



The CRC at 37: Progress and Gaps in Early Childhood Implementation in Africa

Marking the 37th anniversary of the Convention on the Rights of the Child with an assessment of implementation for children aged 0 to 8 across the African continent

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Abstract

Thirty-seven years after the United Nations General Assembly adopted the Convention on the Rights of the Child on 20 November 1989, this paper reviews progress in the implementation of children's rights in Africa during early childhood. It focuses on children from birth to below eight years, consistent with the working definition in General Comment No. 7. The review considers the legal architecture of the CRC and the African Charter on the Rights and Welfare of the Child, progress in survival, registration and early learning, and persistent failures in financing, regulation, data, protection, inclusion and accessible redress. It closes with an agenda for 2026–2030 that centres enforceable early childhood entitlements, public financing and systems that can be held to account.^[5]

Scope and sources

This is a legal and policy review, rather than a cross-country impact evaluation. It draws on treaty texts, general comments, treaty-body procedures, African Union records and regional data published through August 2026. “Africa” refers to the 54 United Nations Member States in Africa. Where a source uses “sub-Saharan Africa”, that classification is retained. The review uses the period from birth to below eight years in line with General Comment No. 7 and distinguishes early childhood development, care and pre-primary education where the available data do so.^[5]

About the Centre for Early Childhood Justice

The Centre for Early Childhood Justice (CECJ) is a public-interest legal and policy institute based in Kampala, Uganda. CECJ works across national, East African Community and African Union contexts to advance the rights of young children through law, public finance accountability and systems reform.

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1. Introduction: an anniversary worth interrogating

Thirty-seven years after its adoption, the Convention on the Rights of the Child offers real grounds for reflection. It remains the most widely ratified human rights treaty. All 54 United Nations Member States in Africa are parties, following Somalia's ratification in 2015. Over this period, more children in sub-Saharan Africa survive beyond their fifth birthday, receive routine vaccinations, have their births registered and enter early learning. In 2024, the region's under-five mortality rate stood at 71.2 deaths per 1,000 live births, far below its level in 1990, even as it remained the world's highest regional rate.^{[1][2][9]}

The anniversary also calls for a closer examination of what governments committed themselves to deliver. The Convention recognises every child's rights to a legal identity, protection from violence, an adequate standard of living, health care, education, rest, play and participation in matters affecting them. Across birth to below eight years, enjoyment of those rights remains deeply uneven. This paper finds that early childhood receives insufficient attention in legislation, public financing, data systems and accessible accountability mechanisms, even though the consequences of failure during this period can be lasting.

2. Normative architecture: a dual system

Africa's core child-specific rights framework rests on two treaties: the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Charter was adopted by the Organisation of African Unity in July 1990 and entered into force in November 1999. It gives direct attention to harmful practices, children affected by armed conflict and displacement, the family environment, and the unqualified definition of a child as every person below eighteen years. As of August 2026, 50 of the African Union's 55 Member States had ratified or acceded to the Charter. That remaining ratification gap belongs in any account of Africa's child rights architecture.^{[1][3][4]}

The Charter established the African Committee of Experts on the Rights and Welfare of the Child, which monitors implementation, interprets the Charter and receives communications. Article 44 permits communications from a person, group, qualifying non-governmental organisation, Member State or the United Nations. The CRC's Third Optional Protocol on a communications procedure was adopted in 2011 and entered into force in 2014. Its individual communications procedure is available in relation to States Parties to that Protocol and is subject to its admissibility requirements, including the exhaustion of effective domestic remedies.^{[3][6]}

The place of early childhood within this legal framework became clearer in 2005, when the Committee on the Rights of the Child issued General Comment No. 7. It confirms that young children are rights-holders in their own capacity and proposes early childhood as the period from birth to below eight years. Agenda 2040: Fostering an Africa Fit for Children, developed by the African Committee in 2016, set continental aspirations for children's rights. The Nurturing Care Framework, launched at the World Health Assembly in 2018, places health, nutrition, security and safety, responsive caregiving and opportunities for early learning within one public agenda.^{[5][7][8]}

A young child in Africa is therefore covered by an extensive body of international and regional commitments. The question is whether these commitments retain force in the child's everyday life, including within homes, health services, care settings, early learning centres, local governments and national budgets.

3. Thirty-seven years of milestones

The table below sets out principal legal and policy milestones relevant to the period under review.

Year	Milestone
1989	UN General Assembly adopts the Convention on the Rights of the Child (20 November)
1990	CRC enters into force (2 September); OAU adopts the African Charter on the Rights and Welfare of the Child
1999	African Charter on the Rights and Welfare of the Child enters into force (29 November)
2001	African Committee of Experts on the Rights and Welfare of the Child begins work
2005	CRC Committee issues General Comment No. 7 on implementing child rights in early childhood
2011	UN General Assembly adopts the Third Optional Protocol to the CRC on a communications procedure
2014	Third Optional Protocol to the CRC enters into force (14 April)
2015	Somalia ratifies the CRC, completing ratification by the 54 UN Member States in Africa; UN adopts the Sustainable Development Goals, including target 4.2
2016	African Committee of Experts on the Rights and Welfare of the Child develops Agenda 2040: Fostering an Africa Fit for Children
2018	Nurturing Care Framework for Early Childhood Development is launched at the World Health Assembly
2023	CRC Committee issues General Comment No. 26 on children's rights and the environment, with a special focus on climate change
2026	37th anniversary of the CRC's adoption (20 November)

Source: CECJ compilation from treaty texts and official institutional records.

4. What has been achieved

4.1 Universal ratification and a wave of domestication

Universal CRC ratification is significant, and the period since 1990 has brought substantial domestic legal reform. Children's legislation, constitutional protections and judicial decisions have increasingly recognised rights to education, protection from violence, a legal identity and equality. Yet ratification of the African Charter remains incomplete, and incorporation of rights in domestic law gives children uneven protection where implementing regulations, local capacity and accessible remedies are weak.^{[1][3][4]}

4.2 Survival and health

The clearest achievement of the CRC era is improved survival. Under-five mortality in sub-Saharan Africa has declined sharply since 1990, reflecting sustained gains in immunisation, malaria control, maternal and newborn care, nutrition and treatment of childhood illness. In 2024, the region's under-five mortality rate was 71.2 deaths per 1,000 live births. The level still demands urgency, particularly for children in poor, rural, conflict-affected and underserved communities.^[9]

4.3 The rise of early learning

Pre-primary education is now recognised across far more African education systems than it was in 1989. Policies, laws and sector plans increasingly address early childhood education, and public provision has expanded in several countries. Access remains limited across the region: UNESCO reports that 70 per cent of children in sub-Saharan Africa are outside pre-primary education. Enrolment therefore signals progress, while leaving a large share of young children without access to organised early learning.^[10]

4.4 Identity and data

Birth registration has expanded through digitisation, decentralised services and links with health systems. Comparable household surveys also provide stronger evidence on child development, early learning participation and discipline practices than existed when the CRC was adopted. Major gaps remain: UNICEF estimates that around 90 million children under five in sub-Saharan Africa have not had their births registered and more than 110 million lack a birth certificate.^[11]

5. The persistent gaps

5.1 The implementation gap

The central implementation problem is the distance between legal commitment and a child's daily experience. Children's laws frequently require implementing regulations, funded services, trained personnel, coordination across sectors and local delivery systems. These elements are still incomplete in many settings. A child's access to early learning, protection and care can still depend heavily on place of residence, household income, disability, migration status and the availability of a local programme.

5.2 Financing

Public financing is still a major constraint. In many sub-Saharan African settings, household contributions account for most pre-primary costs, leaving access dependent on families' ability to pay. Any proposed minimum budget share for pre-primary should be attributed to the institution or coalition advancing it, rather than presented as a universal legal benchmark. Governments should make spending on early childhood visible through education, health, nutrition, social protection and child protection budgets so that citizens can assess whether legal commitments are being financed.^[12]

5.3 Access and equity in early learning

Around seven in ten children in sub-Saharan Africa remain outside pre-primary education, and regional averages conceal wide differences between and within countries. Rural children, children living in poverty, children with disabilities and children in humanitarian settings face heightened barriers. Population growth increases the number of children requiring services each year, making slow progress in participation rates, especially costly. The region needs a far faster pace of expansion to reach Sustainable Development Goal target 4.2.^[10]

5.4 Quality, workforce and regulation

Access must be accompanied by quality. Available regional data show progress in the share of trained pre-primary teachers, while large gaps in qualification, professional status, pay, adult-to-child ratios, learning environments and inspection persist. Regulation must reach public, private, community and informal providers through graduated, support-oriented systems. Article 3(3) of the CRC requires states to set and enforce appropriate standards for institutions, services and facilities responsible for children's care and protection, including where provision is non-state.^{[1][10]}

5.5 Protection, nutrition and identity

Young children continue to face violence, malnutrition and exclusion from legal identity. UNICEF's comparable measure of violent discipline covers children aged 1 to 14 years, and the available evidence shows that psychological aggression and physical punishment remain widespread. Stunting remains high across sub-Saharan Africa, reflecting failures in the conditions necessary for healthy growth. Birth registration has improved, yet around half of children under five in the region remain unregistered. These harms often overlap within the same households and communities.^{[11][13][14]}

5.6 Crisis as a childhood condition

Conflict, displacement and climate shocks have become central conditions of childhood in parts of the Sahel, the Horn of Africa, Sudan and the eastern Democratic Republic of Congo. Young children need continuity of health, nutrition, protection, care and early learning services before, during and after emergencies. Preparedness, local service continuity and inclusion of early childhood in humanitarian financing and recovery plans are therefore core implementation duties.

5.7 The first three years

The period from birth to three years needs far greater visibility in law and policy. Pre-primary expansion, important as it is, does not meet the needs of infants and toddlers. Young children depend on family income, parental and caregiver support, maternal and newborn health care, nutrition, social protection, safe childcare, responsive care and early identification of developmental concerns. General Comment No. 7 and the Nurturing Care Framework place these responsibilities firmly within the state's early childhood obligations.^{[5][8]}

5.8 Inclusion and non-discrimination

A credible early childhood rights agenda must track disability, gender, poverty, rural residence, language, migration and displacement. The CRC prohibits discrimination and requires appropriate support for children with disabilities; the African Charter also contains specific protections for children with disabilities, refugee children and children affected by armed conflict. Data systems and service standards should therefore identify barriers to participation and support, rather than treat children as a single undifferentiated group.^{[1][3][5]}

6. The early childhood blind spot

Beyond the specific deficits sits a structural problem in how child rights systems treat the early years. General Comment No. 7 itself arose from the CRC Committee's concern that State reports supplied little information on early childhood beyond mortality, birth registration and health care. Reporting, administrative data and budgets still frequently make it hard to follow what reaches children from birth to below eight years. Data need to be disaggregated by age, sex, disability, place of residence, household circumstances and humanitarian status, with clear links to expenditure and service coverage.^[5]

Accountability must be designed around young children's realities. Complaint processes need child-friendly routes, supported representation, accessible legal aid and standing rules that allow parents, guardians, independent institutions and public-interest organisations to act where rights are at risk. Domestic remedies should sit alongside the reporting, communications and investigative roles of the CRC Committee and the African Committee of Experts. These routes become meaningful when families and frontline providers know about them and when institutions can respond promptly.

7. An agenda for the decade ahead

What would it take for the CRC's fortieth anniversary to read differently? The following commitments provide a practical agenda for 2026–2030. Each government should publish a baseline, a time-bound target, a named lead institution and an annual public progress update.

- 1) Establish enforceable early childhood entitlements. Domestic law should provide every young child with a defined entitlement to registered, regulated care and at least one year of free pre-primary education, with a named duty-bearer and accessible route to remedy.
- 2) Finance the earliest years. Governments should publish early childhood expenditure across sectors, protect progressive increases in domestic financing and reduce household cost barriers.
- 3) 3. Regulate the whole sector. National and local systems should register, support, inspect and progressively enforce standards across public, private, community and informal provision.
- 4) Professionalize the workforce. Countries need recognised qualifications, pathways for experienced practitioners, fair pay and practical supervision.
- 5) Make the first three years visible. Family support, childcare, health, nutrition, social protection and early intervention require coordinated public action.

- 6) Measure inequity. Data should be disaggregated across the full birth-to-below-eight range, including disability, gender, location and humanitarian status.
- 7) Open routes to redress. Child-friendly complaints systems, public-interest standing and use of regional and international procedures should form part of the ordinary accountability architecture.^{[1][3][5][6]}

These commitments require no new treaty. The legal foundation already exists. The next decade calls for practical machinery, sustained financing and political attention that make early childhood rights real in the lives of children and families.

8. Conclusion

Thirty-seven years on, the Convention on the Rights of the Child has changed the prospects of many young children in Africa. Far more survive, are counted and enter early learning than in 1989. The work remains unfinished: early childhood is still the least visible, least consistently financed and least enforceable phase of children's legal lives in many settings. The deficits are known, and so are the tools for addressing them. The task set by this anniversary is to put those tools to work while children are still young enough to benefit.

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