the UNCRC and ACRWC and enable the impact of the EAC policy on children to be assessed systematically, at sub-regional level; improve coordination and encourage greater exchange of good practice between EAC Partner States; promote investment of more resources in support for child rights observance; improve data-collection and analysis of the impact of economic and social change on children within the EAC; as well as clarify and strengthen the role of CSOs within the "civil dialogue" at sub regional level, and ensure that the voices of children are heard in policy-making processes.

## **2.0. SITUATIONAL ANALYSIS**

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### **2.1. International legal framework**

The UN Convention on the Rights of the Child (UNCRC) is the principal children's rights instrument at the international level, and acts as a common standard on child rights. This Convention provides for a range of children's rights and the corresponding state obligations for their realization. The responsibilities of States Parties to the UNCRC include adoption of laws and policies that domesticate the standards of the UNCRC in national law. As States Parties to the UNCRC, EAC Partner States have a duty to harmonize their legal and policy framework on children in accordance with their commitments under both the UNCRC and the EAC Treaty.

The UNCRC has three optional protocols on the Involvement of Children in Armed Conflict (2000) Child Sale, Prostitution and Pornography (2000), and on a Communications Procedure (2011). As state parties to the UNCRC, all EAC Partner States have the responsibilities to adopt laws and policies that domesticate the standards of the UNCRC into their national law.

Other instruments on minimum age of employment, worst forms of child labour and other child protection issues include Convention No 138 Concerning Minimum Age for Admission to Employment (1976) and Convention No 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) of the International Labour Organization (ILO). There is also the Hague Convention on Civil Aspects of International Child Abduction (1980), The Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, (1993), Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (2008), Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children (1996).

### **2.2. Regional legal framework**

The African Charter on the Rights and Welfare of the Child is the main children's rights treaty in the African region. The Charter contextualizes the rights in the UNCRC to the African continent. Further, the Charter recognizes and addresses African specific issues affecting children and acknowledges African values such as the promotion of positive culture and the responsibilities of the child.

The African Union, within which the ACRWC is adopted, recognizes the role of sub-regional economic communities such as the EAC in the protection of human rights. The EAC therefore should promote and protect human rights in accordance with the regional human rights instruments.

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa which was adopted in 2003 calls upon State Parties to address all forms of discrimination against women and therefore it enhances the protection of children especially the girl child.

The 1969 OAU Convention governing the specific aspects of refugee problems in Africa, is a legal framework which provides for a range of civil, political, social and - cultural rights of refugees. This convention is significant to the protection of children displaced across borders.

The African Youth Charter, 2006, aims at improving the condition of youth (including children above 15 years) due to the fact the Africa's greatest resource is its youthful population and that through their active and full participation, Africans can surmount the difficulties that lie ahead

The EAC Child Rights policy is being developed within the framework of the global priority interventions of the Sustainable Development Goals.

### **2.3. EAC legal and policy framework**

The Treaty for the establishment of the EAC provides for the promotion and protection of human rights as one of its fundamental principles. The Treaty requires Partner States to abide by the principles of good governance, including adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights (Article 7(2)). EAC Partners States undertake to closely co-operate in the development and adoption of a common approach towards the disadvantaged and marginalized groups, including children (Article 120). Article 39 of the Common Market Protocol to the EAC Treaty calls for the harmonization of social policies of Partner States with a view to address the situation of vulnerable groups including children.

To facilitate the implementation of these provisions, the EAC has put in place a number of policy frameworks with provision on the rights of the child. These include the Fourth EAC Development Strategy (2011/2012 – 2015/2016), EAC Social Development Policy Framework 2013, EAC Youth Policy, EAC Policy on Persons with Disabilities, and the EAC Gender Mainstreaming Strategy. The other interventions for the benefit of the child at the regional level, and relevant to the Policy include the Bujumbura Declaration on Child Rights and Wellbeing in the East African Community, the EAC Strategic Plan for Gender, Women, Youth, Children, Persons with Disabilities, Social Protection and Community Development (2012 - 2016).

## **2.4. Partner States Context**

### **Republic of Burundi**

Burundi is a landlocked country, and the nearest ports are located more than 1,500 km away in Dar es Salaam, United Republic of Tanzania, or Mombasa, Kenya. Nine in ten Burundians live in rural areas and depend almost exclusively on subsistence farming and livestock for their livelihood. The general census done in 2008 put Burundi's population at 8,038,618, of whom 4,111,751 were women. 51.5% of the population are children below the age of 18 years. Population density is 297 inhabitants per square kilometre, with an annual demographic growth rate of 3 per cent.

One of the consequences of the long civil war (1993-2006) in Burundi was the dislocation of families, where many children became orphans, refugees in neighbouring countries and internally displaced persons in the country. Children suffered the consequences of insecurity and population displacement. They lost their parents, witnessed violence, atrocities and their social environment was torn apart. As a result of the war, many children were left as heads of households, and a number of children are now living on the streets. After the democratic elections of 2005, the government had to deal with underlying issues of human rights in general and children in particular. The challenges are many, but attention is still paid to these priorities. The resettlement and reinstallation of returning refugees and internally displaced persons in society remains a challenge for the government.

The laws affecting children in Burundi include the (2005) Constitution, the Family and Persons Code (Decree No.1/024 of 28.04.1993), the (new) Criminal Code (Law No. 1/05 22.04.2009); the Code of Criminal Procedure (Law No. 1/015 20.07.1999); the Labour Code (Decree No. 1/037 07.07.1993), and the Law on Adoptive Filiations (Law No. 1/004 30.04.1999 for Innovation on adoptive filiations). These laws are supported by a policy, strategic and programmatic framework consisting of the National Policy for Orphans, and other Vulnerable Children (2008), the National Strategy to Prevent and Combat the Phenomenon of Street Children (2013), the National Child Protection Policy, 2012-2016; Action Plan on the Elimination of Worst Forms of Child Labor; Minimum Standards for Children in Institutions or Deprived of Family Environment (2012);

The institutional frameworks are the Department of children and family in the Ministry of Human Rights, Social Affairs and Gender; Independent National Human Rights Commission; Specialised Rehabilitation Centres for Street Children and Children with Disabilities; National Forum for Children (established at the village, community, provincial and national levels); Unit for the Protection of Children in conflict with the law within the Ministry of Justice; Child Protection Unit within the Ministry of Public Security (Police); Child Protection Committees from village to provincial level; National Technical Child Protection Coordination Committee; Inter-Ministerial Steering

Committee with a mandate to ensure child protection across all sectors at the national level; Child Protection Unit within the Office of the Ombudsman.

In 2011, the economic growth of Burundi was estimated at 4.2%. However, poverty is still persistent especially in rural areas, leading to rural-urban migration of young people. Hence, Burundi's average annual urban population growth rate is one of the highest in the world (4.5 per cent).

Child mortality has significantly decreased because of the extended immunization programme for children even in remote areas. Additionally, children under the age of five years and pregnant women have free access to health care services. The government has made commendable effort to fight communicable and preventable diseases. Nevertheless, diseases such as malaria and HIV/AIDS are still prevalent. In the same way, despite efforts made to address hunger and malnutrition amongst children, these issues remain critical in Burundi especially in rural areas.

In line with Vision 2025, Burundi introduced free primary education. As a result, the net enrolment rate at primary school level rose significantly. In 2013, Burundi introduced a nine year primary school cycle which will require significantly more resources to fully and successfully implement. The introduction of a longer basic education cycle is intended to reduce wastage (repetition and dropout) in education, and to ensure the education of girls. Longer period of basic education further ensures that children attain more skills within the basic education period.

The remaining challenges affecting children in Burundi include commercial sexual exploitation, child trafficking, child disinheritance, child labour, and abuse of children with albinism. Gender perspectives play a critical role in land inheritance, with detrimental challenges on children's welfare, particularly girls.

## **Republic of Kenya**

Children constitute 54% of the population of Kenya (population Census, 2009). It has robust legal, policy and institutional frameworks for the promotion and protection of child rights and welfare. It has ratified the key international instruments on child protection including the UNCRC, ACRW and Hague convention on the protection of children and inter country adoption agreement of 1993.

The Constitution has enshrined fundamental rights of children as part of the Bill of Rights. The Constitution promulgated in 2010 contains various important new provisions that shape the rights agenda and governance structures and provides strategic opportunities for the fulfillment of child rights in the country. It also provides a definition of a child as a human being who has not attained the age of 18years hence avoiding any contradiction. The Children Act, 2001 is the principal law on children that was enacted to harmonize domestic laws pertaining to children and to domesticate the UNCRC and the ACRWC the Constitution allows for the implementation of the instruments without first domesticating them. .

These political and constitutional reforms have firmly established children rights and welfare in the country, triggering the review and alignment of policies, programmes and frameworks affecting children which are still ongoing.

The development of a new Statute to replace Children Act is ongoing to respond to emerging issues on and also align it to the Constitution. The Basic Education Act (2013) provides for free and compulsory basic education for all children. Other laws related to children include, the Marriage Act (2014), the Sexual Offences Act (2006), the Protection Against Domestic Violence (2015), the Counter Trafficking In Person's Act (2010), the Prohibition of Female Genital Mutilation Act (2010) and the Persons with Disability Act (2003). It is hoped that the devolution process will provide a good opportunity to strengthen the child protection system. The country formulated the National Children Policy in 2010 which is being implemented through the National Plan of Action for Children 2015-2022 Other policies related to children are National Food and Nutrition Security Policy, National Adolescent Sexual and Reproductive Health Policy, National Early Childhood Development Policy Framework (2006), National Policy on Human Rights (2011) among others. The major challenge is full implementation of the legal and policy frameworks.

The Ministry of Labour and East African Affairs is the primary ministry providing policy direction and offering services to children in need of care and protection through the National Council for Children's Services and the Department of Children's Services. They work closely with non-State Organizations who complement Government efforts. It is hoped that the devolution process will provide a good opportunity to strengthen the child protection system.

Kenya's social economic context is on an upward trend. The country's GDP stood at 4.6% in 2013 and Kenya's Vision 2030 is the national development plan which provides a road map for political, economic, social equity and equality. It is aimed at transforming the country into a globally competitive middle income county with a high quality of life by the year 2030. It seeks to reduce poverty, which stands at 46% and narrow inequalities through employment, empowerment and improving access to social services for all.

However, children in Kenya are vulnerable to a range of protection risks including abandonment, violence, child trafficking, sexual exploitation, hazardous labour, harmful traditional practices and harmful substances. Interventions include the National Plan of Action, issue-specific plans of action and social protection programmes that aim to support families cope with vulnerability and shocks and to enable them access services. Existing programme include social assistance, including cash transfer to Orphans and Vulnerable children. Kenya has also made advances in increasing education enrolment, gender parity particularly in primary education, reducing child mortality and reducing the burden of HIV and AIDs.

However a lot still remains to be done in terms of access, transition and completion rates in education; reduce maternal mortality and child malnutrition, and ensure access to safe water and sanitation.

## Republic of Rwanda

The Constitution of the Republic of Rwanda of 2003 revised in 2015 as amended to date addresses the issues of children. Rwanda is party to all major International Instruments concerning the protection and promotion of children's rights or wellbeing (UNCRC and its Protocols, ACRWC, Hague Convention of 1961 and 1993. In addition a number of laws covering a wide range of issues related to families and children in the fields of health, labor, education, protection against abuse and neglect, protection of people living with disability, civil code, prevention and punishment of violence, among others were put in place.

On policy framework, number of documents was initiated. To give a few examples: National Girls' Education Policy (2008); National Social Protection Policy (2011); Early Childhood Development Policy and its Strategic Plan (2011); National Integrated Child Rights Policy (2011), the National Strategy for Childcare Reform (2012); The National Policy on Elimination of Child Labor (2013), and National Health Policy (2002) and Vision 2020.

On institutional level, the Ministry of Gender and Family Promotion (MIGEPROF), the National Commission for Children (NCC), National Youth Council (NYC), National Child Rights Observatory department within the National Human Rights Commission (NHRC), Gender Monitoring Office and the National Children Forum (including the annual National Children Summit) are handling children related matters.

Rwanda experienced a civil war in 1990 and genocide in 1994 and the country still has to deal with the consequences.

Vision 2020 is Rwanda's blueprint for long-term development which seeks to transform the country from a low-income to middle-income. Vision 2020 is supported by the Economic Development and Poverty Reduction Strategy II (EDPRS 2) and the MDG. Most of the goals have been achieved.

Rwanda has the highest life expectancy in the region at 65 years and Rwanda has become a world model in reducing gender gaps in involving women in all political and administrative spheres. Universal education with 12YBE is another achievement. In terms of social security, Rwanda has especially made remarkable efforts with of 73% of the population covered by health insurance (mutuelles de sante). Isange One Stop Centers (IOSC), are part of a Multi-sectoral and interdisciplinary program aiming at providing psychosocial, medical and legal services to adults and children victims of gender based violence and child abuse occurring in the family or in the community at large. There are so far 21 IOSC operating country-wide.

Some challenges to the protection of the rights of children still remain however. The issue of orphans is still a challenge in Rwanda: Up to 40% of children in Rwanda have grown up with one or without any parent.

Despite efforts to reintegrate children from orphanages into families, over 1500 children are still living in institutional care; the street children phenomenon is still a worrying reality and some 73.000 refugee children live in 10 refugee camps and centers across the country. Cross border movements often result in trafficking in human beings especially affecting female youth.

## **Republic of Uganda**

Uganda has a comprehensive policy and legal framework for the protection of children's rights as stipulated in the 1995 Constitution of the Republic of Uganda ( Article 34),the Children's Act ( Cap 59) as well as the orphans and other vulnerable children policy and is signatory to all key international instruments notably the UNCRC including 2 of the optional protocols and the African Charter on the Rights and Welfare of the Child ( 1990).However the scope of the laws and policies is limited to national context and does not ably cater for redress of international violations of the rights of children. In addition, the capacity of the institutional framework to implement the laws and policies is undermined by the lack of coordination, limited resources (financial and human) as well as negative socio-economic and cultural barriers that negate the smooth implementation of the policy provisions.

In spite of the political will; improvement in civil awareness on the rights of the child and integration of child care and protection concerns in the National Development Plan (NDP) II 2015 – 2021; and inclusion of Human Capital Development as one of the 3 pillars of NDP II, Children's' rights are neither fully integrated in political processes nor prioritized in national development. A more comprehensive approach to strengthening a National child protection system and an elaborate communication and advocacy strategy is necessary to operationalize the provisions which have been integrated in the NDP II.

The Uganda situation analysis of children report 2015 indicates that whereas children constitute 57% of the national population, more than half live in poverty; only 10% of children with disabilities access specialized schools; only 10% of children aged 3-5 years attend pre- primary education; 33% of children aged 6-12 years who start primary school drop out before completion; infant mortality rate is still high at 90 deaths per 1,000 live births for children below 5 years; 40% of children under 5 are not registered at birth; Violence against children is still rampant both at household and school levels; and 1 in 4 teenage girls are pregnant or have a child. This situation calls for increased investment in child friendly interventions which value child wellbeing as a key to sustained socio- economic development.

## **United Republic of Tanzania**

Tanzania's population is estimated at 49.5 million with 50% of the population being below the age of eighteen (18) years (National Bureau of Statistics). Child participation has grown over the years with the establishment of Junior Councils from the national level, Regional, District and Ward level. Through these platforms children meet and discuss issues of their concern and to provide recommendations to the policy makers and law makers.

The Law of the Child Act, 2009 (Mainland) and the Child Act, 2011 (Zanzibar) are the main child rights instruments in the United Republic of Tanzania. Children's rights are

implemented through various institutions in Tanzania including; The Police Force Gender and Children's Desk, Juvenile courts, the National Child Rights Committee (Zanzibar), and the Multi- Sectoral Task Force for Violence Against Children. In addition, several policies, strategies and programmes on issues affecting children have been adopted, such as the Child Development Policy 2008, The Education and Training Policy, 2004, Employment and Labour relations Act, 2004, Multi Sector National Plan of Action to Prevent and Respond to Violence Against Children the National Plan of Action for the Most Vulnerable Children, Gender Based Violence and Violence Against Children.

Social economically, Tanzania's GDP stands at \$28.24 billion with an average economic growth rate of about 6.7% since 2006, one of the best in sub-Saharan Africa. Over the years, Tanzania has made tremendous efforts to invest in education which has manifested by the increase in enrolment of both boys and girls in schools to 95.2% and 95.6% respectively in 2010. Infant mortality rates have also declined from 115 per 1000 live births in 2004 to 51 per 1000 live births in 2010.

However, many challenges to the rights and wellbeing of children still exist. Female Genital Mutilation (FGM) is still rampant and customs in Tanzania differ along geographic and ethnic divides. Not all regions practise FGM, but of those that do, the highest rates of FGM occur in Manyara, Dodoma, Arusha, Singida, Mara and Kilimanjaro at rates between 20-70%. There has recently been a trend in circumcising young girls at an early age (many before their first birthday) and a rate of 31.7% in 2010 (DHS). This is possibly due to rapid government attempts to abolish FGM through legislation. In Tanzania Child Marriage occurs more frequently among girls who are the least educated, poorest and living in rural areas. In 2010 women aged 20 -24 and living in rural areas were almost twice as likely married / in union before the age of 18 years that their urban counterparts. This divide has remained the same level since 2004. (Source DHS 2010)

Therefore, the EAC Child policy is necessary to provide a framework for harmonization, prioritization and implementation of child rights at national level as well as promote joint planning, monitoring and evaluation of emerging child rights concerns of regional stature such as child trafficking, inter country adoption of children, refugee children, and access to justice for child offenders across borders.

## **3.0. VISION, MISSION, CORE VALUES AND OBJECTIVES**

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### **3.1. Vision**

An East African Community where child rights and wellbeing are guaranteed.

### **3.2. Mission**

To promote the realization of child rights to survival, development, protection and participation through a coordinated and multi-sectoral approach.

### **3.3. Core Values**

Taking cognisance of the EAC core values of professionalism, teamwork, transparency, unity in diversity, accountability and allegiance to EAC ideals, the EAC Child Policy is guided by the following core values:

- a) respect for human rights,
- b) equality,
- c) participation,
- d) dignity,
- e) sustainability

### **3.4. General Objective**

To provide a functional regional framework to facilitate the development, coordination and strengthening of national efforts geared towards the realisation of children's wellbeing.

### **3.5. Specific Objectives**

- a) To enhance regional harmonization and effective implementation of national legislations, policies and action plans related to children
- b) To promote prioritization in planning, resource allocation and capacity development for child rights at Partner States level
- c) To strengthen evidence based planning and decision making through research, innovation and knowledge management
- d) To foster meaningful child participation in decision making on matters affecting them
- e)

### **3.6. Guiding Principles**

This Policy is guided by the CRC and ACRWC principles on the rights of the child noting that these principles are mutually reinforcing.

### **3.6.1. Best interests of the child**

“The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.”

This principle stipulates that “in all actions concerning children, whether undertaken by public or private social welfare institutions, administrative authorities or legislative bodies, the best interests of the child shall be given a primary consideration”. The principle must be considered in light of the universal rights of children enshrined under the CRC, the ACRWC, CRPD and all other instruments of the rights of children.

### **3.6.2. Equality and Non-discrimination**

This twin principle calls for recognition and implementation of the rights of all children without discrimination on the basis of race, colour, sex and gender language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The principle requires broad and comprehensive protection against discrimination as well as respect for dignity of all children. The principle also upholds proactive efforts to ensure that negative opinions, prejudices and discriminatory practices against minority groups and children in hard-to-reach areas are eliminated. This principle also recognizes that all children matter, are free and equal in dignity and rights, and that all human rights apply to children’s rights too, without any prejudices.

### **3.6.3. Survival and optimum development**

This principle affirms the fact that children deserve the best start in life from conception and upholds their inherent right to survival, well-being and highest attainable standards of social, moral, physical, emotional and cognitive development.

### **3.6.4. Child participation**

This principle recognises children’s potential to contribute to decision-making processes and to associations in accordance with the child’s age, disability and maturity. They have a right to be given the opportunity to seek, receive and share information in age and disability appropriate manner and their evolving capacities, as well as to express their opinions and be listened to particularly in matters concerning them. Children have the right to association in the formation of groups or clubs.

## **4.0. PRIORITY AREAS AND POLICY STATEMENTS**

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The EAC will take a regional approach to harmonisation of laws and policies on the Rights of a Child and ensure that all children enjoy their rights to survival, development, protection and participation. The EAC acknowledges that child rights are interrelated, and efforts to fulfil one contribute to fulfilling another. The right to life, protection, survival and development can only be implemented through the development and enforcement of minimum regional standards for children in Education, Health and Social Development.

### **Priority areas**

The EAC Child Policy priority areas have been informed by gaps identified in the situational analysis and actions that can be implemented to add value to partner states' efforts on child rights.

#### **4.1. A Regional approach to ratification, domestication and implementation of international instruments**

A regional approach is necessary to the ratification and domestication of international child rights instruments so as to ensure that all children in the region enjoy the same rights and protection under the law.

##### **Strategies:**

- a) Develop an advocacy strategy for ratification and domestication of all pending Child Rights international instruments by Partner States.
- b) Urge Partner States to develop implementation plans for the Child Rights international instruments.
- c) Put in place a monitoring mechanism to track the ratification, domestication and implementation of all Child Rights international instruments.

#### **4.2. Harmonization of national laws and policies to the African Charter and the UNCRC and other key international Child Rights instruments**

All EAC Partners States have ratified the ACRWC, CRPD and the UNCRC. However, in practice the pace of implementation of these instruments is slow and national laws sometimes contradict articles of the ACRWC and the UNCRC for instance the definition of a Child across all rights 'as any person below the age of 18 years'. It is therefore imperative that national laws and policies are domesticated in line with these Child Rights instruments with timely implementation and reporting.

Strategies:

- a) Harmonise the minimum ages of marriage, sexual consent, conscription into armed forces in line with the definition of the Child which is any person below the age of 18 years (as provided by the UNCRC and the ACRWC).
- b) Define and harmonise the minimum age for criminal responsibility and employment across policies and legislations in Partner States
- c) Develop and implement a regional framework for the harmonization of Child Rights related policies and legislations including Child justice.

#### **4.3. The Right to Citizenship and Identity**

Partner States of the EAC are at different levels in terms of enforcing universal birth and death registration systems. The lack of a birth certificate for a child is synonymous with lack of legal identity and citizenship. There is need to ensure that all the children enjoy the right to citizenship by putting in place an effective and efficient Birth and Death Registration Systems.

Strategies:

- a) Strengthen the Birth and Death Registration Systems in all Partner States
- b) Ensure that each child has a nationality.

#### **4.4. Addressing cross border Child Rights violations**

There are specific forms of child rights violations that have cross border dimensions. These include child trafficking, child sacrifice, the use of children in smuggling especially in cross border towns, child sexual abuse and commercial sexual exploitation of children and Female Genital Mutilation. There is also a growing concern about the unregulated transfer of children from within the region under the guise of inter-country adoption.

Strategies:

- a) Put in place and strengthen a collaborative framework and administrative mechanisms that prevent and respond to cross border child rights violations
- b) Strengthen collaboration between development partners, UN agencies, Partners States and the EAC Secretariat to address cross border Child Rights violations
- c) Strengthen the investigative capacities of cross border immigration and law enforcement agencies to be more responsive and vigilant to child rights violations.
- d) Put in place a Juvenile justice system at the regional level
- e) Repatriation of Child support and other forms of Child maintenance

#### **4.5. Strengthening of national child protection systems and community mechanisms within the EAC region**

Efforts to strengthen child protection systems are ongoing at Partner States level. This is an initiative that can greatly be of benefit from a shared and harmonized approach due to the commonality of issues and challenges within the region.

##### Strategies:

- a) Develop a regional framework for assessing the status of Child Protection Systems in the Partner States
- b) Promote the development and implementation of family strengthening and protection policies in Partner States
- c) Support the promotion of role of parents as the primary care givers in the Partner States
- d) Establish alternative family based care systems and expansion of kinship, foster care and other family reintegration services
- e) Strengthen community and national mechanisms for child protection
- f) Develop standards on Child Protection Service Delivery
- g) Ensure convergence of national development plans and programmes aimed at the preventing, responding and progressive elimination of all forms of Child Rights violations

#### **4.6. An integrated approach to providing quality education, health and social protection to children**

Child rights issues cut across various social sectors such as education, health and social protection. However, there needs to be greater effort by the ministries responsible for children to integrate programmes with other agencies and stakeholders at national level. This is also true for programmes implemented by development partners, civil society organisations and the private sector.

##### Strategies:

- a) Develop and implement minimum regional standards for children in Education, Health and Social Protection
- b) Improve access to and utilisation of quality health care services, education, social protection and other social services
- c) Strengthen the integrated/inclusive management of health, education and social protection services

#### **4.7. Child protection in conflict and emergency situations**

Children in EAC Partner states have not only been targeted and exposed to extreme violent actions but they have also been conscripted and forced to commit atrocities. EAC as a region needs an internal mechanism for detecting and responding to situations that are likely to expose them to the dire consequences of armed violence and conflicts which are always generated by adults but for which children pay the highest price.

Strategies:

- a) Strengthen the protection of children affected by armed conflict in collaboration with the African Union Commission.
- b) Improve the regional disaster preparedness plans and disaster risk reduction to include children
- c) Establish a Regional Child Emergency Fund
- d) Enhance meaningful child participation initiatives in peace building at national and regional level
- e) Establish and implement mechanisms to address the protection of Children from all forms of exploitation and extremism.

**4.8. Resourcing of Child Welfare Services and Institutions.**

Ministries and Institutions responsible for child welfare in Partner States are inadequately resourced. National level advocacy initiatives to address this challenge have hitherto not succeeded in achieving any substantial outcome beyond highlighting the problem. A regional advocacy initiative that is championed by the EAC decision making organs, institutions and mechanisms can significantly upgrade the level of investment by Partner States in the area of child welfare.

Strategies:

- a) Strengthen human and financial resources at the EAC Secretariat to monitor and coordinate Child Rights in the region
- b) Promote evidence based research, information sharing and advocacy to key decision makers at national and regional level to influence investment in children for economic development
- c) Prioritise Child Rights issues in national and regional plans, budgets, projects and programmes.

**4.9. Regional mechanism for monitoring, evaluation and reporting of child rights**

Effective coordination and accountability for child rights at national levels can only be achieved through collaboration between the Partner States, the EAC and the African Committee of Experts on the Rights and Welfare of the Child.

Strategies

- a) Develop and implement a regional Monitoring and Evaluation System on Child Rights including tools to monitor compliance and enforcement
- b) Strengthen linkages between the AU Committee of Experts and the EAC to monitor and report progress on Child Rights
- c) Document and share best practices among Partner States and in collaboration with the Civil Society, Private Sector, development partners and other stakeholders for learning purposes

#### **4.10. Child Participation**

The EAC will promote Child Participation in line with the age, disability and maturity of the child.

##### Strategies:

- a) Empower Children with life and leadership competencies that promote self-expression.
- b) Supporting children to establish their own organisations, networks, councils, exchange programmes and associations by providing them with information on their rights, facilitating their attendance in local, national, regional and global policy making forums
- c) Develop and implement age and disability appropriate child participation framework for the region
- d) Ensure that children participate in the development and monitoring of policies, legislations, and related regulatory frameworks and programmes that relate to them.

## **5.0. ROLES AND RESPONSIBILITIES**

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### **5.1. Role of the EAC Secretariat**

The EAC's Secretariat through the Department of Gender and Community Development shall be the lead agency that will spearhead the coordination mechanism for the implementation of the Policy. Its role shall be to:

- i. Oversee the implementation and reviewing of the Policy
- ii. Provide institutional capacity for the implementation of all children programmes;
- iii. Develop a regional framework for the advancement, coordination, monitoring and evaluation of children's rights delivery;
- iv. Mainstream a child-centered approach to policy, planning, programming, communication and funding at the regional level;
- v. In collaboration with Partner States, promote and disseminate the Policy widely;
- vi. Co-ordinate Partners States and other stakeholders in implementing the Policy
- vii. Ensure the preparation of a comprehensive monitoring and evaluation report on the implementation of the Policy
- viii. Work with development partners and other organisations to mobilise resources to operationalize the Policy;

- ix. In consultation with research institutions promote research into how to better the situation of the child in the region;
- x. Incorporate relevant NGOs and intergovernmental bodies in the implementation of the Policy; and
- xi. Organise consultative forums to review the Policy every five years to reflect changing circumstances.

## **5.2. Role of EAC Partner States**

EAC Partner States shall be responsible for the implementation of the Policy within their jurisdictions. In particular, the Partner States shall:

- i. Mainstream children rights in all policies, laws, actions and programmes;
- ii. Put in place national mechanisms to steer inter-sectoral coordination and effective implementation of the Policy;
- iii. Develop and strengthen a comprehensive and coherent national policy to promote children's rights;
- iv. Mobilise resources nationally and beyond for the implementation of the Policy;
- v. Increase budgetary resources to support child development interventions;
- vi. Ministries responsible for Children affairs will be charged with the implementation of the Policy;
- vii. Involve and liaise with local authorities and other stakeholders in the protection and promotion of children rights;
- viii. Promote research in the sphere of children rights to facilitate informed interventions;
- ix. Build the capacity of relevant State departments and other bodies to implement the Policy;
- x. Put in place mechanisms for collecting, collating, dissemination and sharing of data on the situation of the child
- xi. Sign, ratify or accede and report on the various progressive children rights instruments;
- xii. Harmonize national legislations with the United Nation Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC);
- xiii. Develop and implement national action plans complete with monitoring and evaluation mechanisms.
- xiv. Enhance accountability on the UNCRC through monitoring and reporting

### **5.3. Role of UN Agencies, Development Partners and Civil Society Organizations**

The primary role of UN Agencies, Development Partners and Civil Society Organizations is to offer technical and financial support to Partner States in the course of implementation of the Policy. They shall:

- i. Promote education on children rights;
- ii. Promote the dissemination and awareness around children rights and the implementation of the Policy ;
- iii. Promote advocacy initiatives and forums aimed at advancing the rights of the child;
- iv. Support research activities, data collection and collation on aspects of children rights;
- v. Support initiatives aimed at harmonizing relevant policies and legislation affecting children; and
- vi. Promote the participation of local communities in processes related to the Policy.
- vii. Facilitate children's roles in following up the implementation of the Policy

### **5.4. Children, Families and Communities, Faith based organisations and Private Sector**

#### **Children**

- i. Participate in peer to peer education on children rights.
- ii. Participate in the development of a child friendly version of the Policy in partner States.
- iii. Establish and coordinate child-led initiatives aiming at promoting and exchanging their views on matters affecting them.
- iv. Follow up and -assess the implementation of the Policy.

#### **Families and Communities**

- v. Families and communities will be required to implement the provisions of the Policy as appropriate in consultation with the national governments
- vi. Participate in peer to peer education on promotion of child rights
- vii. Put in place and strengthen mechanisms to prevent child abuse, neglect, exploitation and violence
- viii. Identify, report and refer cases of child abuse, neglect, exploitation and violence

### **Faith Based Organisations**

- ix. Promoting advocacy initiatives to advance child rights
- x. Include child rights issues in plans and programmes
- xi. Strengthen peace building initiatives amongst children and youth and foster intergenerational dialogue in communities
- xii. Incorporate Child Rights into religious teachings

### **The Private Sector**

- xiii. Provide technical and financial support to Partner States in the course of implementation of the Policy
- xiv. Support initiatives towards the realization of children's rights
- xv. Adopt and implement the national and international child protection policies within their organizations

## **6.0. FINANCING THE POLICY**

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The EAC and Partner States shall finance the Policy in line with existing regional and national modalities. The EAC Secretariat, Partner States and other role players shall, in this regard:

- a. Develop a work plan and integrate it in the Annual EAC budget process
- b. Budget lines with specific percentages should be reflected within Government Ministries, the EAC and other relevant bodies and institutions
- c. Partners States to provide funding for the implementation, monitoring and reporting of the policy
- d. Promote Public Private Partnerships (PPP) in the area of child rights
- e. Collaborate with key stakeholders to implement the Policy at National and Regional Levels

## **7.0. MONITORING, EVALUATION AND REPORTING**

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EAC will set benchmarks upon which all activities under the child policy will be periodically measured against set targets. An implementation plan specifying the activities, timeframes and indicators will be developed. Periodic progress reports will be prepared and shared by the EAC in consultation with partner states and other stakeholders.

**Review of the EAC Child Policy**

- a. Map out existing structures that will monitor implementation of the policy at the National Level
- b. Develop and implement a comprehensive Monitoring and Evaluation Framework for the Policy
- c. Develop and implement a Regional Management Information System (MIS) on the situation of children
- d. Establish a functional knowledge - sharing, learning and accountability mechanism
- e. Conduct Review after 5 Years

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