From Lofty Jargon to Durable Solutions:
Unaccompanied Refugee Children and
the African Charter on the Rights and
Welfare of the Child

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Abstract

Due to the factors such as the absence of an older guardian or their young age, unaccompanied refugee children face a myriad of risks over and above those faced by other refugee children. Due to their heightened vulnerability, it has always been accepted that unaccompanied refugee minors require a raised level of protection and assistance in order to find durable solutions for their particularly tragic situation. The entry into force of the African Charter on the Rights and Welfare of the Child ('the African Children's Charter' or 'the Charter') brought fundamental and profound changes in the protection of unaccompanied refugee minors. Although the African Children's Charter's provisions relating to protection of unaccompanied refugee children is substantially similar to that of the Convention on the Rights of the Child, its strength lies in the extension of protection to internally displaced children.

1. Introduction

At the end of 2001, the total refugee population in Africa was estimated at approximately 3.6 million refugees.¹ Fifty-six percent of these refugees are children under the age of eighteen.² Nearly five percent (or two hundred thousand) of the refugee children are unaccompanied refugee children.³ Due to the factors such as the absence of an older guardian or their young age, unaccompanied refugee children face a myriad of risks over and

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³ The UNHCR defines unaccompanied refugee children as 'those who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so'. UNHCR 'Refugee children: Guidelines for their protection and care' ('Children's guidelines') (1994) available at (http://www.unhcr.ch/) (accessed on 17 May 2004).

International Journal of Refugee Law, Vol. 16 No. 3 © Oxford University Press 2004; all rights reserved.
above those faced by other refugee children.\textsuperscript{4} These risks include unlawful military recruitment, sexual exploitation and abuse, child labour, denial of access to education and basic assistance and even death.\textsuperscript{5} Due to their heightened vulnerability, it has always been accepted that unaccompanied refugee minors require a raised level of protection and assistance in order to find durable solutions for their particularly tragic situation.\textsuperscript{6}

However, despite the existence of multitudes of unaccompanied refugee minors on the continent\textsuperscript{7} and the recognition of their vulnerable status, the African human rights system did not provide for a special protection regime for addressing their particular plight.\textsuperscript{8} The entry into force of the African Charter on the Rights and Welfare of the Child ("the African Children's Charter" or "the Charter")\textsuperscript{9} brought fundamental and profound changes in the protection of children


\textsuperscript{5} See UN General Assembly 'Protection and assistance to unaccompanied and separated refugee children: Report of the Secretary-General', adopted 7 September 2001, UN Doc.A/56/150 (2001), para. 6. See also V. LeBlanc 'The implementation of the 1989 Convention on the Rights of the Child and the work of the United Nations High Commissioner for Refugees' in E. Verhellen (ed) \textit{Understanding children's rights: Collected papers presented at the First International Interdisciplinary Course on children's rights} (Children's Rights Centre, University of Ghent, Ghent, 1996) 401, 404 noting that '[t]hey are a group of children most likely to lack survival amenities and to have their basic rights violated. When resources are scarce, they are the first to die too'.


\textsuperscript{7} African refugee children, n. 5 above, and text accompanying that footnote.

\textsuperscript{8} Refugee protection under the African system is sourced from the African Charter on Human and People's Rights adopted 27 June 1981 (entered into force 21 October 1986), OAU Doc.CAB/LEG/67/3.Rev, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the Convention Relating to the Status of Refugees adopted on 28 July 1951 (entered into force 22 April 1954) and the Protocol Relating to the Status of Refugees adopted on 16 December 1966 (entered into force 4 October 1967). All these instruments perpetuated the omission to provide special protection to unaccompanied refugee children and the result was that their protection was left to the vicissitudes of goodwill (or lack thereof) from the host states and international refugee organisations.

generally and unaccompanied refugee minors especially. Although the African Children's Charter's provisions relating to protection of unaccompanied refugee children is substantially similar to that of the Convention on the Rights of the Child (CRC), its strength lies in the extension of protection to internally displaced children, something which the CRC does not do and in the formal synergies that it creates between itself and other authoritative international instruments.

This paper analyses the normative framework for the protection of unaccompanied refugee minors under the African Children's Charter. It examines the relevance to unaccompanied refugee children of the Charter's underpinning principles especially in relation to the primary responses for assisting and protecting such children. Finally, the role of complementary rights of identity, protection and support are examined. The paper concludes that effective protection of unaccompanied refugee children will be possible only if states ensure the rights and protections guaranteed under the Charter for their own children and if they cooperate with international organisations or other governments in assisting unaccompanied refugee children.

2. General Principles of Protection

Although the rights and duties in the African Children's Charter cover almost every aspect of a child's life, there are three principles that are so fundamental that they may be thought of as underpinning the entire Charter. These include the rule against non-discrimination, the 'best
interests’ rule, and the rule requiring the child’s participation.\textsuperscript{16} Since these are crosscutting principles, they apply to all considerations relating to the protection of unaccompanied refugee minors.

\section*{2.1 Non-discrimination}

Article 3 of the Charter guarantees every child the enjoyment of the rights set forth in it without discrimination.\textsuperscript{17} This provision obligates state parties to ensure to all children within their jurisdiction the rights guaranteed in the Charter.\textsuperscript{18} This not only implies that states must prevent discrimination, but that they must also ensure the positive enjoyment of the rights which enable children to be recognised as equally valuable members of the society. In other words, every child within a state’s jurisdiction holds all the rights guaranteed under the Charter without regard to political opinion,\textsuperscript{19} citizenship, immigration status or any other status.\textsuperscript{20}

In relation to unaccompanied refugee children, the Charter’s position is even more unequivocal and obligates states to ensure that necessary measures are taken to enable refugee children enjoy the rights set forth in the Charter as well as other international human rights instruments to which the states are parties.\textsuperscript{21} Thus, unaccompanied refugee children are entitled to the enjoyment of the full range of the rights contained in the Charter.\textsuperscript{22}

By ensuring the non-discrimination of refugee children, the African Charter has moved the level of protection to a higher plane. It is submitted that this approach takes into cognisance the vulnerability and special needs of the unaccompanied refugee child. Such an approach also augurs well with the ‘best interests’ approach.


\textsuperscript{17} This provision finds precedent in the CRC art. 2, the International Covenant on Civil and Political Rights art. 2, and the African Charter on Human and Peoples’ Rights.


\textsuperscript{19} This ground is especially important for the protection of internally displaced children who may become victims due to their association with a particular political group.


\textsuperscript{21} African Children’s Charter, art. 23(1).

\textsuperscript{22} In contrast, the 1951 Refugee Convention does not provide exhaustive protection against discrimination. The preamble merely affirms ‘the principle that human beings shall enjoy fundamental rights and freedoms without discrimination’ (preamble para. 1) However, the substantive provisions relating to entitlements water down this affirmation and allow states to discriminate between ‘citizens’ and ‘nationals of a foreign country’ such as refugees (art. 3) and since the OAU Refugee Convention was merely intended to supplement the 1951 Refugee convention, it does not even address the issue. Thus under this framework, states were allowed to discriminate between refugee children and citizen children notwithstanding the vulnerability of the former.
2.2 **Best Interests of the Child**

Article 4 of the Charter provides that in all actions affecting the child, the primary consideration shall be the best interests of the child. This provision obligates states to accord the primary consideration to the best interests of the child. This obligation, however, does not entail the adoption of a paternalistic or know-all attitude on the part of authorities, parents or guardians. Since the list of factors competing for the core of the child's best interests is almost endless and will vary depending on each particular factual situation, the provision requires and indeed demands that careful and objective assessment of the child's competing needs are made.

In relation to unaccompanied refugee children, the best interests of the child require that durable solutions be found as quickly as possible. Durable solutions are those which positively contribute to the refugee child's survival, protection and development and encompass considerations such as the child's need for 'bodily and mental health, normal intellectual development, adequate material security, stable and non-superficial interpersonal relationships and a fair degree of liberty'. In short, the state is bound to facilitate the quickest possible normalisation of the child’s situation.

By championing the best interests approach, the Children’s Charter has prescribed a uniform standard relating to the treatment of unaccompanied

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23 This provision finds precedent in the CRC art. 3, the 1959 UN Declaration on the Rights of the Child, UN General Assembly resolution 1386 (XIV) adopted 20 November 1959, UN Doc.A/4354 (1959), principles 2 and 7; the 1986 UN Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, UN General Assembly resolution 41/85 adopted 3 December 1986, art. 5; and the 1979 UN Convention on the Elimination of all Forms of Racial Discrimination, arts. 5(b) and 16(1). Viljoen and Chirwa have noted the Charter demands 'that the best interests of the child be the primary consideration' whilst under the CRC it is only a primary consideration 'meaning that other considerations are equally determinant.' See D.M. Chirwa 'The merits and demerits of the African Charter on the Rights and Welfare of the Child' (2002)10 International Journal of Children’s Rights 157, 160 and Viljoen, n. 10 above.

24 Van Bueren, n. 18 above, 47, noting that the best interests principle challenges the concept that 'parents are always capable of deciding what is in the best interests of children'.

25 Van Bueren, n. 18 above, 47. See also D.J. Steinbock 'Unaccompanied refugee children in host country foster families' (1996) 8 JRL 6, 31.


27 Van Bueren, n. 18 above, 365.


30 Goodwin-Gill, n. 28 above, 100.
refugee children and African states that are parties to the Charter must ensure that they must comply with this standard.  

2.3 Participation

Implicit within the best interests approach is the requirement for individual determination of each particular child’s situation and needs. The African Children’s Charter concretises this approach by making provision for the child’s participation rights, namely the right of the child to be heard in all proceedings affecting that child and the right of the child to freely express his or her opinions. The obligation of states under these provisions is to ensure that appropriate mechanisms for the channeling of the child’s views are put in place. Such mechanisms must be child-centred and non-threatening.

In relation to child refugees, children’s participation rights require that in the determination of their status and in any aspect of providing durable solutions, the child’s views should feature prominently. The body entrusted with the task of finding the durable solutions must solicit the views of the refugee child or determining the child’s status and such views must be taken into account in any subsequent decisions relating to the child. The obligation also requires the state to provide the unaccompanied child with a guardian or adviser who is well trained in child welfare matters and who will promote decisions in the best interests of the child and positively contribute to the quest for durable solutions.

Thus, the right of participation is critical in determining the best interests of the child and ensuring mechanisms that enable unaccompanied

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31 In contrast, the OAU Convention and the 1951 Refugee Convention did not have any provisions requiring adherence to the best interests principle. This lacuna left the discretion of dealing with refugee children to the host state and led to inconsistent and often harsh practices in the treatment of unaccompanied minors.

32 Steinbock, n. 25 above. See also E.M. Reisler et al Unaccompanied children: Care and protection in wars, national disasters and refugee movements (Oxford University Press, New York 1988) 229 noting that ‘individual assessments and individualised placements are required; what is truly best for a given child cannot be determined by a general formula’.

33 African Children’s Charter art. 4(2).

34 African Children’s Charter art. 7.


37 Global consultations, n. 4 above, 3, para. 9.

children to exercise this right is the positive step towards affording them effective protection and assistance.\(^{39}\)

3. Primary Considerations for Unaccompanied Refugee Children

The African Children's Charter identifies two key responses with respect to unaccompanied refugee children, namely the 'trac[ing] of the parents or other close relatives... in order to obtain information necessary for reunification with the family'\(^{40}\) and, where such parents or relatives cannot be found, the placement of such child in alternative care.\(^{41}\) Decisions regarding whether to reunite the child with its family or to place him or her in alternative care must be non-discriminatory, must take into account the child's views and, above all, must be predicated on the child's best interests.\(^{42}\)

3.1 Family Reunification

Although the African Children's Charter gives individual rights to children, it also emphasises relationships.\(^{43}\) In this regard, the African Children's Charter proclaims the family as 'the natural unit and basis of society' and entitles every child 'to the enjoyment of parental care and protection'.\(^{44}\) These affirmations are strengthened by the placement of children's rights within the context of parental rights and duties\(^{45}\) and community responsibilities.\(^{46}\) The recognition of the centrality of the family in the upbringing of a child forms the basis of the prioritisation of family reunification as a primary response in situations of separation.\(^{47}\)

International law\(^{48}\) and refugee policy\(^{49}\) also emphasise that the first priority in caring for unaccompanied children is family

\(^{39}\) In contrast, neither the OAU Refugee Convention nor the 1951 Convention made any provision for participation rights for refugee children. This inadequacy in the law may have served to further exacerbate the vulnerable position of unaccompanied refugee children.

\(^{40}\) African Children's Charter, art. 23(2).

\(^{41}\) African Children's Charter, art. 23(3). See also art. 25(2)(b).

\(^{42}\) See discussion above.

\(^{43}\) LeBlanc, n. 5 above, 404.

\(^{44}\) African Children's Charter art. 18(1).

\(^{45}\) African Children's Charter arts. 9, 11, 14, 19, and 20. See also Viljoen, n. 10 above, 222–223.

\(^{46}\) African Children's Charter arts. 11, 14, 15.

\(^{47}\) Global consultations, n. 4 above, 1, para. 4–9.

\(^{48}\) Several international instruments affirm this position, for example CRC, art. 22; Protocol relating to the Protection of Victims of International Armed Conflicts, adopted 10 June 1977, art. 74; Protocol Relating to the Protection of Victims of Non-International Armed Conflict, adopted 10 June 1977, art. 4(3)(a). See also Steinbock, n. 25 above, 24.

\(^{49}\) Canadian Council for Refugees 'Proposed new developments for family reunification for refugees resettled to Canada' (2002) 1, para. 1 noting that 'UNHCR and many countries consider family reunification a cornerstone of effective refugee protection and successful resettlement programs'. Brief
reunification. This is because children are generally better protected from risks such as sexual exploitation and abuse, military recruitment, child labour, denial of access to education and basic assistance and detention within the context of family protection. Thus, it is not surprising that the Charter advocates family reunion as the first option. However, the most important addition to the protection framework is the incorporation of the best interests standard in the resolution of the matter. Reunification is thus not an automatic response that should be dogmatically pursued. It is a factor which is subsumed under the inquiry to determine the best interests of the particular child. This is because there will be situations where reunification may not be in the best interests of the child. In this regard, the durability of the relationship between the minor and the family must be carefully assessed to determine whether they should remain together. For example, reunification would not be advisable where the remaining parent or relatives were responsible, partly or otherwise, for the minor’s flight. Similarly, where a child flees from a social practice such as forced or early marriage, and which implicates family members, reunification must be considered with very great circumspection. Further, where a minor has developed a great degree of attachment to a foster family, the disruptive effect of ultimate family reunification must be weighed against the need for continuity and stability.

It is also important to note that reunification does not only entail sending the unaccompanied minor to his or her country of origin but may also involve organising the reunification around the child if this is in his or her best interests. For example, it would not be in the best interests of child to send her back where hostilities were still going on. Similarly, if minors are targeted for military recruitment by authorities or other parties in the country of origin, reunification should be organised within the host country or another third party state.


UNICEF Implementation handbook for the Convention on the Rights of the Child (UNICEF, New York, 1998) 286 noting that ‘preserving and restoring the child’s family unity is of the highest priority in the search for durable solutions’.


As above. See also Steinbock, n. 25 above.

During the Rwandan genocide, there were cases where parents murdered or maimed their own family members. Clearly, reunification would not be a durable solution in circumstances such as these. See generally P Gourevitch We wish to inform you that tomorrow we shall be killed together with our families: Stories from Rwanda (Picador, New York, USA, 1998).
3.2 Alternative Care

Article 23(3) provides that where parents or legal guardians or close relatives cannot be found, the unaccompanied refugee minor must be accorded the same protection as any other child who has been permanently or temporarily deprived of his or her family environment for any reason. The extent of the state's obligations must, therefore, be sourced from article 25 of the Charter which obligates states to accord special protection and assistance to any child who is permanently or temporarily deprived of his or her family environment. Since the Charter already accords special protection and assistance to all children, the implication from this provision is that children without families are entitled to an additional level of protection and assistance above that of other children.

The obligation of states under these provisions is to ensure that children who are parentless or permanently deprived of their family environment must 'be provided with alternative family care' which may take the form of adoption, foster placement or placement in suitable institutions for the protection and care of children. Further, when considering such alternative family care for the child, states are required to have the best interests of the child as the primary consideration and to pay due regard to the desirability of continuity in the child's upbringing and to the child's ethnic, religious or linguistic background.

In relation to the provision of alternative care for unaccompanied refugee children, it is noteworthy that the Charter demonstrates an unspecified preference for placements which maintain the child's previous, ethnic, religious, cultural and linguistic background. Furthermore, the Charter also prescribes an analogous preference to continuity in the child's upbringing. However, the most notable aspect of article 25 is that it does not prescribe an overall standard for choice of placement, leaving the ultimate choice to be predicated on the best interests of the child. Thus, the unaccompanied refugee child's ethnic, religious, cultural and linguistic background are not the primary consideration, but rather are 'subsumed under the larger issue whether the particular placement meets his or her best interests'.

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55 African Children's Charter, art. 25(1).
56 Van Bueren, n. 18 above, 25, commenting in respect of similar provisions of the CRC.
57 African Children's Charter, art. 25(2)(a).
58 African Children's Charter, art. 25(3).
59 Steinbock, n. 25 above, 29.
60 As above. This interpretation is strengthened by the requirement of placing 'due regard' on the desirability of continuity in upbringing. Obviously, due regard does not preclude a determination that continuity would not be in the best interests of the child, for example, where the security situation in the child's own country is still unsettled.
Under this obligation, states must put in place effective adoption and foster care arrangements as well as monitoring mechanisms for such arrangements and must in all circumstances ensure that the process is directed at ensuring the best interests of the child and not the disposal of the affected children to their country of origin. These considerations apply whether the refugee population is in camps or otherwise, and the search for durable solutions may involve the arrangement of foster placement within the host country or in third countries.

4. Complementary Rights

The process of establishing durable solutions for the unaccompanied child within the parameters of family reunion and alternative family care must be informed by guarantees of the rights of identity, rights of protection, and rights of support. The guarantee of these complementary rights not only takes cognisance of the vulnerability of unaccompanied refugee minors, but also ensures the achievement of solutions which are in their best interests. Thus, in designing response systems to deal with unaccompanied refugee children, states must ensure that these complementary rights are observed.

4.1 Rights of Identity

Article 6 of the Children's Charter guarantees every child the right to a name, the right to be registered immediately after birth, and the right to acquire a nationality. The obligation of states under this article is to put in place appropriate mechanisms to ensure the registration of children immediately after birth and to ensure that children are not unlawfully deprived of their names or family background. It goes without saying that these rights are crucial to a child's identity because 'only by

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61 Global consultations, n. 4 above, 3, para. 9. Art. 24 of the Charter obligates states to establish such mechanisms and institutions and to recognise inter-country adoption as an alternative means of a child’s care.

62 This approach is a significant break from past refugee practice whereby a lot of weight was accorded to the child’s background/nationality in making placement decisions. The UNHCR notes that the absence of standards applicable to unaccompanied refugee children led to the principle that children belong first to their parents and secondly to their country. See Children’s guidelines, n. 3 above. State parties cannot now rely on this obsolete principle but must instead ensure the existence of appropriate mechanisms for ensuring that unaccompanied children are accorded treatment which guarantees their best interests.

63 As above, 3–7; Steinbock, n. 25 above, 34.

64 The right to a name, registration after birth and the right to acquire a nationality was first enshrined in the Declaration of the Rights of the Child, principle 3, and reiterated in binding form in the ICCPR, art. 24(3) and the CRC, arts. 7 and 8.

65 The Human Rights Committee has noted that these rights are crucial in affording children protection from abuse such as abduction, sale and trafficking. See UN Doc. CCPR/21/Rev.1
registration is it guaranteed that the existence of a [child] is legally recognized.66

The preservation of a child’s identity also includes within its purview the protection of the child’s cultural, racial, linguistic and religious identity67 and, in this regard, the African Children’s Charter guarantees every child the right to participate freely in cultural life68 and the right to freedom of religion.69

In relation to unaccompanied refugee minors, rights of identity are of fundamental importance. Registration of children will assist in the tracing of family members for the purpose of reunification and the protection of the child’s cultural, racial, linguistic and religious identity, which in turn will inform the process of determining the child’s best interests. These provisions obligate states to identify, register and document unaccompanied minors as soon as possible.70 To this end, an active search must be undertaken to find unaccompanied children, including those living with unrelated adults. The best interests of the child and the preservation of the child’s identity require that unaccompanied children be registered and their personal history properly documented.71 Further, if the minor’s parents or relatives cannot be traced, proper mechanisms must be built into the alternative care mechanisms to ensure that children are not unlawfully deprived of their identity.

4.2 Rights of Protection

Due to their age or the absence of an older guardian, unaccompanied children face a great number of risks which include sexual exploitation and abuse, forced military recruitment, child labour, and denial of access to education and health services.72

To ensure the child’s well-being and development by preventing the above harm, the African Children’s Charter protects all children from all forms of torture, physical or mental injury and abuse, neglect or maltreatment.73 The child also has the right to be protected from sexual exploitation74 as well as economic exploitation and from performing any work that

66 M. Nowak UN Covenant on Civil and Political Rights: CCPR commentary (Kehl, N.P. Engel, 1993) 432. According to Nowak, the right to identity flows from the right to privacy and the right to recognition before the law.
68 African Children’s Charter, art. 12(1).
69 African Children’s Charter, art. 9(1).
70 UNHCR Children’s guidelines, n. 3 above. See also Steinbock, n. 25 above, 21.
71 J. Williams et al Unaccompanied children in emergencies: A field guide for their care and protection (York University, Toronto, 1988) 43–52; Steinbock, n. 25 above, 21.
72 Global consultations, n. 4 above, para. 4.
73 African Children’s Charter, art. 16.
74 African Children’s Charter, art. 27.
is likely to be harmful to the child’s health or physical, mental, spiritual, moral or social development.\textsuperscript{75} Further, children under the age of eighteen have protection against military recruitment and direct involvement in military hostilities.\textsuperscript{76}

Thus, in ensuring the best interests of the child and securing for them durable solutions, states must ensure that the protection accorded by the above provisions is extended to unaccompanied children.\textsuperscript{77} Failure to ensure this entails failure to provide special protection and assistance to unaccompanied refugee children as required by the Charter.

4.3 Rights of Support
The quest for durable solutions may be described as an endeavour towards normalcy. In this respect, the guarantee of rights of support is crucial as it ensures not only the child’s best interests, but also his or her rights to normal growth and development.

These rights of support include the child’s right to education,\textsuperscript{78} rest, leisure and play\textsuperscript{79} and to the highest attainable state of health.\textsuperscript{80} State parties are thus obliged to accord unaccompanied refugee children access to education\textsuperscript{81} and adequate healthcare services. Further, states must desist from measures which impact adversely on the child’s right to play such as the detention of unaccompanied children.\textsuperscript{82}

5. Conclusion
An analysis of the extent of state obligations emanating from the duty to provide protection and assistance to unaccompanied refugee children demonstrates just how onerous the duties assumed under these provisions of the Charter are. The economic implications of guaranteeing these rights to refugee children by states may lead to their totally shirking from the duty to protect and provide assistance to unaccompanied child refugees. However, the plight of these vulnerable children demands no less. Further, the immediacy of the various responses required of states demonstrates the

\textsuperscript{75} African Children’s Charter, art. 15.
\textsuperscript{76} African Children’s Charter, art. 22(2). In this respect, the Charter accords better protection to children than the CRC which allows recruitment of children under eighteen. See Viljoen, n. 10 above.
\textsuperscript{78} African Children’s Charter, art. 11.
\textsuperscript{79} African Children’s Charter, art. 12(1).
\textsuperscript{80} African Children’s Charter, art. 14(1).
\textsuperscript{81} Recommendations of the Berlin Conference, n. 38 above, preamble, para. 18.
\textsuperscript{82} International refugee policy sanctions detention of child refugees only as a measure of last resort and only for the shortest period of time. See UNHCR Guidelines on applicable criteria and standards relating to the detention of asylum seekers (1999) available at (http://www.unhcr.ch) (accessed on 17 May 2004).
necessity of states guaranteeing these rights for their own children. Thus, the duty to protect and provide assistance to unaccompanied children will be discharged more easily if the state already ensures the rights and the protections provided by the Charter for its own children.

Where there are economic, institutional or administrative hurdles in affording protection and assistance to unaccompanied refugee children, it is imperative that states cooperate with other governments and international organisations as envisaged by the Charter instead of ignoring their duties under the Charter. Unless that is done, the lofty jargon of the Charter shall remain that: jargon; and will not result in durable solutions for this vulnerable section of our society.

African Children's Charter, art. 23(2). See also R. Fernhout ‘Asylum-seeking children: How to implement their right to family life’ in J. Dook et al., n. 28 above, 133, 117, noting that '[t]he seriousness from the perspective of the child, not the state-of the phenomenon of unaccompanied children requires concerted international action'.