



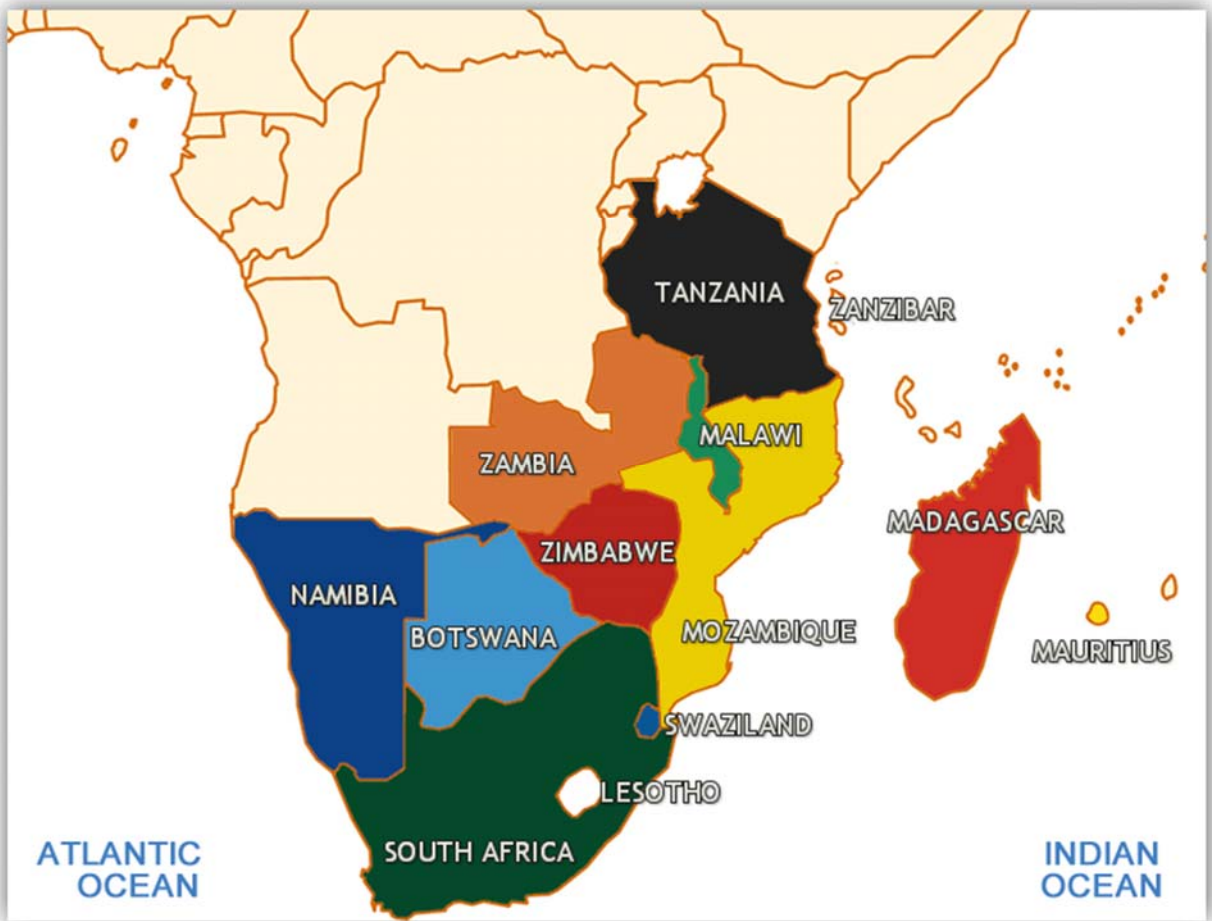
STATE OF FUNDING FOR CHILDREN IN SADC REPORT

RIATT-ESA

BY

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**The budget is the skeleton of the state, stripped of all
misleading ideologies...**
Joseph Schumpeter, 1918

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ACRONYMS

AAAA	Addis Ababa Action Agenda
ACRWC	African Charter on the Rights and Welfare of the Child
AfDB	African Development Bank
AUC	African Union Commission
DFID	Department for International Development,
DRM	Domestic Resource Mobilisation
HNWI	High Net Worth Individual
DRM	Domestic Resource Mobilization
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
HIV	Human Immuno-deficiency Virus
ICT	Information Communication and Technology
ILO	International Labour Organization
IMF	International Monetary Fund
LDCs	Least Developed Countries
OECD	Organisation for Economic Co-operation and Development
ODA	Overseas Development Assistance
REC	Regional Economic Bloc
SADC	Southern Africa Development Community
UNCRC	United Nations Convention on the Rights of the Child
SADC MPS	Southern Africa Development Community Minimum Package of Service for Orphans, Vulnerable Children and Youth

INTRODUCTION

This study is premised on the understanding that beyond the ratifications of international and regional child rights instruments, as well as promulgation of impeccable laws, realisation of children's rights will not be actualized until adequate resources are availed. The study also appreciates that it is the incumbency of the child rights sector to lobby governments for increased fiscal space so that adequate resources are accorded to children. It is this study's persuasion that the prerogative to increase fiscal space for children has never been greater. Poor and vulnerable children and their families have been hard hit by the unabated market failures leading to food, fuel and employment shocks. Having exhausted available coping mechanisms, poor and vulnerable children are also likely to be disproportionately affected by reduced public support as well as the different austerity measures that governments in the region are undertaking.¹

There is need amongst SADC Member States for the realisation that in spite of the austerity measures in place, investing in children is critical to achieving inclusive, equitable and sustainable development for present and future generations.² In doing this, there is need to affirm the importance of promoting and protecting children's rights while ensuring that no child is left behind. This study reinforces the need to have impeccable policies and robust mobilisation and effective use of domestic resources as these are the primary ways in which sustainable development can be achieved. While there is an appreciation that international assistance plays a key role in financing children's issues, it should, however, not be the backbone of development initiatives of Member States, instead, it should only supplement domestic efforts. Such a situation can be reached when revenue collection and administration systems are enhanced through modernized, progressive tax systems, improved tax policies and more efficient tax collection.

For investment in children to be a reality, several challenges that bedevil SADC countries have to be dealt with. Some of the issues that would need to be done include strengthening public policies, regulatory frameworks and finance at all levels, unlocking the transformative potential of people and the private sector, and incentivizing changes in financing as well as

¹ UNICEF (2011), Identifying Fiscal Space: Options for Social and Economic Development for Children and Poor Households in 182 Countries, New York

² Ibid.

consumption and production patterns to support sustainable development.³ Further to this, appropriate incentives, strengthening national policy environments and regulatory frameworks and their coherence, harnessing the potential of science, technology and innovation, closing technology gaps and scaling up capacity -building at all levels are essential for the shift towards sustainable investment in child wellbeing. There are key enablers which need to be in place for the foregoing to be a reality. Some of the enablers include ensuring freedom, human rights, good governance, rule of law, peace and security, combating corruption at all levels and in all its forms, and effective, accountable and inclusive democratic institutions at the subnational, national and international levels.

In an endeavor to address the foregoing, the report is thus divided into three sections. The first section provides a contextual analysis of SADC and state of funding for children's rights. The second section of the report looks at Member States' allocations to child rights, as a way of actioning the commitments they have signed up on, concerning children. The section further interrogates actual expenditures that the Member States make, beyond budget allocations that are done through political processes of speech reading and grand standing for the media. The last section is prognostic in that it seeks to provide practical leads of where child rights funding can come from. The section explores the idea of domestic resource mobilization, the public private partnerships and tapping into the rising middle-class reservoir. The section provides concrete recommendations that can be used by the identified stakeholders inter alia, the Member States, civil society and private sector.

³ African Union, Addis Ababa Action Agenda, (2016)

BACKGROUND

SADC comprises of 16 Member States (MS) which are Angola, Botswana, Union of the Comoros, Democratic Republic of the Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Eswatini, Tanzania, Zambia and Zimbabwe. The region has a young population with 76% of its population below the age of 35 years.⁴ Children below the age of 18 years comprise nearly half of the region's population. Understanding the demography of SADC is a key factor to the attaining of its long-term goals. A study commissioned by the World Bank in Botswana, Lesotho, Namibia, Eswatini and South Africa confirms that Southern Africa is at a different demographic moment than the rest of sub-Saharan Africa.⁵

The World Bank Report suggests that in 2050, Southern Africa will have a working-age population that is larger than its number of young dependents.⁶ That demographic window of opportunity will reach its peak around 2050, when a full 68 percent of the five countries' people will be of working age. This opportunity can be a double-edged sword. If the Member States do not deliberately invest in human capital which is a conduit for transforming the demographic bulge into a dividend, then the productive potential will be lost. This will have serious security repercussions on the region as a whole.

Children and young people across SADC experience rights abuses that impede their development and the unleashing of their human capabilities and responsibilities, due to avoidable factors. The disproportionate population of children and youth whose basic rights and developmental needs are not met, limits the translation of the demographic bulge into a dividend, which will be a travesty.

It can be said that despite overwhelming ratification of child rights instruments in SADC, there is general both public and private under investment in children across the region. In some of the countries, especially those that have been deemed to be middle income by the World Bank. Countries such as Angola, South Africa, Namibia and Botswana have been considered by the World Bank as middle-income countries.⁷

⁴ Corcoran, T. (2017). Are the kids alright? Relating to representations of youth. *International Journal of Adolescence and Youth*, 22(2), 151-164.

⁵ Bruni, L. M., Rigolini, J., & Troiano, S. (2016). *Forever Young? Social Policies for a Changing Population in Southern Africa*. World Bank.

⁶ Ibid.

⁷ The world's Middle-Income Countries (MICs), which are defined as having a per capita gross national income of US\$1,026 to \$12,475 (2011) are a diverse group by size, population, and income level.

This means that funding by mainstream donors will not be prioritizing working in those countries.⁸ In these countries, inequality is rife because in some instances there is no judicious utilization of resources equitably. In most SADC countries, investment in children has been compromised by ballooning government and growing budget deficits in the face of multiple competing priorities. On average, low income countries spend 30-40% of their annual revenue to debt servicing.⁹ Borrowing is one way of financing public investments in children. It is thus not necessarily a bad thing to do. However, if not done prudently, it can result in an unsustainable debt burden that negatively affects children. Sub-Saharan Africa for example spends approximately \$13.5 billion every year on debt repayments.¹⁰

Ratification of International Instruments: Instruments Not Ratified By Member States

Table 1 shows the core Conventions of the UN, and Charters of the African Union and other International Instruments that have a bearing on protection and fulfilment of children’s rights in SADC. The Member States shown in the table are those that have not ratified the instruments.

Table 1: Ratification status of child related instruments by SADC Member States

International Convention	SADC MS not Ratified /Deposited
1. Convention on the Rights of the Child, 1989	OK
a. Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	Comoros, Zambia
b. Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Zambia
c. Optional Protocol to the Convention on the Rights of the Child on a communications procedure (2014)	All
9. Convention on the Rights of Persons with Disabilities, 2006 (CRPD)	Botswana, Malawi
a. Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006	Botswana, Comoros, Lesotho, Madagascar, Malawi, Mauritius
African Union	
2. African Charter on the Rights and Welfare of the Child, 1990	DRC, Botswana has a reservation on the definition of the child

⁸ First are mature MICs which include Botswana, Cape Verde, South Africa, Mauritius, Namibia, Seychelles, and Eswatini, with some 60 million people. These are Africa’s better-off economies, located in Southern Africa or small-island states and come most naturally to mind when thinking about Africa’s Middle-Income countries. But their growth rates are actually lower, especially in South Africa, Africa’s largest economy. Second are commodity MICs. These are Angola, Congo (Brazzaville), Equatorial Guinea, Gabon, Ghana, Nigeria, Zambia, Sudan. These countries, which are home to about 260 million people, are rich in natural resources, mainly oil. By most social standards these countries remain very poor but they would have sufficient resources to fight poverty successfully. Third are new MICs which include Cameroon, Cote d’Ivoire, Djibouti, Lesotho, Mauritania, Sao Tome & Principe, and Senegal. These countries represent a broad mix of economies representing 60 million people. While continuing to face major development challenges, most of the new MICs benefitted from improved economic policies and Africa’s broader growth momentum. Forth are Africa’s next MICs. The following countries – home to 110 million people today – should reach Middle-Income Status by 2025 if past trends continue or political interruptions subside: Chad, Kenya, Mozambique, Rwanda, Sierra Leone, and Zimbabwe. With this group of new MICs more than half of Africans would live in Middle Income economies and many other countries are just behind, especially in Eastern Africa (see map which also includes ‘potential MICs’ by 2025) found at <http://blogs.worldbank.org/african/africas-mics>

⁹ UNICEF (2011), Identifying Fiscal Space: Options for Social and Economic Development for Children and Poor Households in 182 Countries, New York

¹⁰ Ibid

3. African Youth Charter, 2006	Botswana, Comoros, DRC, Madagascar
4. Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption ¹¹	Lesotho, Madagascar, Mauritius, Namibia, Seychelles, South Africa, Eswatini, Zambia
5. ILO Forced Labour Convention No. 29	OK
6. ILO Abolition of Forced Labour Convention No. 105	OK
7. ILO Worst Forms of Child Labour Convention No. 182	OK

The key instruments for child rights accountability for SADC Member states are the UNCRC where periodic reports are supposed to be submitted after every four years. The ACRWC also has a reporting mechanism where Member States are supposed to submit reports after every three years. The Universal Periodic Review under the Human Rights Council was established in 2011 and all member states from SADC did not register and reservations to report through it on the status of human rights in the country. In fact, all member states have since reported through this mechanism. It is one opportunity that can be used for advocacy on raising pertinent child rights advocacy issues.

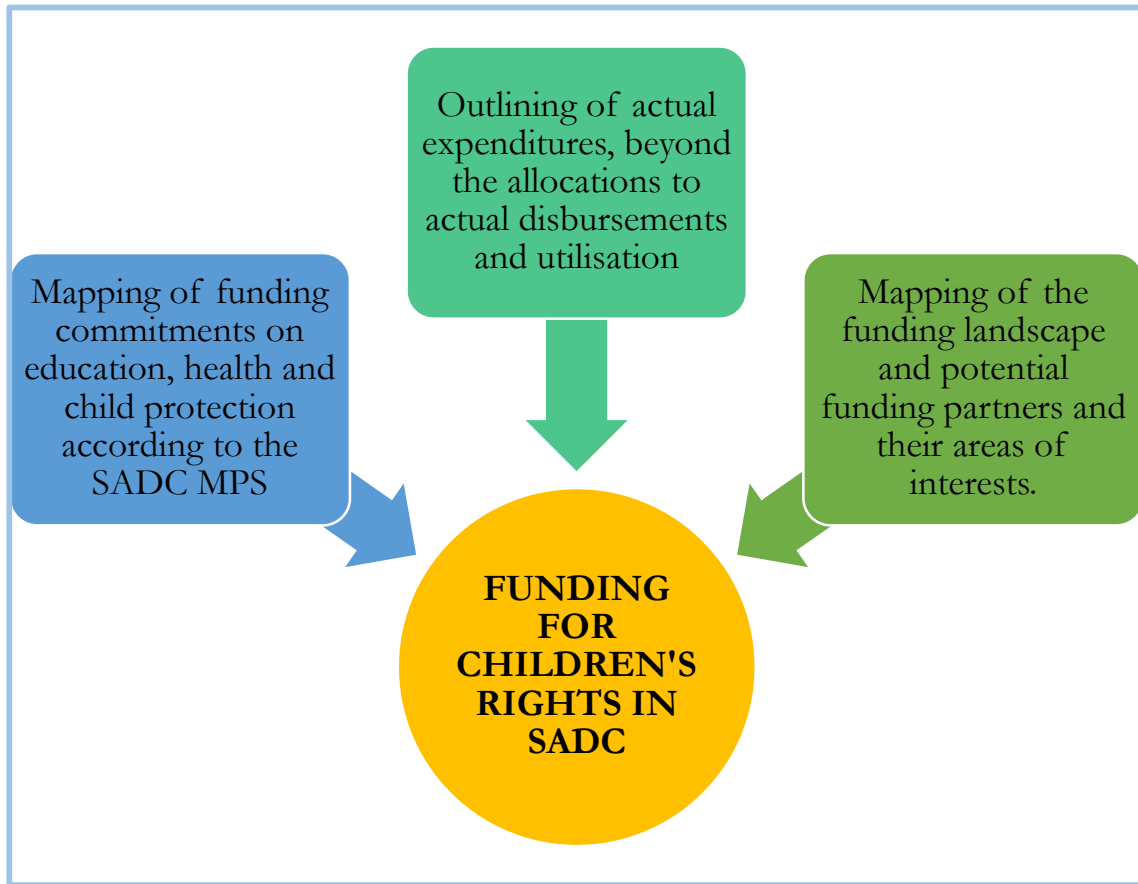
Scope Of The Report

The purpose of this report is three pronged as depicted by Figure 1 below:

1. A mapping of funding commitments from public, domestic and international expenditure, including private sector funding. The study addresses current funding landscape for children and youth in SADC and Member State countries, including by private sectors. This includes a breakdown by main sectors as outlined in SADC's OVCY Minimum Package of Services;
2. A mapping of actual expenditure on children's issues by public, domestic and international and private sectors;
3. Mapping of other potential donors with interest funding thematic scope of the OVCY package.

Figure 1: Scope of the study

¹¹ SADC Member States that are members of Hague Conference on Private International Law: The World Organisation on Cross-border Cooperation on Civil and Commercial Matters (HHCCH): Mauritius, South Africa, Zambia. Those in italics are non-member contracting parties

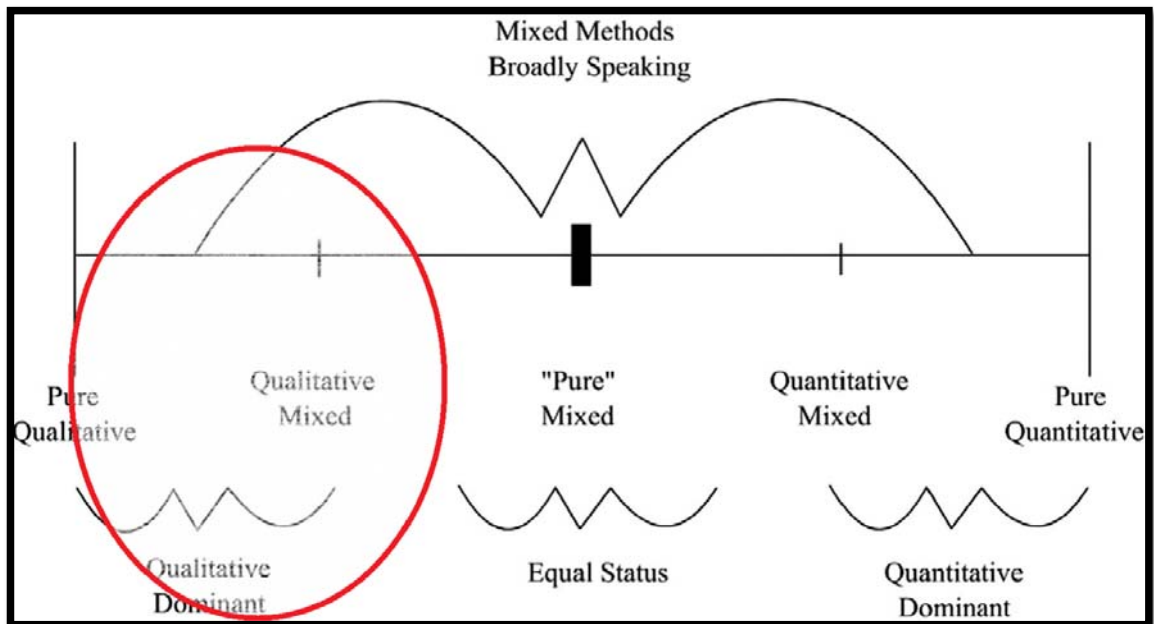


METHODOLOGY

Locating the study in research philosophy

In research philosophy, this study used the mixed methods approach with a heavy qualitative bias as can be deciphered from Figure 2 below. The highlighted section is where this study falls on the mixed methods approach spectrum.

Figure 2: Locating the study on the mixed methods approach spectrum



Data collection methods

The consultants used a combination of primary and secondary research techniques; desk review and interviews respectively. This included content reviews, internet research, document analysis, and key informant interviews using a semi structured questionnaire. Content review included reviewing policy and legislative documents; previous studies done at national, regional and international levels; evaluation reports; strategies and plans; reports of technical and policy meetings, among others.

The literature reviewed also included analyses of national budget documents such as budget speeches and the books of appropriations in order to extract relevant budget information for at least three budget periods. The study made use of a set of guiding questions to extract relevant data that is useful in undertaking an analysis of commitments and trends to allocations and spending in the health, education, social services sectors.

Data analysis

The matrix method involves the use of matrix as a kind of a conceptual framework in table or grid format; matrices contain information about and explain aspects of research, and allow the researcher to get a quick overview of data related to a certain point. In this very sense they serve a similar purpose to that of tables employed in quantitative research. Matrices contain verbal information, quotes, summarised text, and extracts from notes, memos, and standardised responses and, in general, data integrated around a point or research theme that makes sense. The matrices were structured to reflect and provide answers according to the SADC OVCY Framework.¹² The matrices were used together as a set to enable reaching conclusions about non-obvious relationships on investment in children in the region. The matrix was also used to appreciate the following:

1. Gauging government shifts in priority over time, measuring growth in children related programmes over time (2015 - 2017);
2. Measuring the relationship between government spending over time and the actual service delivery provision through the use of econometric soft wares;
3. Determining actual expenditure as a proportion of budget;
4. Analysing government revenue.

Limitations of the study

The study's primary method of data collection is content review. The principle limitation of the study therefore relates to the sole reliance on desk review as no key informant interviews were undertaken. The limited amount of resources available for the assignment inhibited triangulation of the data that was found during content reviews. Content review works effectively in a context where documenting processes and results on the subject of inquiry is a culture. As such, the study was handicapped by the fact that the Member States in southern Africa do not invest much in data collection and facilitating its accessibility. There was limited availability of data on national budgets actual expenditures online. It took a lot of effort and tapping into the researchers' social capital to get some of the data used in this report. However, the information derived through the research was adequate to inform its anticipated use for regional policy advocacy on public investment in children.

¹² The OVCY Minimum Package of Services puts the Strategic Framework and Programme of Action for Orphans, Vulnerable Children and Youth into action. The Package specifies the essential needs for children in six key areas: education, healthcare, nutrition, youth safety, psychosocial wellbeing, and social protection.

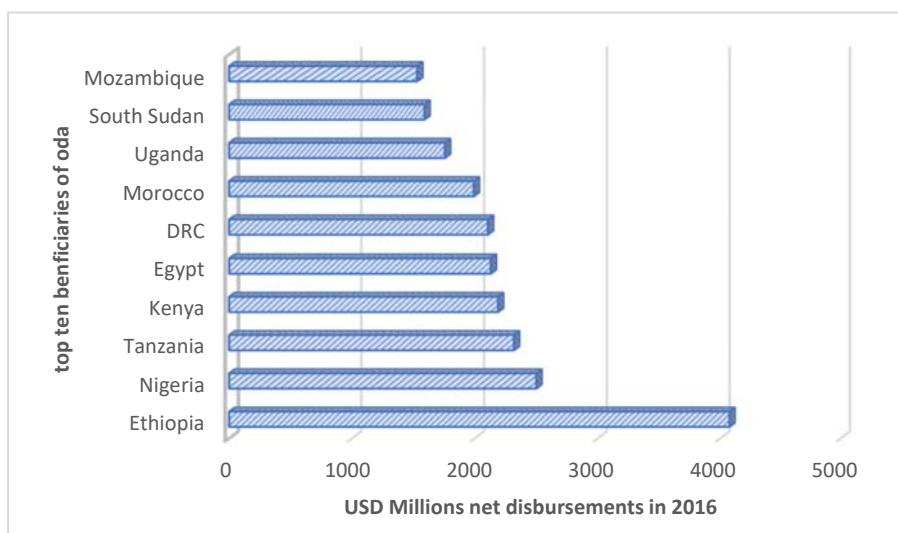
FUNDING TRAJECTORIES IN SADC

ODA to Southern Africa

Of the sixteen SADC member states, nine of them have been ranked by the World Bank as middle-income countries.¹³ This means that hardly less than sixty percent of the region is considered to be middle income. As a result, southern Africa does not receive as much ODA as other regions such as eastern Africa and west Africa. The region also is not plagued by much violent conflict compared to the other regions, thereby reducing the incidences of human casualties which usually make the international community to respond. The fundamental challenges bedeviling the region are droughts, debt and mis governance. The southern African country that is on the European Union priority funding list is Mozambique, which received an estimated USD 710 million in aid in 2016.¹⁴ Apart from Mozambique, most southern African countries have not been enjoying significant support from international donors compared to East and Central Africa. The data however does not provide granular details of how much funding has been coming to sectors relevant for children.

Figure 3: Top ODA Recipients in Africa, 2016

As can be deciphered from Figure 3, most countries in southern Africa do not feature prominently on the list of countries that receive ODA assistance. The three countries from southern Africa are Tanzania, DRC and Mozambique.



Source: OECD, 2018

¹³ The following are the middle-income countries in southern Africa; South Africa, Mauritius, Seychelle, Lesotho, Namibia, Zambia, Angola, Botswana and Eswatini.

¹⁴ <http://www.oecd.org/dac/financing-sustainable-development/development-finance-data/Africa-Development-Aid-at-a-Glance-2018.pdf>

In a way it is a good thing that southern Africa is not a priority region for ODA. It means that member states have to take seriously initiatives for domestic resource mobilization to ensure increased human development.

Philanthropy-the development complement

Whilst ODA to southern Africa has been decreasing, the foundations and trusts of high net worth individuals and companies have been playing a significant role in southern Africa. In the last decade or so, the biggest grant makers to Africa have been US Foundations followed by European philanthropies. Table 1 below shows the foundations that have contributed significantly to Africa by the amounts they have contributed.¹⁵ These foundations remain as strategic partners for both member states and civil society support going forward. It is worth noting that their parameters of support are not as vacillating as the ODA which is determined by the governance of the day.

Table 2: Top Philanthropic Grant Makers to Africa as at June 2018¹⁶

Foundation Name	Grants	Aggregate Dollar Value
1. Bill & Melinda Gates Foundation	39	\$496,486,295
2. Howard G. Buffett Foundation	40	\$46,450,625
3. The Coca-Cola Foundation, Inc.	4	\$36,275,000
4. Bloomberg Philanthropies	9	\$28,984,124
5. The John D. and Catherine T. MacArthur Foundation	61	\$20,866,340
6. Comic Relief UK	15	\$14,787,787
7. Cordaid	52	\$11,209,951
8. Humanity United	33	\$10,332,816
9. The David and Lucile Packard Foundation	19	\$9,877,350
10. National Endowment for Democracy	159	\$9,200,140
11. Nationale Postcode Loterij	5	\$9,008,555
12. Doris Duke Charitable Foundation	6	\$8,926,997
13. The Rockefeller Foundation	20	\$8,710,780
14. King Baudouin Foundation	164	\$7,387,162
15. Segal Family Foundation	90	\$6,456,499
16. The Oak Foundation	14	\$5,708,181
17. Stichting IKEA Foundation	1	\$5,500,000
18. Arcus Foundation	30	\$5,477,552
19. Foundation to Promote Open Society	10	\$5,081,866
20. The Goldman Sachs Foundation	8	\$4,501,131
21. Fund For Global Human Rights, Inc.	286	\$4,112,378
22. NIKE Foundation	7	\$3,628,947

¹⁵ The available data is unfortunately no disaggregated according to sectors. In the recommendations, the report provides a prognosis for data disaggregation so that child rights investment can be traced over time.

¹⁶ Annexure 1 of this write up provides more details as regards to the specific areas which these philanthropies support.

23. Stop AIDS Now	25	\$3,004,387
24. Silicon Valley Community Foundation	20	\$2,659,546
25. UN Women's Fund for Gender Equality	4	\$2,400,000

Source: <http://equal-footing.org/countries>, 2016

As can be noted from Table 1, the Bill and Melinda Gates Foundation is the biggest giver in monetary terms compared to other foundations contributing to Africa. The major focus of this foundation is mainly access to health care services for people in contexts of vulnerabilities in Africa which is in line with SADC OVCY priority areas. Their interventions have worked on such interventions as malaria, maternal health services and HIV and AIDS.

Illicit Financial flows from the region

At the continental level, illicit financial flows out of Africa have hemorrhaged countries of their resources which could have been used for development. It is estimated that Africa has been losing as much as US \$50 billion per annum.¹⁷ This is approximately double the official development assistance (ODA) that Africa receives and, indeed, the estimate may well be short of reality as accurate data does not exist for all transactions and for all African countries.¹⁸ This means that plugging this leakage can substantially increase the fiscal space for all African countries, especially so for southern African countries which are mostly developmental due to absence of war or other calamities.

Would it be worth including a section of the importance of remittances into SADC countries from citizens working overseas, as these are often larger than official ODA??

Far-right politics in the Europe

In recent history, ODA to Africa has been gradually dwindling. As has been noted already, southern Africa has not been a main beneficiary of the funding. This means that the proportion of funding that will continue to come to southern Africa will even be less.

¹⁷AU/ECA, Illicit Financial Flow Report of the High Level Panel on Illicit Financial Flows from Africa, Accessed 2 March 2019,

https://www.uneca.org/sites/default/files/PublicationFiles/iff_main_report_26feb_en.pdf

¹⁸ <https://www.uneca.org/pages/iff-background>

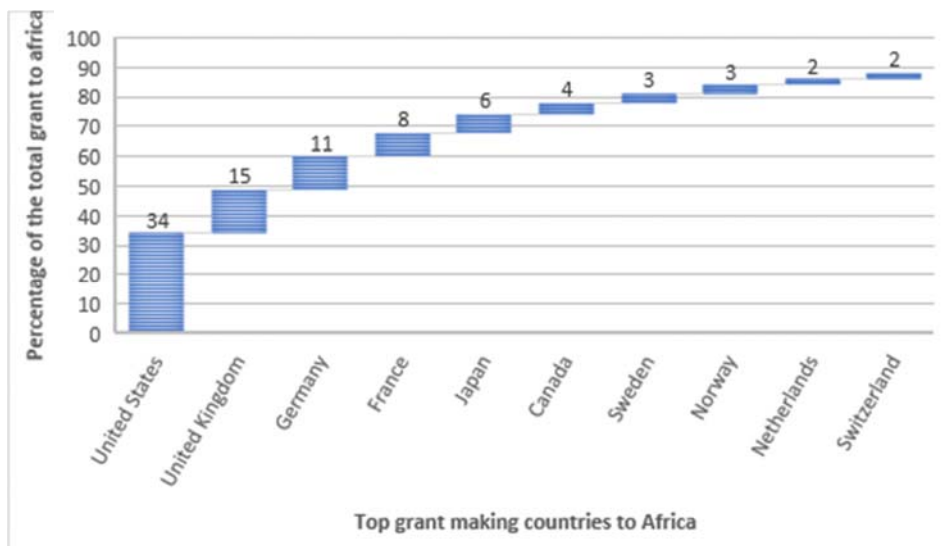
Figure 4: Locating the far-right politics on a generalized political spectrum

Left Wing	Centre	Right Wing
Reduce spending on the military	Maintain how much is spent now	Increase spending on the military
-support change in order to improve welfare of all citizens (caring for poor)	-tradition is important but change is supported if most people want it	-tradition is important and change should be treated with caution
-government should play a larger role in people's lives (social services, benefits)	-government should play a role only in that it improves the lives of citizens	-government should play a small role in peoples lives, private business should ensure needs of citizens are met
-law and order are important to protect right of all citizens fairly and equally	-law and order are important to encourage and protect right of individuals	-emphasis of law and order to protect society and its traditions are very important
-more freedom for citizens to protest and less power to police during large public gatherings. - the legal system should be less strict and try to rehabilitate offenders	-there must be a balance between protecting society and helping offenders to get better	-more power to police during protests and any large public gathering that may turn violent. -The legal system must punish lawbreakers more severely
-the government should own/be in control of key resources and business	-the economy should be a mix of public (government) and private ownership	The economy should be left in the hands of private businesses

One of the key reasons for this trend is that there has been an emergence of the far-right politics in Europe can be epitomized

by British electorate's vote to exit the European Union, a decision media referred to as Brexit. The Theresa May government has reduced international

Figure 5: Top Bilateral Donors to Africa



development funding as they try to cushion themselves from the shocks of Brexit. United States of America also voted for a far-right president with nationalist ideologies. These nationalistic ideologies promote isolationism from the world. As a result, the amount of funding that has been coming to Africa has significantly been reduced since these countries under far-right leadership would want to focus internally. The graph shows that the largest grant makers to Africa in the past have been United States of America and United Kingdom. The rest of the other countries' contributions is relatively less. It is these two countries that now have leadership that promotes nationalism and internal focus. The obvious result is a drastic cut to international development assistance. Naturally also, southern Africa which has been receiving lower allocations will receive even less.

The far-right movement seems to be getting more traction. Sweden, one of the countries considered to have stable political order saw the gaining ground of the Sweden Democrats, a political party considered by some scholars as neo fascist. The party had 5.7 percent of the national vote in 2010. Its tally increased to 12.9 in 2014 and in 2018, it scooped 17.7 percent of the national vote. The experience of the Sweden Democrats can be used as a case study to reflect the growing far right movement in Europe. This means that ODA will even be lower from the usually stable and consistent funders from Europe.

The migration crisis

Another factor compounding state of funding from western countries has been the influx of migrants crossing the oceans in search of dignity in Europe. What has been peculiar about this issue is that the refugees from Syria, Afghanistan, and some parts of Africa have been crossing the ocean to get to Europe. European governments have been overwhelmed by the number of people seeking asylum in their countries. To avert the situation, money that has been meant for international aid is being directed to dealing with the influx of immigrants on the door step of Europe.



The Mexico City Policy

The Mexico City Policy is a U.S. Government policy that requires foreign NGOs to certify that they will not “perform or actively promote abortion as a method of family planning” with non-U.S. funds as a condition for receiving U.S. global family planning assistance and, as of January 23, 2017. US Government initiatives such as U.S. global HIV (under PEPFAR), maternal and child health, malaria, nutrition, and other program areas are directly affected by this policy. Under the Trump administration, the policy has been renamed as “*Protecting Life in Global Health Assistance.*” Among opponents, it has been termed as the “Global Gag Rule”. This is because among other activities, it prohibits foreign NGOs from using non-U.S. funds to provide information about abortion as a method of family planning and to lobby a foreign government to legalize abortion. The policy, when in effect, applies to foreign NGOs as a condition for receiving U.S. family planning support and, now, other global health assistance, either directly (as the main – or prime – recipient of U.S. funding) or indirectly (as a recipient of U.S. funding through an agreement with the prime recipient; referred to as a sub recipient). Foreign NGOs include:

- International NGOs that are based outside the U.S.,
- Regional NGOs that are based outside the U.S., and
- Local NGOs in assisted countries.¹⁹

¹⁹ <http://files.kff.org/attachment/Fact-Sheet-The-Mexico-City-Policy-An-Explainer> (Accessed, 18/04/2019)

The reinstated and expanded policy applies to the vast majority of U.S. bilateral global health assistance, including but not limited to family planning assistance, furnished by all agencies and departments (to the extent allowable by law). “Assistance” includes “the provision of funds, commodities, equipment, or other in-kind global health assistance.”²⁰ This policy means that SADC countries will not receive funding from the USA for abortion related programs which usually are done under the caveat of sexual reproductive health and rights ambit.

²⁰ As stated in State Department, “Implementation of Protecting Life in Global Health Assistance (Formerly known as the ‘Mexico City Policy’),” PRM press guidance, May 15, 2017.

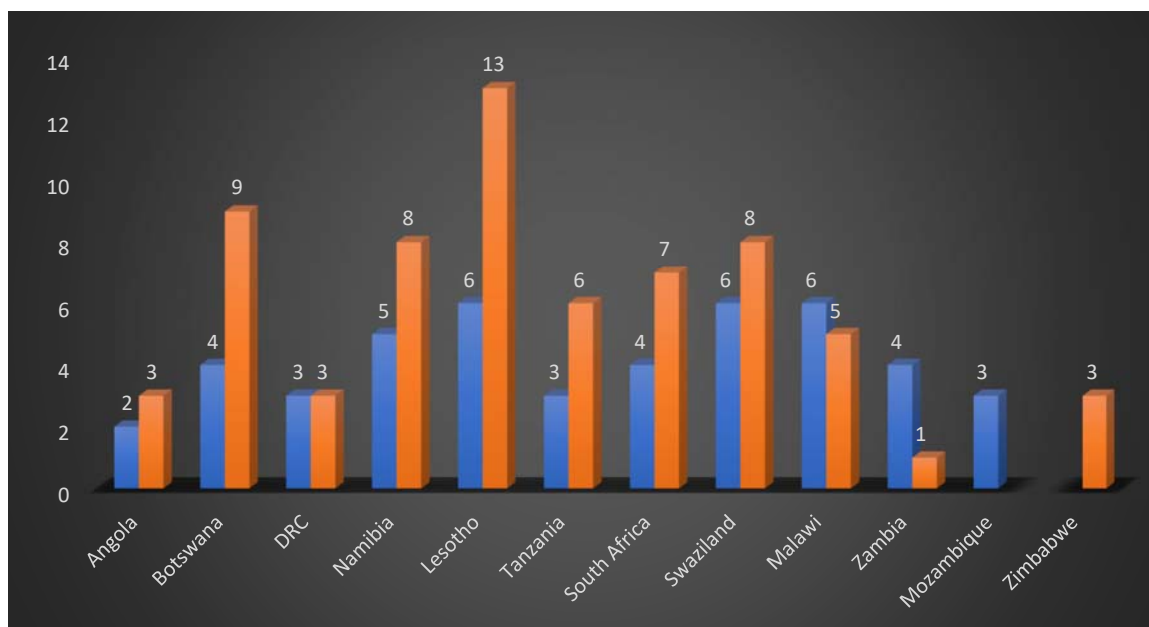
SADC MEMBER STATES FUNDING COMMITMENTS TO CHILDREN’S RIGHTS

Budgeting for the SADC OVCY Minimum Package of Service

The OVCY Minimum Package of Services puts the Strategic Framework and Programme of Action for Orphans, Vulnerable Children and Youth into action.²¹ The Package specifies the essential needs for children in six key areas: education, healthcare, nutrition, youth safety, psychosocial wellbeing, and social protection. In order to address these needs, the Package outlines priorities for services, strategies for delivering those services, and a system for monitoring and evaluating those services’ efficacy. Below is a review of how some of the Member States in the region have been investing in the MPS key areas.

Figure 6 below shows that there has been little investment into children’s health and education. Angola has been ranked the worst in the world in terms of under-five mortality rate, a critical indicator of the well-being of children. High infant mortality is an indicator of poor health systems within a country.

Figure 6: Investment in Children’s Health and Education (2015)

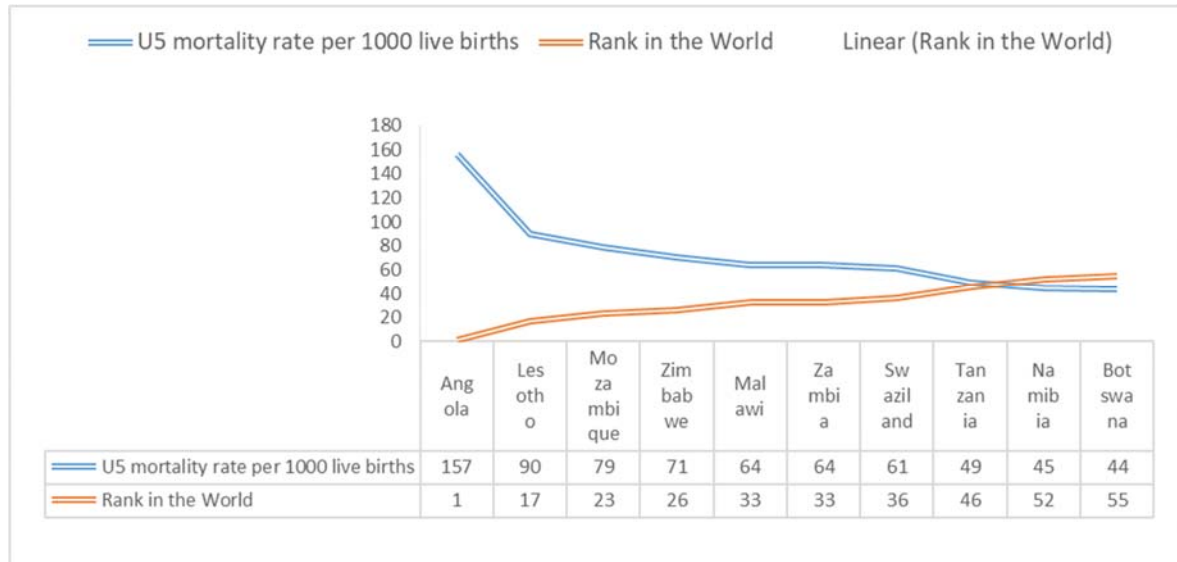


Source: [www.unicef.org/publications/.../SOWC 2015 Summary and Tables.pdf](http://www.unicef.org/publications/.../SOWC_2015_Summary_and_Tables.pdf)

Figure 7 below shows the rankings of the countries under research in terms of under-five mortality rate.

Figure 7: Under 5 mortality rates

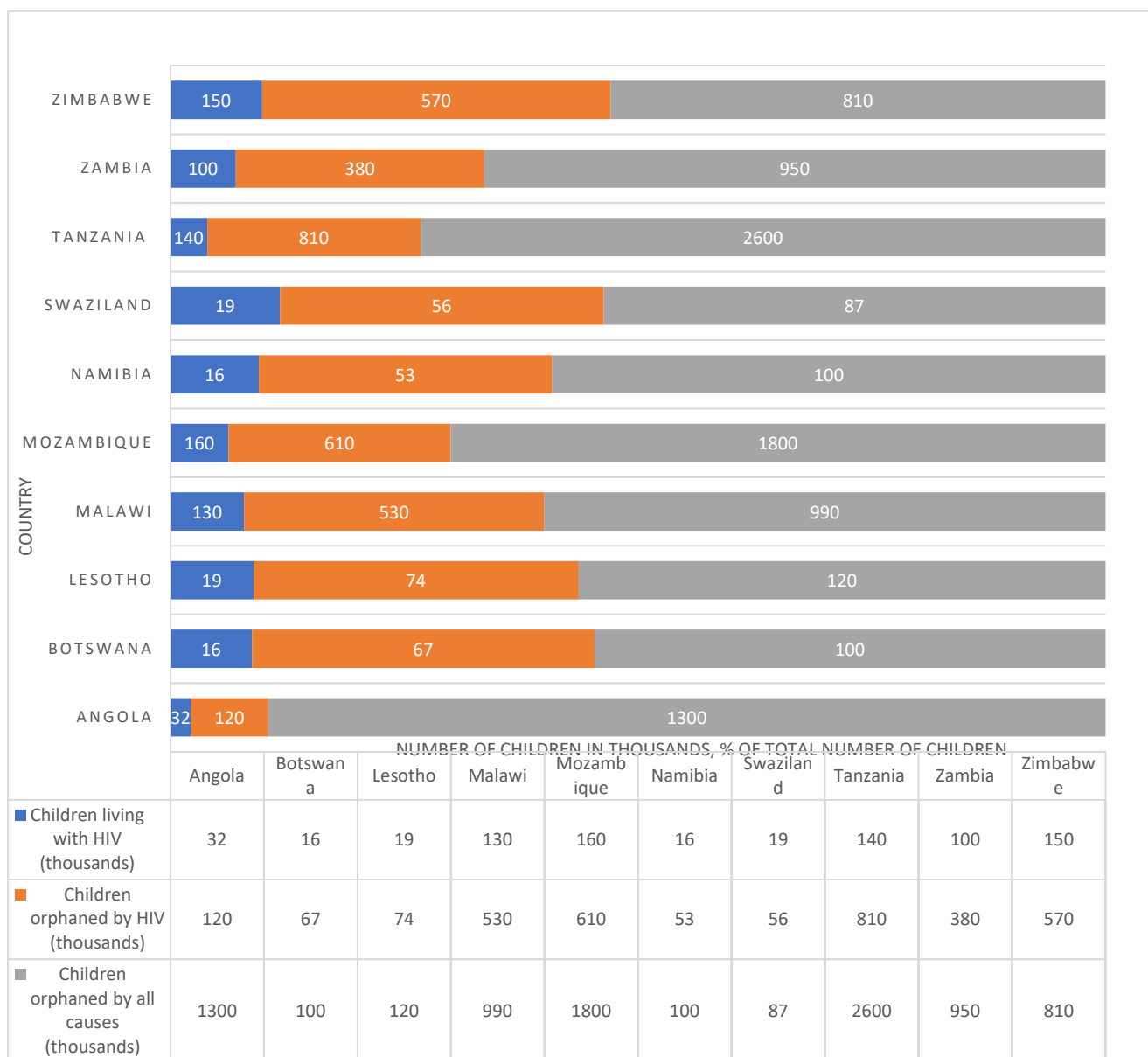
²¹ https://www.sadc.int/documents-publications/show/SADC_Minimum_Package_of_Services_for_OVCY_-_Final_Printed.pdf



Source: [www.unicef.org/publications/.../SOWC 2015 Summary and Tables.pdf](http://www.unicef.org/publications/.../SOWC_2015_Summary_and_Tables.pdf)

The graph shows the levels of under-five mortality per 1000 live births as well as the country's ranking based on this indicator. From the Figure 7 above, Angola has the highest number of under-five deaths per 1000 live births (157 children out of 1000). Botswana has the lowest together with Namibia and Tanzania respectively. The indicator described in figure 4 is important as can assist in identifying gaps in resourcing to health and nutrition programmes in a country. On the other hand the trend in under-five mortality can also reflect the increasing or decreasing prioritization of programmes particularly those related to primary health care.

Figure 8: Children infected and affected by HIV and orphans



Source: [www.unicef.org/publications/.../SOWC 2015 Summary and Tables.pdf](http://www.unicef.org/publications/.../SOWC_2015_Summary_and_Tables.pdf)

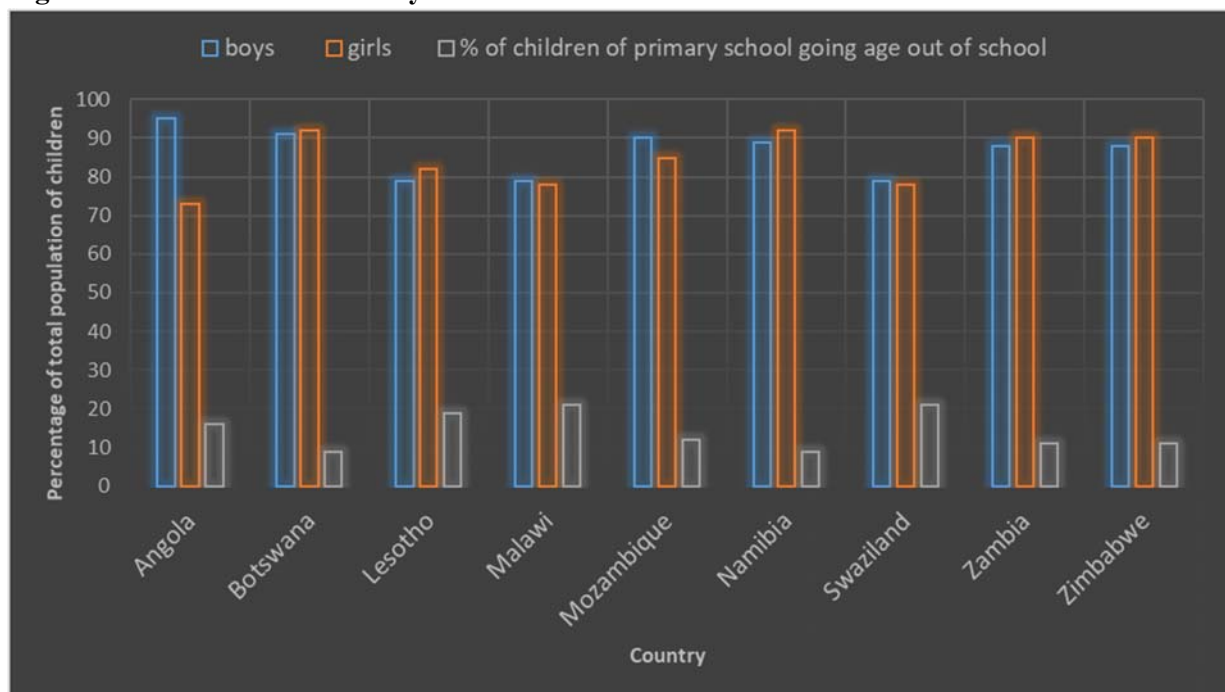
Figure 8 shows that Eswatini is the country which has the highest number of children living with HIV. Zimbabwe comes second together with Namibia. On children orphaned due to HIV, Zimbabwe has the highest number followed by Swaziland and Botswana. There is however no correlation between the effects of HIV and deliberate public investment into ensuring that the children affected realize their full potential.

Access to education

An analysis of Figure 9 shows that whilst efforts have been made to ensure that children access primary education, there are challenges in the transition to secondary level where there is a decline in enrolment. In Malawi, secondary school students struggle with poor student to teacher ratios, access to books and learning materials, adequate classroom facilities, and

adequately trained teachers.²² The graph shows that most countries in the region are trending have more than 70 percent of girls and boys enrolled in primary school. The number of girls and boys enrolled in primary school in most countries is almost equal with some countries such as Namibia having more girls than boys enrolled in school. Angola however still has a significant number of girls not enrolled in school in comparison to the percentage of boys who are enrolled. Of concern is the fact that most SADC countries still have a significant number of children who are not enrolled in primary school. Malawi, Swaziland and Angola have close to 20% of children of school going age who are not enrolled in school. Governments will need to ensure that national budgets allocate resources to improve access to education to the children who are not able to enrol into school for various reason. Also key is resource allocation that promotes retention of children in school.

Figure 9: Access to education by children



Source: Humanian: Children's Rights Worldwide <http://www.humanium.org/en/>

Additional cost of education (books, uniforms, boarding costs) constitutes the main obstacle to child education. School infrastructures are very old and are unable to stand up to bad weather conditions, such as flooding. As a result, it is very common to see some schools closed in the middle of the academic year.²³ In Namibia, it is reported that authorities are struggling to provide education access to children in hard-to-reach communities and retain them in the system. There is a 20% repetition rate of pupils in Grade 5 and 50% of Grade 10 pupils fail their exams.²⁴

²² ibid

²³ Humanian; 6 November 2011, Children's Rights Worldwide <http://www.humanium.org/en/>

²⁴ <http://capacity4dev.ec.europa.eu/article/equitable-access-quality-education-challenges-namibia>

The commitment to promote children's rights in the SADC region is expressed through the efforts that have been made by countries in developing various national policies that speak to different aspects of child development and rights. Although SADC countries are at varying levels in child policy development there is evidence of efforts to develop policy that incorporates the minimum package of services for children that has been agreed at regional level. The SADC Minimum Package of Services (2011) identifies the basic and complementing needs and services for children in the following areas: Education and vocational skills; Healthcare and sanitation; Food security and nutrition; Child and youth protection and safety; Psycho-social well-being; and Social protection.

In the interest of promoting better prioritisation of budget allocations to sectors that affect children the continent has agreed on specific benchmarks for allocations to the health and education sectors. The Education for All-A Framework for Action in Sub-Saharan Africa (1999) which was reinforced by the Dakar Framework for Action, Education for All: Meeting our Collective Commitments in 2000 calls for increasing budgetary allocation to education by ensuring that at least 7 % of GDP is allocated to education within five years and 9 % within ten years (UNESCO 2000). In addition, the 2011 Jomtien Statement recognises that states should spend at least 6% of their GDP and /or at least 20% of their national budgets on education in order to achieve quality education for all. For the health sector, in 2001 heads of state of African Union countries met and pledged to set a target of allocating at least 15% of their annual budget to improve the health sector in what is often referred to as the Abuja Declaration.

SADC countries are at varying levels in terms of allocations to the health, education and social protection sectors, as will be discussed in the following section. Levels of budget allocations and actual expenditures remain inadequate in most countries, a signal that the progressive child focused policies have not yet been fully translated into budgetary allocations. The varying socio-economic and political contexts in the SADC countries also plays a role in the manner in which resources are prioritised in national budgets. Public finance management systems in these countries are also at varying levels of development. While some countries are advanced in adopting a programme-based budgeting format, others are still largely using an output-based approach. Programme based budgets have been accepted globally as progressive as they focus more on outcomes. This outcome approach is useful as it allows governments to trace the child focused outcomes based on the resources that have been allocated and spent.

Budgeting trends under the health, education and social protection sectors are useful in assessing allocations for child focused programmes. These sectors cater for key aspects of child development such as access to health for under-five children through immunisation programmes for instance, access to education through primary and secondary school education and social protection grants for vulnerable children under the social protection sector. Information on specific child focused budget lines is not available for most countries hence the

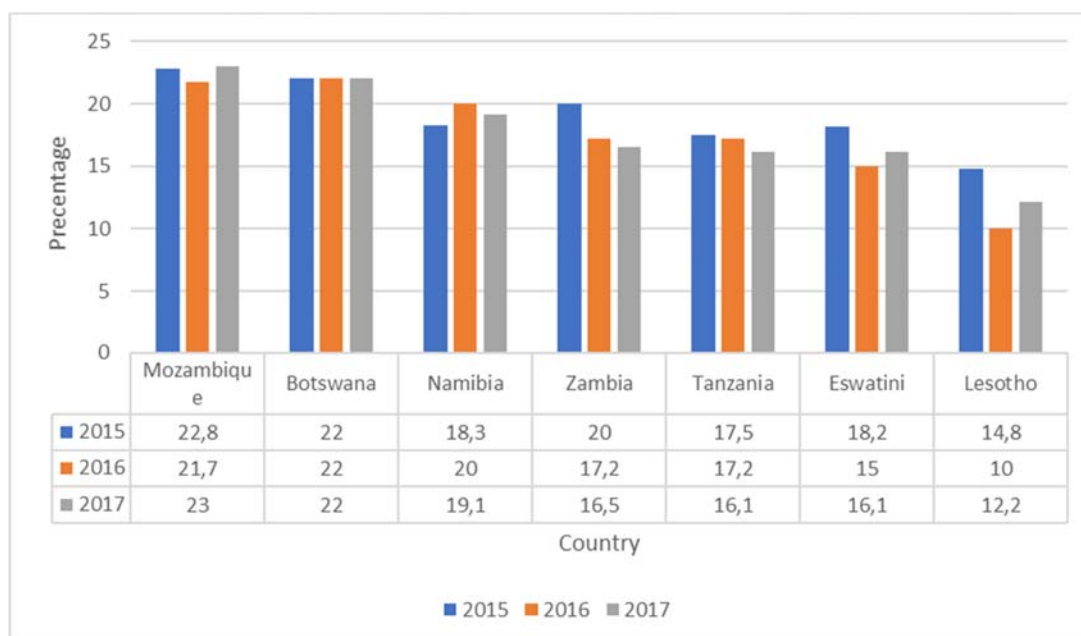
overall allocations to the health, education and social protection sectors can be used as indicators of government’s commitments.

Education

Education falls among the key priorities of the SADC Minimum Package of Services for OVCY. The priority area covers the education needs of children at various stages of their development including: early childhood development, primary, secondary and tertiary education, non-formal education and vocational training opportunities for children, adolescents and youth. Allocation of resources towards meeting the education needs of children must take into accounts costs related to tuition fees, school uniforms, educational materials (stationery and instructional materials), skilled teachers and safe schools, psychosocial skills and support for all children and youth, and professional, entrepreneurial and livelihood training and income-earning skills for adolescents and youth.

The SADC region has made significant progress in reviewing national education policies in order to improve access to quality education for all its children towards the Jomtien Statement target of 20% of national budgets spent on education. Mozambique has recorded an allocation of 23% in 2017 while Botswana has managed to maintain an average allocation of 22% between 2015 and 2017. Other countries are also making progress towards achieving the 20% threshold, these include Namibia, Zambia, Tanzania and Eswatini and Namibia. The graph below shows the trends in budget allocations to education in some SADC countries.

Figure 10: Trends in budget allocations for education in SADC (2015-2017)



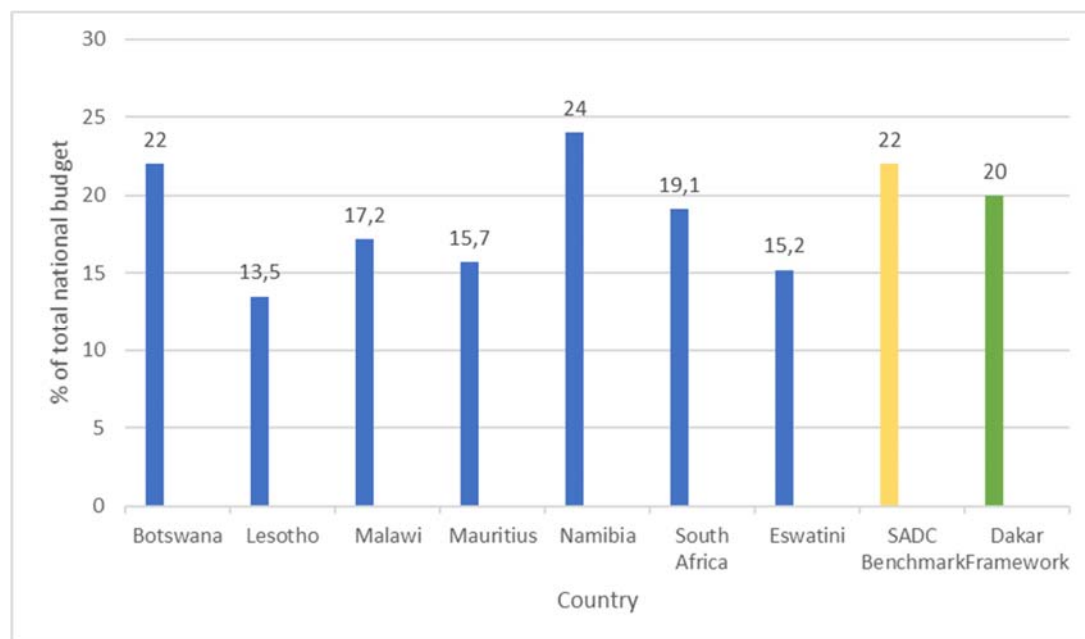
Source: Compilation by authors from national budgets

Whilst Mozambique shows an increasing trend in budget allocations to education and Botswana shows a steady allocation over the three years, the rest of the SADC countries have

been experiencing fluctuations in their allocations. This can be attributed to reductions in revenue due to changing macroeconomic circumstances. With Eswatini for example, the free primary education policy led to an increase in allocations to the education sector to 18.2% in the 2015/16 fiscal year. Reductions in allocations in the following year can be attributed to the effect of the decrease in the nation’s revenue which was also affected by lower SACU revenue,

SADC countries, despite the macroeconomic challenges, have maintained allocations to the education sector averaging above 13%. The trend towards the 20% benchmark is visible across the region due to priority towards human development. The graph below gives a snapshot of the percentage of the total national budget allocated by some SADC countries.

Figure 11: Average spending on education (2014-2018)



Source: UNICEF Budget Briefs 2014-2018

Access to primary education in particular has been supported by policy and budget allocations, with some countries such as Eswatini and Tanzania adopting free access to primary education policies. The prioritisation of primary education has seen significant increases in allocations and spending by governments in order to meet their commitment to free primary education for all children. This has been responsible for the overall increase in the education budgets in some SADC countries.

The focus on primary education also comes with the challenge to ensure that the quality of education provided to each child maintains a certain standard. It can be observed that while in most countries free primary education is being implemented, gaps relating to quality in terms of the curriculum, infrastructure, learning materials and the availability of qualified teachers, is yet to be met. This will require further spending towards the education sector in order to ensure that every child has access to quality education.

Early childhood development has become a major priority area in the region. Many children in the region are denied early childhood education and development due to cost and access. While policy has been developed by a number of SADC countries on early childhood development, it remains an area that still requires prioritisation in terms of allocation of resources. In a number of countries, the governments have developed policy and legislation around ECD yet it remains largely provided by the private sector, churches, and other institutions, at a cost which is prohibitive to the majority of children. A few countries have begun to finance provision of ECD for ages 4 and upward including Eswatini, Lesotho, Namibia and Zimbabwe through developing curriculum, training of personnel and infrastructure. Other areas that are critical in ensuring access to education for the most disadvantaged children, including out of school programmes and improving learning outcomes, are yet to be prioritised in most national budgets.

Health

According to the SADC Minimum Package of Services, health and sanitation are critical components in the continuum of services that are essential for a child's positive development. The Minimum Package of Services identifies some key basic services required to fulfil the need for good health and sanitation. These include immunization; micronutrient supplementing, therapeutic feeding and oral rehydration therapy for younger children; prevention, treatment, care and support for malaria, HIV, AIDS, tuberculosis and other diseases; sexual and reproductive health care and age-appropriate provisions for adolescents and youth; and counselling and support for psychosocial disorders and problems.²⁵

The commitment by SADC member states towards ensuring access to health by its citizens is clear and has been reiterated at the continental level through the Abuja Declaration of 2001, the Addis Ababa Declaration of 2006 on community health in the African Region, the 2008 Ouagadougou Declaration on Primary Health Care and health systems in Africa and the 2012 Tunis Declaration on value for money, sustainability and accountability in the health sector. These commitments can be achieved through prioritisation of health financing especially through the national budget.

SADC countries have made some progress towards implementing the Abuja Declaration, however countries are still yet to achieve the 15% threshold. A few countries have consistently had budget allocations above 10% in the last three financial years, these countries include Lesotho, Mozambique and Namibia. The graph below shows the trends in budget allocations to the health sector between 2015 and 2018 for these three countries.

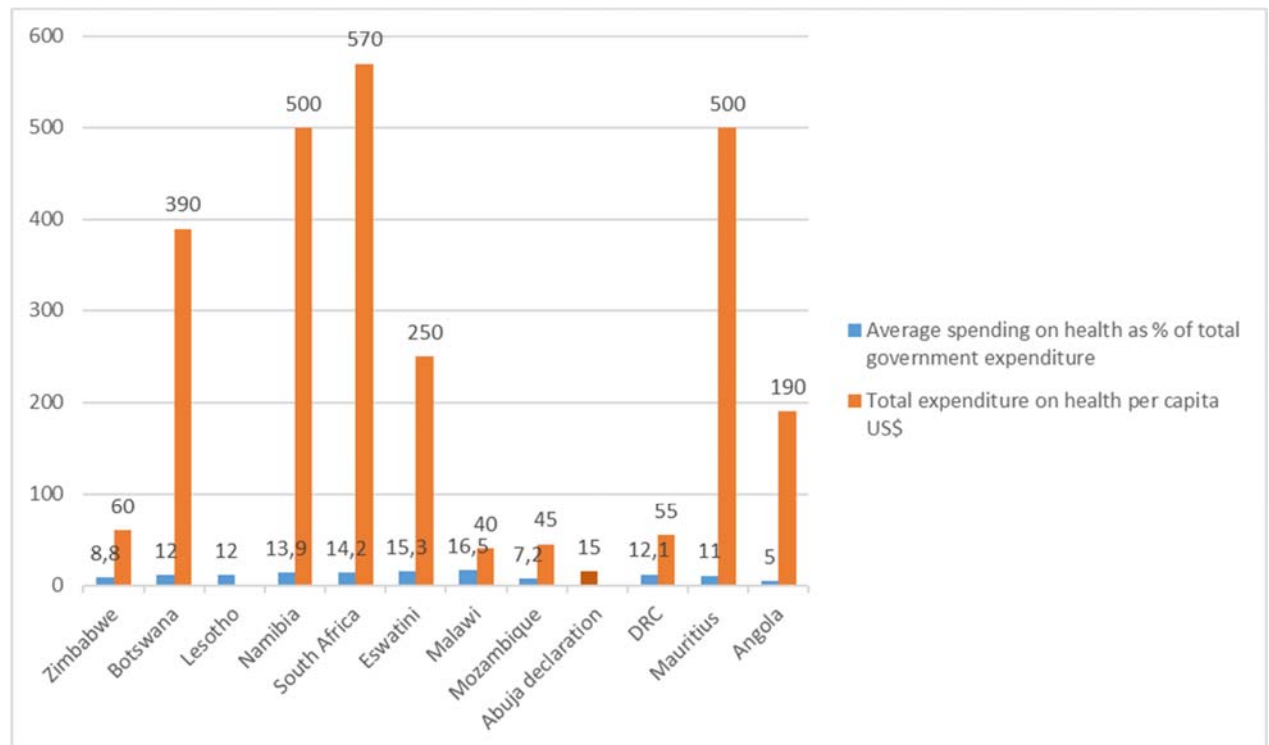
Most SADC countries are yet to achieve the 15% target in allocations to the health sector. It is encouraging however that the average expenditure by most countries is between 10% and 15%. For the past five years Lesotho, Namibia, South Africa, and Eswatini are examples of countries

²⁵ SADC Minimum Package of Services for OVCY

that have maintained average expenditure above 10% with a trend indicating that the allocations are trending towards meeting the regionally agreed target. Other countries such as Zimbabwe are yet to achieve 10% allocation for health in the national budget.

Below is a snapshot of a 5-year average spending in the health sector, against the Abuja declaration, indicating that many SADC countries are failing to meet the commitment.

Figure 13: Percentage year average share of total government spending on health in SADC against Abuja Declaration (2014 -2018)



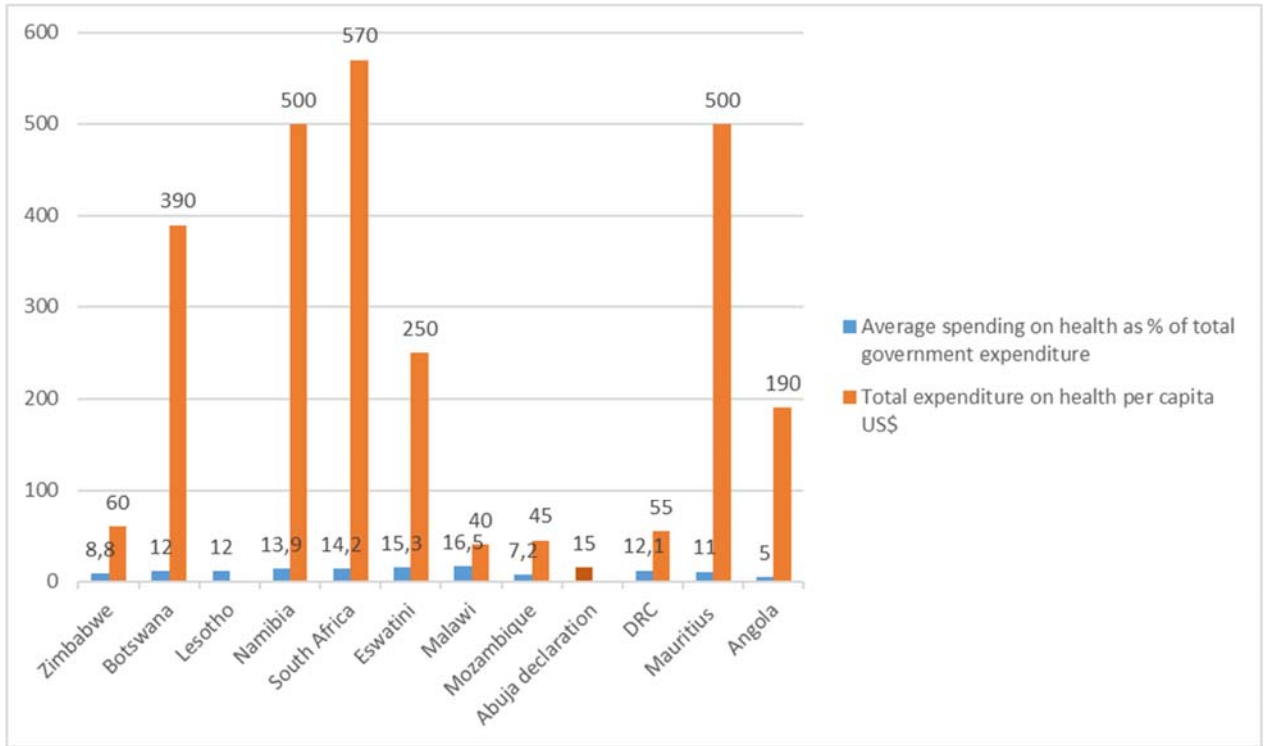
Source: UNICEF Budget Briefs, 2018

Social protection

While data on spending on specific social protection programmes for children, is unavailable for most countries, using overall public social protection expenditure is a useful proxy which provides an indication of the level of commitment that a nation has. The average spending on social protection in Africa is estimated at four percent²⁶ of GDP. Some countries in the SADC region, such as Lesotho, Mauritius, Seychelles and South Africa, however, are spending way above the four percent average at about 16%, 9.8%, 7.5% and 10.1% respectively. The larger number of SADC countries spend between 4.4% and 7% except DRC, Malawi and Madagascar which have expenditures that are below the continental average at 3.5%, 1% and 0.7% respectively.

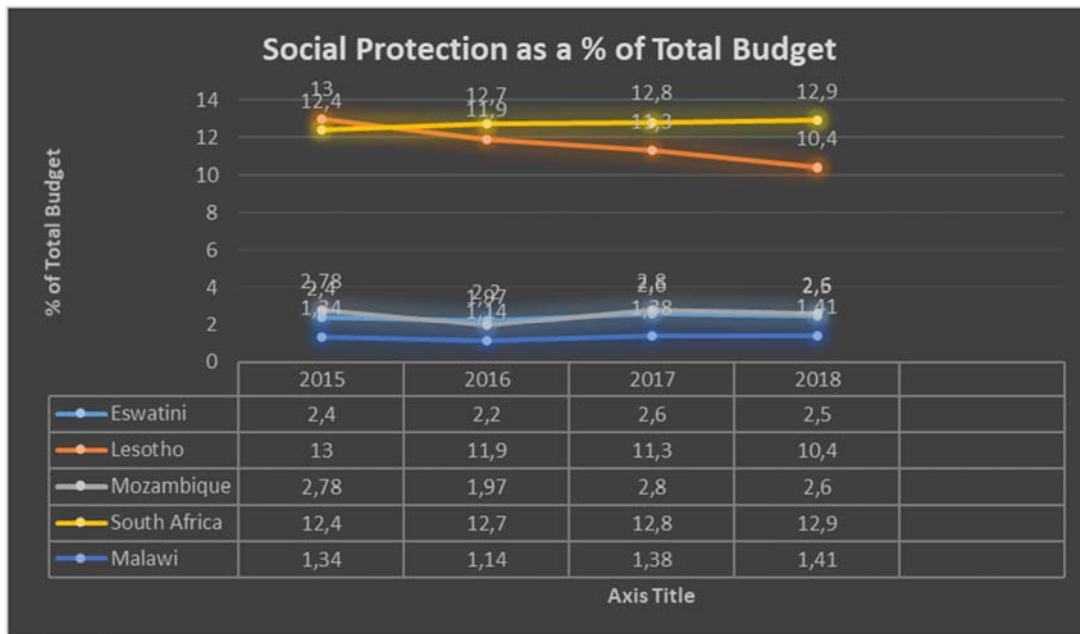
Figure 14: Social Protection as percentage of total government expenditure

²⁶ ACPF, (2018), The African Child Wellbeing Report.



Source: Compiled by the authors from national budgets

Figure 15: Social Protection as a percentage of GDP



Source: Compiled by the authors from national budgets

The levels of expenditure on social protection are determined largely by the socio-economic contexts of each country. In countries such as Angola social protection has been prioritised in the budget as a response to the long-term impacts of the war that left many families vulnerable and in poverty. In other countries such as South Africa, the fairly high levels of expenditure on

social protection are related to progress being made in good governance. Countries that have been progressive in the development of social protection policies also reflect higher levels of expenditure in this sector. The national budget in Lesotho for instance now includes specific budget lines on the child grants programme.

In Lesotho overall spending in child-focused programmes (as a percentage of the social assistance budget) consistently declined from 36 per cent in 2014/15 to 32.6 per cent in 2017/18. It then increased to 34.1 per cent in the current fiscal year (2018/19). Child grants have remained stable at roughly 6 per cent between 2014/15 and 2017/18, whilst this figure promisingly rose to 8.4 per cent in 2018/19. The OVC bursary has also seen an increase, from 5.1 per cent of allocations in 2014/15 to a high of 6.9 per cent in 2018/19. Finally, school feeding has conversely experienced a steady decline in funding, from 24.8 per cent of all allocations in 2014/15 to a low of 18.9 per cent in 2018/19.

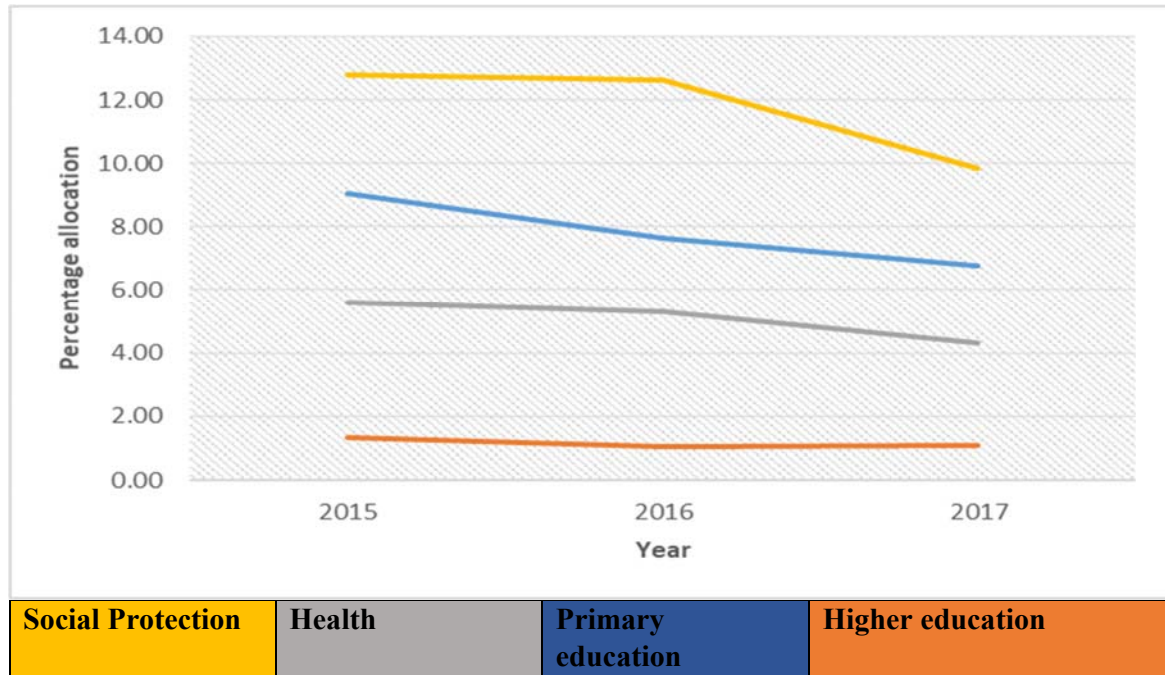
South Africa has one of the most progressive social protection policies which are being implemented through prioritisation of various programmes through the national budget. Appropriately 94% of the Social Development department's resources was channelled towards social grants, including the child support grant assistance, in 2015/ 2016 budget. Apart from grants, the social protection programme in South Africa is also investing in developing personnel especially social workers, with a view to ensuring that every province in South Africa is adequately human resourced. The South African government has availed resources to support social workers' through scholarships that up approximately 46% of the total resources allocated to welfare services in the 2017 budget.

Country Examples of Trends in Allocations to Social Sectors and Specific Child Focused Budget Lines

National trends in allocations to key sectors such as health and education are key in giving an indication of the priority given in the sector. In order to further investigate the commitment by government to these sectors it is necessary to also assess allocations in comparison with others as well as to analyse trends for specific budget lines within the sectors. The graphs given below seek to show the prioritisation of key child focused sectors and the programmes being implemented within these sectors.

In Angola between 2015 and 2017, high priority in terms of spending has been given to Social Protection, followed by primary education then health and higher education. While allocations for these four sectors are showing a downward trend it is clear that in Angola Social Protection has remained a key priority and that available resources in each year have been allocated based on a hierarchy of priorities.

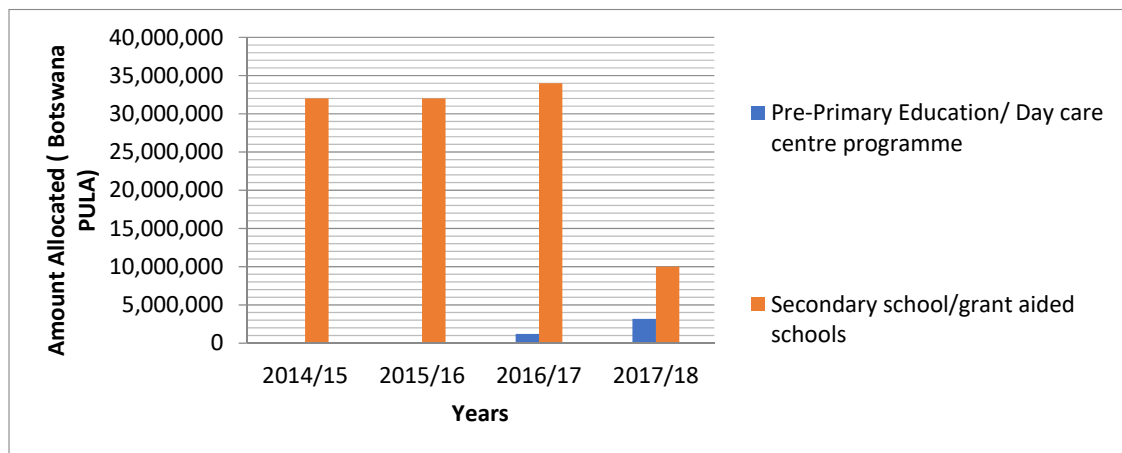
Figure 16: Angola allocation of expenditure to child focused sectors



Source: Authors Compilation from Ministry of Finance estimates

In Botswana, the allocations to programmes in the Ministry of Education show that pre-primary education receives low allocations and hence the government is yet to prioritise pre-primary education.

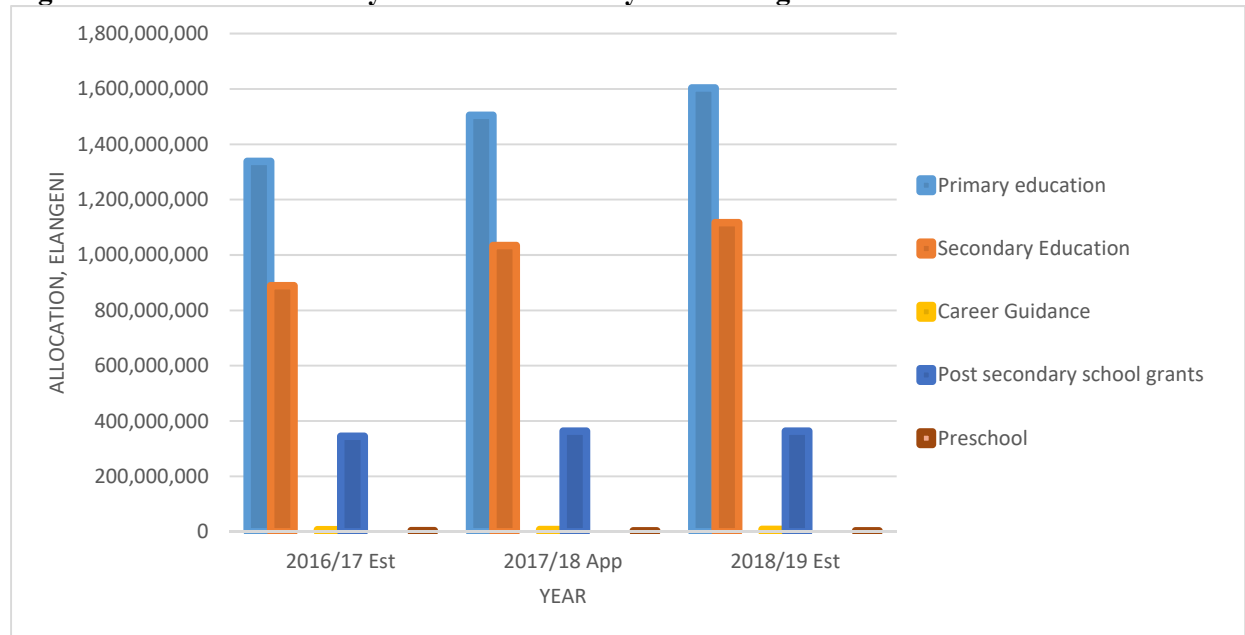
Figure 17: Botswana Allocation to education programs (Pula)



Source: Author's compilation using budget data

The allocations to the Ministry of Education in Eswatini are very clear in terms of their priority to primary education. This is in line with the country’s free primary education policy. The allocations also show an increasing trend for both primary and secondary education between 2016 and 2018, however primary education has continued to dominate allocations in the Ministry.

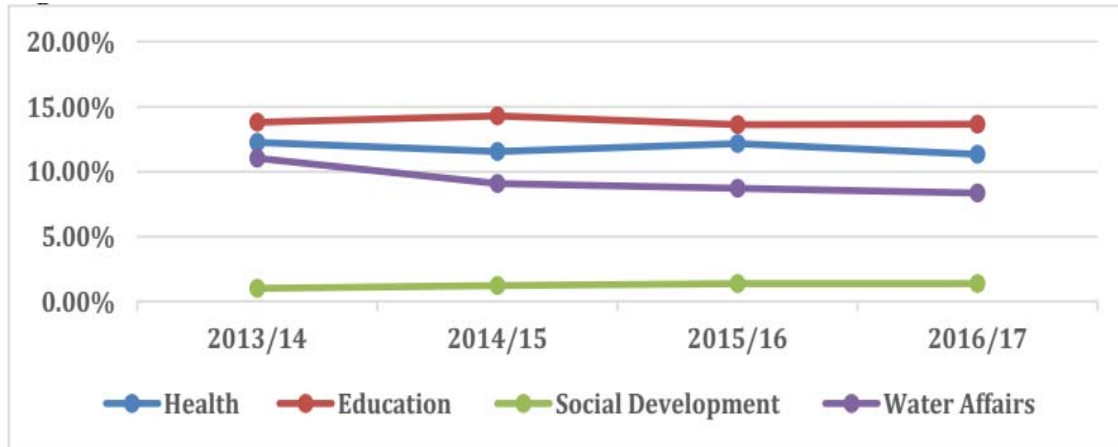
Figure 18: Eswatini Ministry of Education Analysis for budget allocations



Source: Author’s compilation using budget data

Lesotho has placed education as a key priority in the allocation of resources and this sector receives a high allocation in comparison to other key sectors in the country such as health and education and education. The graph below has included water affairs programmes in order to illustrate the fact that it is placed above social development in terms of allocations in the national budget. Over the period 2014 to 2017 Lesotho has maintained the same hierarchy of priorities among the sectors in the graph.

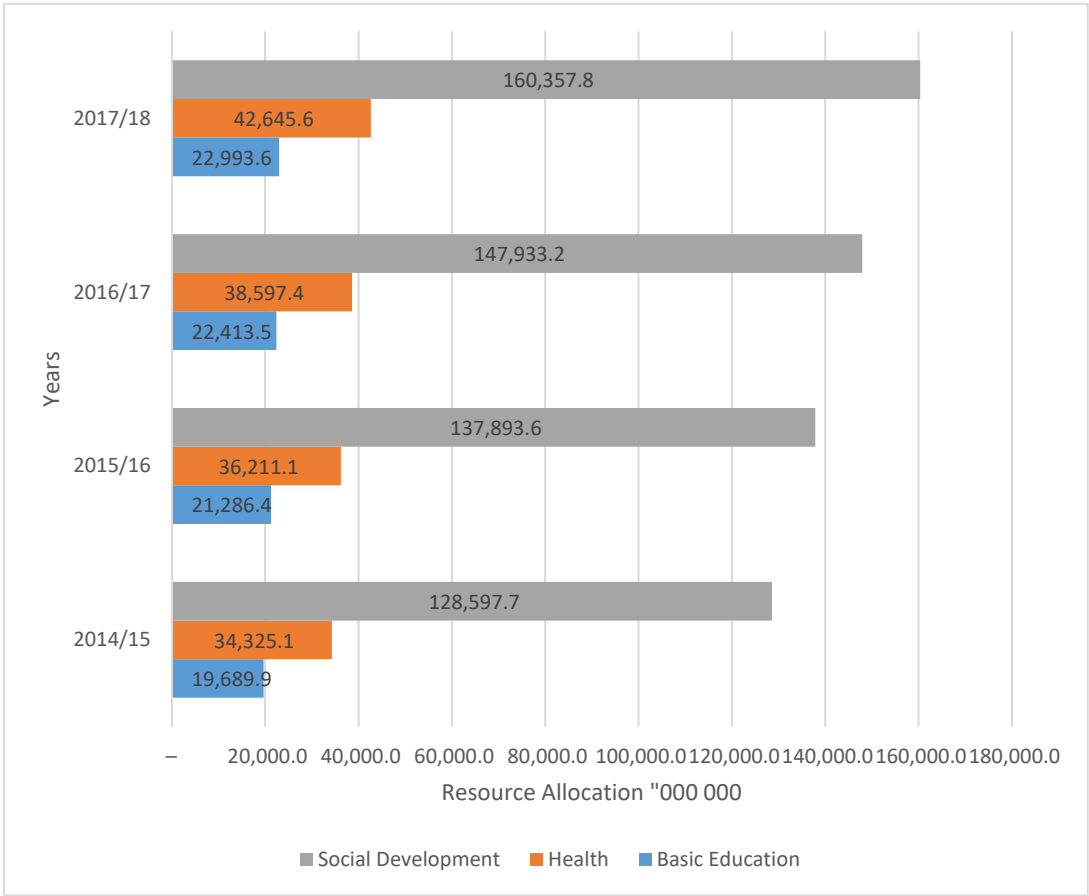
Figure 19: Lesotho share of total budget to health, education, social development and water affairs



Source: Lesotho country analysis (2017)

In Tanzania a comparison of allocations to the education, health and social development sectors reveals that social development is allocated the most resources in comparison with the other two sectors. Health is second and education is third in terms of allocations to these social sectors. It is also clear from the graph that the allocations to social development are significantly higher than the other two sectors and this reveals the commitment to social development in the country.

Figure 20: Tanzania Resource Allocations Trend among key social sectors from 2015-2017 (“000 000 TzSh)



Source: Author's compilation using budget data

Financing for Children: Exemplary practices from other countries

As an example of best practices Brazil, Costa Rica and Indonesia have included constitutional provisions that guarantee allocations for the education sector in the national budget. This will force governments to meet the agreed budgetary allocations.

Bangladesh introduced child focused reporting on the budget to facilitate tracking of investments in children in the 2015/16 fiscal year (Save the Children, 2016). Commonly referred to as the Child Budget this is not a separate budget for children but rather a reporting format highlighting child focussed resource allocations made in the budget. The Child Budget for FY2016/17 reports on children's share in the allocations of seven ministries or implementing agencies (Save the Children, 2016). The Child Budget allows for tracking as it shows the budget for child focused activities. The Swedish budget contains a 'Child Rights Policy' section, which shows what resources are available to the CRC Co-ordination Office.

Generating revenue for the realization of children's rights

A lack of adequate revenue has been cited by many African countries as the reason for insufficient allocations to key sectors for the development of children. Although aid, borrowing and other sources of financing are important, tax is the most sustainable source of government revenue and there is evidence that an increase in tax revenue which is translated into improved allocations to child focused sectors, results in better outcomes in the wellbeing of children.²⁷

²⁷ Save the Children (2014), Tackling Tax, Saving Lives, London, Save the Children

The capacity of a country to take advantage of economic growth by raising public financial resources through taxation and other revenue generation mechanisms sets the boundaries for government expenditure and determines the government's capacity to deliver essential services and to invest in public goods. The question of revenue generation for health sector within the objective of building a sustainable and effective health financing system that relies largely on prepayment and pooling is firmly interlinked with a government's overall revenue raising capacity. Many African countries have shown limited capacity in raising public revenue mainly because the informal nature of their economies makes tax collection difficult, including payroll tax collection for social health insurance. The performance, accountability and administration of the tax system are often an additional problem for many countries.²⁸

Tax revenue is a critical and sustainable way for funding government programmes that promote the realisation of children's rights such as education and health. A recent study by Save the Children established a link between better taxation and improved child wellbeing. A 10 percent increase in the share of tax revenue to Gross Domestic Product (GDP), for example, has been associated with fewer child deaths per 10,000 births and a 0.2 percentage point increase in population with access to clean water due to investments in these areas.²⁹

Innovation around collecting taxes from the informal sector is necessary if SADC countries are to succeed in tapping into the revenue potential of this sector. It is estimated that potential revenue from Zambia's informal sector could be about 3.7% of GDP.³⁰ In an effort to improve revenue collection from the informal sector, in August 2017 the Zambia Revenue Authority (ZRA) announced that it will partner with private sector organisations, by appointing them as agents, to collect taxes from the informal sector.³¹ This is part of the authority's strategy to broaden the tax base by improving collection systems for taxes such as turn-over, base, presumptive on taxis and minibuses, and withholding tax on rentals.

Whilst increasing the tax base by establishing strategies for revenue collection across various sectors of the economy is key, acknowledging missed revenue opportunities related to tax incentives to foreign investors is also an area that requires attention. Many developing countries such as those in the SADC region offer generous tax incentives to foreign investors in sectors such as agriculture and mining, owing to the perceived competition between countries to attract Foreign Direct Investment (FDI). This is usually done without any clear cost-benefit analysis and results in what is called the race-to-bottom whereby countries involved end up losing a lot of potential tax revenue due to tax incentives. Furthermore, tax incentives are sometimes offered in a non-transparent way and without opportunity for public scrutiny and oversight.

²⁸ World Health Organisation, (2013)

²⁹ Save the Children 2014, Tackling Tax and Saving Lives – children, tax and financing for development, London, Save the Children Fund

³⁰ Simpasa, A., Hailu, H., Levine, S. and Tibana, R.J, (2013), Capturing Mineral Revenues in Zambia: Past Trends and Future Prospects. UNDP and EU-UN Global Partnership on Land, Natural Resources and Conflict

³¹ <https://www.lusakatimes.com/2017/08/28/zra-use-private-sector-agents-collect-taxes-informal-sector/>

Research has shown that tax incentives constitute a drain on resources, with little, if any, reciprocal benefit in terms of job creation or socio-economic development.³²

Loss of Revenue in Africa and other parts of the world can also be attributed to illicit financial flows. No single country can fight illicit financial flows alone since companies increasingly operate on a global scale through complex networks of subsidiaries, contractors, suppliers and joint ventures.³³ According to the Global Financial Integrity, illicit financial flows cost the developing world US\$946.7 billion in 2011. Trade mis-invoicing accounts for 80% of these illicit flows.³⁴ The losses due to illicit flows and mis-invoicing represent missed opportunities for access to quality education, health and social protection for the region's children. Currently, there is no inclusive intergovernmental mechanism for fighting illicit financial flows, through for example, tax evasion and avoidance. Most of the international initiatives to combat illicit financial flows have been led by developed countries, within structures such as the OECD.

Unfortunately, these initiatives do not fully take into account the contexts and needs of most developing countries. Within the United Nations (UN), tax matters have mostly been handled by the Committee of Experts on International Cooperation in Tax Matters. While the Committee of Experts provides valuable advice and recommendations, it is by nature an expert committee – not an intergovernmental body. Hence, it is time for governments to establish an inclusive, independent and sufficiently resourced intergovernmental body that will spearhead global cooperation on tax matters, where all countries participate on an equal footing.³⁵

Donor Support and Private Sector Commitments towards child focused sectors in the SADC region

The private sector and humanities provide additional, and often untapped, resources for children and youth. For a long time, health and education have been among the top priorities of private donors, with governments in the SADC region focusing on financing the bulk of recurrent primary health and basic education expenditures from domestic resources whilst donors normally provided for the development expenditures. However current trends and statistics are showing a shift in these areas as many countries in the SADC region are indicating a decrease in donor funds and a relatively low private sector spending. Under the health sector, Eswatini seems to be among the few countries in the region that still have a larger part of its budget financed through donors and the private sector.

Government expenditure for health has steadily increased in most SADC countries, although at a slower rate than gross domestic product (GDP). In most countries there has been a growing

³² Tax Justice Network – Africa, (2013), Africa rising? Inequalities and the essential role of fair taxation, Nairobi, Tax Justice Network-Africa and Christian Aid. See also Save the Children (2014), Tackling tax - saving lives: Children, tax and financing for development, London, Save the Children Fund

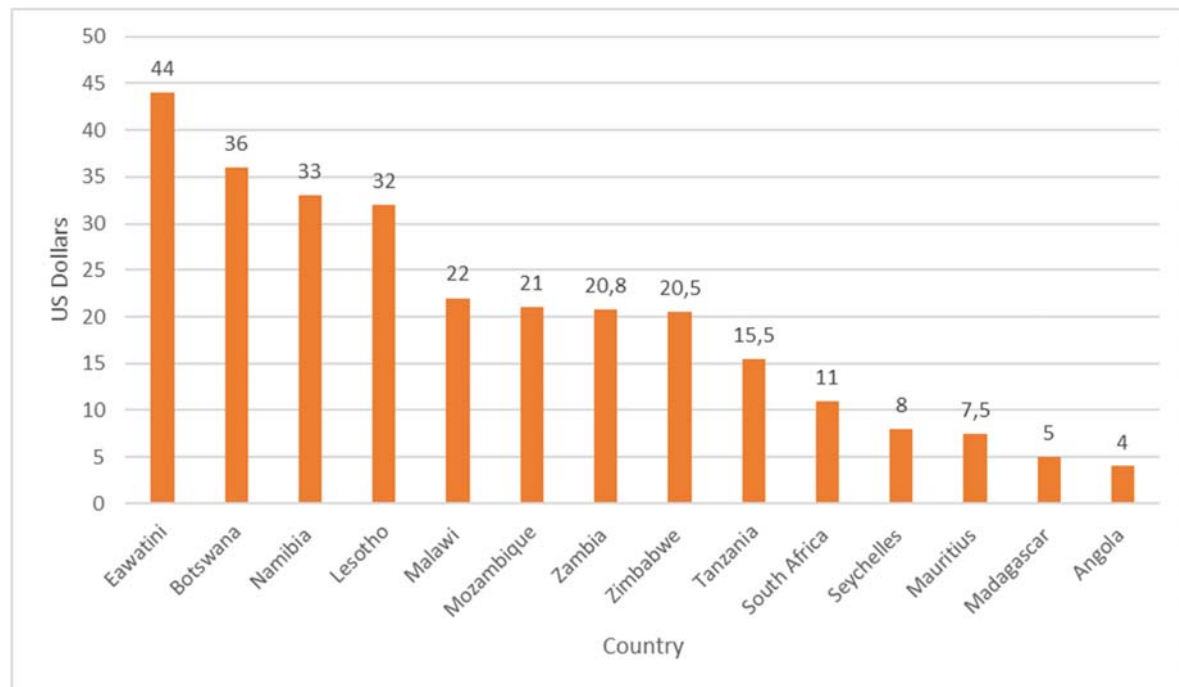
³³ Committee on the Rights of the Child, General comment No 16 on State obligations regarding the impact of business on children's rights

³⁴ Global Financial Integrity (2014), Hiding in Plain Sight: Trade Mis-invoicing and the Impact of Revenue Loss in Ghana, Kenya, Mozambique, Tanzania, and Uganda: 2002-2011, Washington DC, Global Financial Integrity

³⁵ Save the Children (2014), Tackling tax - saving lives: Children, tax and financing for development, London, Save the Children Fund

dependence on private and donor funding especially for the health and education sectors. Donor support is important in the region but reliance on external spending is not consistent with countries' stated ambitions for sustainable universal health coverage. The table below shows the levels of per capita development assistance received by different countries in the SADC region between 2013 and 2015.

Figure 16: Per capita development assistance to SADC 2013-2015



Source: OECD, 2015

Figure 16 shows that donor funding has filled in some of the gaps in government health expenditure as a share of GDP in SADC countries. Development assistance is an important source for financing recurrent health expenditures in the region and constitutes at times 30% of total recurrent expenditures or more in some low-income countries. On average it has increased from 22.6% to 25.5% of total recurrent expenditures between 2005–2007 and 2013–2015³⁶. In per capita terms, development assistance for health was 17.0 USD in East and Southern Africa in 2013–2015 (compared to 14.9 USD in Sub Saharan Africa as a whole). Some huge variations however exist among countries, with Eswatini and Botswana receiving 35 USD to 45 USD per capita and other countries such as Angola, receiving less than 5 USD per capita. HIV/AIDS prevalence in different countries is an important factor that influences these differences with high levels of external support being directed to high prevalence countries in Southern Africa.

³⁶ Health Systems and reform Journal Volume 4 – Issue 4 – Health Financing in east and Southern Africa, 2018

BEYOND THE PROMISSORY NOTE, ACTUAL EXPENDITURES

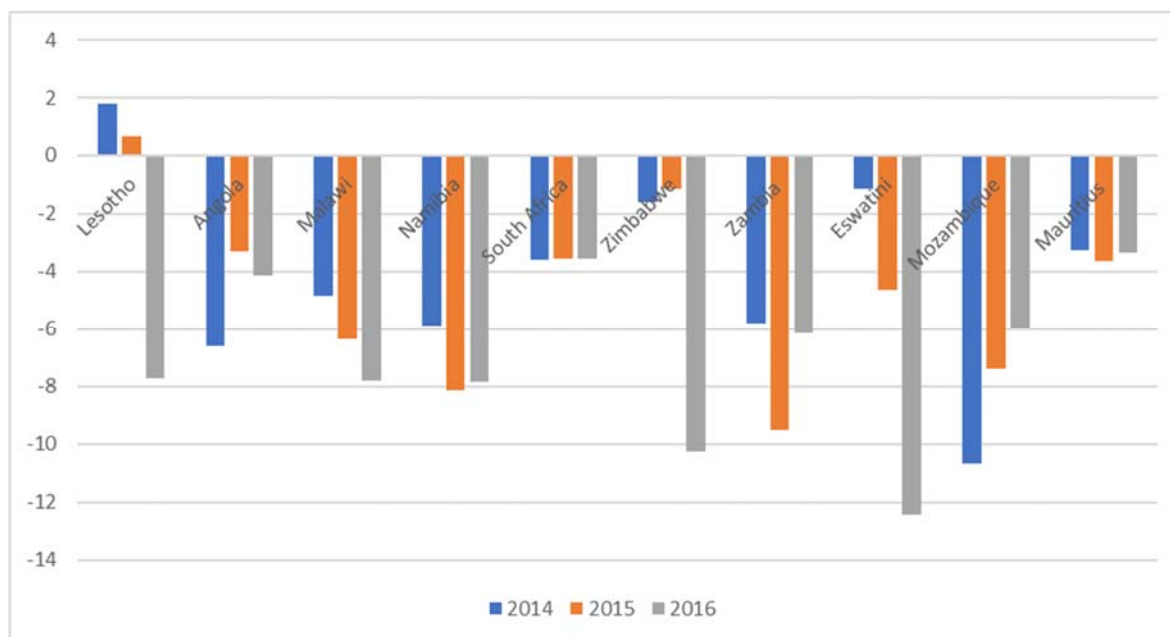
While budget allocations reflect the intended expenditure for Ministries and government departments, it is the actual expenditure that shows the real commitment to the implementation of programmes. Some countries are doing better than others in terms of disbursement of allocated resources to the Ministries in order to enable actual implementation of programmes.

Most governments in SADC countries struggle to allocate the resources that meet the vote requirements of departments. However, South Africa has been quite progressive in this regard the appropriations and the actual expenditure are within the same range. This reflects good planning on the part of departments and the ability of South African government to disburse resources in line with the commitments made in the national budget. Botswana has also been performing fairly well. In the 2015/16 financial year the government disbursed all the resources that had been allocated, in the 2016/17 period the government disbursed about 90% of the allocated resources due to fiscal pressures. Other countries are on a path to improve disbursements for actual expenditures. In Tanzania between 2011 and 2016, allocations to the sector have doubled and the actual expenditure has increased by approximately 55%³⁷. In Zimbabwe the prioritisation of the health sector is revealed through the health budget execution which shows an average of 88% in actual disbursements between 2010 and 2017. This however is not the case for the other sectors.

The non-disbursement of allocated resources is telling of a budget deficit challenge in most SADC countries. Large budget deficits can be detrimental to a nation's economy if they are sustained over long periods. As a region, SADC has set out deficit targets for member states. Member States were to achieve ratios of budget deficit to Gross Domestic Product (GDP) of less than 5% by 2008, decreasing to less than 3% by 2012 and maintaining that ratio through 2018. This has remained a challenge in most SADC countries and in turn compromises the achievement of child development outcomes. The table below shows the budget balances of SADC countries over a three-year period.

Figure 17: Budget balance as percentage of GDP in SADC (2014-2016)

³⁷ [https://www.unicef.org/tanzania/UNICEF-TZ-BB-Education-WEB\(1\).PDF](https://www.unicef.org/tanzania/UNICEF-TZ-BB-Education-WEB(1).PDF)



Source: Compiled by the authors from national budgets

The graph reveals that negative budget balances³⁸ are the common trend in SADC countries with most countries far from achieving the 2008 target of 5% later alone the 2018 target of 3% according to the SADC Protocol on Finance and Development. Only South Africa and Mauritius are maintaining budget balances that are close to the 3% agreed by member states. Macroeconomic challenges in most countries have affected revenue collection hence the increases in the deficit experienced by most countries.

Zimbabwe is a specific example of the impact of a deteriorating economic environment which has been responsible for the inability of the country to collect revenues to meet the planned expenditure in the national budget. Mozambique however is a unique case where the budget balance has been decreasing over the years. This may be the result of a combination of increased revenue collection as well as the increases in donor support to the government of Mozambique. As budget deficits increase health and education outcomes become compromised due to limited availability of resources for development programmes, especially those meant to benefit children.

Analysis of budgets in SADC countries also reveals that the larger percentage of the expenditure is directed towards wages, leaving minimal amounts for the direct benefit to children. High wage bills for government expenditure in the health, education and social protection sectors are common in SADC countries and amounts disbursed by the nation's treasury are largely skewed towards meeting the personnel costs. The table below shows health budget allocations to employment in three SADC countries:³⁹

³⁸ Budget Balance is calculated as the difference between government revenues and expenditures

³⁹ Knowledge, evidence and learning for development (K4D)

Table 3: Percentage of budgets spent on employment costs

Country	% of the budget spent on employment costs
Zambia	60%
South Africa	61.5%
Zimbabwe	67.2%

Source: National Budgets 2017/18

Education budget allocations to employment:⁴⁰

Table 4: Education budget allocations to employment

Country	%of budget spent on employment costs
Zambia	84%
Malawi	74%
Botswana	69%
Mozambique	78%
South Africa	78%
Zimbabwe	93.3%

Source: Compiled by the authors from national budgets 2017/18

In Zimbabwe for example, at 90% of the education budget, spending on wages and other recurrent items is at an unsustainable and dangerous levels based on international standards (anything above 80%) and suggests there are serious spending inefficiencies within the education system, which need to be addressed. In Eswatini in the execution of the 2017/18 budget, the amount availed to support development of the country's Social Protection System could not adequately cover the total estimated cost of the project. The full estimated cost of the project was E59,067, 000 However, only E15,800,000 was mobilised and disbursed in 2017/18 budget. This was a mere 27% of the required resources.

Another dimension in considering whether commitments made through allocated expenditures actually result in positive outcomes for children, is by considering the nominal and real values of the planned expenditure. The monitoring of trends in budget allocations requires an analysis of the behavior of inflation in the specific country in order to determine whether increases in the nominal allocation will translate into improved outcomes for children. In Lesotho for example in nominal terms total spending to child focused sectors increased by an average of 3.7% between 2013 and 2017. When adjusted for inflation the expenditure in the same period declined by an average of 2.7% in real terms. This is the same in other SADC countries as shown in the table below:

Table 5: Average Nominal vs Real Expenditure in SADC countries (2013-2018)

Country	Nominal Expenditure	Real Expenditure
Lesotho	3.7%	2.7%

⁴⁰ Ibid.

Botswana	12.4%	8.6%
Zimbabwe	14.76%	8%
Tanzania	34%	28%

Source: Compiled by the authors from national budgets 2017/2018

When nominal expenditures do not adequately account for inflation, the real expenditure compromises the budget outcomes. This means that the services provided to children become inadequate even in comparison with the previous year. A continued decline of expenditure in real terms means that children in the region will continue to be deprived of goods and services that are required for their positive development.

PROSPECTS AND OPPORTUNITIES FOR FINANCING CHILD RIGHTS IN SADC

Despite the sorry picture already portrayed of public investment in children by member states in southern Africa, there is still hope for increased public investment. The future has some opportunities that, if well tapped into, can facilitate averting the potential human development catastrophe into a dividend that will benefit the region for a long time. This chapter explores some of those opportunities which could give guidance to financing children's rights in southern Africa.

Domestic resource mobilisation (DRM)

The Monterrey Consensus outlines DRM as comprising of fiscal revenue mobilisation (that is, tax and non-tax revenue mobilisation), but also strengthening the domestic financial sector in developing countries by encouraging the orderly development of capital markets, sound banking systems and increasing financial inclusion.⁴¹ This definition is in consonance to the one given by Culpeper (2008) who notes that domestic resource mobilization is the generation of savings from domestic resources and their allocation to socially productive investments.⁴²

The idea of strengthening national governments' capacity to mobilize resources domestically is gaining currency. This is coming in the wake of the same governments having leakages within their systems resulting in them not benefiting as much in increasing their fiscal spaces. The major aspect on DRM is strengthening of the countries' tax systems so that the citizenry and corporates may contribute to the development of their countries.⁴³ As has been noted earlier in this report, there have been leakages in countries on the African continent which multinational corporations have taken advantage of. Such leakages came in the form of tax holidays where the countries did not benefit from MNCs in the spirit of promoting investment.

Meanwhile, the companies maximize production during these tax holidays at the expense of the local producers and the country as a whole. Another challenge in the collection of tax is that some of the economies in southern Africa are driven by the informal sector. Consequently, there have not been mechanisms to collect tax from the informal sector into the treasury. Another leakage which compromises governments in southern Africa's fiscal space is

⁴¹ Bhushan, A., Samy, Y., & Medu, K. (2013). Financing the post-2015 development agenda: domestic revenue mobilization in Africa.

⁴² Culpeper, R. (2008). Enhancing domestic resource mobilization. *G-24 Policy Brief*, (25).

⁴³ Aryeetey, E. (2009). The global financial crisis and domestic resource mobilization in Africa. *Organization for Economic Co-operation and Development*.

corruption. Most governments in the region do not rank favorably on the Mo Ibrahim Governance Index and the Transparency International Corruption Index. These leakages need to be plugged for governments in southern Africa to increase their fiscal spaces in order to deliver public goods for their citizens.

The Grand Ethiopian Renaissance Dam Project Case Study

Ethiopia wanted to address its power challenges. Prior to building the Renaissance Dam, only a quarter of all Ethiopians had access to electricity. The country was ranked amongst the lowest annual per capita electricity consumers. The majority of the country would rely on firewood, dung, and other forms of biomass for power which resulted in exponential deforestation, and soil erosion.¹ The country embarked on a mega project to build the dam. Due to the conflict with Sudan and Egypt over the decision, the project could not get international support. The government initiated an earmark tax to which every able citizen contributed. The dam was built with all local resources and has been completed debt free. The Grand Ethiopian Renaissance Dam is the largest dam in Africa: 1,800 m long, 155 m high and with a total volume of 74,000 million m³.¹ The dam will supply Ethiopia with all its energy needs and will have surplus to export to other countries.

The rise of African philanthropy as a financing mechanism

With dwindling ODA due to some of the reasons given above, there is an opportunity that has been created for African philanthropy to take over the role of supplementing governments' efforts in providing public goods for its citizens. This is coming in the wake of Africa having the fastest growing market of High Net worth Individuals (HNWI) in the world.⁴⁴ The number of African HNWIs has increased by 145 per cent over the past 14 years, compared with a worldwide HNWI growth of 73 per cent over the same period. And the wealth of African HNWIs has increased by even higher proportions. Africans with assets of more than USD30 million will double by 2025.⁴⁵ While philanthropy provided some USD 30 million in the

⁴⁴ Bhekinkosi Moyo, *A new era for African philanthropy*, <http://www.alliancemagazine.org/feature/a-new-era-for-african-philanthropy/>

⁴⁵ Ibid

implementation of the Millennium Development Goals, the Foundation Centre forecasts that philanthropy is likely to contribute USD364 billion of the USD3.5 trillion that is needed for the realisation of the Sustainable Development Goals.⁴⁶ This therefore means that philanthropy is a strategic partner for any government especially in Africa. As such many governments in the region are recognizing the role that philanthropy plays as can be epitomized by Liberia’s establishment of a Liberia Philanthropy Secretariat in 2009.⁴⁷ The African Union launched the African Union Foundation in 2015 to mobilize voluntary contributions in support of Agenda 2063. Meanwhile, the Southern African Development Community (SADC) is in the process of developing a framework for the inclusion of philanthropic activities in supporting its regional integration agenda.⁴⁸ This shows that philanthropy is a strategic partner in the realisation of human rights in the region.

Remittances in southern Africa

Migrant remittances have become a major source of financing for developing countries and are particularly important in Sub-Saharan Africa. North Africa is the largest remittance recipient region in Africa, followed by East Africa, West Africa, Southern Africa, and Central Africa.⁴⁹ In southern Africa, South Africa is the regional economic hub. Consequently, the country has gotten droves of economic migrants who are the source of livelihood for their families in their respective countries.⁵⁰ It therefore is no surprise that 90 percent of remittances in SADC are from South Africa to countries namely Zimbabwe, Mozambique and Lesotho. The majority of these remittances are however informal.⁵¹ The World Bank estimates that 45-65 percent of remittances in Sub-Saharan Africa are transferred through informal channels.⁵²

Table 6: Remittances as a share of GDP in SADC

Country	Remittance as a share of GDP in 2018
Angola	0.0
Botswana	0.2
DRC	3.3
Lesotho	14.7
Madagascar	3.0
Malawi	0.6
Mozambique	2.4
Namibia	0.4

⁴⁶ Ibid

⁴⁷ This is a platform created by the Government of Liberia to link national priorities to philanthropic resources.

⁴⁸ [http://www.alliancemagazine.org/feature/a-new-era-for-african-philanthropy/?ct=t\(1504_New_month_targets_4_1_2015\)&mc_cid=d556f99b35&mc_eid=\[UNIQID\]](http://www.alliancemagazine.org/feature/a-new-era-for-african-philanthropy/?ct=t(1504_New_month_targets_4_1_2015)&mc_cid=d556f99b35&mc_eid=[UNIQID])

⁴⁹ Bollard, Albert, David McKenzie, and Melanie Morten. 2010. The Remittance Patterns of African Migrants in the OECD. World Bank Policy Research Working Paper 5260. Washington, D.C.

⁵⁰ <http://www.finmark.org.za/wp-content/uploads/2016/07/remittances-from-south-africa-to-sadc.pdf>

⁵¹ <https://www.iol.co.za/business-report/opinion/opinion-remittances-key-to-uplifting-sadcs-slow-growth-19025388>

⁵² <http://siteresources.worldbank.org/EXTDIASPORA/Resources/Remittances-in-africa.pdf>

Seychelles	1.5
South Africa	0.3
Swaziland	0.0
Tanzania	0.8
Zambia	0.4
Zimbabwe	9.6
Comoros	19.1
<i>Source:</i> https://www.africaportal.org/publications/migration-remittances-and-development-southern-africa/	

Table 6 shows that Comoros has the highest remittances in SADC followed by Lesotho. Remittances are used mainly for household consumption and investment. The evidence from studies reveals remittances reduce the level and severity of poverty among households—but the remittance market in Africa is largely undeveloped, and a potential exists for the improvement of remittance services and

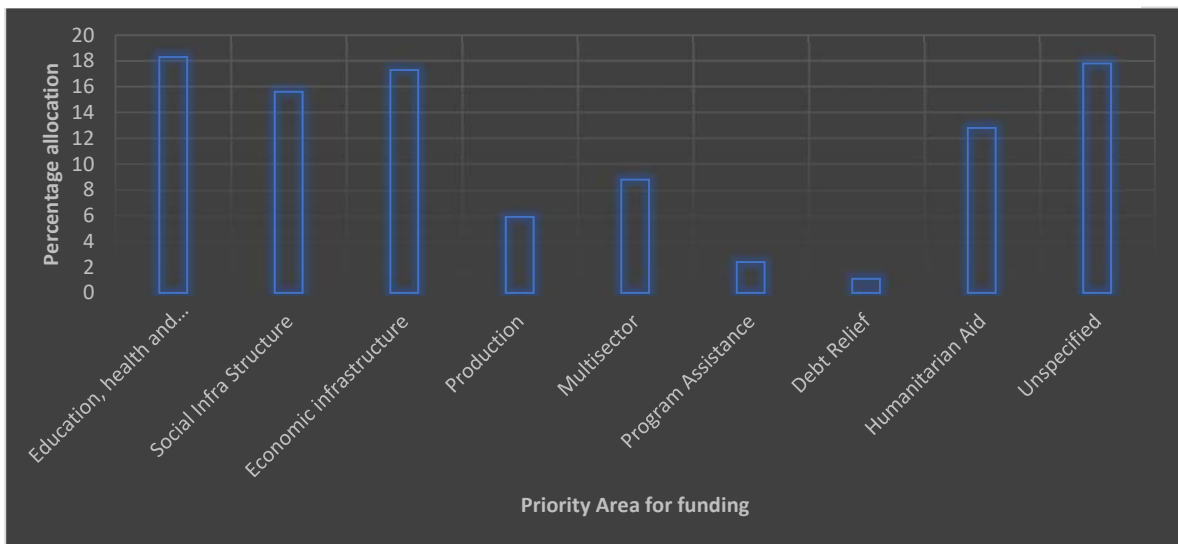
consumer products that will be valuable to migrants.

The extent to which remittances contribute to child rights has not been explored. Research in this area has focused primarily on how the remittances strengthen the household economy.

ODA still...

While the report has already acknowledged that ODA to southern Africa is the least on the African continent, and further noted that it will continue to dwindle due to political developments in the west, there is still some glimmer of hope for the little ODA that will be

Figure 14: Global ODA Priority Areas



coming to southern Africa.

Source:
https://public.tableau.com/views/AidAtAGlance/DACmembers?:embed=y&:display_count=no?&:showVizHome=no#1

It is worth noting that some of the priority areas for ODA going into the future are in sync with the SADC OVCY Minimum Package of Service priorities.

Figure 14 above shows that the area of highest priority going forward for most bilateral and multilateral donors is still education, health and social protection. This means that as per the child rights normative framework UNCRC Article 4 and the ACRWC article 1, member states in southern Africa can still reach out to the international community for support when they find themselves overwhelmed to provide these public goods for their children. It means that there should not be any excuse to have a child out of school and high mortality rates.

And then there was China!

In all the discussions done in this report thus far, there is a conspicuous absence of China. This is important because the country has been asserting itself as a contender to global processes. There has been a lot of Chinese and other Asian businesses investing in Africa even though there is an absence of their philanthropic ventures. For China, this can be attributed to the Communist People's Party which was conservative to civil society.⁵³ As a result, in an annual report published by the U.K.-based Charities Aid Foundation, which promotes and aids charities world-wide, China ranked poorly on the percentage of people who say they donate money or time to charitable activities, above only Burundi.⁵⁴ . Going into the future, it is the projection of this report that China will present a viable opportunity for philanthropy in view of the high net worth individuals there as well as Chinese companies' business interests in Africa.⁵⁵

Public Private Partnerships

There has been an increasing growth in concentration of wealth and influence in the domain of global to national business corporations. It is this recognition that has compelled institutions such as the UN to turn to the private sector for assistance on such global initiatives as the Sustainable Development Goals. This recognition can be epitomised by the UN General Assembly granting observer status to the International Chamber of Commerce (ICC) from 1 January, 2017. The UN General Assembly had not done this before. The only institutions previously to have been awarded observer status were non-UN-member states specifically the Holy See, the State of Palestine, intergovernmental organisations namely the African Union and the OECD. The UN went against its usual mould on granting observer status because they pinned a lot of hopes on the private sector to be a partner that will contribute significantly to the financing of the development agenda whilst observing responsible business ethics that would not violate human rights.

⁵³ <http://philanthropynewsdigest.org/news/china-s-new-charity-law-to-loosen-rules-but-may-face-resistance> (Accessed 23 February 2019)

⁵⁴ <http://www.wsj.com/articles/china-tries-to-encourage-giving-HNWI57977491> (Accessed 23 February, 2019)

⁵⁵ For details about the foundations in China, please visit the China Foundation Centre on the following website: <http://en.foundationcenter.org.cn/>

The nexus between private sector and children's rights

With the growing stature of the private sector in ameliorating social ills, realisation of children's rights is one such area where the support of the private sector is coveted. Beyond being rights holders, children are key stakeholders in the private sector's operations. This is because the businesses interact with children as workers, consumers and general members of the community. Despite this fact, the private sector has not worked deliberately enough on ensuring that the rights of the children are realised, better still, to make sure that the operations of the businesses do not infringe on the rights of the children. There is need for the private sector to integrate child rights in their processes such as corporate due diligence exercises. The usual issue which the private sector includes in this regard is child labour. It is imperative for the private sector to appreciate that their operations interface with children's rights on issues such as product designing and advertisement, the conduct of employees or subcontractors towards children, resettlement of communities in cases of exploration work and the general supply and value chain of any business.

Children are generally the most vulnerable of any population, hence needing special protection measures for their rights to be protected and fulfilled. It is possible for business activities to not impact the rights of adults, but at the same time adversely impact the rights of children.⁵⁶ Moreover, companies can leverage their networks of the value chain in ensuring the protection and fulfilment of children's rights. This can be done through influencing suppliers, customers and other business partners to respect children's rights, as a precondition to engage in business.⁵⁷

The double-edged sword private sector

The work of the private sector can be doubled edged sword. On the one hand, the private sector can be a conduit for development, creation of employment and improve economic development of a country. The through their tax returns, the private sector can contribute substantially to increasing the government's fiscal space so that the latter is able to provide quality public goods for all the citizens. Such a relationship of the private sector and government directly contributes to the protection of children from SEC and leads to the fulfilment of their rights.

On the other hand, Roberto Bissio of Social Watch⁵⁸ gives a catalogue of some malpractices in recent memory where the private sector has not observed good corporate governance practice:

Over the last months multinational corporations have jumped from the 'economy and business' pages of world newspapers to the sections on 'crime and police': Volkswagen was found guilty of programming its cars to cheat on emission tests, enabling it to contaminate the streets way beyond acceptable limits. The sugar industry was exposed as having a long record of fake scientific research aimed at blaming other factors for the health problems that they create. Goldman Sachs helped the Greek government in 2001 to lie about the state of its economy, in order to be admitted into the Eurozone. Between 2012 and 2015 the most powerful banks in the world, including Barclays, Chase Morgan, Citibank, Deutsche Bank, HSBC, Lloyds, Royal Bank of Scotland and others, paid billions of dollars in fines for having

⁵⁶ UNICEF (2013), Children's rights in Impact Assessments, Accessed 27 March 2019, (https://www.unicef.org/csr/css/Children_s_Rights_in_Impact_Assessments_Web_161213.pdf)

⁵⁷ Ibid

⁵⁸ Bissio, R., (2018), *What role for the people in public private partnerships?*, Accessed, 27 March, 2019, <https://www.civicus.org/index.php/state-of-civil-society-report-2017/essays>

manipulated for their own benefit the exchange rates among global currencies and the Libor interest rates that determine the cost of billions of credit operations around the world every day.

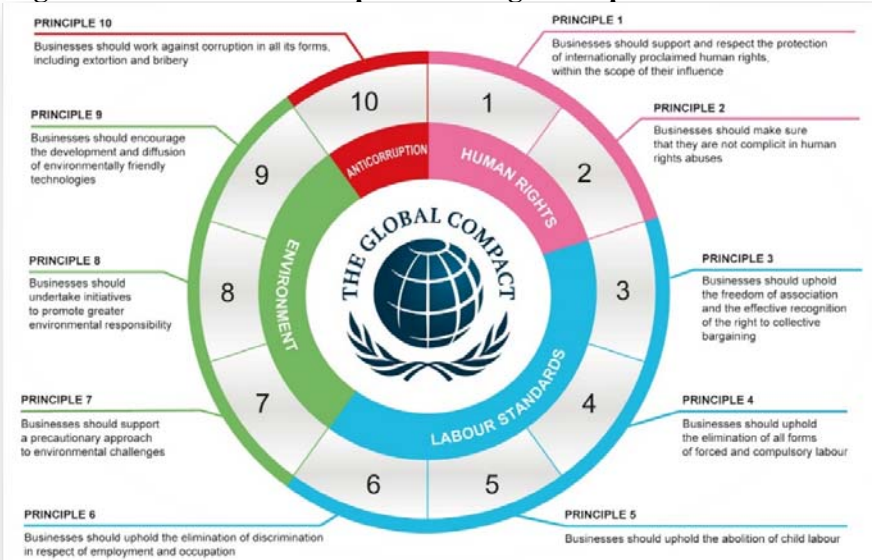
On the African continent, the Mbeki High Level Panel⁵⁹ made startling findings about illicit financial flows from Africa. The report asserted that approximately, the illicit flows out of the continent of Africa could be as much as US \$50 billion per annum.⁶⁰ It is worth noting that this amount is almost double the ODA that comes to Africa from primarily western Governments. Some of the effects of illicit financial outflows are the draining of foreign exchange reserves, reduced tax collection, cancelling out of investment inflows and a worsening of poverty.⁶¹ As such, if the multinational corporations comply with good corporate governance and curtail illicit financial flows, this will help African governments in general as well as South African government in particular to have a bigger source of funds for development programs. These funds will then be invested in health, education and social protection.

UN Guiding Principles on Business and Human Rights

At the global level, the UN, in collaboration with the private sector came up with a global compact which outlined ten principles which business had to observe. Figure 1 outlines the ten principles which were agreed upon. The UNGPs has three pillars:

- i. the need for states to protect people from corporate abuse;
- ii. the responsibility of companies to respect human rights;
- iii. the imperative of both to provide access to remedy for victims when abuse occurs.

Figure 15: UN Global Compact Guiding Principles



⁵⁹ Thabo Mbeki, the former president of South Africa was appointed by African ministers of finance, planning and economic development, the African Union and the UN Economic Commission for Africa to chair a high level panel whose purpose was to investigate the scope of illicit capital outflows from Africa. The panel submitted its report to the 24th Ordinary Session of the Assembly of African Union Heads of State and Government.

⁶⁰ AU/ECA, Illicit Financial Flow Report of the High Level Panel on Illicit Financial Flows from Africa, Accessed 2 March 2019,

https://www.uneca.org/sites/default/files/PublicationFiles/iff_main_report_26feb_en.pdf

⁶¹ Ibid.

Source: http://www.unglobalcompact.bg/en/?page_id=150

The Compact is a call to companies to align strategies and operations with universal principles on human rights, labour, environment and anti-corruption, and take actions that advance societal goals.⁶² More than 9500 companies from 160 countries have signed up to respect the principles. Some giant companies have taken it a step further to develop a pledge which they will hold in sanctity as they shall be doing their businesses.

There has been however a slow uptake by the member states in developing national action plans which will ensure that all companies adhere to the principles set in the Global Compact. There was an expectation that all member states were supposed to have developed the national action plans by 2013. As at 2018, only 12 member states have developed the action plans, with twenty-seven having the issue in the pending file.⁶³

KEY SITES FOR POTENTIAL CHILD RIGHTS FUNDING

Below is a list of key websites where calls for grants are posted by donors. These websites need to be monitored so that any call can be picked as soon as it is announced. The websites also provide news about decisions that would have been made by the donor world as regards areas of priority, emerging trends and so forth.

Table 5: Potential websites for funding prospects

Name of agency	Website
European Foundation Centre	www.efc.be
Foundation Centre	www.foundationcenter.org
Grantmakers Without Borders	www.internationaldonors.org
The Grantsmanship Centre	www.tgci.com
World Initiatives for Grantmaker Support	www.wingsweb.org
Euro Aid	https://euaidexplorer.ec.europa.eu/AidOverview.do
Humanitarian Response	https://www.humanitarianresponse.info/
Aid Flows	http://www.aidflows.org/

⁶² United Nations Global Compact, The World's largest sustainability initiative, Accessed 2 March 2019, <https://www.unglobalcompact.org/what-is-gc>

⁶³ CIVICUS, Civil Society and the private sector-Guest essay by Roberto Bissio, What role for the people in public private partnerships? Accessed 2 March 2019, <https://www.civicus.org/documents/reports-and-publications/SOCS/2017/essays/what-role-for-the-people-in-public-private-partnerships.pdf>

UNOCHA	http://www.unocha.org/
Reliefweb	http://reliefweb.int/
Advance Africa	http://www.advance-africa.com/Grants-for-NGOs-and-Organisations.html
Opportunities for Africans	http://www.opportunitiesforafricans.com/category/call-for-proposals/
Funds for NGOs	https://www2.fundsforngos.org/tag/africa/
NGO Pulse	http://www.ngopulse.org/category/tags/funding
SAI Fundraising	http://www.saifundraising.org.za/
Grants Funds	http://www.grantsfunds.net/here-is-your-grant/?gclid=CjwKEAiApLDBBRC8oICb9NvKsg0SJAD9yOHsL3iOF9ZfxWRj9qg8Fk5wrfeXVhe0xl6x-37iA89xkxoCgMHw_wcB
Kubatana	www.kubatana.net
NDF	http://www.ndf.fi/projects/africa

CONCLUSIONS

The report has shown that all Member States in SADC have ratified international children’s instruments such as the UNCRC as well as the ACRWC at continental level. Most of the Member States have even gone further to domesticating the provisions of these instruments into national laws and policies. This applies to the SADC MPS as well. Most Member States have policies that encapsulate the provisions of the MPS. The call of this report however is that having good laws and policies is not good enough. There should be a lucid and deliberate public investment in the implementation of those policies so that every child regardless of context, accesses quality services.

The Achilles Heel in SADC countries, which has been highlighted in the study limitation is the lack of quality, disaggregated data on actual funding for children’s issues. The data is not collected or accessible for analysis. This needs to be resolved as part of the need to monitor the relevant SDGs on children’s issues, as well as education, health and social protection.

In spite of the fact that about sixty percent SADC member states are considered by the World Bank as middle income, these states are not doing enough to ensure that no child is left behind in education, health and social protection. In fact, countries such as Namibia and South Africa have been considered to have highest unequal societies in the world. It means that there is a

yawning gap in quality of services for children across the divide.⁶⁴ The report showed that data on actual expenditures by member states is not readily available. This is no coincidence. It speaks to the lack of transparency on the utilization of the scarce resources. Lack of transparency will inhibit accountability. Financial and human resources and skills for children are grossly inadequate amid reports of corruption and in some cases weak priority setting, and too many Member States rely heavily on short term donor driven project funding that is not sustainable.

The report further showed that whilst ODA is dwindling, there are a plethora of opportunities for domestic resource mobilization. For starters, most countries in southern Africa have a burgeoning middle class in country and overseas. As a result, the number of high net worth individuals is increasing. This is an opportunity for the member states to promote philanthropy, a practice that will enable the middle class to give back to their respective communities of areas of interest. This however is not to say that philanthropy never existed in southern Africa, it did in various forms. The extent of it being systematic and coherent is what would need to be improved.

The rise of China as a formidable player in the development space is still embryonic. This presents with it an opportunity for member states as they seek to bolster their fiscal spaces. China is aggressively pushing to be noticed and to overtake other western powers in collaboration with Africa. As a result, the country's international policy took a departure from the Communist ideology which did not believe in international aid. Now China revised its law and will be able to use aid as a means to enhance its influence globally.

RECOMMENDATIONS

In view of the foregoing analyses, the report makes the following recommendations. The recommendations take a human rights approach that appreciates that the governments are the primary duty bearers for the realisation of children's rights. As such, most of the recommendations will be directed to them. The thrust of the recommendations is drawn from a set of principles that guide resourcing for children's rights as articulated in General Comment 19 of the UNCRC. The principles of efficiency, effectiveness, equity, transparency and sustainability.

Data collection: SADC member states should improve collection, disaggregation and dissemination of budget data through observance of the dictates of UNCRC General Comment No. 5 (2003) on General Measures of Implementation by collecting in real time and sharing budget allocation and utilization data amongst all relevant stakeholders encapsulating all areas of child protection, health and education.

⁶⁴ World Bank, (2012), *South Africa Economic Update: Focus on Inequality of Opportunity*, World Bank, Washington DC.

Public spending in children: In the light of general comment No. 19 (2016) on public budgeting for the realization of children's rights, the SADC governments are recommended to ensure that public spending on child focused sectors and programs are adequate, equitable, efficient and effective and is undertaken within transparent and inclusive public finance management processes. It is only through increased and improved quality of public spending that SADC member states can sustainably deliver essential services such as health, child protection, education, nutrition and social assistance to all children. The allocation of resources should take note of target 16.5 of the Sustainable Development Goals on substantially reducing corruption and bribery in all their forms, take immediate measures to combat corruption and strengthen institutional capacities to effectively detect and investigate cases of corruption and prosecute the perpetrators, including by strengthening the public financial management system in order to avoid diverting resources from the implementation of the rights of the child.

Consistency with budget benchmarks: With most SADC countries being unable to meet the political commitments they made at regional level, for example the Abuja Declaration on Health and the Dakar Framework for Action on Education for All, there is need for countries to ensure efficient use of existing resources for the child focused sectors.

Exploration of Public Private Partnerships: SADC countries are vulnerable to shocks in the global economy and this tends to affect revenue that can be allocated in the national budget to child focused sectors, often resulting in huge budget deficits. For instance, Botswana's revenue has been largely affected by reductions in prices of diamonds in previous years, Lesotho and Swaziland have been affected by the reductions in SACU revenue, while Angola has had reduced revenue collections due to downward fluctuations in the price of oil. As a consequence, budget allocations to social services have been affected resulting in a reduction in the delivery of services to children and the youth. Public-Private Partnerships (PPPs) should be explored as a strategy to finance child focused sectors in SADC countries. The implementation of the SADC Industrialisation Strategy by member states should be mindful of the potential of PPPs in developing sustainable resource options for the realisation of children's rights.

Domestic Resource Mobilisation: There is need for the governments to build sustainability for its programmes, especially the free primary education programmes that are being implemented in some SADC countries. Domestic resource mobilisation is critical as a sustainable way of ensuring sustainability in provision of resources for this sector. To promote domestic resource mobilisation member states will need to review their revenue collection mechanism as well adopt strategies that can enable revenue authorities to efficiently and effectively collect taxes from the huge informal sector in the region.

Administration costs over program implementation: Whilst prioritisation of health, education and social protection is evident through comprehensive policies in most SADC countries coupled by efforts to increase budget allocations, more needs to be done in terms of

the balance between allocations to recurrent expenditure and programmes. A huge proportion of the resources allocated to the child focused sectors goes to wages and other administration costs, leaving very little for programme implementation. SADC countries need to rationalise expenditure to ensure that available resources are spent efficiently towards budget lines that lead to an improvement in health and education outcomes. This requires adherence to public resource management legislation and the avoidance of mismanagement of resources through corruption.

Civic engagement of citizenry in budgeting processes: The budget formulation stage is key in the determination of priorities and allocation in a national budget. The budget process can be strengthened by incorporating child and youth sensitive budgeting and promoting their participation in the budget process. It is important to make sure that children and youth are involved in the strategic planning and identification of needs stage of the budget process. For the SADC OVCY Framework and the MPS, their accountability is difficult since they are programmatic instruments. The SADC secretariat has however established a robust monitoring, evaluation, accountability and learning framework which should help member states in being accountable.

Need for a SADC Protocol for Children: this will build on the momentum created by the MPS. Since a protocol will be more binding, it will create opportunity for greater commitment by the member states to children's rights. The rationale for this protocol is in Annexure.

Strengthening Community Based Responses: Reduced allocations to child focused programmes (either due to dwindling donor funds or low revenues) will limit the services provided to children. Vulnerable families will be mostly affected due to poverty. Available resources should also be directed towards creating opportunities for community-based responses that promote income generation for vulnerable households, in order to give children in the region a better chance of enjoying basic rights and by doing so ease the burden of poverty.

Child Centric Budgeting: Where huge budget deficits occur in the different countries in the region, available resources in most cases are disbursed to finance recurrent expenditure as opposed to child focused programmes. This means that provision of services to children is compromised as a result of the budget deficits. Governments should prioritise disbursements towards child focused programmes and adopt austerity measures for other expenditure related to administration such as vehicles, and travel.

Ensuring value for money: An efficient system of resource use which looks at the specific needs of specific children and by doing so inform the provision of the appropriate basket of goods, is necessary in SADC countries. This approach will free resources towards critical needs for children in different circumstances and by doing so promote equitable distribution of resources.

ANNEXURE 1: Justification for a SADC Protocol for Children and young people

WHY SADC NEEDS A PROTOCOL FOR CHILDREN AND YOUNG PEOPLE

Introduction

Pursuant to the SADC Treaty of 1992, the inter-governmental organization's goal is to promote sustainable and equitable economic growth and socio-economic development through efficient productive systems, deeper co-operation and integration, good governance and durable peace and security among sixteen Southern African Member States. Realization of the Treaty is guided through inter-alia, further instruments of co-operation in particular Protocols, Charters and Declarations, and at operational level, standards, guidelines, strategies, programs of action, and accountability systems and plans. Article 21 of the Treaty of SADC provides for areas of co-operation between Member States and Article 22 provides for conclusion of Protocols which may be necessary in agreed areas of mutual co-operation.

Fulfilment of the SADC Treaty aspirations

In accordance with the SADC Treaty, 1992, and the various SADC policy instruments emanating from it, a Protocol of SADC is an instrument for implementation of this Treaty, having the same legal force as this Treaty and serves a plethora of purposes. Firstly, a protocol should foster interdependence and integration on specific priority areas of co-operation for the harmonious, balanced and equitable development of the region. This is the case with the Protocol on Children and young people to address transnational issues. Secondly, the protocol will need to ensure through common action, the progress and well-being of the people of southern Africa, including through poverty alleviation with the ultimate objective of its elimination.

Principle of subsidiarity

While the primary responsibility for addressing many issues facing children rests with the member states at national level, there is a sub-regional and transnational dimension to the protection of children. All SADC member 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. Aforementioned instruments are generic and do not have measurable standards which countries have to observe hence causing some gaps in protection of child rights in SADC member states. A protocol at sub regional level is an opportunity to articulate in a nuanced manner some region-specific child rights issue. This will result in finding home-grown, concrete ways of fulfilling children's rights in all the member countries of SADC. The Protocol will promote co-operation, and provide Member States with a common approach and guidance on priorities and processes, and promote peer review and sanctioning in the implementation of children's rights, aligned to the specific development priorities and targets of the region. The protocol will therefore build on the current provisions and strengths of the CRC and ACRWC, while addressing their weaknesses and gaps challenges in their implementation and reporting, and emerging issues.

The demographic argument

The population of SADC is a relatively 'young' sub-region, with children 0-14 constituting 42 percent and children and youth 0-34 constituting a hefty 75.7 percent. This represents a window of opportunity for investing for a demographic dividend. The disproportionate population of children and youth whose basic rights and developmental needs are not met, limits the potential to exploit this opportunity for the realization of SADC's ambitious socio-economic and political development goals and targets, such as articulated in the Industrialization Strategy and Road Map 2015-2063.

Conduits for the RISDP realization

The UN calls for regional arrangements to be made for the promotion and protection of human rights taking "due account of the importance of the traditions and cultural values of each people". Article 21 of the Treaty of SADC provides for areas of co-operation between Member States; Article 22 provides for

conclusion of Protocols in agreed areas of mutual co-operation. Children and youth are prioritized in the SADC RISDP 2015-2020 and the Industrialization Strategy and Road Map 2015-2063. Attaining the targets of the SADC Industrialization Strategy and Road Map 2015-2063 will require strategic and policy commitments geared to investing in children and young people for a demographic dividend, and to spur national development and global competitiveness.

Structural gaps in existing protocols

None of the current 27 Protocols of SADC specifically address challenges, rights and needs of children and young people comprehensively. Eight sector Protocols make partial mention of children in narrow specific contexts. Member States are guided by the CRC and ACRWC; which by their nature as global frameworks have gaps that make it rather difficult for Member States to effectively implement, monitor and report on them.

The rights argument

Adopting the child rights instruments such as the UNCRC and the ACRWC, the world made a promise to [every] children [everywhere] that we would do everything in our power to protect and promote their rights to survive and thrive, to learn and grow, to make their voices heard and to reach their full potential. Despite this commitment, there are a myriad of common challenges across member states in fulfilling every right of the child, despite variable progress made in developing policies and legislation. A conception of the child as a holder and subject of rights while commonly accepted in principle, has not transformed to full realization of rights for all children, and governments and other duty bearers are failing to fully fulfill commitments and promises which they made.

The trans-border child rights violation argument

There are emerging issues at SADC level that require a regional policy framework which will provide a standard, integrated response from the member states. Such issues include among others unaccompanied migrant, refugee and internally displaced children; sale, trafficking and abduction of children and young people; drug and substance abuse by children and young people; statelessness; adoption, and children deprived of a family environment; harmful traditional practices, abuse and neglect; adolescent sexual

and reproductive health; impact of climate change on child rights; child rights and the business sector; integrated data collection and reporting; coordination and cyber bullying and safety on internet. These issues affect all member states in southern Africa and yet there is no integrated response by SADC at policy level to address these issues.

First Draft

Annexure 2: State of ratification and domestication of international child rights instruments in SADC

First Draft

Country	Policies & legislation on Children	Strategies & programs	Institution for Children's Affairs ⁶⁵	International Protocols ratified
Angola	<ol style="list-style-type: none"> 1. Constitution (guarantees children's rights) 2. The law on the Protection and Full Development of Child, enacted in 2012 3. The Family Code 4. Joint Executive Decree 18/08 on Community Service as an alternative to imprisonment for young offenders, (provided for in Article 17 (d) of Law 9/96 of 19 April 1996 on juvenile offenders) 5. General Law on Labour and the Framework Law on Social Protection which prohibits child labour for those aged under 17, as well as forced labour and other practices which violate children's rights. 6. Law 13/01 of 31 December 2001, the framework law on the Education System 7. National Policy for Gender Equality and Equity, approved 2013 	<ol style="list-style-type: none"> 1. Strategy for the Prevention and Combating of Violence against Children, 2011 2. Programme of social support to families in need with children and vulnerable children 3. Angola 2025 Strategy and National Action Plan for Education for All 4. National Action Plan for Education for All (PAN/EPT – 2001–2015) and an Integrated Strategy for Improving the Educational System (2001-2015) 5. Child Friendly Schools Initiative (UN) 6. Strategy on Literacy and Recovery of Lost School Years 2006–2015 7. Methodological Guidelines for Human Rights for Teacher of primary and secondary 8. National Strategy on HIV and AIDS 9. Sexual and reproductive health strategic plan including adolescents 	<ol style="list-style-type: none"> 1. The National Children's Council (Conselho Nacional da Criança – CNAC) established April 2007 / National Family Council? 2. National Observatory, (statistics and data collection on children, including the Helpline <i>SOS-child</i>) 3. The position of Ombudsman⁶⁶ 4. Provincial, Municipal, Communal and Local networks for the Protection and Promotion of the Rights of the Child, 5. 467 public institutions dealing with early infancy (Community infants' centres and Infants' centres) assisting 92,500 children up to age six. 6. Juvenile Courts – not fully functional due to the lack of adequate infrastructure and limited human resources 7. Multisectoral subcommittees on child labour and trafficking, physical violence and sexual abuse. 8. Coordinating Committee for the Integration of Human Rights in Subsystems Primary and Secondary Education. 	<ol style="list-style-type: none"> 1. Convention on the Rights of the Child (5 Dec 1990) and its optional protocols, <u>incorporated in Law 25/12</u> on the Protection and Integral Development of the Child, 2. Optional Protocol to the Convention on the Rights of the Child 3. United Nations Convention against Transnational Organised Crime and its additional protocols, specifically: 4. the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and 5. the Protocol against the Smuggling of Migrants by Land, Sea and Air (Palermo Protocols) 6. Combatting Human trafficking is guaranteed by Article 60 of the Constitution, which prohibits abhorrent and violent crimeⁱ. 7. African Youth Charter

⁶⁵ Listed are those reported in relation to fulfilling children's rights. This does not mean they are no other that could indirectly or directly have relevance on children's rights

⁶⁶ one investigative officer within the office with responsibility for issues relating to children, women and youth (as at 2004)

			9. Violence against Women and Children Unit in the National Criminal Investigation Division and of public service areas	
Botswana ⁶⁷	<ol style="list-style-type: none"> 1. Constitution of Botswana, 1966 2. CHILDREN'S ACT, No.8, 2009 3. Citizenship Act, 1998 4. Deserted Wives and Children Protection Act, 1978 5. Education Act, 1967 6. Employment Act, 1984 7. Prisoners Act, 1980 8. Adoption Act, 9. Affiliations Proceedings Act, 10. The Ombudsman Act of 1995 11. Customary Act Cap, 12. Revised Destitute Policy (2002); 13. National Policy on Education' 14. Equal Opportunities Policy in Vocational Education and Training 15. Domestic Violence Act, 2008 addresses the protection of the child from a violent environment. 16. Penal Code: Section 147 affords protection from sexual abuse; & Section 258 outlaws the kidnapping or abduction of a child 	<ol style="list-style-type: none"> 1. Human rights have been mainstreamed into the curriculum 2. National strategy for human rights education in the school system 3. Implementation Framework of the Children's Act 4. National Programme of Action for the Children of Botswana (NPA) 5. Anti-Human Trafficking Bill 6. The Action Plan for the Elimination of Child (APEC) labour 7. Circles of Support Programme, which is an intervention designed to get children back into school 8. HIV and AIDS Strategy 9. Inclusive education based on the Salamanca Statement and Framework for Action of 1994 10. National Monitoring & Evaluation Plan for the National Operational Plan for HIV and AIDS 2012-2016 	<ol style="list-style-type: none"> 1. Designated children's Courts 2. Department of Social Welfare (DSW) 3. National Children's Council 4. National & District Child Welfare Committees - multidisciplinary 5. Children's Consultative Forum (CCF), established in 2010 6. The position of Ombudsman 7. NGO Network⁶⁸ 8. Establishment of a Ministry of Youth, Sports and Culture 9. Inter-Agency Coordinating Committee 10. The Village Child Protection Committees 	<ol style="list-style-type: none"> 1. UNCRC – ratified 14 Mar 1995⁶⁹ ("The Government of the Republic of Botswana enters a reservation with regard to the provisions of article 1 of the Convention and does not consider itself bound by the same in so far as such may conflict with the Laws and Statutes of Botswana⁷⁰." 2. ⁱⁱUNCRC Optional Protocols to the CRC on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography 3. International Convention on the Elimination of all Forms of Racial Discrimination (accession 20 February 1974); 4. African Charter on Human and Peoples Rights (ratification 17 July 1986); 5. Convention on the Elimination of all Forms of Discrimination Against Women (accession in 1996) 6. Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples' Rights (signed 9 June 1998);

⁶⁷ Two tier legal system: Roman Dutch Law and Customary Law which are sometimes in conflict

⁶⁸ But no children's NGO network or coalition

⁶⁹ Convention has not been incorporated into the domestic laws but recognised and referenced in the local legal system. **However the State cannot be challenged in court for failure to implement a provision of the Convention outside a constitutional claim**

⁷⁰ UN Treaty Collection. Convention on the Rights of the Child, New York, 20 November 1989. Depository. Status as at 06.02. 1918.

		<p>11. Ministry of Education & Skills Development (MoESD) adopted the Strategic Framework for HIV and AIDS 2011-2016</p> <p>12. the National Plan of Action (NPA) on Orphans and Vulnerable Children 2010–2016</p> <p>13. Accelerated Child Survival and Development strategy (2009/10 – 2015/16)</p>		<p>7. International Covenant on Civil and Political Rights (ratification 8 September 2000);</p> <p>8. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (ratification 8 September 2000);</p> <p>9. African Charter on the Rights and Welfare of the Child (ratification 10 July 2001);</p> <p>10. Amendment to the Convention on the Rights of the Child (Article 43, paragraph 2), acceptance 6 March 2002;</p> <p>11. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention against Transnational Organized Crime (ratification 29 August 2002);</p> <p>12. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (accession 24 September 2003); and</p> <p>13. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (ratification 4 October 2004)</p> <p>14. World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on 29 May 1992</p>
Comoros	<p>1. the Criminal Code and the Code of Criminal Procedure</p> <p>2. adoption of a new Labour Code (Act No. 11-022/AU of 13 December 2011)</p>	<p>1. Education Plan</p> <p>2. National Plan of Action for Children</p>	<p>1. The National Department for Gender Advocacy</p> <p>2. The Forum for Comorian Educators (FAWECOM) [NGO]</p> <p>3. The Comorian Family Welfare Association (ASCOBEF)</p>	<p>1. Convention on the Rights of the Child (22 Jun 1993) and its two Optional Protocols</p> <p>2. the Convention on the Elimination of All Forms of Discrimination against Women;</p>

	<ol style="list-style-type: none"> 3. Act No. 95-035/AF on education 4. Health and Social Action Code, 5. the Water Code 		<ol style="list-style-type: none"> 4. The Comorian Human Rights Foundation (FCDH) 5. National Platform for Action against Gender-based Violence 6. Vice squads and juvenile units have been set up in police stations 7. A juvenile ward built during the renovation of the Koki short-stay prison 8. National Federation of Persons with Disabilities, 	<ol style="list-style-type: none"> 3. the Convention on the Rights of the Child; the International Covenant on Economic, Social and Cultural Rights; 4. the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 5. the International Convention on the Elimination of All Forms of Racial Discrimination; 6. and the principal international conventions of the International Labour Organization (ILO), for example the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) 7. the seven fundamental conventions; 8. and the conventions regulating the minimum age for certain types of work, such as Conventions Nos. 5, 10 and 33 on the minimum age for work in the industrial, agricultural and non-industrial sectors. 9. the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 10. and the African Charter on the Rights and Welfare of the Child.
DRC	<ol style="list-style-type: none"> 1. Several laws and regulationsⁱⁱⁱ that address the worst forms of child labor 2. The Labor Code of 2002 sets the minimum age for employment at 15, 3. Ministerial Order No. 12 of 2008 establishes the minimum age for hazardous work at 18.(44, 45) 4. Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.(9, 48) 	<ol style="list-style-type: none"> 1. National Action Plan to Combat the Worst Forms of Child Labor. 2. National Program to Demobilize, Disarm and Reintegrate (DRR) former combatants, including children^{iv, v, vi} 3. Government's Poverty Reduction Strategy Paper and Five Pillars Program 4. National Commission for Human Rights in March 2013, 5. National Education Strategy, the national plan for developing 	<ol style="list-style-type: none"> 1. National Council for Youth in April of 2011. 2. National Children's Council (Conseil Nationale des Enfants) 3. National Committee to Combat the Worst Forms of Child Labor (NCCL), 2006. 4. Joint commission to coordinate child protection interventions targeting orphans and vulnerable children^{vii} 5. Provincial Worst Forms of Child Labor Committee^{viii, ix} 	<p>CRC, 27 Sep 1990</p> <p>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</p> <p>Ratification of the Optional Protocol that the minimum age for voluntary enlistment in its national armed forces is 18 years;</p> <p>The ratification of the Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used</p>

	<p>5. The Child Protection Code (Law 09/001) prohibits child slavery, child trafficking, child prostitution and child pornography; it also forbids the accusation of witchcraft.</p> <p>6. The 2006 Constitution bans the use of children in military activities, and</p> <p>7. Act No. 04/23 of December 2004 prohibits the recruitment of anyone under age 18 into the national armed forces.(50-52)</p> <p>8. Law on Free Public Education and Compulsory Education Age of 15</p> <p>9. Act amending the Family Code of 1987 with anti-child marriage</p>	<p>literacy and informal education (2012-2020),</p> <p>6. the action plan to combat the recruitment and use of children, and other grave violations of children's rights, by the armed forces and security services (2012),</p> <p>7. the national action plan to end child marriage (2015-2018)</p> <p>8. The national action plan for orphans and vulnerable children (2016-2020).</p> <p>9. Agreements on extraterritorial judicial cooperation.</p>	<p>6. Special Brigade for Child Protection (Brigade spéciale de protection de l'enfant^x)</p> <p>7. National System of Children's Courts (180 Tribunaux d'enfants)</p>	<p>for their Manufacture, Repair and Assembly on 19 November 2010;</p> <p>The endorsement of the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups, and the Paris Principles and guidelines on children associated with armed forces or armed groups in 2007.</p> <p>The adoption of the Child Protection Code which prohibits the recruitment or use of children below the age of 18 by armed forces and groups and the police and provides for the punishment of such actions with terms of imprisonment of between 10 and 20 years in January 2009;</p> <p>The Presidential Decree which ordered the demobilization of all children below the age of 18 from the armed forces in June 2000</p>
Lesotho	<p>1. Child Protection and Welfare Act, 2011^{71xi, xii}</p> <p>1. National Disability and Rehabilitation Policy was adopted by Cabinet in 2011.</p> <p>2. Anti-Trafficking in Persons Act 2011</p> <p>3. Constitutional amendment to domesticate Basic Principles of Justice for the Victims of Crime and Abuse of Power</p> <p>4. The Human Rights Commission Bill 2014</p> <p>5. Policy and strategic plan for Integrated Early Childhood</p>	<p>2. National Multisectoral Child Protection Strategy 2014/15-2018/19</p> <p>3. National Anti-Trafficking in Persons Strategic Framework and Action Plan 2014-2016</p> <p>4. National Disability Mainstreaming Strategy (check completion status)</p> <p>5. Ministry of Labour signed a Memorandum of Understanding (MOU) on Labour Cooperation with The Republic of South Africa in November 2013.</p>	<p>National Human Rights Commission (the Commission) by passing the 6th amendment to the Constitution in 2011</p> <p>Children's court in Maseru. Juvenile Training Center (JTC) Child and Gender Protection Units (CGPU)</p> <p>Joint cross-border forum on human trafficking undertaken with South Africa.</p>	<p>1. CRC, 10 Mar 1992</p> <p>2. International Convention for the Protection of All Persons From Enforced Disappearances was ratified on 6 December 2013.</p> <p>3. Protocol on Trafficking in Persons was ratified in 2003</p> <p>4. African Youth Charter</p>

⁷¹ domesticates the United A/HRC/WG.6/21/LSO/1 3 Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

	<p>Care and Development (IECCD) in Lesotho</p> <ol style="list-style-type: none"> 6. Administration of Estates Proclamation of 1935. 7. Anti-Trafficking in Person's Act 8. Education Act, 2010 9. Prevention of Corruption Bill 2013 10. setting the minimum age of marriage at 18 years of age; 11. the adoption of a Reproductive Health Policy and Immunization Policy; 12. the Legal Capacity of Married Persons Act provides equal inheritance right to women. 13. Foster Care and Adoption Policy and Adoptions Practice Guidelines 14. Free Primary Education Act (FPE) makes education free and compulsory for children between the ages of 6 and 13. 15. the Aliens Control Act, 16. and the Refugee Act that provide protection for refugee and displaced children. 17. Labour Code 	<ol style="list-style-type: none"> 6. National Strategic Plan on Vulnerable Children (NSPVC) 2012-2017 7. National Anti-Corruption Strategy 8. the establishment of child protection units; c 9. the establishment of Restorative Justice Committees for juvenile offenders; 10. the establishment of residential care facilities for victims of abuse 		
Madagascar	<ol style="list-style-type: none"> 1. "The country's legal system includes legislation on adoption, birth registration and protection of children from child marriage, trafficking, commercial sexual exploitation including sex tourism"^{xiii}. 2. Road map has been incorporated into domestic law under Act No. 2011-014 of 28 December 2011^{xiv}. 	<ol style="list-style-type: none"> 1. Strategy to engage the National Office of Tourism in an effective campaign against sexual exploitation of women and children^{xvii}. 2. A handbook for law-enforcement officials has been produced by the Ministry of Justice, 3. Poverty Reduction Strategy Paper (PRSP) 	<ol style="list-style-type: none"> 1. National Child Protection Committee (CNPE), 2012 2. Other programmes developed by NGOs such as Manda, KOZAMA, SOS Village d'enfants also provide remedial education or make it possible for street children in the capital and surrounding areas to return to school, while the INTERAID and VOZAMA NGOs operate in 	<ol style="list-style-type: none"> 1. Convention on the Rights of the Child (19 Mar 1991) Ratified without reservations 2. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography 3. International Covenant on Civil and Political Rights

<p>3. Act International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</p> <p>4. Act No. 2007-038 of 14 January 2007 concerns efforts to combat trafficking and sex tourism</p> <p>5. A constitutional reform took place on 4 April 2007. The constitutional provisions pertaining to the protection of women's and children's rights were maintained. Constitution proclaims equality before the law for all, without distinction as to sex.</p> <p>6. The promotion and protection of the rights of persons with a disability is governed by: • Act No. 97-044 of 2 February 1998; • Decree No. 2001-162 of 21 February 2001; • Six interministerial decisions of December 2004^{xv}</p> <p>7. Reform of the act to combat trafficking.</p> <p>8. Several Sectoral Policies relating to Child Rights promotion^{xvi}</p> <p>9. The adoption of the Law 2014-006 on cybercrime, on 17 July 2014;</p> <p>10. The adoption of the Law 2014-005 on combating terrorism and transnational organized crime, on 17 July 2014.</p> <p>11. National policy for risk and disaster management (2003).</p>	<p>4. National Strategy for Statistical Development (NSSD)</p> <p>5. National action plan against trafficking in human beings</p> <p>6. The launch of awareness-raising campaigns against early marriage in 2015;</p> <p>7. The adoption of a plan to operationalize the implementation of the recommendations of the universal periodic review, treaty bodies and special procedures in 2012.</p> <p>8. National strategy for risk management and social protection (2007)</p> <p>9. The National Plan of Action on Violence against Children (2007);</p> <p>10. National Programme for Rehabilitating Birth Registration (EKA).</p> <p>11.</p>	<p>the Sud-Est region and in Amoron'i Mania.</p> <p>3. Government introduced the Commission on the Rights of the Child, or CRRC, by Decree No. 2005-025.</p> <p>4. Interministerial Committee for Youth comprising members of civil society</p> <p>5. National Commission to Combat Child Labour (NCCCL),</p> <p>6. Member of Indian Ocean Child Rights Observatory (ODEROI)</p> <p>7. Multisectoral & stakeholder Committee charged with drafting initial and periodic reports pertaining to international human rights instruments (CRRIPDH) – includes NGOs</p> <p>8. MAP Integrated National Monitoring System (INMS)</p> <p>9. National commission for international humanitarian law,</p> <p>10. National Office for the Fight against Human Trafficking by the decree 2015-269 in 2015;</p> <p>11. Independent National Commission on Human Rights, introduced by Law 2014-007 in 2014;</p> <p>12. National Committee for the Protection of Children by Decree No. 2012-858 in 2012</p> <p>13. National Human Rights Council, established by Law No. 2008-012 of 17 July 2008;</p> <p>14. Commission on the Rights of the Child, by Decree No. 2005-025;</p>	<p>4. Ratified International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</p> <p>5. The Rome Statute of the International Criminal Court, in March 2008;</p> <p>6. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in September 2005</p> <p>7. Optional Protocol that the minimum age for voluntary recruitment into the armed forces is 18 years.</p> <p>8. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2005;</p> <p>9. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2004;</p> <p>10. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2004;</p> <p>11. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (with Protocols I, II and III), in 2008;</p> <p>12. United Nations Convention against Transnational Organized Crime, in 2005;</p> <p>13. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against</p>
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	<p>12. Law No 2007-038 of 14 January 2008 amending and supplementing certain provisions of the Penal Code combating trafficking in persons and sex tourism;</p> <p>13. Law No. 2007-023 of 20 August 2007 on the rights and protection of children;</p> <p>14. Marriage and Matrimonial Property Act No. 2007-022 of 20 August 2007 on marriage, setting the legal age for marriage at 18; Law No. 2005-014 of 7 September 2005 on Adoption.</p> <p>15.</p>		15.	<p>Transnational Organized Crime (Palermo Protocol), in 2005;</p> <p>14. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2005;</p> <p>15. The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, in 2004;</p> <p>16. World Health Organization Framework Convention on Tobacco Control, in 2004;</p> <p>17. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in 2005;</p> <p>18. African Charter on the Rights and Welfare of the Child, in 2005.</p>
Malawi	<p>1. Child Care, Protection and Justice Act of 2010.</p> <p>2. the National Registration Act;</p> <p>3. Prevention of Domestic Violence Act;</p> <p>4. Deceased Estates (Wills, Inheritance and Protection) Act;</p> <p>5. Disability Act 2012,</p> <p>6. Gender Equality Act 2013,</p> <p>7. Marriage, Divorce and Family Relations Act 2015</p> <p>8. Trafficking in Persons Act 2015.</p> <p>9. HIV and AIDS (Prevention and Management) Bill;</p> <p>10. Education Bill.</p> <p>11. Bill of Rights (in the Constitution)</p>	<p>1. National Plan of Action for Vulnerable Children 2015-2019</p> <p>2. Malawi has entered into bilateral agreements with other countries to extradite persons who are involved in criminal activities in Malawi and flee to those countries.</p> <p>3. National Social Support Programme (NSSP)</p> <p>4. Social Cash Transfer Programme (SCTP)</p> <p>5. The Law Commission Report on Trafficking in Persons;</p>	<p>1. Human Rights Commission (HRC).</p> <p>2. Community Victim Support Units (CVSU),</p> <p>3. the Police VSU and Social Rehabilitation Centres</p> <p>4. Victim Support Units (VSUs)</p>	<p>1. CRC (2 Jan 1991)</p> <p>2. Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC)</p> <p>3. SADC Charter on Fundamental Social Rights</p> <p>4. SADC Code of Conduct on Child Labour</p> <p>5. African Youth Charter</p>

<p>prostitution and were introduced under the Code under the (Amendment) Act</p> <p>Code of Malawi the sale of children practices akin to it.</p> <p>Act prohibits under Part IV on of Young</p> <p>Act (Cap. 8:03); stance in Criminal (Cap. 8:04); ndering, Proceeds rime and Terrorist ct (Cap. 8:07).</p> <p>ood Development</p> <p>d Other Vulnerable icy</p>			
<p>Opportunities) Act, which e;</p> <p>n for Children Act</p> <p>f Trafficking in 009;</p> <p>to the Child t, 2008.</p> <p>ifesto of the new which he protection of</p>	<ol style="list-style-type: none"> 1. Child mentoring scheme, 2008 2. National Child Protection Strategy and its Action Plan which aims at preventing violence against children, in October 2014; 3. National Human Rights Action Plan 2012–2020, of October 2012 4. Fast-track procedure by the Office of the Director of Public Prosecutions to investigate sexual offences involving child victims effectively, in June 2012; 	<ol style="list-style-type: none"> 1. Ombudsperson for Children’s Office, 2. Equal Opportunity Commission to prevent all forms of discrimination est. 2012 3. Institute for Judicial and Legal Studies Act, est. 2011 4. Human Rights Monitoring Committee in order to ensure the implementation of the recommendations of the National Human Rights Action Plan, in December 2013; 5. the National Children’s Council 	<ol style="list-style-type: none"> 1. <i>CRC, 26 July 1990</i>⁷² 2. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in June 2011, and signed the Optional Protocol on a communications procedure (OP-CRC-IC) in 2012. 3. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in February 2009;

	<p>children against illicit substances, sexual exploitation and exploitation on the Internet, in December 2014;</p> <p>6. New Adoption Act (was yet to be adopted as at 2015)</p>	<p>5. National reproductive health strategy</p> <p>6. Community Child Protection Programme, in August 2007;</p> <p>7. National Parental Empowerment Programme, in May 2007.</p> <p>8. National Action Plan to Combat Domestic Violence launched in 2011,</p>	6. Truth and Justice Commission	<p>4. Convention on the Rights of Persons with Disabilities, in January 2010⁷³;</p> <p>5. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in October 2008.</p> <p>6. African Youth Charter</p>
Mozambique	<p>2. Basic Law on the Protection of the Child, no. 7/2008, 9/7/2008;</p> <p>3. Law of Organisational Guardianship of Minors, no. 8/2008, 9/7/2008;</p> <p>4. Law on Trafficking of Persons especially Women and Children no. 6/2008, 9/7/2008.</p> <p>5. Introduction of domestic adoption under Decree 5/89</p> <p>6. Promotion and Protection Law on Child Rights No. 7/2008, of 9 July 2008 (hereafter “Child Rights Protection Law”)</p> <p>7. Jurisdictional Organization for Minors Law No. 8/2008 of 9 July 2008 (hereafter “Juvenile Justice Law”)</p> <p>8. Family Law No. 12/2004 of 25 August 2004</p>	<p>1. National Plan of Action for the Child - PNAC I (2006-2011), PNAC II (2013-19),</p> <p>2. Plan of Action for Orphans and Vulnerable Children (PACOV) - parallel to PNAC I and integrated in PNAC II.</p> <p>3. National Strategic Plan for the Prevention and Fight against HIV/AIDS</p> <p>4. establishment of youth health services throughout the country</p> <p>5.</p>	National Human Rights Commission in May 2009	<p>1. Convention on the Rights of the Child (26 Apr 1994)</p> <p>2. African Charter on the Rights and Welfare of the Child</p> <p>3. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 18 October 2004</p> <p>4. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. on 6 March 2003</p> <p>5. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 20 September 2006</p> <p>6. Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, on 9 December 2005 and Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court of Human and Peoples’ Rights, on 17 July 2004</p>

⁷³ made a reservation on article 11 of the Convention on the Rights of Persons with Disabilities, which deals with situations of risks and humanitarian emergencies, and explained that measures to include the needs and concerns of persons with disabilities in such situations are being addressed

	9. Code of Civil Registration by Law No. 12/2004 of 8 December 2004			7. International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment (No. 138) and ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), on 16 June 2003. 8. African Youth Charter
Namibia ⁷⁴⁷⁵	<ol style="list-style-type: none"> 1. Children's Status Act (Act No. 6 of 2006), effective November 2008; 2. Children Care and Protection Bill 3. Labour Act (Act No. 11 of 2007); 4. Criminal Procedure Amendment Act (Act No. 24 of December 2003); 5. Maintenance Act (Act No. 9 of July 2003); 6. Combating of Domestic Violence (Act No. 4 of June 2003); 7. Education Act (Act No. 16 of December 2001); 8. Combating of Rape Act (Act No. 8 of April 2000). 9. The National Policy on HIV/AIDS for the Education Sector (January, 2003). 10. The Education Sector Policy for Orphans and Vulnerable Children in Namibia (2008); 11. National Policy on Orphans and Vulnerable Children 	<ol style="list-style-type: none"> 1. The National Agenda for Children (2012–2016), June 2012; 2. The Education for All National Plan of Action 2005–2015; 3. The Fourth National Development Plan containing important provisions for children, including an emphasis on early childhood development (July, 2012); 4. The National Action Programme on the Elimination of Child Labour (January, 2008); 5. The Education and Training Sector Improvement Programme (February, 2006); 6. The National Plan of Action (2006–2010) for Orphans and Vulnerable Children (October, 2007); 	<ol style="list-style-type: none"> 1. Permanent Task Force (PTF) on Orphans and Vulnerable Children 2. Office of the Ombudsperson 3. Children's Advocate under the Office of the Ombudsman, 	<ol style="list-style-type: none"> 1. CRC (30 Sept 1990) 2. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (in 2002); 3. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (in 2002); 4. Convention on the Rights of Persons with Disabilities (in 2007); 5. Optional Protocol to the Convention on the Rights of Persons with Disabilities (in 2007); 6. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (in 2000); 7. United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (in 2002); 8. International Labour Organization (ILO) Convention No. 182 (1999) on the Prohibition and Immediate Action for the

⁷⁴ ACERWC, 2015. Concluding observations and recommendations by the African committee of experts on the rights and welfare of the child (ACERWC) on the republic of Namibia report on the status of implementation of the African charter on the rights and welfare of the child

⁷⁵ Namibia reports to CRC and to ACERWC almost harmonized (good)

<p>Integrated Early Childhood Development Policy</p>	<p>7. Campaign for the Accelerated Reduction of Maternal Mortality in Africa (CARMMA)</p> <p>8. National mobile registration campaign in 2009 and 2010.</p> <p>9. collaborating with CSOs and creating a conducive environment for CSOs to advocate for the rights of children</p>		<p>Elimination of the Worst Forms of Child Labour (in 2000).</p> <p>9. African Youth Charter</p>
<p>Early Childhood Development Act 2004 Offenders Act 2014. Trafficking in Persons Act 2015</p>	<p>Government initiated a Social Renaissance campaign, 2012 National Action Plan on ECCE 2015-2016</p> <p>The Education Sector Medium Term Strategy 2013-2017</p> <p>National Human Rights Action Plan National Framework on Orphans, Vulnerable Children and Youth National Strategic Framework and Action Plan to Combat Trafficking in Persons Child Wellbeing Survey Seychelles Child Development Study Special Needs Survey Childminding Survey</p>	<p>National Commission for Child Protection Institute for Early Childhood Development Agency for Social Protection Standard Measure Regulations National Human Rights Commission Indian Ocean Child Rights Observatory</p>	<p>1. CRC (7 Sept 1990) 2. Optional Protocol on the Involvement of Children in Armed Conflict in 2010 3. the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2012 4. African Youth Charter 5. African Charter on the Rights and Welfare of the Child</p>

South Africa ⁷⁸⁷⁹	<ol style="list-style-type: none"> 1. Children’s Act (Act No. 38 of 2005) 2. Child Justice Act (Act No. 75 of 2008), 3. Domestic Violence Act, of 1998 4. 	<ol style="list-style-type: none"> 1. National Plan of Action for Children in South Africa 2012-2017. 2. National Children’s Rights Intersectoral Coordination Committee, 2015 3. Framework and Strategy for Disability and Rehabilitation Services in South Africa 2015-2020. 	1. Commissioner within the South African Human Rights Commission who specializes in child rights and education	<ol style="list-style-type: none"> 1. CRC (16 June 1995) 2. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2009, 3. Accession to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2003 4. Convention on the Rights of Persons with Disabilities, 2007 5. ACRWC 6. African Youth Charter
Eswatini ⁸⁰⁸¹⁸²	<ol style="list-style-type: none"> 1. Child Protection and Welfare Act 2012 2. The adoption of the Constitution Act of 2005, which incorporates human rights in domestic law and contains specific provisions regarding the recognition and protection of the rights of the child 3. The amendment of the Criminal Procedure and Evidence Act (Section 223 bis), which resulted in the establishment of the Children’s Court within the High Court in 2005; 4. The adoption of the National HIV and AIDS policy and the 	<ol style="list-style-type: none"> 1. The establishment of the Ministry of Regional Development and Youth Affairs in April 2006; and 2. The establishment of the Children’s Centre Clinical Excellency, a special health facility for children infected with HIV/AIDS 3. 2014 extended national strategic framework on HIV/AIDS. I 	National Human Rights Commission w	<ol style="list-style-type: none"> 1. CRC (7 Sept 1995) 2. ratification of the Convention on the Rights of Persons with Disabilities 3. ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict 4. ratification of the Convention on the Elimination of Discrimination Against Women, 5. Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. 6. The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel,

⁷⁸ CRC, 2016

⁷⁹ ACERWC, 2014. Concluding recommendations by the African committee of experts on the rights and welfare of the child (ACERWC) on the republic of **South Africa** report on the status of implementation of the African charter on the rights and welfare of the child

⁸⁰ Human Rights Council. 2016. Thirty-third session Agenda item 6 Universal periodic review Report of the Working Group on the Universal Periodic Review*

Eswatini

⁸¹ CRC, 2006;

⁸² Eswatini has signed but not ratified the ACRWC

	<p>Second National Strategic and Action Plan (2006-2008);</p> <p>5. The Deeds Registry Act had been amended in 2012 to give effect to the right of women married in community of property to own land and have it registered in their own names. Additionally, the Sexual Offenses and Domestic Violence Bill</p> <p>6. national gender policy of 2010</p> <p>7. People Trafficking and People Smuggling Act.</p>			<p>Inhuman or Degrading Treatment or Punishment in 2004;</p> <p>7. ILO Conventions No. 138 (1973) concerning Minimum Age for Admission to Employment and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in October 2002; and</p> <p>8. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, in November 1996</p> <p>9. United Nations Convention against Transnational Organized Crime,</p> <p>10. African Charter on the Rights and Welfare of the Child</p> <p>11. African Youth Charter</p>
Tanzania ⁸³	<p>1. The Children’s Act (Zanzibar, 2011)</p> <p>2. The Law of the Child Act (Mainland, 2009);</p> <p>3. The HIV/AIDS (Prevention and Management) Act (Zanzibar, 2013) and the HIV and AIDS Prevention and Control Act (Mainland, 2008);</p> <p>4. The Persons with Disabilities Act and its accompanying Persons with Disabilities (General) Regulations (2012),</p> <p>5. Law on Disability (Zanzibar, 2006).</p>	<p>1. National Strategy on Inclusive Education (2009-2017);</p> <p>2. The establishment of the National Gender Based Violence Committee (Zanzibar) Roadmap on Violence against Children and Gender Based Violence (2014-2016);</p> <p>3. The Five Year Strategy for the Progressive Reform of Child Justice (2013-2017);</p> <p>4. One-stop centres to provide immediate support to child victims of abuse.</p> <p>5. The establishment of child protection teams at the district</p>	<p>1. Special Desk for Children’s Affairs within the Commission for Human Rights and Good Governance.</p> <p>2. Children’s clubs and student councils to promote the participation of children.</p> <p>3.</p>	<p>1. CRC (10 June 1991)</p> <p>2. The Convention on the Rights of Persons with Disabilities and its Optional Protocol (November 2000)</p> <p>3. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (March 2007).</p> <p>4. African Youth Charter</p> <p>5. African Charter on the Rights and Welfare of the Child</p>

⁸³ Committee on the Rights of the Child, 2015. Concluding observations on the combined Third to Fifth periodic reports of the United Republic of Tanzania*

	<ul style="list-style-type: none"> 6. Law of Marriage Act, 1971 (Rev. 2002), 7. chapter 16 of the Penal Code and the laws on inheritance 8. The New Education and Training Policy (2014) 	<ul style="list-style-type: none"> and ward levels and the Multi-Sector National Plan of Action to Prevent and Respond to Violence against Children (2012-2015); 6. The National Disability Mainstreaming Strategy (2010-2015) and the Policy on Disability (Zanzibar 2010). 7. Under-Five National Birth Registration Strategy 8. 6-18 Birth Registration Initiative 		
Zambia ⁸⁴⁸⁵	<ul style="list-style-type: none"> 1. Constitution of Zambia (Amendment) Act No. 2 of 2016; 2. Persons with Disabilities Act No. 6 of 2012; 3. Education Act No. 23 of 2011; 4. Anti-Gender-Based Violence Act No. 1 of 2011; 5. Anti-Human Trafficking Act No. 11 of 2008. 6. National Child Policy, in 2009. 7. Amendments to the Penal Code and Anti-Gender-Based Violence Act. 	<ul style="list-style-type: none"> 1. Sixth National Development Plan 2011-2015, of February 2011; 2. Revised National Plan of Action 3. Zambia Orphans and Vulnerable Children Management Information System (ZOMIS) 	<ul style="list-style-type: none"> 1. Office of the Commissioner for Children est. in 2009 2. Zambia Law Development Commission 3. Sector Advisory Group meetings, designed to review how the child-related programmes are implemented (not yet effective); 	<ul style="list-style-type: none"> 1. CRC (6 Dec 1991) 2. The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption , acceded to in 2015; 3. The Hague Convention on the Civil Aspects of International Child Abduction, acceded to in 2014; 4. International Convention for the Protection of All Persons from Enforced Disappearance, ratified in 2011; 5. Convention on the Rights of Persons with Disabilities, ratified in 2010; 6. Protocol to the African Charter on Human and Peoples' Rights on the Rights

⁸⁴ Committee on the Rights of the Child, 2016. Concluding observations on the combined second to fourth periodic reports of Zambia*

⁸⁵ Zambia has signed but not ratified the ACRWC

	8. Enactment of the Employment of Young Persons and Children (Amendment) Act No.10 of 2004.			of Women in Africa, ratified on 2 May 2006. 7. African Charter on the Rights and Welfare of the Child 8. African Youth Charter
Zimbabwe	<ol style="list-style-type: none"> 1. The Constitution of Zimbabwe Amendment (No. 20) Act (22 May 2013); 2. The Labour Act [Chapter 28:01] (14 August 2015); 3. The Trafficking in Persons Act [Chapter 9:25] (June 2014); 4. The Disabled Persons Act [Chapter 17:01] (20 July 2014); 5. The Zimbabwe Human Rights Commission Act [Chapter 10:30] (12 October 2012); 6. The Domestic Violence Act [Chapter 5:16] (30 June 2006); 7. The Anti-Corruption Commission Act [Chapter 09:22] (26 November 2004); 8. The Children's Act [Chapter 5:06] (20 May 2002); 9. The Sexual Offences Act [Chapter 9:21] (17 August 2001). 10. Public Order and Security Act [Chapter 11:17] (2004)⁸⁶ <p>The Zimbabwe Constitution The Education Act (Chapter 25) The Children's Act (Chapter 5.06) The Criminal Law (Codification and</p>	<ol style="list-style-type: none"> 1. The Zimbabwe Maternal and Neonatal Health Road Map (2007-2015); (The Action Plan to End Rape and Sexual Violence (2014); 2. The Zimbabwe Human Rights Commission (2013); 3. The National Legal Assistance Strategy for Children (2012); 4. The National Action Plan for Orphans and Vulnerable Children Phase II (2011-2015); 5. The Adolescent Sexual and Reproductive Health Strategy (2010-2015); 6. The National Residential Child Care Standards (2010); 7. The Pretrial Diversion Programme (2008); 8. The Accelerated Child Survival and Development Scaled-up Action Plans for Zimbabwe (2007-2015); 9. The Early Childhood Development Policy (2005). 10. National Strategy for the Development of Statistics, 11. Basic Education Assistance Module, 	<ol style="list-style-type: none"> 1. Zimbabwe Human Rights Commission⁸⁷ 2. Interministerial Task Force on the Alignment of Legislation (with Constitution) 3. Zimbabwe Anti-Corruption Commission, the Committee 4. Youth Parliament, 5. Cabinet and Council to promote children's participation in issues that affect them 	<ol style="list-style-type: none"> 1. CRC, 11 Sept 2. 1990 3. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (May 2013); 4. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (February 2012); 5. The Convention on the Rights of Persons with Disabilities and its Optional Protocol (September 2013); 6. The International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182); 7. The Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa (October 2009); 8. The Southern African Development Community Protocol on Gender and Development (August 2008); 9. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (November 2003); 10. The African Charter on the Rights and Welfare of the Child (1999) 11. African Youth Charter

⁸⁶ Considered a draconian law

⁸⁷ CRC, 2016 concern on the independence of the mechanism and its ability to regularly monitor and evaluate progress in the implementation of the Convention.

Reform) Act (Chapter 9.23) The Births and Deaths Registration Act (Chapter 5.02) The Maintenance Act (Chapter 5.09) The Matrimonial Causes Act (Chapter 5.13) The Deceased Estates Succession Act (Chapter 6.02) The Disabled Persons Act (Chapter 17:01) The Legal Age of Majority Act The Marriage Act (Chapter 5.11) The Customary Marriages Act (Chapter 5.07) The Labour Act (Chapter 28:01) • The Labour (Employment of Children and Young Persons) Regulations, 1997, S.I. 72/1997 Amended by SI 155/1999 The Public Health Act (Chapter 15.09)	12. Pretrial Diversion Programme		
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ⁱ Child Rights International network (CRIN), Angola: children's rights references in the universal periodic review, Angola – twentieth session – 2014. <https://www.crin.org/en/library/publications/angola-childrens-rights-references-universal-periodic-review>

ⁱⁱ Botswana: children's rights references in the universal periodic review (second cycle), Botswana – 15th session – 2012. <https://www.crin.org/en/library/publications/botswana-childrens-rights-references-universal-periodic-review-second-cycle>

ⁱⁱⁱ DRC: <https://www.dol.gov/ilab/reports/child-labor/findings/2011TDA/congodemocraticrepublic.pdf>

^{iv} U.S. Embassy- Kinsasha. reporting, January 19, 2012.

^v UNICEF. “Forced recruitment of child soldiers in DRC.” unicef.org [online] February 12, 2010 [cited December 27, 2011]; http://www.unicef.org/media/media_52762.html.

^{vi} MDRP. MDRP fact sheet: Democratic Republic of Congo March, 2009. http://www.mdrp.org/PDFs/MDRP_DRC_FS_0309.pdf

^{vii} World Bank. Project Appraisal Document on a Proposed Grant in the Amount of SDR 6.6 million (US\$10 Million Equivalent) to the Democratic Republic of Congo for a Street Children Project. Washington, DC, May 4, 2010. http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/05/14/000020953_20100514135654/Rendered/PDF/537820PAD0P115101Official0Use00nly1.pdf

^{viii} Save the Children, Solidarity Center. Combating Exploitative Child Labor through Education in the Democratic Republic of the Congo (REETE). Technical Progress Report. Geneva, September 15, 2010.

^{ix} U.S. Department of State. “Democratic Republic of the Congo,” in Trafficking in Persons Report- 2011. Washington, DC; June 27, 2011; <http://www.state.gov/documents/organization/164453.pdf>

^x World Vision. Submissions to the Universal Period Review of Human Rights: Mid-term Evaluation 2012. The Coalition to Stop the Use of Child Soldiers. https://www.upr-info.org/followup/assessments/session19/democratic_republic_of_congo/Democratic_republic_of_congo-WV.pdf

^{xi} Human Rights Council Working Group on the Universal Periodic Review Twenty-first session 19 – 30 January 2015. Lesotho National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

^{xii} AU-CERWC , November 2015: Lesotho -Concluding observations and recommendations of the african committee of experts on the rights and welfare of the child to the government of lesotho on its initial report on the implementation of the african charter on the rights and welfare of the child

^{xiii} UNICEF Madagascar, Child Protection in Madagascar. <https://www.unicef.org/madagascar/eng/protection.html>

^{xiv} Human Rights Council Working Group on the Universal Periodic Review Twentieth session Geneva, 27 October–7 November 2014 National report submitted in accordance with paragraph 5 of the Annex to Human Rights Council resolution 16/21* Madagascar

^{xv} Ministère de l'Éducation Nationale, Madagascar. https://www.upr-info.org/sites/default/files/document/madagascar/session_20_-_october_2014/a_hrc_wg.6_20_mdg_1_e_0.pdf

^{xvi} Committee on the Rights of the Child: Consideration of reports submitted by States parties under article 44 of the Convention, Third and fourth periodic report of States parties due in 2008

Madagascar [17 April 2009]

^{xvii} Ibid

^{xvii} Concluding Observations to the 2010 State Party Report by CRC

^{xvii} Concluding Observations to the 2004 State Party & Report, and the State Party Report of 2017 by CRC

^{xvii} Oct. 2000 Concluding Observations to The State Party Report by CRC

^{xvii} July 2017 Observations of the State Parties Report by the ACERWC

^{xvii} Committee on the Rights of the Child: DRC Concluding observations on the report submitted by the Democratic Republic of the Congo under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

^{xvii} DRC- Committee on the Rights of the Child: Fifty-ninth session 16 January – 3 February 2012: consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict Concluding observations: Democratic Republic of Congo

^{xvii} Lesotho: Committee on the Rights of the Child: Consideration of reports submitted by States parties under article 44 of the Convention

Second periodic reports of States parties due in 1999, Lesotho*, [Date received: 16 December 2016]

^{xvii} AU-CERWC , November 2015: Lesotho -Concluding observations and recommendations of the African committee of experts on the rights and welfare of the child to the government of Lesotho on its initial report on the implementation of the African charter on the rights and welfare of the child

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- ^{xvii} UN CRC, Oct, 2015. Committee on the Rights of the Child: Concluding observations on the report submitted by Madagascar under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*.
- ^{xvii} Committee on the Rights of the Child. Fifty-ninth session 16 January–3 February 2012. Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: **Madagascar**
- ^{xvii} Committee on the Rights of the Child, 2015. **Madagascar**. Concluding observations on the report submitted by Madagascar under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
1. ^{xvii} ACERWC State Parties Reports: 2015
- ^{xvii} Committee on the Rights of the Child, 2017. Concluding observations on the combined third to fifth periodic reports of **Malawi***
- ^{xvii} Committee on the Rights of the Child, 2017. Concluding observations on the report submitted by **Malawi** under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children , in armed conflict*
- ^{xvii} Committee on the Rights of the Child, 2017. Concluding observations on the report submitted by **Malawi** under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*
- ^{xvii} Committee on the Rights of the Child, 2015. Concluding observations on the combined third to fifth periodic reports of **Mauritius***
- ^{xvii} Human Rights Council, 2013. Twenty-fifth session Agenda item 6 Universal Periodic Review Report of the Working Group on the Universal Periodic Review* **Mauritius**
- ^{xvii} ACERWC, 2014. Concluding recommendations by the African committee of experts on the rights and welfare of the child (ACERWC) on the republic of **Mozambique** report on the status of implementation of the African charter on the rights and welfare of the child