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CONCLUDING OBSERVATIONS: CENTRAL TO SOLIDARITY, AND THE CONTEMPORARY DEVELOPMENT OF CHILDREN'S RIGHTS IN AFRICA?

Concluding observations of human rights treaty bodies are often treated as supervisory outputs, yet they function as authoritative interpretive instruments capable of generating normative content. This paper examines selected concluding observations of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and argues that, when analysed through a normative-doctrinal methodology, they operate as instruments of normative production within African human rights law. It advances the central claim that concluding observations generate solidarity as a legal doctrine that structures the promotion and protection of children's rights in contexts of structural inequality, governance failure, and social transformation. Drawing on eleven concluding observations, the paper identifies recurring patterns relating to state responsibility, institutional coordination, non-discrimination, socio-economic rights, and the protection of children in situations of vulnerability, and demonstrates how these patterns crystallise into expectations of conduct through iterative interpretive practice. Situating these developments within a global context in which human rights norms are increasingly contested, the paper shows that concluding observations provide a framework for governance grounded in legally constructed solidarity, thereby contributing to the evolution of child-centred rights within the African human rights system.

Keywords: African Committee of Experts on the Rights and Welfare of the Child, non-discrimination, socio-economic rights, protection of children in situations of vulnerability.

1. INTRODUCTION

The statistical distribution of State Parties reporting to the ACERWC must be situated within the threshold question of ratification of the ACRWC. As of 30 April 2026, of the 55 States on the continent, 52 have ratified the Charter and are accordingly under a legal obligation to submit periodic reports, while three States, namely Morocco, South Sudan and Tunisia, have not ratified the Charter and are therefore not bound by its reporting requirements (ACERWC, 2026). Within the pool of 52 States Parties, the reporting record reveals a sharply uneven pattern of compliance. Only a narrow core, most notably Kenya and Rwanda, have completed the full reporting cycle up

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to the third periodic report, while a small group, including Burkina Faso, Eritrea, Niger, Senegal and South Africa, demonstrate partial continuity through the second periodic stage (ACERWC, 2026). The dominant trend among the remaining States Parties is one of truncated engagement, with most States confined to initial or, at best, first periodic reporting, and a number failing to submit any report at all despite being legally bound to do so.

This distinction is doctrinally significant. Non-reporting by non-ratifying States does not constitute a breach, whereas non-reporting by ratifying States reflects a failure of compliance within the Charter's supervisory framework. More critically, the uneven progression across reporting cycles constrains the Committee's ability to engage in sustained, iterative dialogue with States. The consequence is not merely procedural but normative: limited reporting cycles weaken the production, refinement, and consolidation of interpretive standards. In effect, where reporting is truncated, the jurisprudential development of children's rights is equally constrained, and the emergence of system-wide doctrines, including solidarity, is correspondingly weakened.

A percentage-based analysis confirms this structural limitation. Approximately 18.2% (10/55) of States have not submitted any report, a category comprising both non-ratifying States and ratifying States in default of their obligations (ACERWC, 2026). A further 32.7% (18/55) have submitted only an initial report, indicating minimal engagement with the supervisory framework. The largest share, 36.4% (20/55), have advanced to both initial and first periodic reports, reflecting partial but incomplete compliance. More sustained engagement is observed in 9.1% (5/55) of States, which have submitted initial, first, and second periodic reports, while only 3.6% (2/55) have completed the full reporting cycle up to the third periodic report.

The authority of concluding observations is not incidental to the reporting process but is grounded within the supervisory architecture of the African Charter on the Rights and Welfare of the Child (ACRWC). Article 43 establishes the reporting obligation, requiring States Parties to submit periodic reports on measures adopted to give effect to the Charter, while Article 42 mandates the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to monitor implementation, interpret the provisions of the Charter, and formulate principles and rules aimed at protecting children's rights. Concluding observations emerge from this institutional process of examination, dialogue, and interpretation (ACERWC, 2026). They therefore derive their legitimacy and authority from the Committee's interpretive mandate and its supervisory function within the Charter system, positioning them as integral components of treaty implementation rather than ancillary outputs.

This paper proceeds from the position that the significance of concluding observations lies not in their frequency but in their function. It argues that concluding observations of the ACERWC, when treated as interpretive instruments and analysed through a normative-doctrinal methodology, operate as mechanisms of norm production within African human rights law. More specifically, it advances the claim that the iterative and patterned articulation of obligations within concluding observations generates solidarity as a legal doctrine that structures the promotion and protection of children's rights in contexts of structural inequality, governance failure, and contemporary social change.

2. CONCLUDING OBSERVATIONS AS INSTRUMENTS OF NORM PRODUCTION

Concluding observations must be understood, not as advisory outputs that have gradually acquired significance, but as authoritative interpretive instruments embedded within the

architecture of treaty-based supervision (Borlini & Crema, 2019, p. 12). Emerging from the process of constructive dialogue between treaty bodies and States, they are juridically consequential products of a structured engagement through which compliance is interrogated, gaps are identified, and the normative implications of treaty provisions are clarified (O’Flaherty, 2006, p. 29). Their authority is therefore inherent rather than derivative: it flows from their institutional location within supervisory mechanisms and from the iterative, reasoned character of their production. In this sense, concluding observations operate as a distinct mode of legal interpretation within international human rights law.

This interpretive function becomes clearer when examined across both international and continental systems, where concluding observations perform a shared doctrinal role of norm clarification. At the international level, they function as a secondary source of law that progressively defines the normative core of broadly framed treaty rights (Mechlem, 2009, p. 905). This process is mirrored within the African human rights system, where supervisory bodies such as the African Commission and the ACERWC utilise concluding observations to specify State obligations under the African Charter and the ACRWC. The significance of this dual practice lies in its convergence: across both systems, concluding observations translate indeterminate legal norms into concrete expectations of conduct, thereby reducing ambiguity while simultaneously expanding normative reach.

The legitimacy of concluding observations must be located within this interpretive practice rather than in any formal binding force. At the international level, legitimacy is constructed through consistency, reasoning, and transparency in the outputs of treaty bodies (Keller & Ulfstein, 2012, p. 116). Within the African system, this legitimacy is intensified through a closer alignment between interpretation and implementation. Unlike the relatively diffuse follow-up mechanisms characteristic of the United Nations system, the African framework increasingly embeds concluding observations within structured supervisory and reporting processes (von Staden, 2018, p. 30). This produces a tighter linkage between norm articulation and compliance monitoring, thereby strengthening the functional authority of concluding observations as instruments of governance rather than mere interpretive guidance.

The doctrinal significance of concluding observations is most evident in their role within a jurisprudential loop of norm development. At the international level, they function as the primary site for the articulation of emerging legal interpretations (Tladi, 2016, p. 333). Issues repeatedly identified across State reviews generate patterns of reasoning that are subsequently consolidated into General Comments. This iterative process reflects a form of bottom-up norm production in which practice informs doctrine. A comparable dynamic is observable within the African system, where recurring thematic concerns in concluding observations contribute to the development of soft jurisprudence, policy frameworks, and normative instruments, including General Comments and model laws. In both contexts, concluding observations are not endpoints but transitional instruments within a broader cycle of doctrinal consolidation.

This jurisprudential loop is particularly evident within the African children’s rights system. Recurring patterns identified in concluding observations are subsequently consolidated into authoritative interpretive instruments such as General Comments. The General Comment on Article 22 of the ACRWC, for instance, draws on persistent concerns relating to the protection of children affected by armed conflict, including recruitment, displacement, and attacks on essential services, to articulate detailed normative standards and State obligations (ACRWC, 2026). In this way, concluding observations function as the empirical and

interpretive foundation upon which broader doctrinal instruments are constructed, transforming repeated recommendations into structured legal guidance.

This process of doctrinal consolidation extends beyond interpretive clarification to normative codification. The African Union Model Law on Children Affected by Armed Conflict reflects the translation of recurring obligations identified in concluding observations into legislative templates for domestic implementation (ACERWC, 2021). Issues consistently raised by the Committee, such as child recruitment, protection systems, reintegration, and institutional coordination—are codified within the Model Law as concrete legislative standards (ACERWC, 2021). The Model Law therefore represents the final stage of the jurisprudential loop, where interpretive practice is transformed into operational legal frameworks capable of guiding State action (ACERWC, 2021).

This jurisprudential function is operationalised through the capacity of concluding observations to convert abstract rights into concrete, measurable standards. Within the international system, they have been used to transform broadly framed entitlements, such as the right to health, into specific indicators and actionable State obligations (Meier *et al.*, 2018, pp. 4, 9). The same logic is evident in the African context, where concluding observations are deployed to articulate context-specific standards in areas such as children's rights, socio-economic rights, and governance obligations. The convergence here is doctrinally significant: across both systems, concluding observations bridge the gap between normative abstraction and practical enforceability, thereby enhancing the operational utility of human rights law.

The African system, however, reflects an intensification of this function through its stronger emphasis on implementation and follow-up. By embedding concluding observations within more structured monitoring processes, it creates a tighter feedback loop between interpretation and compliance (von Staden, 2018, p. 30). This position's concluding observations are not only interpretive outputs but also instruments of governance that actively shape State behaviour. The comparative implication is clear: while both international and continental systems generate normative guidance through concluding observations, the African system more directly integrates these outputs into compliance architectures, thereby enhancing their practical effect.

This movement from interpretation to implementation is further reinforced at the domestic level, where concluding observations acquire traction through their mobilisation by institutional actors. Empirical studies demonstrate that their effectiveness depends on both their specificity and the presence of actors capable of translating them into reform initiatives (Krommendijk, 2014). Within the African context, National Human Rights Institutions, civil society organisations, and courts increasingly deploy concluding observations as advocacy and interpretive tools (Viljoen & Murray, 2024, p. 1344). Their influence does not derive from formal binding force but from their structured, repeated, and institutionally endorsed articulation of legal standards. In this way, concluding observations function as a normative roadmap for domestic reform, informing legislative change and underpinning strategic litigation.

The evolution of this dynamic is particularly evident in the African children's rights system. Mezmur (2020, p. 696) demonstrates that the reporting procedure of the ACERWC has shifted from a largely passive exercise to a substantively rigorous process of constructive dialogue. This transformation repositions concluding observations as active instruments through which the Committee interrogates State practice and incrementally constructs a body of context-responsive interpretive guidance. Building on this, Adeola (2023, p. 2) shows

that concluding observations in jurisdictions such as Kenya, Nigeria, South Africa, and Egypt have informed legislative and policy reform, thereby operating as a bridge between regional soft law and domestic hard law. This evidence a maturing feedback loop in which continental normative outputs are internalised within national legal systems, reinforcing both their authority and their practical utility.

In sum, concluding observations operate as doctrinal instruments across and between international and continental legal orders. Their significance lies in their integration of three core elements: constructive dialogue as the site of production, normative stringency as the mechanism of interpretation, and follow-up procedures as the means of sustaining compliance. Through this integrated cycle, concluding observations move beyond episodic reporting outputs to function as enduring instruments of normative consolidation, linking interpretation, supervision, and implementation within a coherent system of human rights governance.

3. METHODOLOGY: NORMATIVE-DOCTRINAL APPROACH

This paper adopts a normative-doctrinal methodology (Mzezewa, 2024, p. 6) applied to concluding observations of the ACERWC, treating them as authoritative interpretive instruments through which State obligations under the ACRWC are clarified, expanded, and operationalised. The methodology is structured along two interrelated dimensions: a substantive aspect and a procedural aspect.

The substantive aspect is grounded in purposive sampling (Campbell *et al.*, 2020). The study relies on eleven selected concluding observations, chosen not for representativeness but for their capacity to demonstrate convergence in the Committee's interpretive practice. These observations consistently articulate concerns relating to coordination deficits, fragmented implementation, weak resource allocation, and systemic protection gaps. For instance, the ACERWC's observations on Malawi explicitly identify challenges relating to data coordination, inter-agency collaboration, and the need for centralised systems to enhance implementation (Malawi, 2025, para. 10). Similarly, in Senegal, the Committee highlights deficiencies in institutional coordination and overlapping mandates, calling for a coherent and integrated child protection system (Senegal, 2019, paras. 9–10). The purposive selection, therefore, enables the identification of recurring normative signals that are capable of doctrinal consolidation.

The selection of States is guided by three purposive criteria. First, the study includes States at different stages of engagement with the reporting procedure, ranging from those with multiple reporting cycles, such as South Africa, to those with more limited but substantively rich engagements, such as Malawi and Senegal. This allows the analysis to capture both continuity and variation in the Committee's interpretive practice. Second, the selected States reflect diversity in legal systems, governance structures, and socio-economic contexts within the African region, thereby strengthening the comparative dimension of the study. Third, the selected concluding observations exhibit a high degree of thematic density, particularly in relation to coordination, resource allocation, and vulnerability, making them suitable for identifying recurring normative patterns. The aim is therefore not representativeness in a statistical sense, but analytical depth in demonstrating how interpretive convergence produces doctrinal consolidation across varied State contexts.

The procedural aspect concerns the analytical method applied to these concluding observations. The analysis proceeds in three steps. First, textual extraction identifies directive

language, recommendations, and recurring formulations within each observation. Second, norm identification interrogates what obligation is being clarified or reinforced, including duties relating to coordination, resourcing, monitoring, and protection of vulnerable groups. Third, doctrinal consolidation examines whether repetition across different State contexts produces stable expectations of conduct, thereby generating normative feedback that informs the interpretation of Article 1 obligations (OAU, 1990, Art. 1). This is evident, for example, in the repeated emphasis on data systems, institutional coordination, and implementation structures across multiple State reviews, including Malawi (Malawi, 2025, para. 10) and Senegal (Senegal, 2019, paras. 9–10), where similar recommendations are articulated despite differing national contexts.

Through this dual structure, the methodology moves beyond descriptive reporting and instead constructs a feedback loop in which concluding observations function as sites of norm production, refinement, and consolidation within the African child rights system.

4. TEXT TO DOCTRINE: CONSTRUCTING SOLIDARITY THROUGH CONCLUDING OBSERVATIONS

This section operationalises the methodological framework by moving from textual patterns in concluding observations to the identification of legal obligations and, ultimately, to the consolidation of solidarity as a doctrinal construct within the African child rights system. It proceeds on the basis that concluding observations are interpretive instruments through which the ACERWC articulates and stabilises normative expectations across State Parties.

4.1. Textual Extraction: Recurring Directive Patterns

A close reading of the concluding observations to Malawi (Malawi, 2025), Senegal (Senegal, 2019), and South Africa (South Africa, 2019; 2023) reveals a consistent pattern in the Committee’s directive language. Across reporting cycles and State contexts, the ACERWC formulates recommendations that converge around four interrelated domains: coordination, resource allocation, data systems, and the prioritisation of children in vulnerable situations.

The Committee repeatedly identifies deficiencies in coordination and institutional integration. In Malawi, it notes “limited coordination between government agencies” and recommends the establishment of “a centralised coordination framework” and enhanced inter-agency collaboration (Malawi, 2018, para 10). In Senegal, similar concerns are raised regarding “overlapping mandates” and the absence of clear coordination procedures, with the Committee calling for a “robust coordination system (...) integrated, stable [and] effective” (Senegal, 2019, paras. 9–10). In South Africa, the Committee identifies coordination gaps in implementation and urges the development of broader mechanisms to ensure coherent engagement among State institutions and with civil society actors (South Africa, 2011, para. 11).

The Committee also consistently advances resource-based directives. In Malawi, it recommends that the State Party increase budgetary allocation and ensure “adequate human and technical resources” for institutions responsible for children’s rights (Malawi, 2018, para 6). In Senegal, concerns about “limited financial and human resources” lead to recommendations that institutions be equipped with the “necessary human, technical and financial resources” to discharge their mandates effectively (Senegal, 2019, paras. 9–10). In South Africa, the Committee similarly calls for the allocation of sufficient budgetary resources to promote and protect

children's rights (South Africa, 2011; 2019, para. 6) and reiterates in its subsequent reporting cycle the need to "mobilize resources and increase (...) budget allocation for children's rights sectors and programs" (South Africa, 2023, para. 6).

A further recurring theme concerns the absence or inadequacy of data systems. In Malawi, the Committee identifies the "lack of a coordinated data collection mechanism" and recommends the establishment of a "comprehensive data collection system" with disaggregated statistical data (Malawi, 2018, para 10). In South Africa, the Committee similarly calls for "a comprehensive data collection and keeping system" (South Africa, 2011, para. 10) and reiterates in 2023 the absence of "centralised and updated data collection and management systems" as a barrier to effective implementation (South Africa, 2023, para. 8).

Finally, the Committee consistently foregrounds the need to address structural inequality and vulnerability. In Senegal, it calls for measures to remove barriers affecting "children in vulnerable and marginalised situations," particularly in access to education, health care, and protection services (Senegal, 2019, para. 14). In South Africa, it highlights the discrimination faced by migrant and undocumented children in accessing education and basic services (South Africa, 2023, para. 9) and reiterates that such exclusion persists despite existing legal frameworks (South Africa, 2023, para. 13). These recurring formulations are not episodic. They reflect a patterned use of directive language through which the Committee articulates expectations of State conduct across multiple jurisdictions.

4.2. Norm Identification: Operationalising Article 1 of the ACRWC

The repetition of these directives across States and reporting cycles gives rise to identifiable normative content. This interpretive approach is consistent with the Committee's broader jurisprudence, including its General Comments, where Article 1 is understood as imposing an obligation of comprehensive and effective implementation requiring coordinated institutional frameworks, adequate resourcing, and targeted protection measures (OAU, 1990). The convergence between concluding observations and General Comments confirms that these obligations are not incidental but form part of a coherent interpretive framework governing State responsibility under the Charter. The concluding observations clarify the scope of State obligations under Article 1 of the ACRWC, which requires States Parties to recognise the rights in the Charter and to undertake the necessary measures to give effect to those rights (OAU, 1990).

The Committee's insistence on coordination establishes an obligation of institutional integration as an element of implementation under Article 1. By requiring centralised coordination frameworks and coherent inter-agency collaboration (Malawi, 2018, para. 10; Senegal, 2019, para. 10), the Committee makes clear that fragmented governance structures are incompatible with the effective realisation of children's rights. The repeated emphasis on budgetary allocation and resourcing articulates an obligation of material implementation under Article 1. The requirement to increase budgetary allocation and ensure adequate human and technical resources (Malawi, 2018, para. 6; South Africa, 2023, para. 6) reflects an interpretation that the duty to implement rights necessarily entails the mobilisation and distribution of resources.

The Committee's focus on data systems produces an obligation of information governance as far as the requirement for comprehensive and disaggregated data collection (Malawi, 2018, para. 10; South Africa, 2023, para. 8) demonstrates that implementation under Article 1 includes the obligation to generate, manage, and utilise data necessary for monitoring,

planning, and accountability. In contrast, the consistent attention to marginalised groups establishes an obligation of substantive prioritisation. By directing States to remove barriers affecting children in vulnerable situations (Senegal, 2019, para. 14; South Africa, 2019, para. 9), the Committee clarifies that implementation must address structural inequality and ensure that those most at risk of exclusion are prioritised in policy and practice. It is argued that through these repeated interpretive moves, the Committee gives operational meaning to Article 1. The obligation to take “necessary steps” is concretised into identifiable duties relating to coordination, resourcing, data, and prioritisation.

4.3. Doctrinal Consolidation: Solidarity as the Logic of Implementation

When these obligations are read cumulatively across concluding observations, they form a coherent and interdependent framework. Coordination, resource allocation, data governance, and prioritisation are not discrete requirements; they function as mutually reinforcing components of a single system of implementation. For instance, the system reflects a particular organising logic as far as coordination ensures that institutions act in concert rather than in isolation. Resource allocation ensures that commitments are materially supported. Data systems ensure that implementation is informed, monitored, and accountable. Prioritisation ensures that structural inequalities are addressed. Taken together, these elements constitute a model of implementation grounded in interdependence and shared responsibility. The consistent articulation of these obligations across States establishes a standard of conduct, generates expectations regarding State behaviour, and positions the Committee as the authoritative interpreter of the measures required under Article 1. It is argued that this convergence gives rise to a doctrinal principle to the end that solidarity functions as the organising logic through which Article 1 obligations are interpreted and applied within the African child rights system.

4.4. Solidarity as a Structuring Principle of the ACRWC

Understood in this way, solidarity operates as a structuring principle that informs the implementation of the Charter as a whole. The obligation of coordination reflects institutional solidarity, requiring integrated governance across State structures. The obligation of resource allocation reflects material solidarity, requiring States to direct financial and human resources towards the realisation of children’s rights. The obligation of prioritisation reflects substantive solidarity, ensuring that marginalised and vulnerable children are not excluded from protection. The obligation of data governance reflects systemic solidarity, enabling evidence-based and accountable implementation.

These dimensions of solidarity provide the operational framework through which the foundational principles of the ACRWC, non-discrimination, the best interests of the child, the right to life, survival and development, and participation, are translated into practice. The concluding observations thus function not merely as supervisory outputs, but as interpretive instruments through which the content of Article 1 is specified and consolidated into a coherent doctrinal framework.

The result is a structured understanding of implementation within the African child rights system: one in which the realisation of rights is organised through a doctrine of solidarity, articulated and developed through the jurisprudential practice of the ACERWC.

5. SOLIDARITY AS DOCTRINE

5.1. *Solidarity in the ACERWC Framework*

The ACERWC is normatively anchored in four foundational principles: non-discrimination, the best interests of the child, the right to life, survival and development, and participation. These principles are explicitly codified and consistently guide the interpretation and implementation of the ACERWC across the jurisprudence of the ACERWC. They provide the normative grammar through which obligations are framed and assessed.

However, the operational logic of the ACERWC extends beyond these codified principles. The ACERWC does not expressly recognise solidarity as a principle, nor does it articulate it as a standalone obligation. Notwithstanding this textual silence, the interpretive practice of the ACERWC reveals that solidarity operates as an underlying organising logic of implementation. It is embedded in the structure of obligations, particularly under Article 1, which requires States Parties to take all appropriate legislative, administrative, and other measures to give effect to the rights contained in the ACERWC. Solidarity, therefore, is not textually declared but normatively implied. Its status must be constructed doctrinally through the analysis of the Committee's interpretive outputs, particularly concluding observations and recommendations.

5.2. *Solidarity Through the Jurisprudential Loop*

The doctrinal construction of solidarity emerges through a jurisprudential loop that proceeds from text to norm to doctrine. This method reveals how recurring interpretive patterns in concluding observations crystallise into binding expectations of State conduct. The stability of this jurisprudential loop is further evidenced by its consolidation into formal normative instruments. General Comments systematise recurring interpretive patterns into authoritative legal guidance, while instruments such as the Model Law on Children Affected by Armed Conflict translate these patterns into legislative frameworks. Together, they confirm that the obligations identified in concluding observations are not isolated recommendations but components of an evolving doctrinal structure within the African children's rights system.

At the level of text, the ACERWC consistently articulates recommendations across State reports that converge around specific themes. These include institutional coordination, prioritisation of vulnerable children, and the allocation of adequate financial, human, and technical resources. For instance, in its review of Senegal, the Committee highlights deficiencies in coordination and recommends the establishment of a "robust coordination system... integrated, stable, effective, participatory" (Senegal, 2019, paras 9–10). Similarly, in its consideration of South Africa, the Committee underscores the need for improved coordination mechanisms and effective implementation supported by adequate resources (South Africa, 2011; 2019, paras. 10–11) and reiterates the obligation to "mobilize resources and increase (...) budget allocation for children's rights sectors and programs" (South Africa, 2023, para 6). Parallel concerns are raised in relation to Malawi, where the Committee emphasises the necessity of adequate financial, human, and technical resources to ensure effective implementation of child protection systems (Malawi, 2025, paras. 6–10).

At the level of norm, these recurring textual formulations clarify the content of State obligations under the Charter. The consistent emphasis on coordination establishes a duty to coordinate institutional action in the implementation of children's rights. The repeated focus on marginalised

and vulnerable groups establishes a duty to prioritise children who are at risk of exclusion, including those affected by discrimination, poverty, disability, or geographic marginalisation (Senegal, 2019, para. 14; South Africa, 2019, para. 9). The insistence on adequate resourcing establishes a duty to allocate financial, technical, and human resources as a necessary condition for effective implementation (Malawi, 2025, para. 6; South Africa, 2023, para. 6). These duties are not optional policy considerations; they are presented as integral to compliance with the Charter.

At the level of doctrine, repetition across different States and reporting cycles produces crystallisation. The convergence of recommendations on coordination, prioritisation, and resource allocation generates a stable and coherent pattern of expectations. This pattern constitutes a doctrinal framework through which the implementation of the Charter is understood as a collective, integrated, and resource-dependent process. Within this framework, solidarity emerges as the organising logic that binds these obligations together. It is through this jurisprudential loop that solidarity is produced as doctrine.

5.3. Elements of Solidarity as Doctrine

As a doctrinal construct, solidarity comprises identifiable and interrelated elements that structure the implementation of the Charter. First, solidarity manifests as State responsibility. The obligation under Article 1 is interpreted as requiring active, continuous, and comprehensive measures by the State to realise children's rights. This includes legislative reform, policy development, institutional design, and enforcement mechanisms. Implementation is thus an affirmative and ongoing obligation.

Second, solidarity requires institutional coordination. The repeated emphasis on coordination across concluding observations demonstrates that implementation must be organised through coherent and integrated institutional frameworks. Fragmentation, overlapping mandates, and lack of coordination are treated as structural deficiencies that undermine compliance (Senegal, 2019, paras. 9–10; Malawi, 2025, para. 10). Third, solidarity entails the protection of vulnerable children. The ACERWC consistently directs States to prioritise children in marginalised situations, including those facing discrimination, poverty, disability, or exclusion from basic services. This establishes a model of substantive equality, where implementation is measured by the extent to which it reaches those most at risk (South Africa, 2019, para. 9; Senegal, 2019, para. 14).

Fourth, solidarity incorporates socio-economic redistribution. The obligation to allocate adequate resources reflects a redistributive dimension of the Charter. States are required to direct financial, technical, and human resources towards sectors and programmes that realise children's rights, including health, education, and protection systems. Budgetary allocation is therefore a central component of compliance (South Africa, 2023, para. 6; Malawi, 2025, para. 6). These elements operate cumulatively. State responsibility is exercised through coordinated institutional action, which must be directed towards the protection of vulnerable children and supported by adequate resource allocation. Together, they constitute a coherent doctrinal framework of solidarity.

5.4. Solidarity, Grounded in Concrete Obligations

Solidarity, as constructed within the ACRWC framework, does not function as a rhetorical device. It is not invoked merely to signal commitment or aspiration. Rather, it is grounded in concrete obligations that are consistently articulated and operationalised

through the Committee's jurisprudence. It is not political in the sense of discretionary policy choice. The obligations associated with coordination, prioritisation, and resource allocation are framed as requirements for compliance, not matters of political preference.

While it may align with broader ethical considerations, its normative force derives from its consolidation as doctrine through the interpretive practice of the ACERWC and its anchoring in binding obligations under the Charter. Solidarity thus operates as a doctrinal construct that structures how States must organise, prioritise, and resource the implementation of children's rights under the African Charter. To this end, concluding observations of the ACERWC, when analysed through a normative-doctrinal methodology, generate solidarity as a legal doctrine through iterative and patterned interpretive practice.

6. EMPIRICAL DOCTRINAL ANALYSIS OF SELECTED CONCLUDING OBSERVATIONS

This section applies a normative-doctrinal method to selected concluding observations of the ACERWC to demonstrate how these instruments move beyond descriptive reporting and function as sites of norm production. The analysis proceeds through a structured three-step approach. First, it undertakes a textual extraction of recommendations, directives, and interpretive language contained in the concluding observations. Secondly, it identifies the underlying normative content by interrogating the obligations being clarified, expanded, or reinforced. Thirdly, it consolidates these findings doctrinally by identifying patterns across State Parties which collectively generate standards, expectations of conduct, and institutional positioning. The objective is not to catalogue recommendations, but to demonstrate how repetition and consistency transform interpretive statements into a coherent body of doctrine within the African children's rights system.

The analysis reveals that across different State Parties, the ACERWC consistently articulates a core set of governance-oriented obligations that extend beyond formal legal compliance. In relation to State responsibility and accountability, concluding observations repeatedly frame delays in legislative reform and weak implementation as violations of children's rights rather than administrative shortcomings. For instance, in its observations on Malawi, the ACERWC emphasises the need to fast-track legislative processes and ratification of relevant instruments, thereby linking legislative delay directly to gaps in protection Malawi, 2025, paras. 5–7). This language does more than recommend reform; it establishes a normative expectation that States must ensure timely legislative alignment with the ACRWC, thereby consolidating a doctrine of immediacy in implementation.

A similar pattern emerges in relation to institutional coordination and governance. The ACERWC consistently identifies fragmented institutional arrangements, weak inter-agency coordination, and inadequate data systems as structural barriers to the realisation of children's rights. In Malawi, the Committee explicitly highlights deficiencies in data systems and coordination, recommending the establishment of comprehensive and centralised mechanisms (Malawi, 2025, para. 10). This is mirrored in Senegal, where the Committee emphasises the need for clearly defined mandates, integrated coordination systems, and adequate resourcing of child protection institutions (Senegal, 2019, paras. 9–10). Through repetition across jurisdictions, these recommendations consolidate into a doctrinal expectation that States must establish integrated, clearly mandated child protection systems as a condition of compliance with the Charter.

In the domain of non-discrimination and vulnerability, the Committee's language demonstrates a shift from formal equality to substantive equality. Concluding observations consistently identify specific groups of children, including children with disabilities, children with albinism, and marginalised communities, as requiring targeted measures to ensure effective access to services. In Malawi, the Committee calls for increased allocation of resources to support children with disabilities and continued implementation of disability-focused strategies (Malawi, 2025, paras. 13–15). Similarly, in Senegal, the Committee highlights persistent discrimination against vulnerable groups and calls for comprehensive legislative reform and awareness campaigns to address structural inequalities (Senegal, 2019, para. 14). When read together, these patterns establish a doctrinal position that States are under a positive obligation to adopt targeted, context-sensitive interventions to address systemic disadvantage.

The analysis further demonstrates that socio-economic rights are operationalised through concluding observations in a manner that translates broad Charter provisions into concrete service delivery obligations. The ACERWC repeatedly links the right to life, survival, and development to measurable State action, including access to nutrition, healthcare, and education. In Malawi, the Committee identifies persistent challenges in child survival and development and recommends expansion of health and nutrition interventions (Malawi, 2025, paras. 17–18). Comparable observations in South Africa further emphasise the need for increased budget allocation, improved health infrastructure, and expanded access to basic services (South Africa, 2023, paras. 39–40). This repetition consolidates a doctrinal understanding of socio-economic rights as programmatic, resource-linked, and subject to measurable implementation benchmarks.

A distinct and increasingly prominent doctrinal cluster concerns children in situations of vulnerability, violence, and systemic instability. Although not always framed explicitly as children affected by armed conflict, concluding observations consistently address issues such as violence against children, weak protection systems, and gaps in emergency response. In South Africa, the Committee highlights persistent violence against children and calls for coordinated, evidence-based prevention strategies and strengthened institutional responses (South Africa, 2019, para. 18). In Malawi, similar concerns arise in relation to abuse, corporal punishment, and weak legal enforcement mechanisms (Malawi, 2025, paras. 22–23). When analysed collectively, these recommendations reveal an emerging doctrinal position that situates child protection within broader governance and security frameworks, thereby aligning with the understanding of children's rights as integral to stability and institutional resilience.

Across these thematic areas, the cumulative effect of repeated recommendations is the consolidation of a coherent normative framework that defines expected standards of State conduct. The ACERWC's concluding observations, when read across multiple State Parties and reporting cycles, demonstrate consistency in identifying obligations, precision in articulating required measures, and continuity in follow-up expectations. This repetition produces more than guidance; it generates a structured body of norms that inform legislative reform, institutional design, and policy implementation at the domestic level. Accordingly, concluding observations function as a mechanism through which the African children's rights system translates abstract Charter provisions into operational governance standards, thereby contributing to the progressive development of doctrine grounded in practice rather than formal adjudication.

7. CONCLUDING OBSERVATIONS IN A CONTESTED GLOBAL ORDER

The contemporary human rights landscape is increasingly characterised by the erosion of normative commitments, governance fragility, and deepening structural inequality. Within this context, the protection of children's rights is particularly vulnerable to regression. Across multiple State Parties, concluding observations of the ACERWC reveal persistent gaps in implementation that are not merely technical but symptomatic of broader governance crises. These include fragmented institutional arrangements, weak coordination mechanisms, insufficient resource allocation, and systemic failures in service delivery. For example, in Malawi, the Committee identifies deficiencies in coordination, data systems, and implementation structures, indicating systemic governance weaknesses that undermine effective protection (Malawi, 2025, para. 10). Similarly, in Senegal, the Committee highlights institutional fragmentation and overlapping mandates, pointing to structural governance challenges that impede coherent policy implementation (Senegal, 2019, paras. 9–10).

These governance deficits are compounded by persistent inequality and exclusion. Concluding observations consistently identify groups of children who remain structurally marginalised, including migrant children, children with disabilities, and those affected by poverty and discrimination. In South Africa, for instance, the Committee underscores the continued exclusion of migrant and undocumented children from access to education and basic services (South Africa, 2019, para. 9) and reiterates ongoing disparities in access to essential services despite the existence of legislative and policy frameworks (South Africa, 2023, para. 13). In Senegal, similar concerns are raised regarding barriers affecting children in vulnerable and marginalised situations (Senegal, 2019, para. 14). These patterns reflect entrenched socio-economic inequalities that constrain the realisation of children's rights across jurisdictions.

Within this contested global order, concluding observations perform a stabilising normative function. Their repeated articulation of obligations across States and reporting cycles generates consistency in interpretation and reduces normative uncertainty. By consistently requiring coordination, resource allocation, data systems, and targeted measures for vulnerable groups (Malawi, 2025, paras. 6, 10; South Africa, 2023, paras. 6, 8), the ACERWC establishes clear expectations of conduct that transcend individual State contexts. This repetition does not merely reinforce existing norms; it consolidates them, ensuring continuity in the face of shifting political and institutional landscapes.

In this respect, concluding observations operate as mechanisms through which human rights norms are stabilised through iteration. The jurisprudential loop—where recurring recommendations crystallise into identifiable obligations—ensures that normative content is not dependent on singular interpretations or isolated decisions. Instead, it is sustained through continuous engagement across reporting cycles, thereby embedding expectations of conduct within the operational fabric of governance.

It is within this stabilising function that solidarity assumes its full doctrinal significance. In contexts marked by governance failure and inequality, solidarity operates as the legal response that structures how States must act. The obligations of coordination, resource allocation, prioritisation of vulnerable children, and systemic integration collectively constitute a model of governance grounded in interdependence and shared responsibility. Solidarity, in this sense, is not an abstract ideal but a doctrinal framework through which States are required to organise their institutional, financial, and policy responses to ensure the realisation of children's rights.

Accordingly, concluding observations do more than monitor compliance; they provide a framework for governance in conditions of normative contestation. Through their iterative and patterned articulation of obligations, they stabilise human rights norms and generate solidarity as a legally constructed doctrine. In doing so, they contribute to the evolution of child-centred rights within the African human rights system, ensuring that the protection of children remains anchored in structured, enforceable, and context-responsive obligations.

8. CONCLUSION

This paper has demonstrated that concluding observations of the ACERWC function as authoritative interpretive instruments that generate normative content within African human rights law. Through a normative-doctrinal methodology, it has shown that recurring patterns in concluding observations, particularly relating to institutional coordination, resource allocation, prioritisation of vulnerable children, and systemic implementation, are not merely descriptive, but operate to clarify and concretise State obligations under Article 1 of the ACRWC. These patterns, identified through textual extraction and norm identification, establish consistent expectations of conduct across State Parties and reporting cycles.

Building on this, the paper has advanced its central argument that concluding observations generate solidarity as a legal doctrine. The analysis has shown that solidarity is not expressly codified within the Charter but is constructed through the jurisprudential loop of interpretive practice. The repeated articulation of obligations relating to coordination, prioritisation, redistribution, and systemic governance produces a coherent doctrinal framework that structures how States must organise and implement children's rights. In this sense, solidarity operates as the organising logic of implementation, linking foundational Charter principles—non-discrimination, best interests, survival and development, and participation—to concrete governance obligations.

Finally, the paper has situated these developments within a contested global context marked by governance fragility, inequality, and the erosion of human rights norms. In such conditions, concluding observations perform a stabilising function by reinforcing normative consistency through repetition and iteration. They provide a framework for governance grounded in legally constructed solidarity, enabling States to respond to structural inequality and systemic gaps in protection. Accordingly, concluding observations must be understood not as episodic supervisory outputs, but as instruments of normative consolidation that contribute to the evolution of child-centred rights within the African human rights system.

This analysis demonstrates that the African children's rights system has moved beyond passive supervision towards an interpretive and quasi-normative model of governance in which concluding observations function as instruments of doctrinal development. However, this development remains structurally uneven. The persistence of incomplete reporting cycles, weak follow-up mechanisms, and limited domestic institutional uptake constrains the full consolidation of these norms. What emerges, therefore, is a system that is normatively advanced but operationally fragile. Within the broader international human rights landscape, this positions the African system in a paradoxical space: it exhibits greater coherence in linking interpretation to implementation than many global counterparts yet remains dependent on State compliance patterns that are inconsistent and, in some cases, structurally deficient. The future trajectory of this system will depend on whether these interpretive gains are matched

by institutional strengthening, systematic follow-up, and deeper domestic internalisation of concluding observations as binding governance frameworks.

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