**Call for Input: Addressing the vulnerabilities of children to sale and sexual exploitation in the framework of the Sustainable Development Goals**

**Background**

*Article 3.2 of the Convention on the Rights of the Child 1989* asserts,

“State Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures” (OHCHR, 1989).

In that regard, UNICEF has identified three major potential secondary impacts on minors (children aged 17 and under) and their caregivers in terms of child protection, as a result of the COVID-19 pandemic: i) neglect and lack of parental care; ii) mental health and psychosocial distress; and iii) increased exposure to violence, including sexual violence, physical and emotional abuse. Afrikan minors are more vulnerable to breaches of international human rights norms, as poverty rates have risen from 10% to 20% in some African Union (AU) countries. For example, reports allege the pandemic has disproportionately fuelled increased incidences of Afrikan child labour and child marriages as a result of poverty; and according to the Global March Against Child Labour, 92 million African minors were engaged in child labour in 2021. This written submission highlights these breaches of the *Convention*, in the framework of the *2030 Agenda for Sustainable Development*, with reference to the *Abidjan Principles on the Right to Education 2019,* for good practice and recommendations.

1. **Vulnerabilities faced by Afrikan Minors in the Framework of the 2030 Agenda for Sustainable Development**

Poverty alleviation (SDG 1) and quality education (SDG 4) remain imperative goals to achieve in the holistic framework of the *2030 Agenda for Sustainable Development*, and can contribute to eliminating child marriages, child labour, and other breaches of the *Convention of the Rights of the Child 1989*. Prior to the onset of the COVID-19 pandemic, “one in five males and five percent of females globally were married before the age of fifteen, with the highest proportions of child marriages reportedly in Central Africa and West Africa, where 41 per cent of women married before the age of 18, and 14 per cent before 15” (Impe, 2019, p. 30). A resurgence of child marriages as a result of the economic downturn accompanying the global pandemic, in socioeconomically marginalised African communities, is feared by human rights defenders. Indubitably child marriages contribute to higher incidences of child mortality and child morbidity, in breach *of Art. 24.3 of the Convention* which asserts, “State Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children,” (OHCHR, 1989). “More than one in 10 births are among girls between 15 and 19 years old. This not only spells the end of their education, but is often fatal, with pregnancy and childbirth the leading cause of death among this age group,” (Impe, 2019, p.32). With this in mind, it remains imperative that state parties implement *SDG Target 5.3* to end child, early, and forced marriages as well as other harmful practices such as female genital mutilation (FGM). According to a UNICEF study published in 2016, girls under the age of fifteen account for forty-four million of FGM victims globally. These practices illustrate neglect or lack of parental care and can contribute to psychosocial distress as well as increase exposure to violence, in breach of minors’ universal human rights.

State parties should also implement *SDG Target 8.7* for immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. In that regard, school-aged children and youth have suffered significant [learning loss](https://www.propublica.org/article/held-back-inside-a-lost-school-year) from a lack of [equitable access to resources](https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf) as a result of the COVID-19 pandemic (Gray & Ray, 2021). “Hundreds of millions of children in poorer countries lack computers or the internet and have no schooling at all (…) ten-year-olds are now mining (blood cobalt) sand in East Africa while children with the same age are chopping weeds on cocoa plantations in West Africa,” (Ngamije, 2021). These cases of child exploitation demonstrate breaches of *Article 28 of the Convention,* which asserts minors’ rights to education*;* moreover, *Article 32.1* asserts,

“State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental development” (OHCHR, 1989).

AU state parties are therefore accountable for breaches of the *Convention on the Rights of the Child, 1989*, e.g., where hazardous and exploitative practices such as child labour, child marriages and FGM adversely affect the health and wellbeing of Afrikan minors, in addition to neglect of their educational development.

The global economic downturn accompanying the pandemic, adversely impact Afrikan communities globally, and hinders implementation of *SDG Target 16.2* which “provides to end abuse, exploitation, trafficking and all forms of violence against and torture of children.”  *Adult-ification”* of Afrikan minors as a result of racial bias by educators and law enforcement in the Global North also contributes to high attrition rates of Afrikan minors from schools and their criminalisation, where they are sometimes wrongly treated as adult offenders in educational and criminal justice systems. Structural violence and exploitation of Afrikan minors are features of school-to-prison pipelines, e.g., reports of significant numbers of Afrikan youth being violently apprehended, sometimes fatally by law enforcement. Afrikan youth are disproportionately Stopped-and-Searched, as well as arrested and detained by law enforcement than their White peers; the trauma likely to have been caused to the student in the case of Child Q in the UK justifiably has led to outrage. Furthermore, NGOs in both the Global North and Global South reported Afrikan **“**LGBTQI youth were at greater risk of dropping out of school, being homeless, and experience depression as a result of the COVID-19 pandemic."

1. **Advocating the Abidjan Principles 2019 on the Right to Education as Good Practice**

State parties and other stakeholders’ inclusive implementation of *SDG Targets 5.3, 8.7, and 16.2*, must protect and promote universal human rights of Afrikan youth equally, generally, and globally. In accordance with *Art.17 of the Convention on the Rights of the Child 1989,* it is asserted,

“State Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual, and moral well-being and physical and mental health,” (OHCHR, 1989).

It therefore remains imperative multi-level multistakeholder actors reduce the digital divide within and between countries globally, to “leave no one behind” (including vulnerable intersectional Afrikan sub-cultural groups), in accordance with the 2030 Agenda for Sustainable Development. In countries of both the Global North and the Global South, it also remains imperative that *connections are made between education and opportunities for Afrikan youth to lead successful lives;* e.g., nurturing Afrikan role models as well as adopting more inclusive curricula and pedagogy in educational institutions. Moreover, knowledge exchange between Afrikan thought leaders and other stakeholders in the Global North and Global South can help inspire creativity and innovation where secure digital spaces for human rights education of Afrikan youth, is protected from criminal elements online.

Looking to the future*, the Abidjan Principles 2019* provide guidance on the necessary changes in law, policy, and practice for the protection and realization of the Right to Education for all, including the provision of free quality public education and the regulation of private actor involvement in education (Adamson et al, 2021, p. 246). Notably, *Overarching Principle 7* asserts “States must put in place adequate mechanisms to ensure they are accountable for their obligations to respect, protect, and fulfil the Right to Education,” (Adamson et al, 2021, p.265). *Guiding Principle 80* elaborates on this by asserting,

“Accountability should be ensured through:

1. judicial means, including criminal, civil, or administrative liability and enforcement at the national, regional, or global level.
2. quasi-judicial or non-judicial means, including parliamentary oversight, monitoring by National Human Rights Institutions operating in accordance with the Paris Principles, civil society organisations, or other domestic, human rights-compliant quasi-judicial mechanisms.”

For example, successful litigations at the national level citing the *Abidjan Principles* on the Right to Education, include the ruling by South Africa’s Constitutional Court that, “independent schools provide basic education and have an obligation not to impair this right to parents or school children,” (Adamson, Dorsi, and Carmona, 2021, p. 255).

1. **Recommendations**

In summary, the neglect and harm caused as a result of traditional practices such as child marriage, child labour, and FGM, including increased mortality and morbidity rates of Afrikan minors, do not justify breaches of *the Convention on the Rights of the Child 1989,* as a result of socioeconomic destitution. Moreover, the reported increase in hazardous child labour and other forms of exploitation of Afrikan minors during the coronavirus pandemic and ensuing global economic downturn illustrates breaches of *Article 32.1 of the Convention on the Rights of the Child 1989*, that asserts

“State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (OHCHR, 1989).

Offending states must therefore be held accountable and culpable for breaches of the *Convention and* monitored for their efforts at redress and repair for victims of exploitation and violence, e.g. through implementation of Targets for SDG 3 (health and wellbeing), and SDG 4 (qualitative education).

In addition, it remains imperative that in accordance with *Art. 32.2 of the Convention,* “State Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article,” (OHCHR, 1989). In that regard, the value accorded as “soft law” to the *Abidjan Principles* *on the Right to Education* *2019,* by the legal community establishes their status as an essential legal tool (Adamson et al, 2021, p. 249). Statutory obligations to protect the universal human rights of minors are enshrined in the *Convention on the Rights of the Child 1989*, including their Right to Education. One therefore recommends state parties implement the 2030 Agenda for Sustainable Development in an inclusive, holistic, and dynamic manner that “leaves no one behind”. Adoption of the *Abidjan Principles 2019* can assist state parties and other actors in achieving this end, despite current challenges of socioeconomic deprivation faced by Afrikan communities globally.

**SOURCES**

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