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Advancing African children's rights to development through Agenda 2063: From continental aspirations to meaningful implementation

*Megha Nkem**
Postdoctoral Research Fellow in the Dean's Office, Faculty of Law, University of the Free State, South Africa
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* LLB (Buea) LLM (Johannesburg) LLD (Free State); meghankem84@outlook.com; Nkem.M@ufs.ac.za

Abstract: *Forty years after the adoption of the 1986 UN Declaration on the Right to Development, its realisation remains central to Africa's pursuit of inclusive and sustainable development. As the African Union's strategic blueprint for achieving 'The Africa We Want', Agenda 2063 reflects the principles of the right to development, yet questions remain about its impact on the lives of African children. This study critically examines Agenda 2063's contribution to advancing children's human rights through the right to development framework. Using a doctrinal legal methodology, it draws on regional and international children's rights instruments and the Sustainable Development Goals to assess progress and identify implementation gaps. It argues that weak implementation, inadequate accountability and insufficient investment in child-centred development limit Agenda 2063's transformative potential. The study concludes that realising the right to development requires placing children's rights, participation and best interests at the centre of Agenda 2063 implementation to achieve tangible improvements in their lives.*

Résumé : *Quarante ans après l'adoption de la Déclaration des Nations Unies sur le droit au développement de 1986, la réalisation du droit au développement reste au cœur de la quête de l'Afrique en faveur d'une croissance inclusive, de la justice sociale et du développement durable. En tant que feuille de route stratégique de l'Union africaine pour parvenir à « l'Afrique que nous voulons », l'Agenda 2063 incarne les principes du droit au développement en plaçant les droits de l'homme, l'égalité, la participation et la prospérité partagée au cœur du programme de développement du continent. Cependant, bien qu'il reconnaisse que les enfants constituent le plus grand atout de l'Afrique, on peut s'interroger sur la mesure dans laquelle l'Agenda 2063 a su traduire ses aspirations en améliorations concrètes de la vie des enfants africains. Cette étude examine de manière critique la contribution de l'Agenda 2063 à la promotion des droits de l'homme des enfants africains à travers le cadre normatif du droit au développement. S'appuyant sur la Charte africaine des droits et du bien-être de l'enfant, la Charte africaine des droits de l'homme et des peuples, la Convention des Nations unies relative aux droits de l'enfant et les Objectifs de développement durable, cette étude utilise une méthodologie de recherche juridique doctrinale pour évaluer les progrès réalisés, identifier les lacunes persistantes dans la mise en œuvre et déterminer dans quelle mesure l'Agenda 2063 a*

tenu ses engagements en matière de développement centré sur l'enfant. Elle soutient que, bien que l'Agenda 2063 offre un cadre complet pour faire progresser les droits humains des enfants africains, son potentiel de transformation est limité par une mise en œuvre défaillante, une responsabilisation insuffisante et un manque d'investissements dans un développement centré sur l'enfant. La recherche conclut qu'une mise en œuvre effective du droit au développement en Afrique nécessite de placer les droits, la participation et l'intérêt supérieur des enfants au cœur de la mise en œuvre de l'Agenda 2063, garantissant ainsi que les aspirations de développement à long terme de l'Afrique se traduisent par des améliorations tangibles dans la vie de ses plus jeunes citoyens.

Key words: *right to development; Agenda 2063; children; human rights; implementation; development*

1 Introduction

The year 2026 marks the fortieth anniversary of the adoption of the United Nations (UN) Declaration on the Right to Development (DRtD), a landmark instrument that established development as an inalienable human right and affirmed that every person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development.[1] It further specifies that such development must allow all human rights and fundamental freedoms to be fully realised.[2] In doing so, it shifted the understanding of development from a predominantly economic concept to a human rights-based process centred on human dignity, equality, participation and social justice. Sengupta argues that the right to development (RtD) should be understood as a process that enables individuals and communities to realise the full range of human rights through equitable participation in development, rather than merely benefiting from economic growth.[3] Four decades after its adoption, the RtD remains an important normative framework for promoting inclusive development,

1 Declaration on the Right to Development UN General Assembly Resolution 41/128 (4 December 1986) (DRtD) arts 1 & 2.
2 As above.
3 A Sengupta 'On the theory and practice of the right to development' (2002) 24 *Human Rights Quarterly* 837.

international cooperation and sustainable development, particularly in regions where poverty, inequality and social exclusion continue to impede the enjoyment of fundamental human rights.[4]

Africa has consistently embraced the RtD as a foundational principle for addressing historical inequalities, promoting inclusive development and advancing human dignity. This commitment is reflected in the African Charter on Human and Peoples' Rights (African Charter), which expressly recognises the right of all peoples to their economic, social and cultural development, and places corresponding obligations on states to ensure its realisation.[5] More recently, the African Union (AU) has reaffirmed this commitment through policy frameworks that seek to integrate human rights with socio-economic transformation across the continent. However, the RtD faces limitations in practice because its implementation has traditionally focused on the responsibilities of states, even though development is also shaped by powerful non-state actors. Atabongawung explains that there is growing recognition that human rights obligations may extend to transnational corporations, even though the nature and scope of their obligations under the RtD remain unclear, making it difficult to hold them accountable for their impact on development in Africa.[6] Although the RtD remains contested in international law, particularly regarding its content and implementation, Arts and Tamo argue that regional and inter-regional frameworks provide an important opportunity to translate the right into practical action through stronger international cooperation, accountability and monitoring mechanisms.[7] In this regard, Agenda 2063 represents Africa's commitment to moving beyond normative recognition towards the effective implementation of the RtD across the continent.[8]

4 Office of the President of the UN General Assembly 'High-level Meeting to Commemorate the 40th Anniversary of the Declaration on the Right to Development' 2026, https://www.un.org/pga/81/2026/09/14/high-level-meeting-40th-anniversary-declaration-on-the-right-to-development/ (accessed 12 October 2026).

5 African Charter on Human and Peoples' Rights (1981) art 22.

6 T Atabongawung 'A legally binding instrument on business and human rights: Implications for the right to development in Africa' (2021) 21 *African Human Rights Law Journal* 267-268.

7 K Arts & A Tamo 'The right to development in international law: New momentum thirty years down the line?' (2016) 63 *Netherlands International Law Review* 221.

8 CC Ngang 'Towards a right-to-development governance in Africa' (2018) 17 *Journal of Human Rights* 107-108.

The AU's most comprehensive effort to operationalise the RtD is reflected in Agenda 2063: The Africa We Want, adopted in 2015 as the continent's 50-year strategic blueprint for sustainable development. Agenda 2063 envisages 'an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena'.[9] It is underpinned by seven aspirations that promote inclusive economic growth, good governance, democracy, respect for human rights, gender equality and investment in Africa's people, particularly women and young people.[10] The RtD provides an important link between human rights and sustainable development by promoting a human-centred approach to development based on international cooperation and shared responsibility for addressing poverty and the structural barriers that prevent the full enjoyment of human rights. In this regard, Agenda 2063 can be understood as Africa's practical expression of the RtD, translating these principles into a continental framework that seeks to promote inclusive development, equality and human dignity.

Agenda 2063's Aspiration 6, which promotes people-driven development, provides a broader framework for recognising the importance of children in Africa's development.[11] This commitment is further articulated in Agenda 2040, the AU's agenda for children's rights and welfare, which sets out specific aspirations for realising the rights of African children.[12] Together, these frameworks connect children's rights, as protected under the African Charter on the Rights and Welfare of the Child (African Children's Charter), with Africa's broader development objectives. Children make up a significant share of Africa's population and are vital to its future development. The 2030 Agenda for Sustainable Development likewise acknowledges that sustainable development cannot be achieved without protecting children's rights and well-being

9 African Union Commission 'Agenda 2063: The Africa we want' (2015) 1-2, https://au.int/en/agenda2063/overview (accessed 29 July 2026).

10 As above. Note that although Agenda 2063 does not expressly refer to children in every Aspiration, its commitment to human rights encompasses children's rights, as recognised in the African Children's Charter and the Convention on the Rights of the Child, while Aspiration 6 specifically highlights the importance of children in Africa's development.

11 African Union Commission 'Agenda 2063: Framework document' (2015) 20-24, https://au.int/sites/default/files/documents/33126-doc-framework_document_book.pdf (accessed 29 July 2026).

12 African Committee of Experts on the Rights and Welfare of the Child 'Africa's agenda for children 2040: Fostering an Africa fit for children' (2016) 11.

across key social and economic areas.[13] The legal foundation for these commitments in Africa extends well beyond Agenda 2063. The African Children's Charter recognises children as independent rights holders and imposes comprehensive obligations on African states to ensure their survival, development, protection and participation, while the United Nations Convention on the Rights of the Child (CRC) affirms that every child has the right to develop to their fullest potential and that states must adopt legislative, administrative and other measures to realise these rights.[14] Collectively, these instruments reinforce the principle that development should be child-centred and rights-based rather than merely measured through economic indicators.

Building on this background, questions remain about whether existing legal and policy commitments have improved African children's lives, as many continue to face inequality and human rights violations. Across the continent, millions of children continue to experience poverty, inadequate access to quality education and health care, malnutrition, unsafe water and sanitation, child labour, child marriage, trafficking, violence and displacement resulting from armed conflict, humanitarian crises and climate change.[15]

These challenges highlight the gap between Agenda 2063's aspirations for children and uneven implementation across member states, particularly in legal reform, funding, institutional capacity and accountability. The AU's own assessment of the First Ten-Year Implementation Plan recorded an aggregate continental performance of only 51 per cent against the 2021 targets, with wide regional variation ranging from 53 per cent in East Africa to 39 per cent in North Africa.[16] Consequently, there remains a marked gap between the normative

13 United Nations 'Transforming our world: The 2030 Agenda for Sustainable Development' UN General Assembly Resolution 70/1 (25 September 2015) paras 25-26.

14 African Charter on the Rights and Welfare of the Child (1990) (African Children's Charter) arts 1, 5 & 11; Convention on the Rights of the Child (1989) (CRC) arts 4 & 6.

15 UNICEF 'The state of the world's children 2025: Child poverty in a changing world' (2025) 12-18, https://www.unicef.org/reports/state-worlds-children (accessed 29 July 2026).

16 African Union Commission & African Union Development Agency 'Second continental report on the implementation of Agenda 2063' (2022) 8-11, https://www.nepad.org/publication/2nd-continental-report-implementation-of-agenda-2063 (accessed 29 July 2026).

commitments contained in Agenda 2063 and the actual enjoyment of children's rights across the continent.

Existing scholarship on Agenda 2063 has examined a range of issues, including economic integration, governance, trade, infrastructure, gender and peace and security, while less attention appears to have been paid to assessing the implementation of children's rights under Agenda 2063, specifically through the lens of the RtD.[17] This study addresses that gap by examining whether Agenda 2063 has meaningfully advanced children's rights through the lens of the RtD and by proposing measures capable of strengthening implementation, accountability and child-centred governance.

In light of the foregoing, this contribution addresses the following research question: To what extent has Agenda 2063 advanced the human rights of African children, and what measures are necessary to translate its aspirations into meaningful implementation? In answering this question, the study examines whether Agenda 2063 has moved beyond its normative commitments to produce tangible improvements in the enjoyment of children's rights across Africa. It further considers how the principles underpinning the RtD can strengthen the implementation of Agenda 2063 by placing children's rights, participation and best interests at the centre of Africa's development agenda.

The study adopts a doctrinal legal research methodology involving the systematic analysis of primary and secondary legal sources relating to the human rights of African children. Primary sources include regional and international treaties, declarations, jurisprudence and policy instruments, with particular emphasis on the DRtD, the African Charter, the African Children's Charter, CRC as well as Agenda 2063 and its implementation frameworks. Secondary sources comprise scholarly literature and institutional reports of the African Union Commission (AUC), the African Committee of Experts on the Rights and Welfare

17 AA Durokifa 'Navigating beyond the crossroads: A gendered approach in actualising Agenda 2063' (2019) 17 *Gender and Behaviour* 12818; AK Bangura 'How the African Union's conceptualisation of Global Africa 2063 Agenda got Kwame Nkrumah wrong: A predictive analytics and *behsâu-pehsa* axiomatic assessment' (2017) 6 *Journal of African Union Studies* 5; C Stevens 'Reviving the right to development within the multilateral trade framework affecting (African) countries to actualise Agenda 2063' (2019) 19 *African Human Rights Law Journal* 470.

of the Child (African Children's Committee) and the United Nations Children's Fund (UNICEF).

The analysis is further informed by a human rights-based approach, which views children as rights holders and states as duty bearers with corresponding obligations to respect, protect and fulfil children's rights, guided by the principles of equality and non-discrimination, participation, accountability, transparency and the best interests of the child.[18] The empirical material is used to assess how far legal and policy commitments have translated into practical improvements in the lives of African children. It is not intended to establish cause and effect.

Accordingly, the research first examines the legal and policy framework for advancing the human rights of African children through the RtD, Agenda 2063 and other relevant regional and international instruments. It then assesses the progress made in improving the lives of African children under Agenda 2063, before examining the main legal, institutional and socio-economic barriers that continue to hinder its effective implementation. The research also proposes practical reforms to strengthen child-centred governance, accountability and implementation. It concludes by arguing that the success of Agenda 2063 and the realisation of the RtD will ultimately depend on placing the human rights of African children at the centre of Africa's development agenda.

2 The normative framework for advancing the human rights of African children

Although Agenda 2063 is principally a development framework rather than a legally binding instrument, it operationalises the principles underpinning the RtD by integrating economic growth, social justice, human rights and participatory governance into a common continental vision.[19] It represents, as Mosala observes, the AU's most comprehensive development framework, bringing together human rights, sustainable

18 Office of the United Nations High Commissioner for Human Rights 'Frequently asked questions on a human rights-based approach to development cooperation' (2006) 15-17.

19 African Union Commission (n 9) 1-2.

development and the pan-African vision of self-determination and economic independence.[20]

Although Agenda 2063 does not identify children as a separate priority area, it recognises their importance throughout its aspirations, goals and flagship programmes. This reflects the understanding that Africa's development depends on investing in children's health, education, protection and participation.[21] In particular, Aspiration 1, which envisages 'a prosperous Africa based on inclusive growth and sustainable development', establishes commitments directly linked to children's rights.[22] These commitments reinforce articles 24, 27 and 28 of CRC and articles 11 and 14 of the African Children's Charter, which guarantee children's rights to health, an adequate standard of living, education and development.[23] Aspiration 3, which commits member states to good governance, democracy, respect for human rights, justice and the rule of law, is equally fundamental to children, since effective governance, independent institutions and access to justice are prerequisites for state compliance with children's rights obligations.[24] As the African Children's Committee has repeatedly emphasised, children's rights cannot be realised in the absence of accountable institutions capable of implementing and monitoring state obligations.[25]

Children are most visibly recognised under Aspiration 6, which seeks to build 'an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth'. Reading children's rights solely through Aspiration 6, however, would overlook the integrated character of Agenda 2063, which envisages children as

20 S Mosala 'Pan-Africanism and the right to development in Africa: A critical analysis of Agenda 2063' (2024) 21 *African Renaissance* 129, 131-134.

21 UNICEF 'Strategy for UNICEF's contribution to Africa's development agendas' (2024) paras 8-14, https://www.unicef.org/executiveboard/documents/unicef-contribution-africas-development-agendas-srs-2024 (accessed 29 July 2026).

22 African Union Commission (n 9) goals 1-4.

23 CRC (n 14) arts 24, 27 & 28; African Children's Charter (n 14) arts 11 & 14.

24 African Union Commission (n 9) Aspiration 3.

25 African Committee of Experts on the Rights and Welfare of the Child (African Children's Committee) General Comment 5 on state party obligations under the African Charter on the Rights and Welfare of the Child and systems strengthening for child protection (2018) paras 3-12, https://www.acerwc.africa/sites/default/files/2022-09/GENERAL_COMMENT_ON_STATE_PARTY_OBLIGATIONS_UNDER_ACRWC_%28ARTICLE%201%29_%26_SYSTEMS_STRENGTHENING_FOR_CHILD_PROTECTION_0.pdf (accessed 10 October 2026).

beneficiaries and future contributors across every development priority. The framework, therefore, should be understood as adopting a child-conscious vision of development consistent with the RtD's principles of participation, equality, non-discrimination and human dignity.[26]

A closer reading of Agenda 2063 shows an important gap in the framework, which forms the central argument of this study. Although the agenda recognises children's importance to Africa's future development, its emphasis on human capital and the demographic dividend risks prioritising their future economic contribution over their status as rights holders whose rights and well-being must also be realised in the present. The Second Ten-Year Implementation Plan continues this pattern: None of its 'moonshots' is framed around children as rights holders, and children appear largely as an implicit constituency of targets on education, health and social protection.[27] The distinction is not merely rhetorical. When children are seen only as beneficiaries of development, poor results are viewed simply as a failure to meet development targets. However, when children are recognised as rights holders, the same poor results become a failure by governments to fulfil their legal obligations and require action to correct them. This is the approach promoted by the RtD, but it has not yet been fully reflected in the implementation of Agenda 2063.

The African system links human rights and development through binding obligations, with Agenda 2063 operating alongside the African Charter, African Children's Charter and African Youth Charter. The African Charter provides the constitutional foundation of that architecture. Although it contains no extensive catalogue of children's rights, it guarantees enjoyment of the rights it protects without discrimination, equality before the law, respect for inherent dignity, the right to education and the right of all peoples to economic, social and cultural development.[28] Article 22 is particularly significant because it establishes development as a legally recognised right within the African human rights system, thereby reinforcing the principles embodied in the DRtD and providing the normative basis upon which Agenda 2063

26 DRtD (n 1) arts 1, 2 & 8.
27 African Union Commission 'Agenda 2063 second ten-year implementation plan 2024-2033' (2024) 14-19, https://au.int/en/agenda2063/ftyip (accessed 29 July 2026).
28 African Charter arts 2, 3, 5, 17 & 22.

seeks to advance inclusive and people-centred development. The African Charter remains one of the few regional human rights instruments that expressly recognises the RtD as a justiciable human right, making it central to Africa's development discourse.[29] As Ngang argues, article 22 supports a distinct model of 'RtD governance', a rights-based approach to development decision making that is capable of addressing the systemic causes of Africa's development deficits rather than their symptoms.[30]

The African Children's Charter recognises children as independent rights holders entitled to holistic development. It requires states to protect their rights and make their best interests a primary consideration.[31] It further guarantees children's rights to survival and development, education, health, protection from economic exploitation, protection from harmful social and cultural practices and protection during armed conflict.[32] Collectively, these provisions impose positive obligations on states to create an enabling environment in which children can fully realise their rights and contribute meaningfully to Africa's development. The Children's Charter has now been ratified by 51 AU member states.[33]

Through its jurisprudence and General Comments, the African Children's Committee has consistently interpreted the African Children's Charter as requiring states to adopt child-centred laws, policies and budgetary measures that give practical effect to children's rights rather than merely recognising them in principle.[34] Johnson and Sloth-Nielsen argue that the African Children's Charter is important, not because it introduced many new rights, but because it created a continental framework for protecting and promoting children's rights in Africa.[35] Importantly, the African Children's Committee has also translated the

29 F Viljoen *International human rights law in Africa* (2012) 220-224.
30 CC Ngang 'Systems problem and a pragmatic insight into the right to development governance for Africa' (2019) 19 *African Human Rights Law Journal* 365, 379-384.
31 African Children's Charter (n 14) arts 1 & 4.
32 African Children's Charter (n 14) arts 5, 11, 14, 15, 21 & 22.
33 African Children's Committee 'Ratifications table', https://www.acerwc.africa/en/member-states/ratifications (accessed 29 July 2026); see also African Children's Committee 'Overview of the African Charter on the Rights and Welfare of the Child', https://www.acerwc.africa/en/page/about-the-charter (accessed 30 July 2026).
34 African Children's Committee (n 25) paras 26-34.
35 AK Johnson & J Sloth-Nielsen 'Child protection, safeguarding and the role of the African Charter on the Rights and Welfare of the Child: Looking back and looking ahead' (2020) 20 *African Human Rights Law Journal* 643, 651-657.

African Children's Charter's commitments into a dedicated continental agenda for children, known as 'Africa's Agenda for Children 2040: Fostering an Africa Fit for Children' (Agenda 2040), structured around 10 aspirations that mirror and operationalise the African Children's Charter's substantive guarantees.[36] Agenda 2040 is the closest the continent has come to a child-specific development plan, yet it has never been formally integrated into Agenda 2063's implementation and reporting machinery. This disconnection is examined further below.

The African Youth Charter completes the picture. Although primarily applicable to persons aged 15 to 35 years, older adolescents fall within its scope, and it requires states to create opportunities enabling young people to participate actively in political, economic and social development.[37] Read with the African Charter, the African Children's Charter and Agenda 2063, it reflects a life-course approach recognising that investments made during childhood are fundamental to empowering Africa's future youth population.

The continental framework is further reinforced by international instruments, particularly CRC and the 2030 Agenda for Sustainable Development, both of which are closely aligned with Agenda 2063. CRC requires state parties to take all appropriate legislative, administrative and other measures to implement the rights it contains.[38] It rests on four general principles, namely, non-discrimination, the best interests of the child, the right to life, survival and development, and the rights of children to express their views in matters affecting them, which provide the foundation for interpreting all other children's rights and align closely with Agenda 2063's commitment to inclusion and people-centred development.[39] As Tobin argues, CRC should be understood not simply as a child protection instrument, but as a framework for promoting children's holistic development and enabling them to participate fully in society.[40] Viewed from this perspective, it supplies precisely the entitlement-based vocabulary that Agenda 2063's human capital framing lacks.

36 African Children's Committee (n 12) 8-27.
37 African Youth Charter (2006) arts 11-16.
38 CRC (n 14) art 4.
39 CRC (n 14) arts 2, 3, 6 & 12.
40 J Tobin (ed) *The UN Convention on the Rights of the Child: A commentary* (2019) 4-9.

Although the Sustainable Development Goals (SDGs) do not focus exclusively on children, they have a bearing on their lives, including those addressing poverty, hunger, health, education, gender equality, water and sanitation, inequality and peaceful and inclusive societies.[41] Agenda 2063 and the SDGs are mutually reinforcing rather than separate, and the AU reports on both through an integrated results framework. Their shared commitment to 'leaving no one behind' is of particular importance for African children, who continue to experience disproportionate poverty, violence and exclusion. Taken together, these instruments establish a complementary legal and policy framework demonstrating that advancing the rights of African children is not only a legal obligation but a precondition for achieving the RtD.

3 Measuring progress: Agenda 2063 and the advancement of African children's human rights

Assessing whether Agenda 2063 has advanced the human rights of African children requires more than looking at overall continental progress. It is also important to examine whether the framework has improved the legal, policy and institutional systems that enable children to enjoy their rights. This part, therefore, examines five key thematic areas. It argues that, although Agenda 2063 has made important progress in recognising and promoting children's rights, implementation has been uneven and progress has slowed in some areas. It is also difficult to determine how much of this progress can be directly attributed to Agenda 2063 because the framework does not impose legally binding obligations on member states or establish clear mechanisms for holding them accountable.

3.1 Poverty and social protection

Article 27 of CRC and article 20 of the African Children's Charter oblige states to assist parents and caregivers, within their means, to secure an adequate standard of living for children. Aspiration 1 of Agenda 2063 committed the continent to eradicating poverty within a generation. Despite this commitment, overall progress remains limited. UNICEF estimates that more than 417 million children globally are deprived of at

41 United Nations (n 13) goals 1-6, 10 & 16.

least two basic needs, with the highest rates of multidimensional poverty concentrated in sub-Saharan Africa and South Asia; nearly 90 per cent of children living in extreme monetary poverty are found in these two regions.[42] Sanitation is the most widespread severe deprivation, a finding of direct relevance to the AU's 2026 theme of the year on sustainable water availability and safe sanitation.[43]

Social protection illustrates both the promise and the limits of Agenda 2063. Several member states have expanded child-sensitive social protection programmes, including South Africa's Child Support Grant,[44] Kenya's Cash Transfer for Orphans and Vulnerable Children,[45] and Ghana's Livelihood Empowerment Against Poverty (LEAP) programme.[46] Studies show that child-sensitive social protection programmes across Africa have improved child well-being, but coverage and adequacy remain uneven. Agenda 2063 provides no continental minimum standard for child social protection, limiting accountability and consistent implementation.

3.2 Education

Education is where Agenda 2063's Aspirations are most explicit and where the implementation deficit is most visible. Article 11 of the African Children's Charter guarantees every child the right to education, and requires states to provide free and compulsory basic education. Yet, sub-Saharan Africa accounts for a growing share of the world's out-of-school children and adolescents, accounting for more than half of the

42 UNICEF (n 15) 8-14.

43 African Union 'Theme of the year 2026: Assuring sustainable water availability and safe sanitation systems to achieve the goals of Agenda 2063', https://au.int/en/theme (accessed 29 July 2026).

44 L Patel *Social welfare and social development in South Africa* (2024); S Handa and others 'The government of South Africa's Child Support Grant: Evidence from different evaluation approaches' (2020) Development Southern Africa, https://www.tandfonline.com (accessed 8 October 2026). See also Department of Social Development 'Child Support Grant', https://www.gov.za/services/child-care-social-benefits/child-support-grant (accessed 8 October 2026).

45 UNICEF 'Social cash transfers and children's outcomes: A review of evidence from Africa' (2015), https://www.unicef.org/esa/media/2181/file/UNICEF-ESA-2015-Social-Cash-Transfer-Publication.pdf (accessed 8 October 2026).

46 UNICEF 'Cash transfers in Ghana: Evidence overview of LEAP and LEAP 1000 impacts' (2024), https://www.unicef.org/ghana/reports/cash-transfers-ghana (accessed 8 October 2026).

global total according to current estimates. An estimated 86 per cent of children in the region are unable to read and understand a simple text by the age of 10.[47] Skelton and others observe that, despite significant progress in expanding educational access in sub-Saharan Africa, many children continue to face barriers relating to poor infrastructure, teacher shortages, inadequate resources and unequal educational opportunities.[48]

These findings lead to two important observations. First, the learning crisis shows that measuring progress only by school enrolment and completion is not enough. Although Agenda 2063 reports improvements in access to education, many children still leave school without basic reading and numeracy skills. This falls short of the standard in article 11 of the African Children's Charter, which recognises education as a means of developing the child's personality, talents and abilities to their fullest potential. Quan similarly argues that the right to education goes beyond school attendance, and requires states to provide quality education that respects the principles of non-discrimination, participation, the best interests of the child and the child's overall development.[49] Measuring success only by the number of children in school does not show whether they are actually enjoying their right to education. In addition, only a few African states meet the Incheon Declaration benchmark of allocating 4 to 6 per cent of gross domestic product (GDP) or 15 to 20 per cent of public expenditure to education, while rising debt repayments continue to reduce the resources available for education.[50]

3.3 Health, water, sanitation and well-being

Progress in child survival has been Africa's most significant developmental achievement of the Agenda 2063 era, but progress is slowing. Sub-

47 UNESCO 'Global education monitoring report: 251 million children and youth still out of school' (2024); World Bank & UNESCO Institute for Statistics 'Learning poverty updates and revisions' (2024) 6-9.

48 A Skelton and others 'Editorial: Special focus on promoting access to basic education through the law in sub-Saharan Africa' (2024) 24 *African Human Rights Law Journal* 147-152.

49 GM Quan 'Understanding the right to education under the African Charter on the Rights and Welfare of the Child, within the four pillars of interpretation' (2024) 24 *African Human Rights Law Journal* 502-532.

50 UNESCO 'Education 2030: Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4' (2016) para 105, https://unesdoc.unesco.org/ark:/48223/pf0000245656 (accessed 9 October 2026).

Saharan Africa retains the world's highest under-five mortality rate, at approximately 71 deaths per 1 000 live births, and accounted for 58 per cent of all under-five deaths globally in 2024, with malaria alone responsible for a substantial share.[51] The Abuja Declaration commitment to allocate 15 per cent of national budgets to health, made in 2001, remains unmet by the overwhelming majority of member states more than two decades later, underscoring the continent's pattern of commitment without consequence.[52]

The AU's designation of 2026 as the year of 'assuring sustainable water availability and safe sanitation systems to achieve the goals of Agenda 2063' brings into focus a set of entitlements that are simultaneously health rights, education rights and dignity rights for children. On the continent, 418 million people still lack even a basic level of drinking water service; 779 million lack basic sanitation services, including 208 million who continue to practise open defecation; and 839 million lack basic hygiene services.[53] The consequences fall disproportionately on children: Diarrhoeal disease attributable to unsafe water and sanitation remains a leading cause of under-five death; the absence of separate, functioning sanitation facilities in schools drives absenteeism and school drop-out among adolescent girls; and the burden of water collection, borne largely by girls, displaces time that would otherwise be spent learning.[54] Water and sanitation, therefore, offer an instructive test case for the argument advanced here. The AU has elevated these to the status of a continental theme, but as an infrastructure and service-delivery objective rather than as enforceable child entitlements grounded in articles 11 and 14 of the African Children's Charter. A rights-based framing would ask not only how many facilities have been built, but which children remain excluded, why, and what remedy is available to them.

51 UN Inter-Agency Group for Child Mortality Estimation 'Levels and trends in child mortality: Report 2025' (2025) 6-14.

52 KJ Uzor and others 'Analysing government health expenditure in Africa: Trends, determinants and policy options' (2026) 17 *Journal of Public Health in Africa* a1643, https://doi.org/10.4102/jphia.v17i1.1643 (accessed 10 October 2026).

53 WHO & UNICEF Joint Monitoring Programme 'Progress on household drinking water, sanitation and hygiene 2000-2024' (2025) 22-31.

54 A Cordner and others 'Combining social science and environmental health research for community engagement' (2019) 16 *International Journal of Environmental Research and Public Health* 3483, https://doi.org/10.3390/ijerph16183483 (accessed 10 October 2026).

3.4 Protection from violence, exploitation and harmful practices

The African Children's Charter contains some of the strongest protective provisions in international children's rights law. Violence against children, however, extends beyond harmful social and cultural practices to include structural and systemic failures, including corruption, poor governance and unsafe environments, that expose children to harm and undermine their rights and development.[55]

Although the percentage of affected children has declined, the total number continues to rise because population growth is faster than the progress being made. Africa is projected to be home to almost half of the world's child brides by 2050.[56] Sub-Saharan Africa accounts for nearly two-thirds of all children in child labour worldwide: approximately 87 million. Although prevalence declined from 24 to 22 per cent between 2020 and 2024, the absolute number has remained essentially static.[57] Corporal punishment, the most common form of violence against children, remains lawful in the home in most African states despite sustained engagement by the African Children's Committee; as Vohito documents, prohibition has advanced but remains 'a work in progress'.[58]

Children also face digital harms, including cyberbullying, online exploitation and violations of privacy and data protection, highlighting the need to ensure that Africa's digital transformation protects children's rights and safety.[59]

3.5 Participation and inclusion

Children's participation and inclusion remain one of the weakest areas in the implementation of Agenda 2063. The DRtD recognises that every

55 WT Chibwana 'Transformative corruption-proof child-sensitive social protection in Africa: An explorative study' (2025) 9 *Journal of Anti-Corruption Law* 198-223.

56 UNICEF 'Child marriage in Africa: A brief by the Girls Not Brides partnership and UNICEF' (2024) 3-6.

57 International Labour Organisation & UNICEF 'Child labour: Global estimates 2024, trends and the road forward' (2025) 21-27.

58 S Vohito 'The African Children's Charter and ending corporal punishment of children in Africa: A work in progress' (2021) 21 *African Human Rights Law Journal* 74 88-94.

59 YE Ayalew and others 'General Comment 25 on children's rights in relation to the digital environment: Implications for children's right to privacy and data protection in Africa' (2024) 24 *Human Rights Law Review* 5.

person should actively participate in and benefit from development. Likewise, the African Children's Charter requires that children who are capable of expressing their views should be given the opportunity to be heard in matters that affect them. Although Agenda 2063 was developed through a consultative process and the AU has established platforms, such as the Africa Children's Forum and the Pan-African Children's Conference, these mechanisms mainly allow children to share their views without guaranteeing that their recommendations will influence decision making. There is also no formal process requiring the AU or member states to respond to children's views or to include them in the biennial reporting on the implementation of Agenda 2063. As a result, children's participation remains limited, making it difficult to fully realise their right to participate in and benefit from development.

Inclusion presents a parallel picture. Children with disabilities remain among the most excluded groups in African education and health systems, notwithstanding the Protocol to the African Charter on the Rights of Persons with Disabilities in Africa, which contains specific provisions on children. Despite these efforts, progress in children's rights has largely depended on national initiatives and international partnerships, while Agenda 2063 still lacks strong implementation mechanisms to ensure that its targets are met, particularly for the most excluded children.

4 Barriers to meaningful implementation

The progress discussed above has been limited not only because of implementation gaps, but also because of the factors that continue to sustain them. One of the main barriers is weak domestic implementation. The African Children's Charter obliges state parties to adopt legislative and other measures to give effect to its provisions, and General Comment 5 elaborates that obligation to include domestication, national coordinating structures, data systems and budgetary allocation.[60] In practice, domestication is partial and uneven: Many member states have enacted children's acts reproducing the African Children's Charter's language without establishing the administrative machinery, funded mandates or remedies required to give it effect. The situation is further complicated by plural legal systems, where customary and religious

60 African Children's Committee (n 25) paras 40-52.

laws continue to regulate matters such as marriage, guardianship and inheritance, often undermining statutory protections for children and limiting the full implementation of children's rights.

Reporting also poses a challenge. States are required to submit their first report two years after ratifying the African Children's Charter and, thereafter, every three years. However, many states submit reports late, irregularly or not at all, making it difficult for the African Children's Committee to monitor implementation and hold governments accountable. At the same time, Agenda 2063 has a separate reporting system managed by national planning ministries and the AUC, with little coordination between the two. As a result, a state may report progress on development goals such as education or health under Agenda 2063 while failing to report on its children's rights obligations under the African Children's Charter. This weakens accountability and makes it difficult to assess whether development is actually improving the lives and rights of African children. This concern is consistent with the African Children's Committee's view that regular reporting, monitoring and coordination are essential for effective implementation and accountability under the African Children's Charter and Agenda 2063.[61]

In addition to poor reporting by state parties, limited financial resources remain one of the biggest barriers to the effective implementation of children's rights in Africa. The lack of adequate funding has become more serious during the implementation of Agenda 2063, making it difficult for many governments to invest in services that are essential for children's development. Sub-Saharan Africa has recorded the steepest global decline in debt sustainability, with governments now devoting approximately 18,7 per cent of revenues to servicing external public and publicly guaranteed debt, an amount roughly three times the level of a decade ago.[62] Interest payments now exceed public spending on health or education in four out of five African countries and, according to some estimates, a majority of Africans live in countries that spend more on debt repayments than on education and health combined.[63]

61 African Children's Committee (n 25).
62 United Nations Conference on Trade and Development 'A world of debt 2025: It is time for reform' (2025) 9-16, https://unctad.org/publication/world-of-debt (accessed 29 July 2026).
63 As above.

This is a structural rather than merely a resource problem, and it is the point at which the RtD performs analytical work that children's rights instruments alone cannot. Articles 3 and 4 of the DRtD impose duties of international cooperation and require states to formulate international development policies facilitating the right's full realisation. A sovereign debt architecture that systematically diverts revenue from the sectors on which children's survival depends, on this reading, is a matter of international human rights concern rather than a purely macro-economic question. As Stevens argues in relation to multilateral trade, the external economic frameworks in which African states operate materially constrain their capacity to actualise Agenda 2063, and reviving the RtD within those frameworks is a precondition for the Agenda's success.[64] Mahadew makes a comparable argument in the business and human rights context, contending that the RtD, understood as a composite and solidarity right, offers a more effective framework than existing approaches for balancing economic activity against human rights protection in Africa.[65] The problem has become worse because official development assistance has declined, reducing funding for health, nutrition and child protection programmes on which many vulnerable children depend.

Another major barrier to meaningful implementation is weak government accountability. Even where resources are available, poor accountability often results in their ineffective use. Ozoemena argues persuasively that accountability constitutes the 'rate-determining step' in realising the RtD in Africa: The misappropriation of allocated public funds, more than their absence, explains the failure to convert development commitments into services.[66] Children are especially affected because they cannot vote or influence political decisions, and the effects of underinvestment in their early years often become visible only many years later. The deficit is also institutional. The African Children's Committee, the continent's only body with a dedicated child rights mandate, remains under-resourced, meets for limited periods each

64 Stevens (n 17) 486-490.

65 B Mahadew 'The human right to development: An effective way of protecting human rights in business in Africa' (2026) 6 *African Journal of Democracy and Election Research* 89, 96-101.

66 R Ozoemena 'Misappropriated development: Exploring accountability as the rate-determining step to the realisation of the right to development in select African countries' (2021) 54 *Comparative and International Law Journal of Southern Africa* 1, 7-13.

year, carries a modest and slow-moving communications docket and has no formal role in the Agenda 2063 monitoring architecture. Its decisions in *Children of Nubian Descent*, *Senegalese Talibés* and *Northern Ugandan Children* established significant principles on nationality, education and protection in conflict, but implementation by respondent states has been partial and the Committee's follow-up capacity is limited.[67] Agenda 2063 contains no compliance mechanism, since performance against its targets attracts neither remedy nor consequence, only a score in a biennial report.

Furthermore, the meaningful implementation of Agenda 2063 continues to be undermined by conflict, climate change and humanitarian crises, which disproportionately affect African children. Armed conflict remains one of the greatest threats to the human rights and development of African children. The UN verified a record number of grave violations against children in 2025, with the Democratic Republic of the Congo (DRC), Nigeria, Somalia and Sudan among the most affected situations globally.[68] Article 22 of the African Children's Charter and Aspiration 4 of Agenda 2063 both address this terrain but, as Durokifa observes, Agenda 2063's peace and security aspiration sits in tension with the continent's actual security trajectory and does not adequately confront the forms of insecurity that most directly displace and endanger children.[69] Climate change has become a growing threat to African children. Children in 48 of 49 African countries assessed are classified as at high or extremely high risk from climate impacts, with the strongest correlation appearing between poor climate risk rankings

67 *Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative (OSJI) (on behalf of children of Nubian descent in Kenya) v Kenya*, No 2/Com/002/2009, (2011) AHRLR 181 (ACERWC 2011), decided 22 March 2011 (*Children of Nubian Descent*); *Centre for Human Rights (University of Pretoria) and La Rencontre Africaine pour la Defense des Droits de l'Homme v Senegal*, No 3/Com/001/2012, decided 15 April 2014 (*Senegalese Talibés*); *Hansungule & Others (on behalf of Children in Northern Uganda) v Uganda*, No 1/Com/001/2005, decided April 2013 (*Northern Ugandan Children*); African Committee of Experts on the Rights and Welfare of the Child 'Study on the implementation of decisions of the African Committee of Experts on the Rights and Welfare of the Child' (2025) 18-27.

68 Report of the Secretary-General on children and armed conflict, UN Doc A/79/878-S/2025/369 (2025) paras 4-11.

69 AA Durokifa 'Security, Africa's development and Agenda 2063: Contribution and contradiction' (2023) 12 *Journal of African Union Studies* 89, 97-102.

and weak health, nutrition and water and sanitation services.[70] Climate change, conflict and humanitarian crises deepen children's deprivations, making it harder for Agenda 2063 to achieve inclusive and sustainable development.

Taken together, these barriers show that the main challenge is not the absence of legal and policy commitments, but the failure to implement them effectively. This undermines the RtD, which requires development to improve people's lives through equality, participation, accountability and the full enjoyment of human rights. If African children are to benefit meaningfully from Agenda 2063, governments must move beyond making commitments and ensure that children are placed at the centre of development planning, financing and implementation.

5 Towards meaningful implementation: Strengthening Agenda 2063 for African children

Meaningful implementation of Agenda 2063 requires practical reforms, strong institutions, accountability, adequate funding and effective monitoring. The RtD also requires states to ensure that everyone, particularly vulnerable groups such as children, can participate in and benefit from development. Agenda 2063 must therefore move beyond broad commitments to practical changes that improve the lives of African children. This part proposes five key reforms: promoting child-centred development governance; strengthening accountability; adopting child-sensitive budgeting; developing child-specific indicators to monitor progress; and enhancing regional cooperation among the AU, regional economic communities (RECs) and member states. Together, these reforms can help translate the aspirations of Agenda 2063 into meaningful improvements in the enjoyment of children's rights across Africa.

A starting point is to make the implementation of Agenda 2063 more child-centred. Instead of treating children mainly as future contributors to development, the Agenda should recognise them as rights holders who are entitled to participate in and benefit from development. This

70 UNICEF 'The climate crisis is a child rights crisis: Introducing the Children's Climate Risk Index' (2021) 22-29; UNICEF 'Children in 98 per cent of African countries at high or extremely high risk of the impacts of climate change' Press release (2023).

is what Ngang describes as RtD governance: a mode of development decision making in which beneficiaries hold determinate entitlements and identified duty bearers hold determinate obligations, grounded in homegrown models of governance that respond to Africa's specific contexts and priorities.[71] Applied to children, it requires that every catalytic priority in the Second Ten-Year Implementation Plan be articulated with an explicit statement of the children's rights it engages and the African Children's Charter provisions from which they derive. This is consistent with Lundy's argument that meaningful participation requires children to be provided with space, voice, audience and influence in public decision making rather than being consulted symbolically.[72] The practical test is simple: A commitment framed as an entitlement can be claimed; one framed as an aspiration cannot.

Equally important is strengthening accountability to ensure that governments fulfil their commitments to children under Agenda 2063. This can be achieved without amending existing treaties by improving the institutions and mechanisms that already exist. The African Children's Committee should be formally integrated into the Agenda 2063 monitoring framework, with a standing mandate to contribute a children's rights assessment to the biennial continental report and to comment on member state reports. Its communications procedure should also be adequately resourced and supported by a stronger follow-up mechanism, as recommended in the Committee's own study on the implementation of its decisions.[73] Similarly, national human rights institutions should be given a clear mandate and sufficient resources to monitor the implementation of Agenda 2063 from a children's rights perspective, including through child-friendly complaints procedures, while dedicated children's commissioners or ombudspersons could further strengthen the protection of children's rights. In addition, courts

71 Ngang (n 8) 114.

72 L Lundy 'Voice is not enough: Conceptualising article 12 of the United Nations Convention on the Rights of the Child' (2007) 33 *British Educational Research Journal* 927, https://doi.org/10.1080/01411920701657033 (accessed 10 October 2026).

73 African Children's Committee 'Study on the implementation of decisions and recommendations of the African Committee of Experts on the Rights and Welfare of the Child' (2025), https://www.acerwc.africa/sites/default/files/2025-04/Study%20on%20Implimentation%20of%20Decisions.pdf (accessed 10 October 2026).

should play a more active role in enforcing children's rights. As more African countries recognise the justiciability of socio-economic rights, Agenda 2063 commitments can become legally enforceable once they are incorporated into national laws and development plans. Strategic litigation before national courts and the African Children's Committee should therefore complement, rather than replace, government efforts to implement Agenda 2063. Finally, parliaments should strengthen oversight by requiring child rights impact assessments for proposed legislation and national budgets to ensure that public policies and spending promote the rights and development of African children.

Another important reform is to ensure that national budgets give greater attention to children's rights and development. As part of the Agenda 2063 reporting process, member states should be required to disclose how much public funding is allocated to children, broken down by sector, including education, health, nutrition, social protection and child protection. Child-sensitive budgeting is a well-established approach that helps governments identify spending on children, assess whether the funding is sufficient to realise their rights, and ensure that resources are distributed fairly. The UN Committee on the Rights of the Child (CRC Committee) has emphasised that states must mobilise, allocate and use the maximum available resources to realise children's rights and should regularly assess the impact of public spending on children.[74] Likewise, UNICEF notes that child-responsive budgeting strengthens accountability and improves development outcomes by making children a visible priority in national planning and public expenditure.[75] The challenge, therefore, is not the lack of an appropriate budgeting method, but the absence of a clear obligation for governments to report on spending for children. Making child-sensitive budgeting a reporting requirement under Agenda 2063 would improve transparency and accountability, while enabling the African Children's Committee, national human rights institutions and civil society to monitor whether

74 CRC Committee General Comment 19 on public budgeting for the realisation of children's rights (art 4), UN Doc CRC/C/GC/19 (2016), https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting (accessed 10 October 2026).

75 UNICEF 'Public financing for children and child protection' (2021), https://www.unicef.org/media/93996/file/PF4C-for-Child-Protection-2021.pdf (accessed 10 October 2026).

governments are investing adequately in children's rights. It would also help African states align their financial priorities with their obligations under the African Children's Charter and the RtD, ensuring that public resources lead to measurable improvements in the lives of African children.

At the same time, the monitoring framework under Agenda 2063 should be strengthened to better measure progress in children's rights. The current monitoring framework should include child-specific, rights-based and disaggregated indicators that provide a clearer picture of whether children's rights are actually being realised. The Office of the United Nations High Commissioner for Human Rights explains that human rights indicators should measure the extent to which people enjoy their rights and should be used to assess the effectiveness of laws, policies and programmes.[76] For this reason, Agenda 2063 should place greater emphasis on measuring outcomes rather than activities, such as children's literacy levels rather than school enrolment figures, or access to safely managed sanitation in schools rather than simply counting the number of facilities constructed. Indicators should also be disaggregated by sex, age, disability, migration status, location and income level to ensure that the most vulnerable children are not hidden by national averages. Likewise, the AUC's Second Ten-Year Implementation Plan highlights the importance of stronger monitoring and results-based reporting to improve implementation.[77] In addition, Agenda 2040 should be formally integrated into the implementation of Agenda 2063 by aligning its aspirations with the Second Ten-Year Implementation Plan and using a single reporting framework. Rather than creating new child development frameworks, the focus should be on better coordinating existing continental commitments so that progress in advancing children's rights under the RtD can be effectively monitored and measured.

Finally, stronger regional cooperation is essential for the effective implementation of Agenda 2063. The Agenda 2063 Framework Document recognises that achieving Africa's development goals requires

76 Office of the United Nations High Commissioner for Human Rights 'Human rights indicators: A guide to measurement and implementation' (2012), https://www.refworld.org/reference/themreport/ohchr/2012/97602 (accessed 10 October 2026).

77 African Union Commission (n 27).

close coordination between the AU, RECs and member states.[78] RECs, therefore, play an important role in translating continental commitments into national action, and many have already developed child protection frameworks and mechanisms for cross-border cooperation. Their role is particularly important in addressing challenges that extend beyond national borders. Likewise, the African Children's Committee has continued to promote regional cooperation and monitor states' compliance with the African Children's Charter through its reporting, communications and monitoring procedures. This would advance the RtD by ensuring that all African children, regardless of where they live or move, are able to participate in and benefit from Africa's development.

6 Conclusion

Forty years after the DRtD recognised development as a human right for every person and all peoples, Agenda 2063 remains Africa's most ambitious framework for achieving inclusive and sustainable development. This study has shown that the main challenge is not the absence of strong commitments or a clear vision, but the gap between these commitments and their implementation. Although Agenda 2063 recognises the importance of children, it largely presents them as the future of Africa rather than as rights holders whose rights must be protected and fulfilled today. As a result, Agenda 2063 sets important development targets but does not always create clear legal obligations or effective accountability mechanisms to ensure that children's rights are realised.

The RtD provides a useful framework for addressing this gap. It recognises that every person, including every child, has the right to participate in, contribute to and benefit from development. When read together with the African Charter, the African Children's Charter and Africa's Agenda for Children 2040, it provides a stronger legal and human rights foundation for implementing Agenda 2063. Strengthening the links between these frameworks would help move Agenda 2063 from broad aspirations to practical action, ensuring that development is measured not only by economic progress, but also by real improvements in the lives, rights and well-being of African children.

78 African Union Commission (n 11).

There has been real progress in improving the lives of African children. Fewer children die before the age of five, more children are attending school, and more are protected by laws against child marriage, child labour and violence than ever before. However, this progress is slowing down, while the number of children living in poverty and other forms of deprivation continues to grow because of Africa's rapidly increasing child population. At the same time, armed conflict, high debt levels and climate change are making it more difficult for many countries to protect and promote children's rights. If these challenges continue, Africa is unlikely to achieve the child-related targets set out in the Second Ten-Year Implementation Plan.

Achieving 'The Africa We Want', therefore, will require governments to place children's rights at the centre of development planning, budgeting and accountability. This is not only a moral responsibility but also a legal obligation under the RtD and regional and international children's rights instruments. Ultimately, the success of Agenda 2063 will depend on whether it brings real and lasting improvements to the lives of African children and ensures that every child can fully participate in and benefit from Africa's development.

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