

DISCOURSE FEATURES OF AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

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Abstract

The paper explores the African Charter on the rights and welfare of the child as a cognitive conceptual phenomenon represented through verbal language that reflects community's social action within the specified multidimensional framework.

The study goal is to conduct multidimensional conceptual study through the language analysis of the mentioned text. The paper considers a number of background publications with regard to the text under study, explores textual, thematic and language use features with regard to this text, investigates its conceptual structure and introduces the results of the survey of specialists who engage in international documents interpretation and drafting.

The research materials combine academic literature on the subject, the text of the African Charter on the Rights and Welfare of the Child, and the focus group member structured replies as the background material for practical study.

The research methods derived from the qualitative approach, combined theoretical analysis of relevant literature and empirical activities. The methods of inductive, descriptive, content- and frame-based types of analysis were applied.

The research sample integrated lawyers and language editors who deal with international and regional law drafting and interpretation.

The research findings revealed disbalance in the conceptual structure of the document under study, lack of consistent development of theme-rheme relations in the piece of discourse under consideration. The results also confirmed the validity of the research methodology that has been designed earlier by the research team to which the authors are part of. The data can be used for further theoretical analysis of different legal discourse genres, for applied training of those who deal with legislation drafting and interpretation.

Keywords: language, discourse studies, language rights.

1 INTRODUCTION

Children's rights are among the cornerstones of the global community policies and practices. Landmark international, regional and national legislations cover provisions to ensure child rights and welfare. Therefore, minors' protection in today's challenging world requires interdisciplinary discussion (Atabekova, 2017).

The importance of African regional legislation as a research subject can hardly be underestimated. According to the UNICEF, the child population in Africa is burgeoning; by 2050, more than 1 in 3 children in the world will live in sub-Saharan Africa (Children in Africa 2015). The Continent regional legislation bases

on international legislation and includes regional specifics, related to local challenges and solution tools.

The African Charter on the Rights and Welfare of the Child (1990) is a regional human rights treaty adopted in 1990 and which came into force in 1999.

It should be noted that there are no many publications on the language use issues with regard to the African continent legislation. Thus, Google scholar search by key words “language of African Charter on child” results in 178,000 items during 0.09 sec. However, further search reveals that most of the papers refer to specifics of legal interpretation of the respective texts (Kaime, 2009, Olowu, 2002) with regard to international legislation (Adu-Gyamfi, & Keating, 2013) and language of rights and duties (Mutua, 1994, Sloth-Nielsen, & Mezmur, 2008).

Scholars also focus on specific conceptual interpretation with regard to regional context (Kiwanuka, 1988), examples of language use as a normative break with cultural traditionalism (Kaime, 2005,Thompson, 1992), situations when the universality of human rights is affected by language errors in the course of translation (Kiwanuka, 1988,Lindholt, 2019).

Other trends focus on awareness raising and the need to explain the scope of children's rights in plain language for educational purposes (Bourdillon, 2019, Kjørholt, 2019).

However, we have not found the papers that would focus on the analysis of thematic and conceptual structure of the overall text of the African Charter on the Rights and Welfare of the Child.

Meanwhile it seems reasonable and timely to explore the issue due to the importance of the document for political, economic, social dimensions development of the child protection issues in general, and with regard to regional specifics, in particular.

The present research is a part of attempt to provide comprehensive study of international discourse on youth rights that is currently conducted at RUDN university (Russia).

The present paper goal is to conduct multidimensional conceptual study through the language analysis of the text under study.

The above goal is expressed through a number of *tasks and corresponding activities* as follows:

- Empirical analysis of the textual, thematic and language use features with regard to the text under study
- Empirical analysis of conceptual structure of the text under study
- Survey of specialists who engage in international documents interpretation and drafting.

2 METHODOLOGY

The research theoretical background integrates cornerstone provisions of interdisciplinary discourse studies (Johnson, Mercer, 2019, Van Dijk, 2019) and social semiotics (Hodge, 2017,Wong, 2019).

The research materials combine academic literature on the subject, the text of the African Charter on the Rights and Welfare of the Child, and the focus group member structured replies as the background material for practical study.

The research methods stood on the qualitative approach, included theoretical analysis of relevant literature, textual analysis of the African Charter on the rights and welfare of the child, analysis of language tools for verbal discourse of the Charter under study, empirical analysis of its conceptual structure. The methods of inductive, descriptive, content- and frame-based types of analysis were applied.

Further the above results were introduced to the members of the focus-group that integrated lawyers and language editors who deal with international and regional law interpretation.

The participants to the discussion had ten+ years of experience in working for Moscow-based international organizations and educational institutions. However, the respondents were of different age, gender, nationality, affiliation. These features were considered as variables.

The reference list should be given at the end of the paper in alphabetical order according to the last name of the first author.

3 RESULTS AND DISCUSSION

The section provides data on textual, thematic and language use features with regard to the text under study, introduces the findings of empirical analysis of conceptual structure of the text under study, shares the

results of the survey of specialists who engage in international documents interpretation and drafting

3.1 Textual, Thematic and Language Use Features with Regard to the Text under Study

The textual composition of the Charter follows the standard international layout of the respective genre.

Preamble maps the document within the current regional activities and legislation and global tasks and values of child development

Part One and its Chapter One specifies rights and duties of different stakeholders with regard to the rights and welfare of the child.

Part Two includes three chapters (numeration starts with chapter two) that describe the procedural and operational issues with regard to the work of the Committee on the Rights and Welfare of the Child which implements the Charter.

Chapter Two of Part Two describes the procedure to select the Committee on the Rights and Welfare of the Child. Chapter Three established the procedural issues of the Committee's work, duties and mandate. Chapter Four considers miscellaneous issues, namely signatures, amendments, etc.

The syntax follows the tradition of using extended sentences. Compound sentences are balanced with the complex ones, the latter are less frequent ones. The standard word order rules are strictly observed. The language units refer to the internationally recognized concepts of rights, areas and measures of their implementation, stakeholders, etc. The standardized nominal structures are used.

The use of the strong modal verb shall explicitly renders the mandatory sense of the document through its consistent use in each sentences of each article of the document.

3.2 Conceptual Structure of the Text under Study

Bearing in mind the structure of the Charter, and the research aim, the authors considered it possible to focus on the text of Chapter One Part One which specifically sets forth the issues of the children's rights and welfare.

The chapter logically starts with the articles that specify major principles of the Charter, namely

Obligation of state parties (art.1), definition of a child (art.2), non-discrimination (art.3), best Interests of the child (art.4). This conceptual approach follows the international legislation, namely, earlier and later editions of the Declaration of the Rights of the Child (1924, 1959).

However, further there are some shifts in the logic of the conceptual topics.

The text focuses on the list of rights, however without specifying different types of rights, i.e. political, economic, social, cultural, etc.(art 5-12, 14).

However this list is broken by the intrusion of the article that initiates the line of specific minors' audiences Art.13 particularly focuses on handicapped children and the text "jumps" the issue of rights (art.14) with further turn to the topic of areas of protection (child labour-art 15, child abuse and torture-art 16)

Next, art 17 intrudes with administration of juvenile Justice and consider child's rights in detention, limitations, age, etc. thus extending the list of specific minors' audiences and contexts

Further, articles 18, 19 and 20 shift to protection of family, parental issues and focus on parents' responsibilities.

Next, art 21 continues the topic of areas of child's protection and focuses on protection against harmful social and cultural practices.

Meanwhile, art 22 and 23 move to the topics of specific contexts and audiences and set forth the child's rights and States' duties in the context of armed conflicts and refugee settings, respectively.

However, the next two articles turn back to parental issues, namely adoption (art.24) and separation (art 25).

Next, the focus again moves toward areas of protection, enhances the list and mentions apartheid and discrimination (art 26), sexual exploitation (art. 27), drug abuse (art.28), sale, trafficking and abduction (art.29).

Further the text finds out another category of specific audiences, namely children of imprisoned mothers (art.

30). Finally Part One Chapter One ends up with the description of the responsibility of the child (art.31).

Such a thematic lines reveals neither consistent conceptual structure, nor logical development of theme-rheme relations in the text.

Meanwhile, such issues do matter for comprehensive awareness of the legal text contents, systemic understanding of the text scope, its background macro topics and respective concepts, their internal relations and mutual logic of interpretation.

The content analysis and text-coding resulted in the following visual representation of the conceptual structure of the scope of the text of Chapter One Part One that specifies the rights of the child (Fig.1.)

Figure 1. Conceptual structure of the text of the African Charter on the rights and welfare of the child

Major slots					
major principles	rights of the child	specific minors' audiences	areas of child's protection	parental issues	responsibility of the child
Concepts that shape the respective frames and their distribution across the articles of the chapter part					
obligation of state parties (art.1), definition of a child (art.2), non-discrimination (art.3), best interests of the child (art.4).	Survival and Development (art 5) Name and Nationality (art.6) Freedom of Expression (art.7) Freedom of Association (art.8) Freedom of Thought, Conscience and Religion (art.9) Protection of Privacy (art.10) Education art.11) Leisure, Recreation and Cultural Activities (art.12) Health and Health Services (art.14)	handicapped children (art.13) child's rights in detention and juvenile justice (art.17) children of imprisoned mothers (art. 30).	child labour (art 15), child abuse and torture (art 16) harmful social and cultural practices (21) armed conflicts (art.22), refugee settings (art.23) apartheid and discrimination (art 26), sexual exploitation (art. 27), drug abuse (art.28), sale, trafficking and abduction (art.29).	Protection of family (art.18) Parents as major stakeholders to ensure child's rights, apart from the States (art 19-20) Adoption (art.24) Separation (art 25)	art.31

The visualization of the document content reveals lack of balance in terms of the slots scope, and respective concepts that build their frames. This situation can affect the awareness of the document conceptual

framework and limitations.

3.3 Survey of Specialists who Engage in International Documents Interpretation and Drafting

The above scheme was offered for consideration to practicing lawyers and language specialist who deal with interpretation and educational settings. Only the replies that were introduced by 100% of the respondents are provided and commented on in the section.

It should be underlined at the very start of this section that variables mentioned in the Methodology section did not matter for the respondents' replies. The only distinctive parameter concerned the professional contexts of the respondents' activities.

The lawyers, who conduct expertise and counselling, deal with the minors' rights within pre- trial and judicial settings said that the offered visual structure did not bring any additional support to their work. The legal scientists who work within academic settings said the proposed format of representation could contribute to the comprehensive awareness of the international documents scope within training and educational settings for lawyers-to-be.

Language specialists whose work includes multilingual legislation documents drafting and editing in cooperation with legal professionals agreed that the proposed approach to the document scope and conceptual structure representation could contribute to the overall quality assurance at the stage of the respective document editing and revising.

This data enhances earlier research on the role of visualization in multilingual communication (Atabekova, 2016). Moreover, the present research data coincides with the findings on the investigation of language use in the convention on the rights of the child (Atabekova et al 2019) within the same research project (№ of the grant is specified below). One of the authors of the present paper also took part in the mentioned analysis. Similar results with regard to the analysis of the language use in international and regional legislation make it possible to conclude on those features that reflect negative aspects of textual and conceptual structure in the respective documents and should be improved in the course of legislation drafting. The drawbacks concern the focus on linear and not frame-based conceptual representation of the document scope.

The research data can contribute to the development of language policy with the view of using language to strengthen the degree of legal certainty. The respective issue has been set forth without the relation to a genre of charter/convention (Sinal, 2019). Moreover, conscious drafting of a conceptual structure of a charter/convention could contribute explicitly comprehensive scope of the document. Earlier similar topics were considered by Bayram (2019) with regard to international diplomatic negotiations.

4 CONCLUSION

The research findings made it possible to draw up number conclusions. The text linear enumeration of rights through the African Charter on the rights and welfare of the child articles leads just to the same linear perception of the facts.

Meanwhile verbal-visual structured schematic representation of the African Charter on the rights and welfare of the child provides grounds for synergetic interpretation where not just rights but key conceptual slots, such as major principles, rights of the child, specific minors' audiences, areas of child's protection, parental issues, responsibility of the child the scope and specifics of these slots through particular concepts can be explicitly identified.

This, in return, leads to the conclusion that the format of the African Charter on the rights and welfare of the child representation that was shaped through the current study can contribute to enhancing awareness and education on children's rights according to diverse social and regional settings.

The research findings revealed disbalance in the conceptual structure of the document under study, lack of consistent development of theme-rheme relations in the piece of discourse under consideration. The results also confirmed the validity of the research methodology that has been designed earlier by the research team to which the authors are part to. The data can be used for further theoretical analysis of different legal discourse genres, for applied training of those who deal with legislation drafting and interpretation.

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