



ACERWC
African Committee of Experts on
the Rights & Welfare of the Child



**GUIDELINES ON THE SAFE RETURN
TO SCHOOLS OF CHILDREN
DURING THE COVID-19 PANDEMIC**



January 2022

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ACKNOWLEDGMENTS

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) acknowledges all the contributors and reviewers for their efforts and inputs towards the development of the guidelines on the *Safe Return to School of Children during and after COVID-19 pandemic*. The guidelines will contribute to safeguarding the rights and the welfare of children in the school environment during and after the COVID-19 pandemic.

LIST OF ABBREVIATIONS & ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CDC	Centres for Disease Control
COVID-19	SARS-CoV-2
CRC	United Nations Convention on the Rights of the Child
CSR	Corporate Social Responsibility
FBOS	Faith Based Organizations
FGM(C)	Female Genital Mutilation (Cutting)
IEC	Information, Education and Communication
JOFA	Joining Forces for Africa
NANHRI	Network of African National Human Rights Institutions
OECD	Organization for Economic Co-operation and Development
POF	The Peter Ojiambo Foundation
PPE	Personal Protective Equipment
RECS	Regional Economic Communities
TOR	Terms of Reference
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WB	The World Bank
WFP	The World Food Programme
WHO	World Health Organization

DEFINITION OF TERMS

For the purpose of the guidelines herein;

CHILD	A person below the age of 18 years.
CHILD PROTECTION	Refers to the actions taken, measures and procedures to protect children from harm and prevent any abuse.
CHILDREN ON THE MOVE	Refers to children who have moved from their habitual place of residence to another place within or outside their country, or have been entrusted by their parents to guardians (enfant confié), voluntarily or involuntarily accompanied or unaccompanied by their parents, caregivers or families either as internally displaced persons, refugees, asylum seekers, economic migrants or trafficked persons and who may suffer or may be at risk of suffering exploitation, abuse, neglect or violence.
INFORMATION COMMUNICATION AND TECHNOLOGY (ICT)	encompasses any communication device or application, including radio, television, cellular telephone and computer, as well as network hardware and software.
MEMBER STATES	Countries that are members of the African Union.
ONLINE CHILD EXPLOITATION	Acts of a sexually exploitative nature against children that have, at some stage, interacted with technology in the digital sphere. It also includes any use of ICT that results in sexual exploitation or causes a child to be sexually exploited or that results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted.
SOCIAL SERVICES	Public or privately provided services intended to aid disadvantaged or vulnerable children and their families and guarantee their safe return/stay in school during the COVID-19 pandemic.
SEXUAL VIOLENCE	Unwanted sexual acts or advances including but not limited to defilement, rape, sexual harassment and child exploitation.
STATE-PARTY	A Member State which has ratified the African Charter on the Rights and Welfare of the Child.

THE COMMITTEE

Refers to the 11 elected members of the African Committee of Experts on the Rights and Welfare of the Child, with a mandate to promote and protect children's rights in accordance with Article 42 of the ACRWC.

SECTION ONE: INTRODUCTION TO THE GUIDELINES

Background Information

1. Following the declaration of the COVID-19 as a pandemic by the WHO, nations across Africa initiated multi agency and stakeholder partnerships, mobilised community actors, prioritised resources (human and financial) for COVID-19 pandemic responses and conducted nationwide sensitization campaigns. Countries came together in multiple forums to agree on and prioritise their collective efforts, providing a platform to advance these even under the weight of the crisis¹. Noting the challenges surrounding testing for COVID-19, global health leaders advised African countries to increase their capacities for rigorous surveillance testing, infection prevention and control practices, media and communications, various lockdowns, and travel restrictions. The lockdowns were implemented in high-risk congregate settings such as schools, churches, and prisons².
2. The COVID-19 pandemic caused unprecedented global school closures. Although many students have been able to resume in-class learning, millions are yet to return to the classroom. As of September 2021, 117 Member States had fully reopened schools to accommodate a combined learner population of 539 million ranging from pre-primary to secondary levels. This represents 35% of the total student population across the world³. While progress has been made by AU Member States in developing and implementing the safe return to school guidelines, they have not fully harnessed the related covenants and legal frameworks in place for children. Additionally, the same guidelines do not fully provide for ending violence, positive relationship education and the health and social services required for the sustainable and safe return of out-of-school children. Schools in most African countries adopted COVID-19 prevention protocols such as the wearing of masks, using hand sanitizers, improving ventilation and ensuring social distancing⁴.
3. To protect children and teachers from the risk of contracting COVID-19, schools and learning institutions closed indefinitely resulting in the loss of the 2020/2021 school

1 World Bank. (2021). *Responding to COVID-19 Across the horn of Africa*. Retrieved from <https://www.worldbank.org/en/news/feature/2021/07/07/responding-to-covid-19-across-the-horn-of-africa>

2 Africa Union. (2021). Africa Joint Continental Strategy for COVID-19 Outbreak. Retrieved June, 1, 2022 from https://au.int/sites/default/files/documents/38264-doc-africa_joint_continental_strategy_for_covid-19_outbreak.pdf

3 UNESCO. (2021, September 16). *UNESCO warns 117 million students around the world are still out of school*. Retrieved from <https://en.unesco.org/news/unesco-warns-117-million-students-around-world-are-still-out-school>

4 UNESCO. (2021a). *School reopening in Africa during the COVID-19 pandemic*. <https://healtheducationresources.unesco.org/library/documents/school-reopening-africa-during-covid-19-pandemic>

calendars. Most schools have reopened globally, however, the pandemic led to an average of 40 weeks of school closures⁵. If partial closures (by locality/educational level) are factored into these statistics, the average duration of closures is 56 weeks worldwide; a full academic year⁶. The prolonged school closures contributed to an increase in school dropouts, learning losses, the repetition of classes, sexual violence against children, child abuse, child marriages, female genital mutilation (FGM/C), and teenage pregnancies, among others. Vulnerable children such as children on the move, children with disabilities, children in conflict settings and the orphaned were affected most.

4. Following up on its recommendations to ensure every child's right to education during the COVID-19 pandemic and existing challenges in guaranteeing the safety of children in schools, the ACERWC during its 37th ordinary session, resolved to develop guidelines and strategies to support governments in ensuring the safe return of children to school during the COVID-19 pandemic. To this end, the ACERWC collaborated with NANHRI to develop Guidelines on the *Safe return of children to school during and after COVID-19 pandemic*.

Purpose and Main Objectives

5. The main aim of the Guidelines is to enhance the realisation of children's right to education as stipulated in Article 11 of the ACRWC. Specifically, the Guidelines aim to:
 - a) Identify the main challenges in the process of reopening schools (where schools have not yet re-opened);
 - b) Provide guidance on how to ensure that children who have dropped out of school due to teen pregnancies, early and forced marriage or are involved in the labour market, together with children with disabilities, children in conflict, or low-income settings and orphans are targeted in the reopening of schools using the Child Rights Based Approach;
 - c) Identify measures to be undertaken by Member States and other stakeholders in making schools a safe place where the risk of exposure to COVID-19 is minimized.

5 UNESCO. (2020, March 4). *Education: From disruption to recovery*. Retrieved June 1, 2022 from <https://en.unesco.org/covid19/educationresponse>

6 UNICEF. (2021). *40 per cent of children in Eastern and Southern Africa are not in school*. Retrieved June 1, 2022, from <https://www.unicef.org/esa/press-releases/40-cent-children-eastern-and-southern-africa-are-not-school>

Scope of Application

6. The Guidelines are inspired by the provisions of the ACRWC; particularly Articles 11, 14 and 15, 16 and 27 which provide for a child's right to education; health and health services; protection from all forms of economic exploitation; protection from child abuse and torture; and protection of children against all forms of sexual exploitation and abuse, respectively. The guidelines shall be read and applied consistently within the context of the ACRWC and Africa's Agenda for Children 2040 (Agenda 2040). The guidelines are informed by the provisions on the child's right to education and Aspiration 6 of Agenda 2040. In addition, references are made to other international and regional norms, standards, and good practices relevant to a child's right to education that are applicable in Africa.
7. The guidelines can be applied by all Member States of the African Union in the five regions. They cover educational settings for children under the age of 18 years. The guidelines provide value addition to the existing Member States guidelines on the safe return of children to school during the COVID-19 pandemic.

Methodology

8. The Committee developed the *Safe return to school* guidelines as mandated by Article 42(c) of the ACRWC. The Committee solicited views from legal policy professionals, policymakers, and child rights protection experts regarding their understanding of the gaps within the child protection framework, their thoughts, and comments on existing laws on the COVID-19 pandemic situation across Africa.
9. Subsequently, the Committee, through its consultants, undertook a literature review, a gap analysis and collected views from experts through structured online responses adhering to COVID-19 protocols. The views included those on specific thematic areas and on value addition for the development of the guidelines. NHRIs, CSOs, International NGOs, and key persons drawn from specific AU Committees were consulted during the drafting process of the guidelines. These consultations were participatory, inclusive, and specific to the thematic areas.
10. The online survey findings were translated to Francophone and Lusophone (where applicable) to generate responses for guideline development. In order to include the five African sub-regions in the survey, regional representatives of networks and organizations of human and child protection actors were consulted. The dissemination process of the *Safe return to school* guidelines, may later include child-friendly versions to be distributed to children through their guardians, schools, community organisations and appropriate line Ministries. Member States shall translate the guidelines into their official languages and make them accessible to child protection stakeholders at national level. The Committee shall include the *Safe return to school*

guidelines in its activity report to the appropriate AU Policy Organs.

Guiding Principles

11. The status of children regarding their basic rights and welfare revolves around the extent to which Member States respect and uphold the fundamental rights of and the protection and welfare of the child as provided for under international and regional human rights treaties. The cardinal principles of child rights and other fundamental human rights that are mostly at risk to children during COVID-19 pandemic include the best interests of the child, the right to life, survival and development, non-discrimination, and child participation, right to food, shelter, health and health services, education, name and nationality, access to justice and the right to family.
12. The African Charter on the Rights and Welfare of the Child (ACRWC/the African Children's Charter) as the principal norm-setting instrument for child rights and welfare in Africa (which provides for these principles and rights in addition to others), forms the primary guiding framework for this study and the analyses of the information gathered. The standards provided for in the specific rights protected in the ACRWC and other relevant instruments will be the key indicators against which the mechanisms established by States are evaluated.
13. The guidelines shall be applied within the legal frameworks in all the 55 Member States. The principle of non-discrimination and equality as expressed in Article 3 of the ACRWC, and the principle of legal certainty as defined and embedded in Articles 16 and 17: more specifically Article 17 part 2 (iv) are tenets of the guidelines. The guidelines consider the provisions of Articles 10, 11, 13, and 14 and apply the same in all matters that safeguard the overall safety of the child during the COVID-19 pandemic. These governing laws of the Charter include the primary provisions contained in Article 11 and captured in aspiration 6 which direct Member States to take all appropriate measures to achieve the right to education for every child without any discrimination. The right to health is encapsulated in Article 14 and includes provisions on disease prevention, access to primary healthcare, adequate nutrition, and safe drinking water. Overwhelmed by the struggle to contain the pandemic, some Member States may have lost sight of this principle. In all circumstances, either private or public, alongside Article 11, Articles 3, 4, and 5 on non-discrimination, survival, and development, the best interest of the child must be an overriding consideration in any decision affecting the child.
14. **The principle of non-discrimination:** The ACRWC in respect to the right to non-discrimination in Article 3 provides that every child is entitled to the enjoyment of the rights and freedoms recognized and guaranteed under the ACRWC irrespective of the child's, his/her parents' or legal guardians' race, colour, sex, ethnic group, lan-

guage, religion or other opinion, social and national origin, birth, fortune, or other status. As pointed out by the Committee on the Rights of the Child in General Comment No. 14, the right to non-discrimination is not a 'passive obligation' prohibiting all forms of discrimination in the enjoyment of rights but also calls for appropriate 'proactive measures' to be taken by states to ensure effective equal opportunities for all children to enjoy their rights.

15. State Parties should make every effort to ensure that all children: particularly the marginalized, the girl child, the boy child, orphaned children, children in conflict and those in humanitarian situations, displaced children, children with disabilities and other vulnerable children are provided for in the *Safe return to school*. To this end, State parties shall create a safe and enabling environment and adopt non-discriminatory, child-friendly laws that protect all children and their rights, especially their right to education. The ACERWC has made recommendations on the laws, policies, and practices in protection of children against non-discrimination in South Africa, Kenya, and Tanzania. These recommendations are based on a finding that despite the legislative measures taken by State Parties to accommodate the principle of non-discrimination in national laws and policies, including in refugee laws and policies, children on the move do not access basic services if they are not in possession of valid refugee and asylum seeker documentation. The ACERWC urges State Parties to ensure that children are not discriminated against and to take measures to avoid barriers to basic education and to enable the *Safe return to school* during and after the COVID-19 pandemic. Additionally, State Parties should address discrimination against vulnerable and marginalized groups to ensure that children have their right to be heard protected and thus can participate in all matters that affect their lives and Safe return to school during and after the COVID-19 pandemic.
16. **The principle of the best interests of the child:** The principle of the best interests of the child is the benchmark against which all actions, policies, practices, and laws that affect children should be measured. Notably, the phrasing of the ACRWC with the definite article 'the' primary consideration, as opposed to the phrasing of CRC 'a' primary consideration, elevates the role of ACRWC in the promotion and protection of rights of children. In Africa, examples of states that have put in place measures to guarantee the principle of the best interests of the child include, Kenya which under Article 53 of the Constitution provides that, 'a child's best interests are of paramount importance in every matter concerning the child.' The Ethiopian Constitution under Article 36 (2) provides that in all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child'.

17. A child's evolving capacity shall be assessed to determine their best interests based on the child's ability to communicate and express him or herself as stated in (Articles 4(2) and 7) of the ACRWC. The Guidelines take cognisance of the fact that the best interests of the child principle requires a child's participation in all matters concerning children. It further obliges State Parties and all other authorities, including traditional, religious, community leaders, and parents to ensure that fair and balanced consideration is given to the views of the child, freely expressed during a decision-making process. The principle of the best interests of the child strengthens the involvement of the child and guides the authority concerned to make a decision that is in the best interests of the child. In the context of *Safe return to school* during and after the COVID-19 pandemic, the State Parties should ensure that all action/activities and programs reflect the paramount importance of a child's best interests.
18. **The principle of child participation:** Article 7 of the ACRWC provides for the freedom of expression for every child who can communicate his or her own views. Additionally, the article assures every child of their rights to express their opinions freely in all matters and to disseminate opinions subject to such restrictions as are prescribed by laws. According to the Committee on the Rights of the Child in General Comment No.12, the right to be heard or the participation of a child in all matters affecting him or her should not only be a 'momentary act', but the starting point of an elaborate exchange between children and adults on the development of policies, programmes, and measures in all relevant contexts of the lives of children. The guidelines, therefore, shall strengthen relevant safeguards and recommendations that promote the mainstreaming of mechanisms that enhance the voice of the child. *The Safe return to school* guidelines is the starting point of an elaborate exchange between children and adults on the development of policies and measures relevant to the COVID-19 pandemic context and its impact on the continuing education of children.
19. Specifically, State Parties have an obligation to ensure the implementation of the right to participation for children. Additionally, State Parties should put in place measures to recognize the right to expression of views for minority and migrant children who do not speak the language of the majority. In addition, State Parties should take adequate measures to ensure that every child freely expresses his or her views about the *Safe return to schools* during and after the COVID-19 pandemic without discrimination or fear of intimidation.
20. *The principle of survival and development:* Article 5(1) of the ACRWC provides that 'every child has an inherent right to life'. Article 5(2) of the ACRWC requires State Parties to ensure, to the maximum extent possible, the survival, protection, and

development of children. This requires safeguarding the child's right to life and ensuring the child's development encompassing the physical, psychological, emotional, social, and spiritual aspects of the child's life. African states have put in place measures to guarantee the child's right to survival and development. For instance, the Nigeria's Child's Rights Act No. 26 of 2003 under Section 4 provides that 'every child has a right to survival and development.' In Kenya, the child's right to survival and development is provided for under Section 4(1) of the Children's Act No.8 of 2001. The Section places an obligation on the government and family to ensure the survival and development of the child. In Lesotho, the Child Protection and Welfare Act No. 7 of 2011 under section 22 requires the state to formulate policies that ensure a child's right to survival and development. In Tanzania, the Law on the Child Act No. 21 of 2009 under Section 9 provides that every parent has the responsibility to provide 'assurance of child's survival and development.'

21. The ACERWC points out that the right to survival and development can only be realised by states implementation of children rights such as the right to health, education, and protection from child labour, abuse, and torture. The ACERWC also notes that the physiological well-being and physical health of a child are important to the survival and development of a child, and they may be jeopardized by the global COVID-19 pandemic, living conditions, insensitive or abusive treatment, neglect, and lack of opportunities to realize their human potential. These challenges have the capacity to impair their mental, physical, spiritual, emotional, and psychological well-being.
22. The guidelines herein seek to strengthen the provisions under the 'Charter' and the AU's Maputo protocol that specifically address women and girls. In the principle of child survival and development, the rights of the girl child are said to be infringed when there is an increase in teenage pregnancies, child marriage and FGM/C as documented during the COVID-19 pandemic. The guidelines make recommendations to Member States that enforce the Charter and the Maputo protocol and ensure the *Safe return to school* of children during and after the COVID-19 pandemic.

Application of the Guidelines

23. The Guidelines shall be applied in conformity with other pre-existing ACERWC Guidelines including but not limited to the Guidelines on Submission of State Party Reports, Guidelines on Submission of CSO Complementary and Optional Reports, and the ACERWC Rules of Procedure.
24. The Guidelines shall apply to State Parties to the ACRWC who have the primary responsibility to protect and promote the rights provided for in the Charter. The Guidelines shall also apply to the Committee in the implementation of its protection and promotional mandate stipulated in Articles 42, 43, 44 and 45 of the ACRWC.

25. The guidelines were informed by global best practice with specific recommendations drawn from Africa. Guidelines on the reopening of schools from African countries particularly from Kenya, Egypt and South Africa were also reviewed to enhance the context of the document. The experience of UNICEF in Egypt and Kenya fostered the safe return to school efforts of the agency by the provision of soap, masks and hand washing stations in schools. Supported by UNICEF, Egypt and South Africa instituted *Safe return to school* efforts through campaigns that included soap distribution, the provision of PPEs and the installation of hand washing stations in schools⁷. Similarly, the guidelines on health and safety protocols developed by the Government of Kenya were also a valuable reference point⁸.
26. To ensure uniformity and standards in the *Safe return to school*, African governments have prescribed guidelines to harmonise standardised policies and procedures. These guidelines provide for health and hygiene interventions revolving around masking, washing hands and social distancing. Additionally, the guidelines are merged with WASH strategies that are articulated in the IFRC, UNICEF, UNESCO, and WHO guidelines. Evidence suggests that these WASH protocols are now ingrained in the behaviour of school going children, teachers, and caregivers. It is also well documented that the protocols are rigorously observed and have caused successful behaviour change in schools in both urban and rural settings.
27. The ACERWC has set in place clear child protection measures in response to the COVID-19 pandemic. The ACERWC's 6-point intervention guiding note clearly elaborates the child's right to education and underscores the irreplaceable role of education in promoting the child's personality, talents, mental and physical abilities to their fullest potential. The closure of schools during the pandemic denied children these rights and reversed several child protection gains.
28. The COVID-19 pandemic has had drastic effects on the socio-economic dynamics of the world. Education is one of the many sectors that have undergone numerous changes as a result of the pandemic, with the effects of these changes being registered in the status of school going children across the globe. Today, most schools have reopened globally, however, the pandemic led to an average of 40 weeks of school closures. If partial closures (by locality/educational level) are factored into these statistics, the average duration of closures is 56 weeks worldwide; a full academic year. The prolonged school closures led to an increase in school dropouts, learning losses and the repetition of classes. The closures also occasioned an increase in sexual harassment, violence against children, child abuse, child marriages,

7 Odhiambo, L. (2020). *UNICEF provides handwashing to support school reopening*. Retrieved June 1, 2022, from <https://www.unicef.org/kenya/stories/UNICEF-provides-handwashing-to-support-school-reopening-in-Kenya>

8 Republic of Kenya, Ministry of Education (2020). *Guidelines on Health and Safety Protocols for Reopening of Basic Education Institutions amid COVID-19 Pandemic*. Retrieved June 1, 2020, from https://www.education.go.ke/images/COVID-19_GUIDELINES.pdf

female genital mutilation (FGM), teenage pregnancies and other violations.

29. Reopening schools is not enough. Children need tailored and sustained support to help them readjust, to meet their learning, health, psychosocial well-being, and other needs. The implementation and protection of these rights and others guaranteed by the African Charter on the Rights and Welfare of the Child (ACRWC) hereafter “the Charter”, are monitored by the ACERWC, which was established under Article 32 of the Charter. The return to school enhances the child’s right to education and therefore enforces the rights and welfare of the child as enshrined under the Charter. The overall aim of the Charter is geared towards safeguarding the best interest of the child.
30. These guidelines are intended to be used by AU Member States to guarantee the safe return of children to school during and after the COVID-19 pandemic. From a public health standpoint, future pandemics are inevitable, meaning that COVID-19 may not be the last pandemic. Member States will therefore have the opportunity to utilize these guidelines to respond to pandemics of a magnitude and nature similar to COVID-19.
31. The potential irreversibility of the negative impacts of school closures on children’s wellbeing and learning, especially for the most vulnerable and marginalized, continues to increase the likelihood and duration that children stay out of school. Whilst the AU Commission, specifically the ACERWC, as well as many African Member States have made efforts to prioritise the reopening of schools, challenges and gaps still exist in ensuring the continued *Safe return of children to school*. There is an urgent need to take stock of the existing return-to-school guidelines, to identify and explore existing gaps in them, and recommend new guidelines that will ensure that vulnerable children including and not limited to children on the move, child soldiers, the girl child and children with disabilities are protected.
32. The revised and improved guidelines contain legal, technical, and administrative provisions for AU Member States. These provisions embody a value addition that incorporates a child rights-based, gendered, health, and social lens. The value addition model identifies the main challenges in the protection of child rights in schools. The model also identifies measures to be undertaken by the Member States and other stakeholders in ensuring schools are safe and that the risk of exposure to COVID-19 is minimised.
33. The guidelines are informed by research that documents the impact of and responses to the COVID-19 pandemic on the continent and globally. The guidelines are therefore designed to be a flexible and adaptable tool that can be updated as the situation changes and new evidence emerges, during and after the COVID-19 pandemic. The

guidelines aim to inform national decision-making processes and guide the implementation processes, as part of overall child rights, public health and education planning processes regarding *Safe return to schools*. The recommendations in the guidelines focus on how education systems in low- and middle-income African settings can respond to the losses caused by the pandemic. They ensure that the learning needs, especially of vulnerable and at-risk children in the face of the COVID-19 pandemic, shall be provided for.

34. The guidelines provide practical, focused advice for policymakers, planners, education experts, social, legal and health sector programmers, legislators, and development partners in public and private sector settings. This advice is based on the recommendations of the ACERWC and on an interdisciplinary consultation among government representatives, AU based experts and accredited organizations. Enriched by these consultations, the guidelines draw on the emerging best practice during the COVID-19 pandemic.

SECTION TWO: GUIDELINES ON CHILD PROTECTION MEASURES DURING AND AFTER THE COVID-19 PANDEMIC

35. Whereas these guidelines can be applied broadly for the protection of children in general, they are explicitly applicable to vulnerable children. These vulnerable children include girls and boys at risk, children with disabilities, children on the move, and children in armed conflict. These groups are often left out in programs, interventions, and guidelines. In keeping with its mandate, the ACERWC recognizes the need to adopt guidelines that specifically address these groups.

Vulnerable Children in the Safe Return to School Framework

36. In ensuring a successful *Safe return to school* strategy, African governments must be guided by the following:
- i. The preservation of children's rights, during the COVID-19 pandemic, through guaranteeing access to quality health, education, protection services, and other rights as set out in the ACRWC, UNCRC, and other documents,
 - i. Ensuring that each response plan will be driven by the "best interests of the child" and the "do no harm" principles, in line with the African Charter on the Rights and Welfare of the Child,
 - ii. Recognising and integrating in their response plans, the specific needs of the most vulnerable, including girls and boys at risk, as a central element of the continental and national responses,
 - iii. Responding to the long-term needs of children through the development and the implementation of social protection mechanisms and policies to protect children and their families from any future shocks,
 - iv. Ensuring that children have real and safe opportunities to have their voices heard and to influence COVID-19 policy and decision making, and that of any future pandemic.

Girls at Risk

37. The ACERWC guiding note highlights the likelihood of girls being disproportionately exposed to COVID-19 and other directly transmitted infectious diseases. Girls, especially the most marginalised, are particularly affected by the secondary impacts of the COVID-19 pandemic due to harmful social norms and double discrimination

based on age and gender. The risk of girls facing child marriage and other harmful practices such as FGM/C is higher in low income, rural/marginalised communities. To meet the needs of girls and to protect them in Africa, responses must be equitable, gender-transformative and protective of human rights. The concerns of the boy child are addressed in section four of this document (under intersectionality).

Recommendations to Member States

38. Member States are called on to be vigilant through national and sub-national administrative structures in protecting girls from negative social norms and inhibitive cultural practices as prescribed in Article 21 of the ACRWC. Practices that promote FGM/C, early and forced marriages, and any form of gender-based discrimination during the COVID-19 pandemic should be eliminated.
39. Member States through the Ministries responsible for child protection must ensure that girls who dropped out of school due to early marriages or due to teenage pregnancies are identified and unconditionally reintegrated to school in accordance with Article 11 (6) of the ACRWC. Member States should also ensure that these girls are provided with necessary social protection and services such as age-appropriate comprehensive reproductive health services including HIV/AIDS testing and counselling, free maternal care, safe houses, and other services critical to their re-entry process to schools.
40. Member States through the Ministries of Health in conjunction with the IT/Telecoms providers, national and subnational administrative structures shall actively monitor how restricted movement and lockdowns may exacerbate different forms of violence against girls at risk both offline and online, using the latest data and existing models to inform policy.
41. Member States through the Ministries of Education shall provide regular disaggregated data on the number of students enrolled, transitioning, and those who have dropped out of school during periodic reporting to the Committee. The data should also include those who have been reintegrated into school.
42. Member States through the Ministries of Health and Education shall invest in gender-sensitive mental health and psychosocial support services for girls at risk and their caregivers, including through schools, and communities in keeping with Article 14 (1) of the ACRWC.
43. Member States working with Ministries of Education shall implement accelerated education models that can be implemented in parallel to integrate previously out-of-school or over-age children for the safe return to school in both public and private

schools.

44. Member States shall ensure that the school administration and teachers at every level are trained to identify age-related behavioural, emotional, psychosocial, and cognitive needs and changes stemming from the COVID-19 containment measures and provide age-appropriate support in public, private, community, or home-based school settings.
45. Member States working with Ministries of Education shall revise admissions policies and requirements to align with the goals of universal education by eliminating barriers and reducing the requirements to enter the school system during the COVID-19 pandemic.
46. Member States working with National Treasuries shall increase funding for teacher capacity-building and training. Member States shall encourage and support similar initiatives in the private education sector, community school settings, and private teacher training institutions during the COVID-19 pandemic.
47. Member States through the Ministries of Health shall prioritise critical violence-prevention and response services for children. They must maintain and adapt these services, providing for the unique risks of girls and the most vulnerable children, when planning for social distancing and other COVID-19 pandemic response measures.
48. Member States through the Ministries of Health, national and subnational administrative structures shall also support children, specifically girls at risk, who may be temporarily separated from their parents due to the medical treatment of COVID-19. Additionally, Member States shall provide protection for children on the move, those facing conflict, and or orphaned children. They shall prepare responses for an increasing number of young girls seeking protection and mental health services. Member States shall achieve these outcomes by linking distress call centres and enforcement agencies, child rescue centres, children's homes, orphanages, and by equipping protection personnel with skills and logistics for emergency response as envisaged in Article 25 (1) of the ACRWC.

Children with Disabilities

49. The ACERWC Guiding Note to AU Member States on Children's Rights during COVID-19 states that during the COVID-19 pandemic children with disabilities may face various forms of challenges. These challenges may include lack of access to information on prevention and care, to health services, to disability and gender-segregated WASH in schools, and to remote/distance-learning options. Member States shall improve access to these services for children with disabilities in partnership with

NGOs, CSOs, and the UN system in accordance with Article 13 (2) of the ACRWC.

Recommendations to Member States

50. The right to education in Article 11 (3) (e) of the ACRWC is fundamental to addressing physical barriers and challenges to access of education during the COVID-19 pandemic. Member States through the Ministries of Education, Water, Sanitation and Health shall be innovative in designing specific infrastructure interventions to promote the resumption of learning for children with disabilities.
51. Member States shall provide inclusive social protection services for children with disabilities. Services such as school feeding programmes especially in low-income, rural, and marginalised communities must be ensured and adequately resourced. Disability inclusive information on disease prevention should include messages for children both with disabilities and without. Mental health interventions and other support such as psychosocial support shall be made accessible to children with disabilities.

Children on the Move

52. Although the ACRWC does not specifically mention *children on the move*, as a broad category, under Article 23, the provisions directly address the situation of some categories of children, such as refugee children, which also apply to children on the move and, *mutatis mutandis* to internally displaced children, whether through natural disaster, internal armed conflicts, civil strife, breakdown of economic and social order or howsoever caused.
53. Precisely, Article 23 provides that (i) States Parties to the present Charter shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international domestic law, shall whether unaccompanied or accompanied by parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties. (ii) State Parties shall undertake to cooperate with existing international organizations which protect and assist refugees in their efforts to protect and assist such a child and to trace the parents or other close relatives or an unaccompanied refugee child in order to obtain information necessary for reunification with the family. Where no parents, legal guardians or close relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason.

54. The primary focus of these guidelines is within the definition of *children on the move* as adopted by a recent ACERWC Study on Mapping Children on the Move in Africa. The definition of 'Children on the move' is: Children who have moved from their habitual place of residence to another place within or outside their country, or have been entrusted by their parents to guardians (*enfant confié*), voluntarily or involuntarily, accompanied or unaccompanied by their parents, caregivers or families either as internally displaced persons, refugees, asylum-seekers, economic migrants or trafficked persons and who may suffer or may be at risk of suffering exploitation, abuse, neglect or violence⁹. In line with the scope and objectives of the ACERWC study that has informed aspects of these guidelines, the primary focus of the guidelines on the safe return to school of *children on the move*, is therefore, within countries in Africa and across the borders of African countries.
55. Additionally, the ACERWC Study on Mapping Children on the Move in Africa has provided an overview of the situation of the *children on the move* within Africa and assessed the extent to which Member States have established normative and institutional structures to address the needs of *children on the move in their territories*. The Study states that *Children on the Move* are all exposed to patterns of violations of their basic rights and notes that in some contexts, such violations have reached unacceptable levels that if not addressed, risk becoming not only Human Rights violations but will become Humanitarian and Human development crises.
56. The Study identified the drivers of movement of children within Africa, including conflict, trade and economic factors, human security, climate change, smuggling and trafficking among others. These drivers cause or affect the movement of children depending on their sex, age, nationality, religion, needs, and their accompanied and unaccompanied status, the particularities of their family as well as a myriad of other variables. Movement of children is greatly influenced and responds to the various drivers. Often, the movement routes, means, transits and destinations, are not randomly selected but are influenced by activities in which children plan to be engaged. Children on the move face challenges such as discrimination, arbitrary arrests, detention, and deportation. loss of identity, name and nationality, lack of access to education and economic opportunities, sexual exploitation, trafficking, denial of health services among other hazards. In addition to these challenges, the ACERWC study notes that there are several issues that result from weak legal and institutional frameworks.
57. Emerging issues such as the lack of regional coordination may result in additional abuses. The existence of largely a one-size-fits-all approach in tackling the mobility of

⁹ ACERWC (2018). ACERWC Study Mapping Children on the Move within Africa. Retrieved May 31, 2022, from https://www.acerwc.africa/wp-content/uploads/2019/03/ACERWC_Study-Mapping-Children-on-the-Move-with-in-Africa-Nov2018-_A4_Website-version.pdf

children and the lack of documentation, data, and statistics of children on the move is also an emerging concern. Mapping of the Children on the Move within Africa which includes mapping of internal movements, is a significant contribution by the ACERWC study to the identification and understanding of the situation and issues of children on the move in respective Member States. There is a need to develop and implement responsive protection systems in the best interests of such children in Africa. The Study indicates that children on the move may not attend school due to factors such as language barriers, xenophobia, denial of access to school due to lack of documentation. Such children may also be deprived of the right to education which is one of the basic rights of children. The guidelines on safe return to school of children on the move are responsively informed by the situation of such children on the move in Africa.

Recommendations to Member States

58. Countries of origin should put in place legislative and other measures that are focused on ensuring that children are not forced to migrate. This can be done by measures such as providing mechanisms to fight poverty, ensuring access to education and health facilities and taking steps to prevent conflicts.
59. Transit and destination countries should put in place legislative and policy measures that protect and promote the human rights of the children on the move. For instance, border control measures should not include the detention of children and children on the move should not be subjected to discrimination or torture. Social and economic goods such as food, health services including sexual and reproductive rights and education in countries of transit and destination should be availed to children on the move.
60. Member States in their reports on the implementation of the Charter, should present as far as possible, comprehensive information on migrant children. This should include policies and challenges faced by children on the move as well as disaggregated data in terms of age, gender, unaccompanied or separation status of children.
61. Member States should institute such mechanisms of tracking annual data and indicators on children on the move to enable appropriate political, legislative, policy and institutional responses to challenges faced by children on the move.
62. Member States through the relevant child protection ministries should provide for the protection of refugees, internally displaced and migrant children, and those affected by conflict. This will be provided by adopting AU covenants and ensuring the social services for these groups are COVID-19 responsive and compliant.

63. Member States through the Ministries of Health shall ensure there are no missed opportunities in the provision of health care for children on the move that result from discrimination. Also, children shall be provided with age-appropriate and comprehensive reproductive health information services.

Educating Children on the move

64. A child's schooling takes place over multiple years and requires continuity. Refugee realities, however, are often highly unpredictable and subject to change. Short-term humanitarian planning and funding cycles clash with the long-term requirements of education. Long-term investment in education is crucial to improving the chances of not only individuals, but also communities and nation-states. Among the many providers of refugee education, refugee communities themselves are key. All children within the jurisdiction of a particular state, including those with undocumented status are entitled to the right to education. The African Commission on the Human and Peoples' Rights in its Resolution on the Right to Education urges states to provide high quality and appropriate educational programmes that serve the needs of all segments of the society, and in particular girls, vulnerable children such as refugee children, migrant children, children with disabilities and internally displaced children. Particularly, children within the context of international migration should be granted full access to all levels of education to be treated equally with nationals of the country where they are living.

Recommendations to Member States

65. Member States through the Ministries of Education shall prioritize the inclusion of refugee schools and learners in national programmes with the aim of supporting these learners to catch up on lost time. The inclusion of innovative, short term, transitional programmes that target children on the move shall be prioritized and included in the national education programmes of all Member States
66. Member States through the Ministries of Education shall adopt remedial and accelerated programmes for children on the move. These programmes shall be consistent in supporting learners who require short term skills to support the regular programming. In addition, Member States shall adopt accelerated programmes within the national education programme. These programmes shall be flexible, age appropriate, run- on accelerated time with the aim of providing equal access to education for the disadvantaged, over-age, out of school children and youth. This may also include those who missed out on, or had their education interrupted by poverty, marginalisation, conflict, and crisis.

67. Member States shall prioritize the design of national programmes and delivery mechanisms that take into consideration refugees' needs including the need to provide high quality education in schools within refugee camps. State departments responsible for curriculum design, the AU, UN agencies that support refugees shall provide the required resources to ensure that such programmes are incorporated in the national education programmes.

Children Affected by Armed Conflict

68. The ACRWC, ACHPR, ACERWC, and UNCRC provide frameworks for the protection of children in armed conflict situations. Additionally, there are other non-binding covenants and frameworks such as the Oslo Safe Schools Declaration and AU conventions that inform these guidelines.
69. The provisions for protection as described in the Charter are contained within the CRC but are not given such an explicit emphasis. In the CRC, related provisions are contained in the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution, and child pornography. For children in refugee settings, services such as psychosocial support and education would be made available through community centres since there are no formal schools available for children on the move.

Recommendations to Member States

70. Member States shall provide and equip trauma centres for children affected by armed conflict. These centres shall provide counselling and support for children to manage their emotional experiences and other effects of illness and death due to COVID-19. This is important in the recovery and rehabilitation of children affected by conflict during and after the COVID-19 pandemic.
71. Member States shall ensure that host schools near refugee centres also provide mental health, trauma counselling, and psychosocial support services as they integrate refugee children into the education system of the country. Member States shall take measures to safeguard the boy child involved in conflicts as well as child soldiers, girls and boys who have been sexually abused in conflict zones.
72. Member States should support research, documentation of best practices and capacity building in the same areas for of practitioners in organisations that address the concerns of children generally, and specifically, children affected by armed conflict during the COVID-19 pandemic.
73. Member States shall promote accelerated learning programmes through their Min-

istries of Education in conjunction with the UN system, NGOs, and the AU. The programmes shall target children affected by armed conflict and provide them with clear pathways for completion and certification. These programmes shall incorporate blended learning made accessible in camps.

Education during COVID-19 pandemic and the Safe Return to School Guidelines

74. The ACRWC under Article 11(1) provides that ‘every child shall have the right to education.’ In addition, ACRWC’s Article 11(3) requires states to take all appropriate measures with the aim to attain the full realisation of the right to education and provide free and compulsory basic education. The ACRWC under Article 11(3)(e) places an obligation on States to put in place special measures in respect to girls, children with disabilities, children on the move, children in armed conflict and disadvantaged children in a bid to guarantee ‘equal access to education for all sections of the community.’
75. These provisions in Article 11 (1) and (3) are of particular importance considering that many vulnerable children are disadvantaged by the innumerable challenges that they face especially during and after the COVID-19 pandemic. As noted by the Committee on the Rights of the Child in General Comment No. 14, access to education is in the best interests of the child. The Committee points out that all decisions on measures and actions that affect a particular child, or a group of children must adhere to the best interests of the child principle, in respect to education. The ACERWC observed that the compulsory aspect of education requires ‘states to take positive measures to ensure that all children are enrolled in school.’ The ACERWC also pointed out that education should be available, acceptable, accessible, and adaptable to all children.
76. Global school closures in response to the COVID-19 pandemic present an unprecedented risk to children’s education, protection, and well-being. Schools do much more than teach children how to read, write and count. They also provide nutrition, health, and hygiene services; mental health and psychosocial support; and dramatically reduce the risk of violence, early pregnancy and more. And it is the most vulnerable children who are the hardest hit by school closures, and we know from previous crises that the longer they are out of school, the less likely they are to return¹⁰.
77. In underscoring these provisions of the ‘Charter’ and strengthened by the guiding

¹⁰ UNICEF (2020). *Framework for reopening schools*. Retrieved June 2, 2022, from <https://www.unicef.org/documents/framework-reopening-schools>

principles, Member States are advised to ensure primary measures have been put in place to protect vulnerable children in the safe return to school strategies. These measures include basic strategies that ensure sick students, teachers and other members of staff do not come to schools, enforcing regular hand washing with safe water and soap, alcohol rub/hand sanitizer or chlorine solution are adhered to during the reopening of schools. At a minimum, daily disinfection and cleaning of school surfaces, provision of safe water, sanitation and waste management facilities and following environmental cleaning and decontamination procedures are practised in schools. The promotion of social distancing and masking has also been successful in ensuring the safety of children as they return to schools during the COVID-19 pandemic.

78. To ensure schools maintain safe operations, Member States are required to ensure the updating or development of school emergency and contingency plans. This means that relevant stakeholders led by relevant ministries and state departments guarantee schools are not used as shelters, treatment units or conference centres for meetings and events. These measures are important in ensuring vulnerable children are not unduly exposed to the COVID-19 virus. Other measures such as preparing and maintaining hand washing stations replete with adequate soap and water, and where possible alcohol-based hand sanitizers at strategic areas within and outside the school, in addition to gender segregated sanitation facilities, are enforced as primary safeguards for vulnerable children during the COVID-19 pandemic. Most importantly, implementing social distancing protocols that are not limited to the staggering of learners at the beginning and end of the school day, cancelling assemblies, sports, games, and other events that create crowded conditions, when possible, creating spaces for children's desks to be at least one metre apart and developing and implementing teaching models that create spaces and avoid unnecessary touching are also considered to ensure the safety of vulnerable children.
79. Member States are encouraged to plan for the continuity of learning and in the case of absenteeism/sick leave during the COVID-19 pandemic, temporary school closures as a result of containment measures or in cases where children are on the move. It is important for relevant line ministries that support the continued access to education for all to support continued access to quality education. Measures such as the use of online/e-learning strategies are adopted to ensure that learning continued during the lockdown periods. For instance, Kenya has developed a national framework that is supported by key players in EduTech and the telecommunications industry to provide cheaper and accessible platforms for learners to access learning at home. In Uganda, the use of the national broadcaster UBC, both TV and radio to assign reading exercises for home study and simulating follow up lessons for learners during the long school closures is successful in ensuring that children do not

miss out on learning. Other measures including developing the capacity of teachers to engage with learners remotely through online and social media platforms are instrumental in improving accessibility. Schools are also encouraged to develop accelerated education strategies to provide continued education during the COVID-19 pandemic.

Value addition through Positive Relationship Education (PRE)

80. There is a need for value-based positive relationship education which can be championed by innovative approaches that support teachers and learners to cultivate good relationships at school, at home, with friends, within communities, and eventually between cultures and nations. Value-based positive relationship education is anchored in Articles 11 (2) (a) (c) and (f) and Article 14 (1) of the ACRWC which emphasize the right to enjoy the best state of physical, mental, and spiritual health. The Africa Union supports a value-based education model which has led to the development of the innovative Peace Education Curriculum. It is envisaged that this curriculum will instil in children values that will create cohesive societies, communities, and nations, and hence foster enduring peace in the continent. There is also evidence in Ghana and Senegal that indicates the incorporation of traditional African values in schools aimed at promoting decency, self-respect, endurance, honour, pride, hard work, hospitality, kinship, and protection causes greater cohesiveness and less conflict cohesiveness among the students. Data from these pilots particularly in Ghana and Senegal will form a basis of future recommendations by the ACERWC to Member States. Ideally, for vulnerable children during and after the COVID-19 pandemic; girls at risk, children with disabilities, children on the move, children affected by armed conflict, and learners in marginalised settings, value-based positive relationship education models in schools by Ministries of Education shall be central in building back better.

Recommendations to Member States

81. Member States through the Ministries of Education shall promote a value-based positive relationship education curriculum in schools as espoused in Article 11 (2) (c). Member States shall ensure that the values are acceptable to all authorities including the church or religious organizations, to schools and families and provide a long-term solution in building cohesive school spaces, communities, and nations during and after the COVID-19 pandemic.
82. Member States through the Ministries of Education shall adopt value-based positive relationship education models into the national curricula of primary, secondary schools, and teacher training institutes. Member States shall ensure that teachers and students espouse positive African values contemplated in Articles 11 (2) (c).

These values shall function to eliminate SRGBV, bullying, discrimination, teenage pregnancies, mental health challenges, and other forms of negative behaviour in schools during and after the COVID-19 pandemic.

83. Member States through the Ministries of Education, AU, CSOs, NGOs, and the UN system shall fund value-based positive relationship education models through capacity building of teachers as primary beneficiaries and instructors of psychosocial support programmes. Value-based positive relationship education shall form an integral part of national safe return to school strategies envisaged in Articles 11 and 14 of the Charter.
84. Member States through the Ministries of Education shall prioritise learning and information sharing on value-based positive relationship education among teachers and students to combat discrimination, stigma, violence, and mental health challenges. They shall mount interschool and country-wide exchanges and document best practices in the implementation of value-based positive relationship education models during and after the COVID-19 pandemic.

SECTION THREE: ICT AND THE SAFE RETURN TO SCHOOL

The ICT Situation in Africa

85. When the COVID-19 pandemic was confirmed in Africa, governments imposed temporary or full shutdowns of education systems to contain its spread. At least 53 out of the 55 African countries took measures that cancelled or partially closed schools. Kenya, for example, cancelled the 2020 academic year in March of the same year, then changed its directives six months later, to allow schools to reopen¹¹. In comparison with the rest of the world, School children in Africa are the most affected, where at least half of all students cannot be reached with remote learning. School children from the poorest households and those living in rural areas are by far the most likely to miss out of class, during closures. The African continent has lowest access to internet with 48% of school children in West and Central Africa unable to access remote learning. Similarly, 49% of school children in East and Southern Africa are not able to access remote learning¹².
86. Some internet service providers and Tech entrepreneurs have developed innovative solutions to enable the *Safe return to schools*. In Kenya, where public authorities had suspended the school year, the Lamuka Hub, an initiative started by tech entrepreneur Twahir Hussein Kassim, is supporting teachers in Mtondia Primary, Kilifi County, to develop digital skills to teach online. In South Africa, to ease remote learning, the South African Broadband Education Networks (SABEN) is providing connectivity to Technical and Vocational Education and Training (TVET) colleges via its Campus Connectivity initiative, which was funded by the National Skills Fund¹³.
87. The guidelines below address four areas namely, access to remote learning, child protection in ICT, lack of preparation for online learning and funding.

Access to Remote Learning

88. Although the current priority is online learning platforms, many public schools are not set up to use them or do not have the technology and equipment to run online teaching. In the African continent, the internet connections are still poor —48% and

11 Nyoh, I. (2020, October 16). In Africa, strengthening digital infrastructure for a safe return to schools. *Internet Society*. <https://www.internetsociety.org/blog/2020/10/in-africa-strengthening-digital-infrastructure-for-a-safe-return-to-schools/>

12 UNICEF. (2020). COVID-19: At least a third of the world's schoolchildren unable to access remote learning during school closures, new report says. <https://www.unicef.org/press-releases/covid-19-least-third-worlds-schoolchildren-unable-access-remote-learning-during>

13 As 11 above.

49 % of school children are not able to access remote learning in West/Central Africa and East/Southern Africa respectively¹⁴. Evidence indicates that there are two major challenges to harnessing ICT for the *Safe return to school*: lack of access to broadcast and to internet¹⁵.

89. Children living in some parts of Africa are faced with poor quality, unreliable and unaffordable internet. Evidence indicates that the cost of 1GB of mobile data in Africa is very expensive, thus, the issue of unaffordability of data has a negative impact on remote learning¹⁶.

Recommendations to Member States

90. Reference should be made to the ACERWC Guiding Note on child protection during COVID-19 pandemic. Member States should work through the Ministries of Education and ICT to ensure the continuity of learning. The continuity should be based on digital connectivity, online and offline learning and teachers as facilitators and motivators of learning. Safety online and skills focused learning (DOTSS) procedures endorsed by the Specialized Technical Committee on Education, Science, Technology, and Innovation are an integral part in the continuity of learning during the COVID-19 pandemic. In cases where access to the internet is limited, Member States should create other modes of distance learning platforms, such as using Radios and TVs, so that children without internet access will not be disadvantaged and equal access will be provided to learners in urban and rural areas.
91. Member States working with the Ministries of ICT, Google and other internet service providers should undertake all possible measures to provide fast and reliable internet service for children to ensure their right to education (Article 11 of ACRWC). Steps should be taken to address online and remote learning gaps for vulnerable children, including finding ways to provide free access to computers and discounted internet services as well as iPad for the deaf and mute, to facilitate the *Safe Return to schools*, during the COVID-19 pandemic.
92. Member States should partner and collaborate with EduTech providers to bridge the digital divide and bring internet connectivity to children especially those living in hard-to-reach rural areas and peri-urban informal settlement areas, the last mile communities.

14 UNICEF. (2020). COVID-19: At least a third of the world's schoolchildren unable to access remote learning during school closures, new report says. <https://www.unicef.org/press-releases/covid-19-least-third-worlds-schoolchildren-unable-access-remote-learning-during>

15 As Above

16 Gilbert, P., Editor, & Africa, C. (n.d.). *Sub-Saharan Africa has world's most expensive data prices*. Connecting Africa. Retrieved June 2, 2022, from http://www.connectingafrica.com/author.asp?section_id=761&doc_id=768680

93. Member States, through the Ministries of Education, should work with educational institutions to support their efforts to utilize educational technologies (both hardware and software) to provide remote learning opportunities for learners. In the spirit of the Principle of Non-Discrimination and Equality, the Ministries of Education shall ensure equal access by learners in the urban and rural areas.
94. Member States, through the Ministries of Education and EduTech agencies (NGOs and private sector), shall utilize existing open access e-content repositories to develop appropriate learning materials for learners. The repositories should publish materials for teaching in the e-learning environment. For instance, materials to be used in assessments, educational films, entertaining pedagogy, competency-based skills and to stimulate learning. The e-content repository should enable learners to mutually work on educational projects, give feedback and lodge complaints. To ensure that learners do not incur costs every time they access the materials, the e-content repository should be accessible both online and offline.
95. Member States in partnership with Ministries of Education and ICT shall mobilize all major telecom service providers, EduTech agencies and other ICT companies to boost internet connectivity services for online education, especially for the under-served regions (rural areas, peri-urban informal settlements etc.). Efforts should be made to upgrade the bandwidth of online educational platforms to guarantee uninterrupted access to online lessons and content.
96. Member States should review and amend all legislation, policies and administrative procedures that hinder a child from accessing e-learning devices and platforms.
97. a) Member States in partnership with State Agencies responsible for education shall ascertain the ability of all children to participate in e-learning and implement measures to ensure that no child is left behind. The learning institutions shall evidentially demonstrate the application of mitigation measures to ensure access and usage of remote learning by both learners and staff.
- b) Article 13 of ACRWC, provides for special measures to be taken by Member States to institutionalise disability mainstreaming as part of the Safe Return to School during after the COVID-19 pandemic. This will not be fulfilled if children with disabilities do not have access to the e-learning platforms. Therefore, Member States through the Ministries of Education, should take measures to ensure that learning institutions provide assistive devices and learning materials in addition to access to e-learning. This will enable the safe return to school for children with disabilities, with dignity and without being disadvantaged.

98. Member States working with National human rights institutions, human rights actors and networks, ombudspersons shall ensure that all children regardless of gender, race, skin colour, sex, language, religion, political opinion, birth, or any other status have equal opportunity to access e-learning and enjoy their rights to education (Article 11 of ACRWC). In accordance with Article 3 of ACRWC (on non-discrimination), Member States working with the Ministries of Education and other relevant Ministries responsible for child protection shall ensure all children, particularly girls, children who are orphaned, children in armed conflict, children on the move and children with disabilities can access e-learning.

Child Protection Challenges in ICT

99. Online education has inherent data privacy risks for children. Children's school data is sensitive as it contains; names, home addresses, behaviours, and other highly personal details that can harm children and families when misused. Most countries in Africa still do not have data privacy laws that protect children. This means that governments will struggle to hold providers of internet education technologies accountable for how they handle children's data.
100. Although online learning is considered an alternative to classroom or in-person learning, it has inherent risks that if not mitigated can expose children to various forms of exploitation. Children studying through digital means are more likely to be at risk of cyberbullying and online sexual exploitation. The main concern with the use of ICT in learning is the risk of children being exposed to pornographic images and videos. According to a study by the Australian Institute for Family Studies¹⁷, nearly half of children between the ages of 9-16 experience regular exposure to sexual images. Evidence in Africa, for example in South Africa¹⁸, shows that 57.1% of learners have been exposed to pornographic material, primarily via the internet. In most instances, learners are unintentionally exposed to online pornographic material while searching the internet for entertainment or educational purposes.
101. The use of ICT in learning also presents security challenges to children who may be lured anonymously for exploitation. In Kenya, for instance, four (4) cases were reported of children sent messages by kidnappers who took advantage of the online learning in schools and other digital programs.¹⁹ It is therefore evident, that even

17 Australian Institute of Family Studies. (2017, December 7). The Effects of Pornography on Children and Young People. <https://aifs.gov.au/publications/effects-pornography-children-and-young-people>

18 TMG Digital. (2017). Our children are being exposed to porn—Even violent material. TimesLIVE. <https://www.timeslive.co.za/news/south-africa/2017-02-28-our-children-are-being-exposed-to-porn-even-violent-material/>

19 Ngina, F. (2020). How criminals are using online learning to lure your children for exploitation. The Standard. <https://www.standardmedia.co.ke/ureport/article/2001373738/how-criminals-are-using-online-learning-to-lure-your-children-for-exploitation>

as children seek to recover lost school calendar using online platforms, they are exposed to serious online security risks.

Recommendations to Member States

102. Member States, through the Ministries of Education, should ensure that children are sensitized on digital safety so that they can identify and immediately report on situations that expose them to Online Child Sexual Exploitation (OCSE). Additionally, the Ministries of Education should incorporate education about OCSE into age-appropriate sex education in schools and work with schools to help children safely navigate online interactions and the digital environment. Member States through the Ministries of Education should require schools to adopt peer-to-peer education to sensitize children on how to avoid, prevent and control online harassment and abuse. These education modules should be made available to children on recorded videos and on social media platforms.
103. Member States should develop Data Protection Policies that safeguard the rights of children to privacy as stipulated in Article 10 of the ACRWC. Member States should perform due diligence to ensure that the EduTech companies promote and protect children's privacy rights. Member States and schools should include data privacy clauses in contracts signed with EduTech providers.
104. Member States, in partnership with EduTech companies, should develop mechanisms for protecting children against online kidnappers and criminals who lure children through the digital learning programs. EduTech companies should guarantee safety on digital learning programs, detecting privacy violations, indecent conversations and contact with children by strangers and report to relevant authorities for action. Additionally, Member States should perform due diligence to ensure EduTech companies have the capacity to guarantee protection of children from exploitation when using their digital learning platforms at school or in school libraries during and after the COVID-19 pandemic. Member States should also appeal to parents and teachers to always monitor children's online activities and the content they access when using the internet.
105. Member States through the Ministries of Education should develop and implement Internet Protection policies. These policies should require schools to adopt technologies that block or filter children's access to obscene depictions, child pornography and other harmful contents while using the internet at school or in school libraries during and after the COVID-19 pandemic.

Lack of Preparation for Online Learning

106. Inadequate preparation among teachers and learners for the unique demands of online teaching and learning²⁰. This includes the problem of unfamiliarity with the e-learning platform. Teachers and learners should therefore be trained on e-learning platforms to equip them with skills and competencies to enable teachers to competently provide and support e-learning. Through the training intervention, learners will also be able to use e-learning effectively. The capacity building will be achieved through formal training and workshops.
107. E-learning is not without challenges. It is time consuming, challenging in terms of monitoring learners and tends to reduce interest in direct or in person teaching and learning. Delivery of practical courses that require in person attendance is also proving to be a challenge.²¹.

Recommendations to Member States

108. Guided by UNESCO's suggestions on the Fundamentals of Distance Learning, Member States through the Ministries of Education and other relevant institutions should provide capacity building for teachers to deliver online lessons and address any gaps.
109. Member States should work closely with learning institutions to develop blended programs for completion of practicums, in-person and online. Member States should advance the child's right to quality education as stipulated in Article 11 of ACRWC by developing an action plan indicating how teaching, learning, and assessment of the practical and theoretical aspects of the curriculum shall be implemented.
110. Member States should invest in skills enhancement programs that ensure digitally literate teachers, learners, and parents, to help children cope with their on-line lessons. This includes investing in digital literacy for marginalized populations and the training of teachers to teach children with disabilities remotely.

Challenges in Funding Online Learning

111. Despite the increasing importance of online learning, there has not been a commensurate increase in its funding. Online learning has the potential to reduce congestion in classes. This is especially important during the COVID-19 pandemic. However, many schools do not have a dedicated budget or investment plan for online learning.

20 Scherer, R., Howard, S. K., Tondeur, J., & Siddiq, F. (2021). Profiling teachers' readiness for online teaching and learning in higher education: Who's ready? *Computers in Human Behavior*, 118, 106675. <https://doi.org/10.1016/j.chb.2020.106675>

21 Zalat, M. M., Hamed, M. S., & Bolbol, S. A. (2021). The experiences, challenges, and acceptance of e-learning as a tool for teaching during the COVID-19 pandemic. *PLOS ONE*, 16(3), e0248758. <https://doi.org/10.1371/journal.pone.0248758>

Recommendations to Member States

112. Member States should consider online learning as an investment priority and collaborate with development partners to mobilize financial resources for the same. Member States shall finance the provision of computer devices for learners, to enable access to online lessons. Member States shall allocate funding for investment in remote learning including access to ICT and connectivity. Specifically, the Member States can provide subsidized internet connectivity to all primary and secondary schools (both private and public schools). This may include agreements with telecommunications providers, for discounted internet packages for students, to ensure affordability.
113. Member States should allocate funding to mitigation strategies that address the impact of school closures on children's learning, by working with teachers, school officials, and teachers' unions and associations to factor in plans to recover teaching or contact hours lost. This can be achieved by adjusting school calendars and exam schedules, ensuring fair compensation for teachers and school personnel for additional working hours. The potential to leverage e-learning to redeem lost time during the COVID-19 pandemic should be assessed.
114. Member States should engage in bilateral and multilateral partnerships with pharmaceutical and ICT companies to provide both funding and technical support for implementation of e-learning. Pharmaceutical and ICT companies may engage in these partnerships in line with their corporate social responsibility mandates. These partnerships should be driven by governments and should contribute towards building capacity for strong, effective education systems.

Additional Recommendations

115. Member States, through their Ministries of Education and other stakeholders, should leverage the virtual environment (social media) to expand access to educational contents and materials. Evidence suggests that the use of social media in education helps students, teachers, and parents to get useful information, to connect with learning groups and other educational systems that make education convenient²². Furthermore, the social media network tools enable students and institutions with multiple opportunities to improve learning methods.
116. Member States, through the Ministries of Education, should explore the possibility of using social media to pass culturally sensitive information, especially around

²² JBCN International School. (2019). The Role of Social Media in Education. JBCN International School. <https://www.jbcnschool.edu.in/blog/social-media-in-education/>

COVID-19, which would have been otherwise difficult to discuss in a classroom setting. Similarly, Member States should leverage the social media to disseminate information on opening and closing of schools. Additionally, the use of social media for sensitization and creating awareness on the COVID-19 pandemic and how this medium can contribute to safeguarding children's safety should be explored.

SECTION FOUR: ACCOUNTABILITY MEASURES

Mainstreaming Complaints and Redress System

117. Considering reports that child abuse and neglect have risen since the COVID-19 pandemic yet, structures for reporting abuse and violations during the pandemic are inefficient, State Parties shall in collaboration with human rights organizations and law enforcement agencies, strengthen awareness-raising initiatives on reporting cases of child abuse, exploitation, defilement, and other forms of harassment. Member States shall in partnership with NHRI conduct public awareness campaigns to empower children and the communities to identify cases of violence and abuse and where to file complaints/ reports.
118. Article 16 (2) of the ACRWC provides for protective measures for the protection of children from abuse and torture. They include effective procedures for the establishment of special monitoring units to provide the necessary support for the child and those in care of the child for reporting, referral, investigation, and follow up of instances of child abuse and neglect. As most cases go unreported, it is essential to set up professionally manned reporting hotlines, referral pathways and case management systems at the law p (police), medical and judicial levels. Member States shall set up a national-level complaint and redress system that is accessible and responsive to the medical, psychosocial, and legal support of survivors of violence against children.
119. The complaint and redress system should be responsive, child-centred, and available to all children with a referral system for children on the move, children with disabilities and vulnerable children and ensure it links up to the local child protection focal point that supports the vulnerabilities.
120. As per Article 16 (1) (2) of the Charter, effective procedures shall be implemented for the establishment of special monitoring units to provide the necessary support for the child and their caregivers; ensure other forms of prevention and for identification, reporting, referral investigation, treatment, and follow-up of instances of child abuse and neglect. Member States shall set child-friendly complaint mechanisms where children who have been violated can seek redress in accordance with the provisions of the Charter. The best interests of the child shall inform the reception and handling of all complaints submitted by or on behalf of the children.

Legislative and Policy Enforcement on Ending Violence against Children

121. As stipulated in article 16 (1) of the ACRWC, State Parties shall take specific legal, administrative, social, and educational measures to protect children from all forms of torture, inhuman or degrading treatment, especially physical, mental injury or abuse including sexual abuse, while in the care of family members or guardians. Considering that children are often violated by family members and people they trust, children are more likely to be intimidated during the justice process; therefore, there is need for a particular child-friendly setting, to determine violations; evidence taking; and determination of the cases. Law enforcement agencies such as the police and the judiciary should have a child protection unit where the cases can be reported, investigated, and prosecuted. Member States shall consider having specialised children's courts dedicated to hearing and determining children's cases.

Keeping Children Healthy - Health Sector Setting

122. According to Article 14 (2) (c) and (d) of the ACRWC, State Parties shall undertake the full implementation of the right to health and health services and, take measures to ensure the provision of adequate nutrition and safe drinking water and combat disease and malnutrition within the framework of primary healthcare. As a result of the COVID-19 containment measures; including the lockdowns and cessation of routine health services, access to health, nutrition and hygiene was interrupted. This led to the disruption in immunisation of children and elevated the risk of malnutrition and an upsurge in child illnesses and death. Member States shall, therefore, increase funding to the Ministries of Health and partner agencies and sustain life-saving mother and child health services focused on the urgent health needs caused by the COVID-19 pandemic. These efforts shall include immunization and nutrition programs in ambulatory as well as facility-based settings to ensure child survival and development.
123. Evidence shows that during the COVID-19 pandemic containment periods, as children were home without the safe protective environment of schools, with limited resources and guidance, girls reported more depressive symptoms, while boys reported alcohol and substance abuse. There was an increase in hazardous and problematic alcohol and substance use among adolescents associated with mental health issues, especially among boys who were taken back to the classroom. The Member States shall provide mental health services, rehabilitation, and trauma cen-

tres for both boys and girls in schools, and family settings.

COVID-19 Vaccination

124. Key to the successful reopening of schools, has been the rising vaccination rates amongst both the general population and teachers. The vaccination of teachers has been made a priority in 80 countries, allowing for the inoculation of 42 million teachers. Several states include teachers as a priority group in national rollout plans to curb the spread of the Covid 19 virus, protecting teachers and students alike, and ensuring the continuation of learning. In a few Member States, the vaccination of students aged 12+ years is also a factor in determining the full reopening of schools. Namibia and South Africa are now vaccinating children aged 12 years and over, and Zimbabwe has made 14-year-old children eligible for the COVID 19 shots²³. Member States are advised to adopt WHO/CDC guidelines on COVID -19 vaccination for children and provide school health programs through the Ministries of Education and Health, considering parents' prior and informed consent.
125. Member States shall collaborate with pharmaceutical and ICT companies; private enterprises (through their Corporate Social Responsibility programmes) and with philanthropies to target vulnerable children and the marginalized for vaccination. This effort will include data collection and health management information systems to provide services. Specifically, the data shall inform health interventions on COVID-19 and provide information, support remote learning through technology and communication (IEC) material on COVID-19 vaccination, and advance vaccination of children at risk.

Water, Sanitation and Hygiene (WASH) - Health Sector Financing and Reporting

126. The thrust of COVID-19 management is threefold: hand hygiene, social distancing, and masking. For millions of African children living in remote rural, informal settlement areas or on the streets, basic WASH is not feasible as they do not have access to safe water, and they live in crowded settings. However, proper handwashing and hygiene have never been more critical. State Parties shall upscale the financing of climate-resilient water sources, sanitation, and hygiene interventions, including masking, social distancing, and menstrual hygiene management for the most vulnerable children.

127. Article 14 (2) (j) of the ACRWC provides that State Parties shall support, through

23 Reuters. (2021, December 2). Factbox: Countries vaccinating children against COVID-19. *Reuters*. <https://www.reuters.com/business/healthcare-pharmaceuticals/countries-vaccinating-children-against-covid-19-2021-06-29/>

technical and financial means, the mobilization of local community resources in the development of primary health care for children. Member States shall increase funding for essential health services and related education services that integrate WASH for children and their caregivers. These services should also incorporate psychosocial support for children in school and the community; end violence against children, provide nutrition in schools and ensure positive relationship education. This can be implemented in partnership with CSOs, the private sector and community actors.

Financing Social Protection

128. Article 20(2)(a) of the ACRWC provides that State Parties shall take appropriate measures to assist needy parents or caregivers by providing material assistance and support programs. These programs will provide nutrition, health, education, clothing, and housing and (c) ensure that the children of working parents are provided with care services and facilities.
129. Member States shall therefore adopt social protection measures such as Universal Health Coverage and the government led emergency cash transfer programmes for families who lost their livelihoods because of the COVID-19 pandemic. This will provide basic needs for COVID-19 orphans, children on the move, children in conflict settings, other children, and caregivers. Member States shall upscale programs that link these vulnerable families to income-generating activities, healthcare, nutrition, and related education. Social protection programmes shall target households where children are at risk of dropping out of school, after they have safely returned to school.
130. Article 22(3) of the ACRWC provides that; State Parties shall, in accordance with their obligations under international humanitarian law, take feasible measures to ensure the protection and care of children affected by armed conflict. Children on the move/ in conflict settings, face risks to their security such as sexual and other forms of violence and separation from family/caregivers. The Member States shall include in their pandemic-response contingency plans, linkages to national social safety nets for the protection of children on the move, in refugee camps and in conflict settings. Member States shall take steps towards the protection of children from violence and harassment both online and offline, at home and school in conjunction with International NGOs and UN partners.
131. Children affected by conflict and children on the move face human rights violations, and threats to their safety and wellbeing and these have been magnified by the pandemic. Many of these children have limited access to healthcare, and living conditions make social distancing unfeasible. Too often, these children are hidden from

the view of Government and humanitarian workers. The Member States shall adopt policy measures to collect disaggregated data for Refugee status determination and planning processes for the safe return to school for all categories of children.

132. Member States shall adopt social protection measures such as universal health coverage and government-led emergency cash transfer programs for vulnerable families who lost their livelihoods to COVID-19, for increased access to food, healthcare, and education. The Member States shall partner with multilateral financial institutions to help families and businesses restore income, preserve livelihoods, and upscale programs that link families to income-generating activities, healthcare, nutrition, and related education. Social protection programs shall target households where children are at risk of dropping out of school and sustain children in the education system on their *Safe return to school*.
133. Member States shall provide affordable and accessible community health insurance schemes for children in school and fund health insurance for the indigent. Where possible, governments shall provide comprehensive medical covers for school-going children in both public and private schools to support their *Safe return to school*.

Education Sector Financing and Coordination/Harmonisation

134. Article 11(3) of the ACRWC provides that State Parties shall take special measures in respect of female, gifted and disadvantaged children to ensure equal access to education. With the reopening of schools, governments are called on to invest in the capacity building of teachers, students, and caregivers to enable them to positively face the challenges of learning, in the COVID-19 pandemic context. Member States should prioritise funding for the in-person and blended return to school for all children, including children with disabilities. Member States shall streamline distance-learning models with well-defined, harmonised teaching curriculums and assessment guidelines at the national level, incorporating teacher training competences, including positive relationship education, required in the COVID-19 pandemic context.

Coordination and Collaboration

135. According to Article 21 of the ACRWC; State Parties shall take appropriate measures to eliminate harmful cultural and social practices affecting the welfare and dignity of the child and in particular, customs and practices prejudicial to the health or life of a child, child marriage and betrothal of boys and girls. Member States shall collaborate with the media, administration officials, business, professional, religious, and traditional opinion leaders to educate communities and families on the *Safe return to schools* and to protect children from violence, abuse, and exploitation, female genital

mutilation/cutting, and early, forced and child marriage, to influence positively the safe return to school.

Intersectionality

136. There is need to address gender-specific risks and prevailing cultural and social norms and expectations that disproportionately disadvantage girls and create multiple constraints.²⁴ Multiple risks such as climate change, natural disasters, food insecurity, conflict and pandemics including COVID-19, increase vulnerabilities that compound gender and intersectional disadvantages, poverty, and exclusion. A study: 'Promises to keep: Impact of Covid-19 on Adolescents' in Kenya, showed that over 375 primary and secondary school learners did not resume learning. About 250,000 of the dropouts were girls, while 125,000 were boys. 165,000 adolescent girls aged 10 – 19 years were married or became teen mothers. The likelihood of exclusion from education is most problematic among young women in Africa, where 49.8 per cent of the female youth population have either no or limited access to education.
137. Both boys and girls have a productive and reproductive role. Girls are involved in childcare and care work and are more likely to be trafficked as domestic workers than boys who are often engaged in artisanal work, farming and working in sectors that require physical strength. The reproductive role of boys has no associated risks, but violent abuse is associated with the reproductive role of girls. Interventions will address the specific risks associated with the girls' who are a vulnerable group; lack of menstrual hygiene products, laws and policies that prevent teen mothers to resume school, sexual harassment, prostitution, and enslavement and how these issues affect their *Safe return to school*.

24 International Institute for Environment and Development. (2021, September 7). Integrating gender and intersectionality in social protection programmes. Retrieved from <https://www.iied.org/integrating-gender-intersectionality-social-protection-programmes>

SECTION FIVE: AUXILIARY MEASURES

Research, Monitoring and Evaluation

138. Member States shall allocate sufficient funding and resources for research; collection of disaggregated data by gender, age, vulnerability, and other relevant characteristics on the violations of children during the COVID-19 pandemic. This data will inform evidence-based and gender responsive advocacy and policy formulation. Additionally, Member States shall support the efforts of NGOs, CSOs, Human rights actors and networks, the private sector, academia, and research institutions to collect data on child protection and the violations of the rights of children and related child protection interventions during the COVID-19 pandemic. Additionally, Member States shall assess the impacts of the COVID-19 pandemic on the safe return to school on the private education sector and consider responses, including expanding financing of both public and private sector education and other appropriate responses.

Reporting on the Guidelines on the Safe Return to School

139. Member States shall set up reporting mechanisms on the *Safe return to school* that integrate the effective coordination of all actors, both state and non-state, at national and sub-national levels, for the purpose of the safe return to school.
140. Member States should include the information in their regular reports within the established procedures of the ACERWC.

Non-compliance of State Parties to the Guidelines

141. Where violations of the Safe return to school guidelines are reported through reports on optional protocols or through the media, or by a number of continental and concerned States, the ACERWC may assign some of its members or a special rapporteur to undertake an investigative or exploratory and/or a follow-up explanatory and consultative mission to the said Member State. Through dialogue, the Member State will be helped to comply with the guidelines. This initiative should be limited in time and should involve interested national and international NGOs, CSOs, FBOs, NHRIs, private sector and other partners.

The Role of Regional Economic Communities (RECs)

142. The Migration Policy Framework for Africa (MPFA) and Plan of Action 2018-2030 developed by Member States and Regional Economic Communities (RECs) acknowledges that migration is dynamic and that migration trends and patterns on the conti-

ment have changed over the past ten years. The MPFA identifies the eight key pillars: Migration Governance, Labour Migration and Education, Diaspora Engagement; Border Governance, Irregular Migration, Forced Displacement, Internal Migration and Migration and Trade. Enhanced migration governance is the overarching objective of the MPFA. In addition to the above key thematic areas, the MPFA also addresses the following eleven cross-cutting issues: Migration and Development; Migration Data and Research; Human Rights of Migrants; Principles of Non-Discrimination; Migration, Poverty and Conflict; Migration and Health; Migration and Environment; Migration and Gender; Migration and Children, Adolescents and Youths; Migration and Older Persons; and Inter-State and Inter-Regional Cooperation. The guidelines on the *Safe return to school* during and after the COVID-19 pandemic are aligned with the MPFA.

143. Member States shall ensure that national migration policies are linked to and coherent with policies relating to families. Member States shall end the detention of migrant children and their families for reasons of their migration status and establish alternatives to detention that are in the best interests of the child, to ensure the *Safe return to school* for migrant children.
144. Member States shall develop standards for the treatment of unaccompanied and separated minors on *Safe return to school*.
145. Member States shall implement the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and ensure the protection of the rights of children with disabilities, including those affected by mental health disabilities.
146. Member States shall ensure that the rights of migrant children, adolescents and youths are effectively protected under national laws by incorporating relevant international instruments, particularly the African Charter on the Rights and Welfare of the Child, the African Youth Charter, the UN Convention on the Rights of the Child, the UN Convention Against Trans-National Organized Crime and its two Protocols: and ILO Convention 182 on the Worst Forms of Child Labour.
147. Member States shall ensure through legislative policy, that children on the move, adolescents and youths have adequate access to gender-responsive and culturally appropriate health care, nutrition, education, and shelter.
148. Member States shall promote informational/educational campaigns to raise awareness about the child and youth dimension of migration among migrants, those affected by migration, children on the move, policy makers and personnel involved in migration, especially in managing the *Safe return to school* during the COVID-19 pandemic.

Partnerships

Partnerships between NHRIs and CSOs

149. Civil society actors are defined as individuals who voluntarily engage in various forms of public participation and action around shared interests, purposes or values that are compatible with the goals of the African Union and the United Nations. In these guidelines, the shared interests are around child protection for the *Safe return to schools*.
150. Field presences engage with civil society actors, on the one hand, to empower them to contribute to the realization of human rights and, on the other, to protect those at risk because of their human rights activities.
151. Engagement with civil society is key to bringing about change in the protection and promotion of human rights, and to ensuring durable human rights protection at the national levels. In the context of human rights monitoring, field presences can engage with civil society from different angles:
 - i. by monitoring the situation of civil society actors, i.e., assessing their presence and capacity, protection concerns and their operating environment (enabling or not); and;
 - ii. by having civil society actors function as partners in all stages of the monitoring and reporting cycle on the *Safe return to schools*. The protection of civil society actors under threat is the responsibility and concern of the field presence and its staff. Field presences should devise protection strategies to respond to risks and threats affecting civil society actors.

Roadmap for Engagement

152. NHRIs should engage in an open dialogue with civil society, as a basis for shifting their engagement with civil society actors to one of partnerships in monitoring activities. The dialogue should establish mutual trust and the NHRIs must remain neutral, unbiased, reliable, and credible. NHRIs should avoid delegitimizing local capacities or replacing civil society actors in their activities. NHRIs should encourage and support the development of networks and coordination among civil society organizations. They should be aware of the available human, material, and financial resources of the field presence and avoid making promises that cannot be honoured.
153. NHRIs should adopt an inclusive approach to information sharing; by establishing and maintaining two-way communication. They should support or attend local initiatives where appropriate. NHRIs should undertake joint initiatives on the *Safe return*

to schools where there are common goals and values. Additionally, NHRIs are encouraged to contribute to on-going civil society initiatives rather than proposing new activities for which ownership needs to be built from conception. NHRIs are advised to proactively establish focal points to reach out and engage with CSOs working on *Safe return to schools* as a primary activity.

154. NHRIs can engage with partner NGOs to promote domestic compliance of the ACRWC and secure the rights of children on *Safe return to schools* by;
1. Engaging with NGOs, CSOs and other stakeholders to identify and remedy breaches in child protection as defined by the ACERWC.
 2. Defining and developing long term thematic and issue specific programs on the protection of child rights especially those related to the *Safe return to schools*.
 3. Convening a round table of lawyers, advocates and child rights activists working to address the violations of the rights of children related to the *Safe return to schools*.

NHRIs and partnerships with CSOs for recording and monitoring of the rights of children on the *Safe return to school*.

155. The recording and monitoring of the protection of child rights and violations is a task defined as the active collection, verification, and immediate use of information to address child rights problems.
1. It does not consist merely of passive observation, but calls for proactively seeking information, ensuring that it is accurate and then using it to redress wrongs, halt violations and prevent abuse. Independent monitoring of children's rights is one of the central functions of NHRIs' work related to children. It spans diverse topics and levels – from reviewing laws and policies to handling individual complaints – to assessing whether rights have been violated and seeking ways to achieve redress. NHRIs monitor the extent to which children's rights are respected and implemented from an entirely independent perspective, without requiring orders from governments, parliaments, or other authorities. This is underlined by the Committee on the Rights of the Child (CRC Committee) in its General Comment.
 2. NHRIs should be accorded such powers as are necessary to enable them to discharge their mandate effectively, including the power to hear any person and obtain any information and documents necessary for assessing the situations falling within their competence. These powers should include the promotion and protection of the rights of all children under the jurisdiction of the State Party in relation not only to the State, but to all relevant public and private entities.

156. Independent monitoring by NHRIs specifically includes visits to settings in which children are either under the care of someone other than their parents, or are being held together with their parents, without freedom of movement. The NHRI mandate for monitoring children's rights in closed settings derives from various provisions of the Charter, the Convention on the Rights of the Child (CRC) and other international covenants. It is, however, important to understand how they operate, to build on their respective mandates and support their strengthening. Since the NHRI's larger monitoring function applies to all public (and in some cases private and NGO) institutions, it can also be called upon to review how other relevant actors and systems are functioning and make recommendations for improvement.

Partnerships with other Partners

157. Recognising that the *Safe return to school* programme is a humanitarian effort, the need for innovative funding of the programme drawing on the resources of development partners, private sector, philanthropists, and communities to augment government resources is imperative.
158. Member States shall integrate the *Safe return to school* guidelines into national and regional agendas for the survival and development of children by engaging in dialogue and programme development on the Safe return to schools with regional bodies and development actors, including but not limited to, the AU, EU, the League of Arab States, RECs, World Bank, International Monetary Fund, African Development Bank, WHO, ILO, IOM, UNECA, UNHCR, UNICEF, UNODC, UN WOMEN, UNDP.
159. Member States should also engage International Organizations such as Loving World, Save the Children International, Plan International, IPPF and others in the design and execution of the *Safe return to school* guidelines.
160. Member States should engage continental, regional, national and sub national CSOs, FBOs, Women and Youth groups, as well as private sector actors, business leaders and philanthropists on the *Safe return to school* guidelines.
161. Holistic measures to respond to students' needs must be based on a whole-school and whole-community approach. Strong partnerships between schools and communities imply an ongoing communication between educational staff and families. The partnerships will ensure that schools and communities are well informed and can work together to identify and efficiently respond to the *Safe return to school* needs of students, particularly, those of the most vulnerable children. These approaches are necessary to ensure that vulnerable students and their communities are consulted and equipped to overcome the challenges sparked by the COVID-19 crisis.

162. Member States shall encourage the involvement of all key stakeholders including teachers, children and their families, local groups, civil society, FBOs or community human rights actors in the planning and the implementation of these guidelines, to support all children on the *Safe return to schools*.
163. Member States shall facilitate partnerships among schools, local and community stakeholders to respond to vulnerable children's needs. Member States shall therefore ensure cooperation between relevant authorities and agencies to design joint comprehensive (re) opening strategies, involving inter-ministerial delegations who can be an efficient intermediary between authorities and community-based actors.
164. Member States shall ensure collaboration and cooperation among authorities and education or teachers unions, staff associations and welfare groups. These stakeholders shall be involved in discussions on school re-opening strategies, and shall contribute views on vulnerable children and their *Safe return to school*.
165. Member States shall ensure cooperation between authorities and civil society, NGOs, FBOs and grass-root associations as essential partners to reach vulnerable children. To this end, Member States shall support these groups financially during the COVID-19 pandemic to achieve the *Safe return to schools*.

The Resources Needed to Respond to the COVID- 19 Crisis

166. Member States are incurring significant education expenses due to the COVID-19 pandemic. The unprecedented expenses include providing online and distance learning, expanded learning, cash transfers and additional food services for low-income families. These additional costs, combined with projected revenue shortfalls, have caused large funding demands for Member States. Ministries of Education are also incurring significant unbudgeted costs related to ensuring the health and safety of children and staff upon their return to school, as they comply with the COVID-19 protocols of: Adherence to the COVID-19 health and safety guidelines, providing personal protective equipment, adequate ventilation in classrooms and support for social distancing.
167. In many Member States, there are significant inefficiencies and accountability challenges in education spending, which often drive large inequalities in financial allocations between different regions and children from different socioeconomic backgrounds. The sources of this inefficiency and unequal use of public funding differ across countries but often include the uneven distribution of teachers, fiscal transfer formulas that fail to consider the differences in student populations, and weaknesses in public procurement systems. While there may be different causes, the pandemic, and the strain that it has put on government finances, adds further urgency to tack-

ling these weaknesses and increases the need for accountability for public funding. Development partners can play an important role in supporting governments' pandemic responses and targeting resources to the most vulnerable.

168. Member States shall encourage development partners to continue to support existing education projects. This support could be adjusted and frontloaded to support the pandemic response. In the medium term, development partners should assess the feasibility of increasing their development assistance for the *Safe return to schools*, for example, by increasing its share in total aid allocations.
169. Member States should also consider additional resource mobilization from other non-traditional sources and seek funding beyond philanthropic organizations or corporate social responsibility contributions, to support investments in the education sector.

Improving Monitoring and Financial Planning

170. Minimizing learning losses due to COVID-19 pandemic and tackling the learning crisis will require better monitoring. The impact of the pandemic on public spending plans for education will vary according to the context and the policy choices made in each Member State. As the crisis unfolds and its impact becomes clearer, it will be important to track its effect on national spending plans. While up-to-date data on budget and budget revisions are available in most countries, this information is not meaningfully assembled nor is it made publicly available. At the international level, information on education spending is only available with a significant delay.
171. Member States and Development partners shall address the information gaps on education spending to provide up to date and timely data. Better data can also help countries to adjust and to develop more sustainable medium-term financing strategies for the sector.
172. Member States are advised to adjust their national development plans to ensure that national education goals on the *Safe return to schools* can be sustainably financed.
173. Member States shall put in place credible financing strategies for the *Safe return to schools* that identify funding needs; include a medium-term outlook for sector financing and highlight actions to strengthen financial management of the *Safe return to school* programmes.

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TO SCHOOLS OF CHILDREN
DURING THE COVID-19 PANDEMIC**
Janvier 2022



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