

Recent publication

J Sloth-Nielsen (ed) *Children's rights in Africa: A legal perspective*

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The notion that children are rights-bearers, rather than passive recipients of their parents' and the state's paternalistic favour and largesse, is of relatively recent origin. Under international law, a treaty dealing with children's rights, specifically, was only adopted in 1989, following a similar development in respect of women. In Africa, the Organisation of African Unity (OAU) followed suit by adopting the African Charter on the Rights and Welfare of the Child (African Children's Charter) in 1990. This treaty only entered into force in 1999. In the intervening period, a number of post-1990 constitutions of African states started incorporating children's rights. In many African states, one of the prominent features of legal reform in the twenty-first century has been the further elaboration and adoption of national laws pertaining to children.

By taking stock of these developments, *Children's rights in Africa: A legal perspective* provides a very valuable survey of the emerging legal landscape. It provides a rich resource of information about the role of the United Nations (UN) Convention on the Rights of the Child and the African Children's Charter, in particular, in African states. It further collects and discusses national responses to give effect to the provisions of these treaties.

The work consists of an introduction and 17 further chapters, and is divided into two parts.

In the first part, the protective legal framework established by the African regional human rights system is very thoroughly introduced. This exposition may have benefited from a broader view of the potential role of African Union (AU) institutions such as the Pan-African Parliament, the AU Commission and the AU Economic, Social and

Cultural Council. Three issues of overarching concern are then dealt with, namely the domestication of international child rights norms; the intersection between children's rights and African customary law; and the (limited) actual and potential role of combating child poverty through justiciable socio-economic rights.

The second part covers issues of particular concern to children. The chapters in this part first survey international law standards, and proceed to assess the extent to which these norms have become reflected in the legal systems of selected African states. By collecting and unearthing a wide range of examples, these chapters collectively represent a huge advance in understanding the landscape of children's (legal) rights in Africa. The inclusion of often neglected issues, such as child participation, girl child soldiers and children living with disabilities, deserves special mention.

One of the book's most remarkable features is the richness of detail about legal reforms and developments related to children's 'legal' rights in numerous African states. A slight point of criticism is the dominance of particular countries in the surveys. Countries in East and Southern Africa, in particular South Africa, feature prominently. This imbalance may be ascribed to the location and research reach of the authors, many of whom are based in South Africa. Another contributing factor is that the most noticeable developments in this field have taken place in East and Southern African countries. It would be a challenge, but a worthwhile one, to also expand the focus of future work in this field to better represent 'francophone' Africa, so as to do justice to the diversity of the African experience.

The contributions in the book all rely heavily on the applicable legal texts provided for at the global, regional and national level. This focus is indeed reflected in the sub-title 'A legal perspective'. The editor, in the introduction, acknowledges that the 'central objective of all the contributions' is to reflect on the 'specific role that the law can play' in furthering children's rights in Africa (p 4). Contributors ably set out and discuss the provisions of international instruments and national laws. However, most of them at some point acknowledge that assessment of the actual application of the law remains problematic.

It is an almost inherent limitation that a legal analysis of children's rights will fall short of giving the reader insight into the reasons for the shortfalls of the legal discourse, and alternatives to the legal route of protection. However, the enduring tension between traditional African cultural understandings, as they relate to children, is not sufficiently accounted for. Discussions of children's rights, for example to participation, invite debates about cultural relativism and universality of human rights. Although the book includes a contribution on contextualising the issues within traditional African understandings, the focus remains on the legal dimension – customary law – rather than a broader engagement with culture.

Obviously this book only paints part of the picture concerning the plight of children and the realisation of their rights. In fact, it does not deny, and implicitly (in some instances, explicitly) evokes the need to supplement the ground covered with the insights from other disciplines. Children's rights is an area, *par excellence*, in which multidisciplinary (or inter-disciplinary) approaches may be very fruitfully explored. *Children's rights in Africa: A legal perspective* marks a significant contribution from a particular perspective, and should be located and considered in conjunction with other relevant writings on children's rights. The book's contribution is to provide an easily accessible source of existing insights - from a legal perspective.

Editorially, the book is very well conceived and rounded off. The contributions of an excellent pool of authors have been integrated and edited to read as parts of a whole.

Children's rights in Africa: A legal perspective is a path-breaking work. It is both an extremely useful source for lobbying and activism, and an indispensable starting point for research on children's rights in Africa.