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25<sup>th</sup> SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
20-24 APRIL 2015  
ADDIS-ABABA, ETHIOPIA

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REPORT

## **TWENTY FIFTH ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

### **I. INTRODUCTION**

1. The 25<sup>th</sup> Session of the African Committee of Experts on the Rights and Welfare of the Child was held at the headquarters of the African Union Commission in Addis Ababa, Ethiopia, from 20 to 24 April, 2015.

### **II. ATTENDANCE**

2. The meeting was attended by the eleven members of the ACERWC, Representatives of the African Union Commission, Representatives of the Governments of Madagascar, Namibia, Rwanda, Senegal, and Zimbabwe, Representatives of CSOs in Lesotho, Gabon, Congo, Rwanda, Zimbabwe, Namibia, Representatives of United Nations Children's Fund works for children's rights (UNICEF), Office of the United Nations High Commission for Human Rights (OHCHR), United Nations High Commission for Refugees (UNHCR), Save the Children, Plan International, World Vision, The African Child Policy Forum (ACPF), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), Community Law Center of the University of the Western Cape, Inter African Committee, Child Helpline, African Movement of Working Children and Youth (AMWCY), SOS Children's Villages International, Africawide Movement for Children, Child Rights Network for Southern Africa, Association of Working Children and Youth of Cote d'Ivoire, Regional Psychosocial Support Initiative (REPSSI), East African Centre for Human Rights (EACHRights), International Detention Coalition, International Committee of the Red Cross (ICRC), Wings Education and Media, Forum des ONG et Associations d'Aide à l'Enfance de Côte D'Ivoire.

### **ITEM 1: OPENING CEREMONY**

#### **Remarks by AUC Commissioner for Social Affairs**

3. . On behalf of the Commissioner of Social Affairs, his Excellency Dr Mustapha Sidiki Kaloko, Dr. Kango Mabvuto read a welcoming statement. In his speech, Dr. Kango underlined that the year 2015 is remarkable for the Committee as it marks the 25th anniversary of the adoption of the African Charter on the Rights and Welfare of the Child which is a normative guide for the full enjoyment of child rights in Africa. After mentioning the added values, he particularly underscored that even after 25 years of the adoption of the Charter; children are still facing challenges such as natural disasters, armed conflict and harmful traditional practices including female genital mutilation and child marriage.

4. Dr. Kango emphasized AUC's battle on warfronts to create an Africa fit for Children in accordance with the ACERWC slogan. Among the various activities AUC undertakes to this end, Dr. Kango mentioned the ongoing 1st Session of the Specialized Technical Committee on Social Development, Migration and Labor and the 1st Session of the Specialized Technical Committee on Health, Population and Drug Control which was held to discuss the issue of Universal Healthcare and how to strengthen health systems in Africa following the Ebola outbreak. Furthermore, he highlighted that one of the priority areas of the Common Position on the Post 2015 Agenda and Agenda 2023 is the extension of universal health care to all.

5. Dr. Kango also stated that the AU has launched a four years campaign to end child marriage and that the Governments of Ethiopia, Niger, Chad and Burkina Faso have shown their commitment to eliminate child marriage by launching the campaign at national level. He also indicated that the theme of DAC 2015 combines the 25th anniversary of the Charter as well as the campaign to end child marriage.

6. Highlighting the need to accord children their right to nutrition, he encouraged the Committee to make State Parties accountable for the malnutrition of children while considering State Party reports.

7. Before he concluded his speech, Dr. Kango congratulated the Committee for the increased State Party as well as CSO reporting following the launching of the universal ratification of and reporting on the Charter; congratulated State Parties who have reported to the Committee; encouraged other State Parties to expedite the submission of their reports; and appreciated the support of the CSO in providing alternative reports. Finally, on behalf of the AU, he commended the works of the Committee as well as the support of partners for the protection and promotion of the rights and welfare of children.

### **Opening Speech by Chairperson of the Committee**

8. Madame Sidikou Aissatou Alassane Moulaye, the Chairperson of the ACERWC, started the opening speech by expressing her condolence for the four UNICEF staff who were killed in Somalia, those who lost their lives because of the situation of Boko Haram in Nigeria, and the beheading of Ethiopians by the so-called ISIS. The Chairperson then asked the participants to observe a moment of silence for those who died. She then welcomed the State Party Delegation from Madagascar Namibia, Rwanda and Zimbabwe, CSO delegations and other participants to the 25th Ordinary Session of the Committee.

9. She underlined that the AU Campaign to end child marriage has a vital role to end child marriage. She indicated that every year more than 40 million adolescents get married and that this requires a swift response. She also highlighted that the Committee devotedly supports the campaign. In this regard, the Chairperson mentioned that to date four countries

have launched the campaign to end child marriage and called upon other Member States to take part in launching the campaign. She also emphasized that all stakeholders should accelerate their efforts to end child marriage considering the seriousness of its consequence on the health and education of the child. She stated that the theme of DAC 2015 is also a mechanism to encourage governments to adopt and implement strategies towards ending child marriage.

10. Moreover, she indicated that the year 2015 is the year for the celebration of the 25th year of the adoption of the Charter. She recalled that the Committee launched a universal campaign for the ratification of and reporting on the Charter and underlined that following the campaign the Committee received State Party reports from 12 countries. She further highlighted that among the seven countries which have not ratified the Charter, three of them have started the process of ratification.

11. Finally, she concluded by thanking all stakeholders for their collaborated efforts towards the protection of the rights of children.

## **ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (CLOSED SESSION)**

12. The Committee Members made amendments to the Agenda. After rearranging the presentation on the children consultations on DAC 2016 and 2017 themes, it was decided that the discussions will be held in an open session.

## **ITEM 3: PROCEDURAL MATTERS**

- **Adoption of the Agenda and the Program of Work**

13. The Agenda and Program of Work were adopted as amended.

- **Organization of work**

14. The Committee agreed to carry out its deliberations in open, semi closed and closed sessions according to the Agenda.

## **ITEM 4: BRIEF PRESENTATIONS BY PARTNERS**

15. The representative from UNICEF, Mr. Anthony Mwangi, expressed deep regret over the senseless deaths of four of its staff and serious injuries of others, following an attack on a vehicle in which they were riding in Garowe, Somalia. He also highlighted the deadly impact of the Ebola Virus Disease, which also resulted to the loss of thousands of lives, as well as impacted negative on the provision of services to children in education, health, protection

and nutrition. The representative from UNICEF commended the AU effort on ending child marriage in Africa, further indicating some of the areas that UNICEF is providing technical and financial support to the campaign. These include support to the high level breakfast side event on child marriage, a Regional Consultative and Partners' meetings on child marriage, the establishment of a Monitoring and Evaluation framework, human resource support to the AUC, communication and advocacy support, as well as support to the campaign launches across Africa. He reminded the participants that this year's 25th Anniversary of the Day of the African Child stands as an opportunity to strategize on how to make the lives of children much better for the future. He confirmed UNICEF's continued support to the ACERWC during the preparatory processes for the commemoration of the 25th Anniversary of the African Charter on the Rights and Welfare of the Child and its related events. He reiterated UNICEF's collaboration with State Parties in the continued submission of Initial State Party Reports to the ACERWC.

16. The United Nations High Commissioner for Refugees (UNHCR) Deputy Representative to the AU and ECA, Ms. Monique Ekoko, commended the Committee on its recent efforts in becoming a visible and effective advocate for the rights of children in Africa. She reminded the Committee of the fact that many children in Africa are affected by different types of abuse, including economic and sexual exploitation, gender discrimination in education, and their involvement in armed conflict. She stressed on the act that sexual exploitation and abuse of children is a sad reality on the continent and no African country is immune. She reminded of the abuse and violation children are facing while crossing the borders from South Sudan and Central African Republic into neighbouring countries, fleeing the most recent outbreaks of violence, and other African countries through Mediterranean to reach Lampedusa.

17. She commended the Committee on its recent field visits to South Sudan and Central African Republic as the outcome of the field visits yielded a tremendous usefulness for the African Union, UN sister agencies and other partners to get a full picture on the reality of Children on the ground. Furthermore, she expressed that UNHCR is pleased of the official launch of the General Comment on Article 6 in Yamoussoukro, Côte d'Ivoire. In conclusion, she stated that UNHCR looks forward to increase the collaboration with the Committee in fulfilling its mandate.

18. The Executive Director of The African Child Policy Forum (ACPF), Mr. Theophane Nikyema, stated that 2015 is a significant year as the 25th anniversary of the ACRWC, as well as the final year of the MDGs. He noted that for these reasons, 2015 is an opportune moment for the Committee and partners to take stock of the gains made in making children's rights a reality in Africa. He highlighted on the need to ensure that the new post 2015 Sustainable Development Goals (SDGs) are reflective of and capable of enhancing the rights of children. Hence, Mr. Nikyema called upon the Committee to actively advocate for inclusion of issues affecting or relevant to children in the SDGs during the forthcoming

Sustainable Development Summit in September 2015. Moreover, Mr Nikyema highlighted some areas of focus for ACPF in 2015, which include development of the African Report on Child Wellbeing, as well as research and dialogue on albinism, children with disabilities and children affected by conflict. He stated that ACPF is in the process of developing its Strategic Framework for 2016 – 2020, and that it will call on the Committee, the AU DSA and other partners for their input at various stages of the process. In conclusion, Mr. Nikyema reiterated ACPF's commitment to support and engage with the Committee, particularly in light of the New Strategic Plan of the Committee.

19. On behalf of Plan International, Ms. Beatrice Arionget, extended her compliments to the Committee for the Observer Status it is granted during the 24th Ordinary session and reiterated its strategic and historic engagement to support the Committee's work. She commended the ACERWC for its impressive performance demonstrated through a number of important achievements; including the development of three General Comments on specific Articles of the Charter; work towards the improved protection and response to children affected by armed conflicts in Africa; especially seen from the Committee's field missions to South Sudan and the Central African Republic and the admirable Child Rights monitoring and advocacy achievements leading to increased State Party and CSO reporting on the Charter. Plan calls upon the Committee to increase its collaboration with other AU organs and key pan-African policy makers, institutions and public to ensure that the silver jubilee of the Charter leads to its full ratification and consequently to increased State and CSO. She urged the Committee to consider consideration of Article 16: Protection against Child Abuse and Torture in its discussion on development of future General Comments. In conclusion, she reaffirmed Plan's continued commitment to support the work of the Committee and in the celebration of the 25th anniversary of the Charter.

20. Ms. Doris Mpoumou, on behalf of Save the Children International, commended the Committee for the demonstrated effort and commitment in the promotion and protection of children's rights in Africa especially with regard to the Campaign for Universal Ratification and Reporting, which has resulted in an increased number of States submitting State Party Reports. She highlighted that States should honour the commitment they made by ratifying the ACRWC and the Committee could support these efforts by providing concrete and detailed recommendations to States Parties on how to strengthen the systems, structures, mechanisms and processes to realise the rights of all children. She highlighted on the importance of dedicating a Day of General Discussion on Article 1 of the ACRWC with a view to discuss among other things, the legislative and other measures that States Parties need to adopt in accelerating the realisation of the rights outlined in the Charter. Congratulating the Committee for successful missions to South Sudan and Central African Republic, she expressed the concern of Save the Children in relation to the abduction of girls to be used as "wives" and maids for the soldiers, or suicide bombers. Hence, urged the Committee to strengthen its collaboration with the Peace and Security Council to monitor and advocate against using children for conflict and war.

21. Ms Aissatou Barry in her statement introduced Child Helpline International (CHI) as a global network with 192 members globally, of which, 39 are in Africa playing an important role in children's lives, including in the elimination of child marriage and FGM on the African continent. She indicated that CHI's data shows that more girls (82%) sought assistance and intervention because they were forced to get married against their will. In conclusion, she informed that CHI will address the lack of established child helplines in Francophone Africa.

22. Mr James Boyon Suru, from the African Movement of Working Children and Youth (AMWCY) started his presentation by stating that AMWCY recognized the continuous effort of the ACERWC concerning the protection and promotion of children rights in Africa. He mentioned AMWCY's contribution to the complementary reports of Congo Brazzaville and Rwanda and Benin. He also presented the activities of his organization on the areas of protection and promotion of children's rights.

23. Mr. George Nyakora, President of the African Wide Movement (AMC), highlighted that armed conflicts, across Africa, remain to be a pervasive reality with devastating consequences on populations especially women and children. He stated that despite international condemnation of conflicts and pressure on warring factions to end conflict and to protect children from the impact of conflict on the basis of both international humanitarian law and international human rights law, children continue to be the first and dominant victims of the impunity that characterizes present day conflicts in Africa. Dealing more effectively with the diversity and complexity associated with current conflicts in Africa as well as globally, calls for a new sense of pragmatism and innovation. He indicated that the AMC's position is to strengthen the role Civil Society in Conflict prevention and resolution in Africa and is strongly committed to working in partnership with the Committee to strengthen the role and contribution of civil society actors in addressing the ubiquitous devastation that armed conflicts pose to African communities especially to children.

24. The representative from Regional Psychosocial Support Initiative (REPSSI), Mr Brighton Gwezera mentioned that REPSSI is the leading African psychosocial support organisation. He focused on the recent events of xenophobic attacks in South Africa as a situation where thousands of children have their daily routine disrupted. He indicated that children's wellbeing is a constitutional right that must be upheld, which includes the right to be cared for, loved and protected. These horrific attacks, he stated, highlight a sad truth: we live in a world which is hostile to children. He finally affirmed that REPSSI remains committed to support the African Committee of Experts on the Rights and Welfare of the Child to protect the rights of every child by implementing programmes that facilitate the attainment of these rights.

25. Mr Musavengana Chibwana, representing the Child Rights Network for Southern Africa (CRNSA), in his statement he indicated that CRNSA is a network of national child rights networks in Southern Africa with a vision 'A Southern Africa where children's rights are

respected, protected and fulfilled'. The Network is based in Botswana with members in ten southern African countries. He further indicated that CRNSA commits to building the capacity of national network on children's rights and good corporate governance. Finally, he mentioned that the Network commits to complementing the work of the Committee in Southern Africa especially by assisting national child rights networks in coming up with Complementary reports to the ACERWC and disseminating information from and about the Committee.

26. Mr James Odong, External Engagement Director of World Vision International representing World Vision International, started his presentation by commending the Committee for its accomplishments. Particularly, he appreciated the increasing number of State Part Reports, various communications from civil society organizations and the new approach embedded strategic plan 2015 – 2019 among others. He further emphasised on the importance of taking action and implementing the ACERWC strategic plan, which will demand even greater partnership and commitment in energy and effort. With regard to World Vision's engagement with the Committee Mr Odong stated that to date, World Vision has embraced areas where it is working closely with the committee and it has devoted specific time to concentrate its efforts to promote the ideals of promoting and protecting the rights of children. He specifically identified key areas of World Vision International contribution to the committees work in collaboration with partners, they include:

- Support to the implementation of strategic plan through development of operational plans in close collaboration with partners,
- Supporting the committee effort in the implementation the continental study on the impact of armed conflict on children in armed conflict; which the consulting institution of firm to be selected this week. He indicated that World Vision has secured \$125,000 to this effort with support of UNICEF and own resources,
- World Vision office in West Africa, Southern Africa and East Africa will contribute towards 25th Anniversary celebration as well as DAC.

27. Finally, he reaffirmed World Vision's commitment to working closely with the committee.

28. Mr Houeto Kinakpefan Yves Roland from the Association of Working Children and Youth of Cote d'Ivoire presented the charter for the elimination of violence and abuse in schools which was developed by a coalition of defence for child and youth rights.

29. The Charter aims at protecting the children and their schools to facilitate learning for the development of children. It also contributes to the elimination of early marriages and pregnancies, especially when the girls learn in a safe environment that allows it to denounce any proposal to give her in marriage.



30. It is certainly initiated in Ivory Coast, but would like that this initiative is supported by the committee for it to become an international charter seeing that in all African countries there are schools and children.

31. Representing the Community Law Centre (CLC) at the University of Western Cape, Maria Usang Assim indicated that the relationship between the CLC of the University of the Western Cape and the ACERWC is about a decade long, and it is one which the Centre remains proud of and committed to. From the early years of the ACERWC's work where there were sceptics doubtful about whether the ACERWC would be able to impact meaningfully on the realisation of children's rights in Africa; she mentioned that the CLC maintained a firm belief in the ability of the ACERWC to do just that. Thus, she stated that CLC launched and have continued the process of documenting the work and analysing the achievements of the ACERWC through well informed and evidenced based research and advocacy, thereby contributing towards an increased visibility of the work and profile of the ACERWC within the African human rights system, and domestically within South Africa. She concluded her statement stating that in more recent years, CLC has through the African Children's Charter Project (ACCP) been providing research and technical support to the ACERWC in the development of key documents such as General Comments of the ACERWC on specific provisions of the African Children's Charter and Concept Notes to guide States Parties in the annual commemoration of the Day of the African Child (DAC).

#### **ITEM 5: PRESENTATION AND DISCUSSION ON THE AFRICAN CHILDREN'S CHARTER PROJECT (SIDA PROJECT) (CLOSED SESSION)**

32. Ms. Beatrice Arionget, the SIDA project coordinator, informed the Committee in detail about the extension of the SIDA project for two years as a bridging phase of the project. Ms. Beatrice mentioned as a reminder that the ACCP contract ended in December 2014 and that the consortium with the agreement of the Secretariat and representatives of the Committee decided to apply for the extension of the project. Up on the request of the consortium, SIDA accepted the application and extended the project for 21 months (April 1, 2015-December 31 2016), as a bridging phase which accounts for 1.1 million USD. Ms. Arionget indicated that the 21 months of bridging phase is comprised of 18 months of implementation period and 3 months of closure period. Furthermore, she underscored that SIDA approved an operational budget of 116000USD for the transitional 3 months period (January to March 2015).

33. Additionally, Ms. Arionget mentioned that the objectives of the bridging contract are the same with the three objectives of the prior ACCP project namely Strengthening the capacity of the Committee of Experts to implement specific goals or objectives of its strategic plans; Promoting children's rights and welfare in AU institutions, bodies and mechanisms; and

strengthening CSOs to use AU mechanisms, and especially the Committee of Experts' mechanisms, to promote and protect children's rights.

34. Ms. Arionget then highlighted the main activities for the 18 month of the implementation period; the key issues raised by SIDA during the consideration of the extension application; and areas requiring clarification from the Committee.

35. Following the presentation, the Committee members and the Secretariat requested for clarifications among others in relation to the Conference on the Status of Child Rights in Africa at the 25th anniversary of adoption of the Charter and with regard to availability of funds for the fact finding missions to countries which have offered to host the Secretariat.

36. In addressing the questions, Ms. Arionget indicated that the second quarter of the year 2015 is the planning phase for the conference and the Conference will tentatively be held in the third quarter of the year. The presenter stressed that the Committee can make suggestions on the dates of the conference. Finally, Ms. Arionget stated that they will check if the budget remaining from ACCP can cover the cost of the fact finding missions and if not that they will invite partners to take part in supporting the process.

#### **ITEM 6: PRESENTATION AND DISCUSSION ON THE NEW ACERWC WEBSITE (CLOSED SESSION)**

37. A presentation on the new ACERWC website was made by Mr Mr Douglas Assesa (consultant). After the presentation a discussion was made and members of the Committee made a recommendation on the structure and content of the website which among others is the inclusion of a menu bar for the Committee's documents such as the Rules of Procedure and Guidelines.

#### **ITEM 7: PRESENTATION ON THE CHILDREN CONSULTATIONS ON DAC 2016 AND 2017 THEMES**

38. A presentation on the survey undertaken to consult children to identify the themes of DAC 2016 and 2017 was made by Mr. Paul Fagnon from Plan International. Elaborating on the modality and scope of the survey, Mr. Fagnon indicated that up to 14 countries were considered and that 431 children above the age of 15 were consulted. He also mentioned that the survey had three key areas namely the level of knowledge of children about child rights instruments, evaluation of the knowledge of DAC and evaluation of the participation of children. In this regard, the presenter stated that the outcome of the survey revealed that some children have knowledge of the Charter and the commemoration of the DAC. However, he mentioned that many children are not aware of the themes of the DAC and that they are invited to the DAC on a short notice. Mr. Fagnon also highlighted that the children

emphasized the importance of the DAC as an opportunity to speak to authorities on their particular needs.

39. The presenter underlined the following possible themes which were reflected during the children's consultation:

- Children in emergency situations;
- Child marriage;
- Lack of birth registration;
- Sexual violence;
- Juvenile justice;
- The right to quality and quantity food;
- The right to family;
- Equitable justice for all children;
- Cross border mobility of children and child trafficking associated with it;
- Irregular migration; and
- Education for children.

40. After the presentation, the Committee took note of the children's proposal and promised to consider the recommendations.

#### **ITEM 8: CONSIDERATION OF STATE PARTY REPORT: MADAGASCAR REPORT**

41. The head of delegation, H.E. Mme Noeline Ramanantenasoa, the Minister of Justice, presented the summary of Madagascar's initial report on the implementation of the Charter. She highlighted some of the progresses achieved by the State Party including complying with the reporting obligation; the establishment of the National Human Rights Commission; measures taken to combat child marriage and child labour; measures taken to provide protection of child victims; and support given to children in conflict with the law. She also indicated that Madagascar has ratified the Convention on Rights of Persons living with Disability and the Convention on the Rights of Migrant Workers and Members of their Family. It was also underlined that Madagascar has enacted various laws to address issues of child trafficking, exploitation of children, forced begging, sale of children, forced marriage, illegal adoption, terrorism, capital punishment, and cybercrimes. Furthermore, she mentioned that the State Party has reformed its nationality law to accord nationality for stateless children living in Madagascar. The State Party, she stated, has adopted preventive measures to abolish child labour; and has put in place a center to assist victims of violence where they will be provided with psychosocial and free legal aid service. It was further indicated that the State Party has accorded property rights to all with the view of discarding customary practice which restricts women and children from inheriting an estate. It was as well stressed that the Madagascar has put in place a supervised freedom as an alternative for detention of children in conflict with the law.

42. Following the presentation, the Committee raised some concerns, including the modality of the preparation of the State Party report, the national coordination mechanism among the various stakeholders, inclusive education for children with disabilities, participation of children in policy making and during the celebration of DAC, minimum age of employment, corporal punishment at home, child trafficking and sexual tourism, health services for children in emergency situations, and statistics with regard to adoption. Moreover, the Committee requested clarification on measures taken to monitor institutions which provide care for children; to ensure universal birth registration; to increase access to drinking water; to eliminate discrimination against twins; to revive the child parliaments which are not operational; to increase the enrolment and completion rate in both primary and secondary school; towards the separation of juvenile and adults in detention centers; and to provide facilities available to children in detention centers.

43. In addressing the concerns of the Committee, the Delegation accentuated that the report was drafted in a participatory manner by involving all concerned Ministries. The Delegation informed the Committee that the National Human Rights Commission is an independent organ whose members are appointed from variety of government organs and elected from CSOs. It was further indicated that the Commission will start operation before the end of this year. With regard to coordination of children's rights protection, the Delegation highlighted that the State Party has established the National Inter-ministerial Committee under the Ministry of Population which has two sub-committees namely the Policy Committee and the Technical Committee.

44. Concerning corporal punishment, the Delegation mentioned that the Criminal Code is being reviewed to restrict corporal punishment at home in order to ban punishment which incapacitates the child. It was also indicated that the State Party undertakes sensitization of the community on the negative effects of corporal punishment.

45. With regard to child participation, the Delegation underscored that there is a gap in involving children in policy making. However, it was stated that child parliaments are operational in the Northern and Central regions of the Country and that children participate in such forums. The delegation also mentioned that DAC is celebrated in the State Party and that the theme of the national celebration of the DAC is aligned with the theme the AU has adopted for DAC 2015.

46. In relation to minimum age of employment, it was informed that the State Party adopted a decree which sets the minimum age of employment to be 15 years of age. The Delegation stressed that it has formulated reciprocal arrangement at a bilateral level to address the scourge of child trafficking. In addition, it was underscored that the Government is looking forward to undertake a bilateral or multilateral compensation arrangement for migrant workers with host countries in Middle East. The Delegation mentioned that the State Party

prohibits child prostitution, child begging and that it is underway to adopt a policy strategy on prevention of sexual exploitation.

47. It was also stressed by the delegation that there is a disparity in the urban and rural rate of birth registration due to lack of resource to make birth registration accessible in rural areas. It was highlighted that the State Party intends to extend the period for birth registration from 12 days to 45 days as a measure to increase birth registration. It was also underlined that the State Party undertakes sensitization campaigns to create awareness in this issue.

48. With regard to the protection of child victims and children in conflict with the law, it was underlined that the government has formed a network comprised of the juvenile magistrate, doctors, teachers, social officers, and CSOs. The Delegation emphasized the challenge in popularizing the network. Additionally, the Delegation alluded to the availability of 15 judges who have specialized in child rights and that the Government is aiming to place more judges who specialized in children in each district.

49. Furthermore, the Delegation informed the Committee that the Government provides education, food and psychosocial support for children who are displaced and staying in camps and that the National Office for Disaster Management gives support to families affected by natural disaster. It was indicated that the number of children in institutional centers is 8000, among which 3010 attend in a daily basis. The Delegation stated that the State Party monitors these institutions.

50. While concurring with the Committee on the shortage of clean drinking water, the Delegation informed the Committee that the Government is building wells which will be operational soon to address this condition.

51. The State Party has also stated that it banned any form of discrimination against twins and that the Government is showing efforts to avoid any restriction imposed on twins to attend cultural ceremonies.

52. It was also mentioned that education is compulsory for all children, but the Delegation admitted the existence of low enrolment of children in primary schools which is caused mainly because of poverty. The Delegation, in this regard, called upon partners for their support to make quality education accessible for all children in Madagascar.

53. The Delegation stated that there were 93 adoptions in 2013 out of which 77 were international. It was further indicated that the Government is trying to tackle illegal adoption by dealing with Embassies.

54. The Delegation finally thanked the Committee for the constructive dialogue and showed its commitment towards the implementation of the concluding recommendations of the Committee.

55. Finally, the Chairperson of the Committee appreciated the delegation and mentioned that the Committee, after careful consideration of the reports, will send recommendations to the Government and undertake a mission to follow up the implementation of the recommendations.

#### **ITEM 9: CONSIDERATION OF STATE PARTY REPORT: NAMIBIA REPORT**

56. The head of delegation, Ms. Martha Mbombo, Acting Permanent Secretary of the Ministry of Gender Equality and Child Welfare (MGE CW) made a presentation on the Initial Report of the Republic of Namibia on the implementation of the African Charter on the Rights and Welfare of the Child.

57. She informed that the State of Namibia is cognizant of the fact that the initial report on the implementation of the Charter should have been made within two years after ratification but did not submit due to the non-existence of the relevant Ministry during the time frame. However, it was indicated that once the leading Ministry is established and became capable, it prepared the report based on desk review, consultation with key ministries and stake holders, and feed backs of children focused discussion groups. The head of delegation recalled that Namibia ratified the Charter in 2004 and informed that by virtue of article 144 of the Namibian Constitution, the Charter became immediately binding as all other national laws. In addition to the Charter, it was stated that Namibia ratified other international and regional instruments such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), Maseru Declaration, the Hague Convention and other policies of SADC which contribute to the protection and promotion of children's rights. In relation to the domestic legal framework, it was said that the Namibian Constitution recognizes children's rights such as the right to name and nationality, the principle of the best interest of the child, protection of children from economic exploitation, and non-detention of children below the age of 16. Furthermore, it was indicated that the government of Namibia came up with various legislations and policies including the Married Persons Act, Combating of Rape Act, Education Act, Child Care and Protection Bill and the National Policy on Orphan and Vulnerable Children. The age of sexual consent is mentioned to be at the age of 14. In addition, it was stated that the Education Act provides for age of compulsory education and free primary education. Moreover, Namibia adopted a national policy for inclusive education in 2013. The delegation informed the Committee that despite the extensive law reforms, implementation is a challenge due to the geographical lay out of Namibia, which is characterized by dry land,

harsh roads and sparsely settled population. However, the delegation indicated that the challenges and the gaps in promoting children's rights will be better addressed under the newly enacted comprehensive Child Care and Protection Bill and the establishment of the Ministry of Poverty Eradication.

58. Following the head of delegation's presentation the Committee sought clarification on various issues including the time frame to enact and gazette various pending bills such as the Child Justice Act, the Child Care and Protection Bill, and the Bill on Civil and Birth Registration; the measures of the government to address the fragmentation and lack of coordination among government offices; the budgetary allocation for various ministries; on measures of the government to establish a comprehensive data collection system; measures of the government to adopt a systematic action for dissemination of the Charter; harmonization of common law and customary law on the definition of the child and age of marriage; measures to raise the age of criminal responsibility; measures of the government to address the discrimination faced by children from nomadic groups; and the implementation of the principle of the best interest of the child. The Committee also added questions of clarifications on measures taken to address baby dumping and infanticide through reproductive health rights education; government's initiative to support the children's parliament; protection of children's privacy in court proceedings and in use of the social media; provision of basic services to children with disability; protection of children from abuse and as to what constitutes a 'reasonable punishment' under customary law; and on amendment of the constitution to incorporate the definition of the child; and shortage of social workers. Furthermore, members of the Committee raised a number of other issues regarding protection of family environment; access to education; children imprisoned with their mothers; provision of health services and nutrition; and protection of children in conflict with the law and strengthening the child justice system.

59. In addressing the concerns of the Committee, the delegation explained that the various bills are not yet enacted due to the long process required. Further, harmonization of common law and customary law is not yet materialized because of the tight legal reform process. Regarding the issue of fragmentation and lack of coordination, the delegation explained that since 2004 a permanent task force has been established to coordinate all stake holders at the national level and to share information on child protection system. The MGECW is said to be the lead organ to bring all the relevant stake holders together.

60. In relation to the dissemination of the Charter, it was stated that the Ombudsman assumes the responsibility to disseminate the Charter to all indigenous groups in their language. The delegation acknowledged the fact that there is no centralized data collection system and called upon the Committee to provide guidance.

61. Concerning the principle of the best interest of the child and extradition, proposal was made to magistrates and those involved in the criminal justice system. In relation to protection of children privacy it was said that there is an initiative to protect the invasion of children's privacy through the use of social media.

62. Furthermore, the delegation informed the Committee that corporal punishment is abolished by virtue of article 8 of the Constitution and the provisions of the Education Act and the Correctional Service Act.

63. It was also stressed by the delegation that, with a view of ensuring access to education to all children, the 2013 policy on inclusive education was adopted with the view of ensuring access to education. Moreover, it was said that though there is a special school, children with disability are largely enrolled in regular school. On the issue of early child hood development (ECD), it was said that Namibia is in the process of transferring the programme of ECD from the MGECW to the Ministry of Education. With regard to adolescent education, the delegation clarified that the Ministry of Health adopted a policy which dictates the provision of adolescent education and adolescent friendly setting in all health facilities. On the issue of nutrition, it was said that there is school feeding program in all government schools.

64. In relation to parents' preference for the traditional justice system, it was said that happens due to the difference in the ruling regarding compensation in the regular justice system and the traditional justice system. On the issue of establishing child friendly courts, it was said that there are child friendly courts in the regions. In relation to rehabilitation program for child victims the delegation stated that there is a challenge due to insufficient number of psychologists and the government is committed to change the situation. In relation to a separate facility for children in conflict with the law, it was said that there was a facility in Rwindu which later on became to be prison for adults because of the low rate of conviction of children. Moreover, in relation to children of incarcerated mothers, the delegation informed the Committee that the Cabinet made a decision for the concerned ministry to build a separate facility.

65. The Delegation also stressed the fact sexual consent is set at the age of 14 doesn't allow child marriage as the latter is clearly prohibited under article 66 of the constitution. Moreover, it was stated that the MGECW conducted a study in 2008 to understand the cultural practices that perpetuate gender based violence and launched awareness creation campaign for traditional leaders. It was also mentioned that a bill on the issue of child trafficking is tabled before the Legislative Committee and is expected to be passed before the end of the year.



66. As a closing remark Ms. Martha Mbombo, thanked the Committee for the successful and constructive dialogue and committed to provide detailed clarifications on the issue of health services and education in writing.

67. Finally, the Chairperson of the Committee appreciated the delegation and mentioned that the Committee, after careful consideration of the reports, will send recommendations to the Government and undertake a mission to follow up the implementation of the recommendations.

#### **ITEM 10: CONSIDERATION OF STATE PARTY REPORT: RWANDA REPORT**

68. Mrs. Zaina NYIRAMATAMA, Executive Secretary of the National Commission for Children (NCC), on behalf of the Government of Rwanda presented the second and third periodic State Party report of Rwanda before the Committee.

69. Mrs. NYIRAMATAMA started her presentation by thanking all partners who work in child rights issues in Rwanda. She indicated that the preparation process of the report was participatory and involved various ministries of the Government, non-governmental organizations, civil society, faith-based institutions as well as the media. Following the recommendation of the Committee for coordination of government activities, it was highlighted that the Ministry of Gender and Family Promotion developed an Integrated Child Rights Policy for consistent child rights protection and that the Government is undertaking law reform to harmonize laws with the Constitution, the Charter and other international instruments. She also indicated that the State Party provides protection to children from conception to majority by criminalizing abortion.

70. She also highlighted some of the measures taken by the State Party, among others, setting the minimum age for recruitment to the army and employment at 18 and 16 years of age respectively; establishing a juvenile chamber in each intermediate court in all districts; setting in place rehabilitation centers for juveniles and others who need assistance where education and psychosocial support will be delivered; the adoption of juvenile justice policy; provision of free legal aid for children; establishment of Gender Based Violence Committees; formation of community based child protection systems; providing free HIV testing to mothers and free health insurance to poor families; ensuring early childhood development; and fighting poverty by providing in kind support to the most poor families.

71. It was indicated that the time for birth registration which was 15 days has been extended to 30 days and that currently there is 79% of birth registration. Mrs. NYIRAMATAMA also alluded to the Government's plan to establish ICT birth registration in health care centers immediately after birth since more than 90% of birth is conducted in medical centers. Moreover, she stressed that the right to family environment is a priority area for the

Government and hence the Government is on the process of adopting a new comprehensive family law. In this regard, it was also informed that reintegration, adoption and foster care programs are provided for children who are deprived of family environment and that there is a separate reintegration program for children with disabilities. She emphasized the high rate of education enrolment which is 97% for girls and 96% for boys and underlined that various policies and programs are put in place for free education, school feeding, education of the girl child, inclusive education and vocational trainings. It was informed that water is accessible for 74% of the community. Mrs. NYIRAMATAMA also accentuated the participation of children in different forums including the celebration of DAC, children's summit, and school clubs.

72. Subsequent to the presentation, the Committee commended the State Party for reporting timeously, for the high rate of education enrolment, the level of decentralization and child participation in children's summit. The Committee posed areas of concern, inter alia, with regard to the availability of specialized schools; the existence of juvenile judges; the number of children who benefit from free legal representation; minimum age of marriage; the situation of harmful traditional practices; birth registration and service provision for refugee and migrant children; timely issuance of birth certificate; corporal punishment; situation of children in detention centers; the high rate of violence; the operation of civil society; the availability of budget for health services; prevention of malaria; coordination among the various actors; and the implementation of the best interest of the child. In addition, the Committee requested whether the change in the official language of the country affects the education system; whether the penalty imposed on late registration encourages birth registration; and whether there is any kind of limitation in granting nationality to abandoned children. The Committee also raised questions concerning the long-time taken by the National Law Reform Committee, and the measures taken in relation to children whose caregivers are incarcerated as well as children on the street.

73. The Delegation, in responding to the concerns of the Committee, mentioned that there are currently 15 specialized judges and that the Government has a plan of recruiting more judges who have specialized in child rights in all districts. It was indicated that 477 cases were supported by the free legal aid scheme.

74. It was also indicated that a child is defined in the State Party as someone below the age of 18 and that the minimum age of criminal responsibility is 14. While addressing the issue of child marriage, the Delegation highlighted that customary marriage is not allowed in the State Party. It was indicated that the minimum age of marriage is 21 with an exception of marriage below the age of 18 by a special waiver of the Ministry of Gender and Family Promotion for pregnant girls.

75. The Delegation stressed that there is an enabling working environment for CSOs and that the Government has a good collaboration with CSOs. It was mentioned that the

National Commission for Children has 100 partners with whom it holds quarterly meetings in different policy areas.

76. It was clarified that the government ensures non-discrimination when it provides assistance to poor family by including all families who fall under the category. The Government ensures that families fall under the category by involving the community in the selection process. Selected families will then avail from the 'one cow one family' program and a full package of free education and health service.

77. Mrs. NYIRAMATAMA responded to the Committee that there are no cases of harmful traditional practices that the government is aware of. However, the State Party committed itself to undertake a study to assess such practices and violence.

78. In addressing the issue of budget for health services, the Delegation specified that at least 20% of the total budget is devoted to the health sector. She also alluded to the fact that the children's mortality rate is 48.6 out of 1000 birth. To rectify this situation, the State Party has deployed community health workers as well as social workers at village level and distributes mosquito nets to prevent malaria. The Delegation also highlighted that the government has launched a mutual health insurance care for medical care free of charge. Further, it was underlined that there is 90% immunization rate.

79. In relation to corporal punishment, Mrs. NYIRAMATAMA brought to the attention of the Committee that the Ministry of Gender and Family Promotion is drafting a decree on the implementation of vague laws in which corporal punishment is included. In addition, she underscored that the Government undertakes sensitization of parents on positive parenting to eliminate corporal punishment.

80. On coordination, it was highlighted that the main coordinating organ is the National Commission for Children and its Supervisory Council. The Delegation mentioned that the Supervisory Council is comprised of Ministry of Health, School Principals, CSOs and individuals from the office of the President. The Council is the leading force and monitors the activities of the National Commission for Children

81. With regard to birth registration, the Delegation highlighted that the new law which is in the process of adoption will fast-track the birth certificate issuance procedure and will remove the penalty imposed on late registration. It was also stated that the government soon will put in place new digital registration system which can provide disaggregated data.

82. Moreover, Mrs. NYIRAMATAMA indicated that there is an English language mentor in every school to avoid the negative effect of change of the official language on education.

83. In relation to refugee and abandoned children, she emphasized that children found abandoned in Rwanda will be given Rwandese nationality. It was also informed that refugee

children are provided with education and they participate in the children's summit. Information was provided that the Ministry of Refugee and Disaster Management in collaboration with the International Organization of Migration gives protection for refugee children. Concerning children of incarcerated mothers, the Delegation underscored that they will stay with their mothers until the age of 3 and will be provided with early childhood development care during their stay. With regard to children in the street, their number is estimated to be 1093 according to a study conducted in 2011 out of which 510 are in transit centers for reintegration. The fact that there is a focal person in the National Commission for Children was stated during the response.

84. Finally, the Chairperson of the Committee appreciated the Delegation and stated that the Committee, after a careful consideration of the reports, will send recommendations to the Government and undertake a mission to follow up the implementation of the recommendations.

#### **ITEM 11: CONSIDERATION OF STATE PARTY REPORT: ZIMBABWE REPORT**

85. The Initial and Periodic Report of the Republic of Zimbabwe on the implementation of the African Charter on the Rights and Welfare of the Child (1995-2012) was presented by Hon. Senator Dr. P. D. Parirenyatwa, Minister of Health and Child Care.

86. He started his presentation by extending his sincere appreciation to the Committee and the Secretariat. He informed that the report is prepared in extensive multi-sectoral consultation in accordance with the Committee's guideline for reporting. After introducing the general political context of Zimbabwe, he informed that the government of Zimbabwe is party to international and regional instruments such as the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) and its two Optional Protocols, and the African Charter on the Rights and Welfare of the Child (ACRWC) without any reservations. In addition to international commitment to human rights, Zimbabwe established the National Human Rights Commission and the Ombudsman. In relation to children's rights, it was indicated that the 2013 Constitution incorporated progressive provisions to promote the rights and welfare of children. Further Zimbabwe adopted various programs and policies to cater for the needs of children including the National Plan of Action for Children, Pre-trial Diversion Program, Child Survival Strategy, Basic Education Assistance Module (BEAM), National Policy to Safeguard the Rights of Children, National Policy for Orphan Care, and the National Policy for Education. As an administrative measure, Zimbabwe established the Youth Council, Child Protection Committee and the Gender Commission. It was stated that members of the parliament and members of the community who work with children have been trained on the contents of the Charter. In

addition it was informed that the media plays a significant role in publicizing the principal contents of the Charter. He indicated that the definition of the child adopted under the new Constitution is in line with the Charter and all laws contrary to it became to be subjected for review. The new Constitution expanded the ground of non-discrimination to include children born out of wedlock and provides for protection measures applicable to nationals to be accorded similarly to refugees. It was indicated that the section on Bill of Rights include the principle of the best interest of the child and the principle is applicable in dealing matters of family law. In relation to ensuring the right to life, survival and development of a child, it was stated that children are not subject to capital punishment and termination of pregnancy without good cause is prohibited. With respect to children's right to freedom of expression, it was informed that the views of children in judicial proceedings is given due weight in making decisions. Regarding birth registration it was indicated that Zimbabwe adopted a decentralized registration system in 10 provinces and 72 districts. Registration offices are established in hospitals and clinics to provide birth confirmation service which later on will be used for birth registration. It was informed that parental responsibility lies on parents and the community. The right to health is indicated to be a Constitutional Right and is also regulated under the Public Health Act. Anti-retroviral treatment is provided for free and a national immunization day for polio and measles is said to be conducted annually. Despite the measures of the government, child and maternal mortality, and malnutrition remains to be a challenge in Zimbabwe. Some of the measures to address these challenges include provision of mosquito nets, sanitation and clean water, and adopting Child Supplementary Feeding and Food Fortification Programme. It was informed that the government is obliged under the Constitution to ensure free and compulsory primary education and article 77 specifically provides for the right to education. The head of the delegation informed that Zimbabwe is party to the 1951 and 1969 Refugee and Convention and is committed to its obligations enshrined therein. In the occasion of displacement, it was indicated that the government provides for psychological, reunification and reintegration support. In relation to the recruitment of children in the army it was informed that recruiting persons below the age of 18 is prohibited. It was also informed that the government is in the process of raising the age of criminal responsibility from the age of 7 to 14. Children of incarcerated mothers and who are below the age of 2 are said to be admitted to prisons with their mothers and a dietary schedule is provided for the children. Moreover, it was indicated that a day care centre is established in one of the biggest women's' prison and an open prison system exists for women. All harmful traditional practices that infringe the rights of women are legally prohibited. With regard to the responsibility of the child, it was said that in Zimbabwe children are obliged to be responsible by respecting their parents and the community.

87. In conclusion the head of delegation informed the Committee that despite the headway made in promoting and protecting the rights of children since 1995, financial and human resource constraints coupled with the economic hardship Zimbabwe went through 2002-2009, is the main challenge for the full implementation of the Charter. On behalf of the government of Zimbabwe, the delegation reiterates the commitment of the government of

Zimbabwe to implement the Charter. At the end, the delegation sought clarification from the Committee on the issues of age of criminal responsibility, alternative discipline methods, freedom of religion vis-à-vis parental responsibility, and due date for the next periodic report.

88. Following the presentation members of the Committee raised questions on various issues such as the time frame to enact the General Amendment Bill and the details and expected outcomes of the Bill; the time frame to adopt the Child Rights Policy and how the policy can address some of the challenges in coordination and monitoring; access to the National Human Rights Commission (NHRC) and the possibility for a Commissioner for children; coordination between the NHRC and the office of the Ombudsman; the mandate of the Gender Commission in relation to children's issues; harmonization of various laws such as the Marriage Act and the Customary Marriage Act in line with the new Constitution and the Charter; the practical translation of the principle of the best interest of the child; measures of the government in combating drug abuse and malnutrition which curtail the right to life, survival and development; data on birth registration; financial and technical support of the government to children association and children parliament; progress in relation to drafting a unified Marriage Act and a new Child Act; age of employment for children; and on measures of the government to address the shortage of social workers and brain drain.

89. Furthermore members of the Committee sought clarification on matters relating to lessons learnt from phase one of the National Plan of Action for Orphans and Vulnerable Children; monitoring and evaluation of alternative care institutions; adoption process to match the need of the child with the adoptive family; how the Domestic Violence Act address the issue of children; governments readiness to remove school fees; programs for Early Childhood Development and to promote exclusive breast feeding; measures of the government to separate the juvenile justice system from the regular criminal justice system; governments readiness to undertake major reform in light of the Committee's General Comment No.1 on children of incarcerated mothers; measures of the government to address the issue of child marriage and rehabilitate victims of child marriage; the detention conditions of children in conflict with the law; measures against sexual violence perpetrators; and governments' intervention in relation to children on the move.

90. In response to the questions raised the delegation informed that the Children Rights Policy is finalized and tabled for Cabinet approval. It is said that the Policy is expected to fill gaps in relation to duplication, fragmentation, and monitoring and evaluation. In relation to harmonization of laws it is said that an inter-ministerial task force has been established to speed up the process. Moreover, it was informed that through the Ministry of Justice a consortium is commissioned to deal with revision of laws. In relation to the NHRC, it was said that there is a thematic working group that deals with children rights issues. To address the shortage of social workers three tertiary institutions started to offer a degree program in social work and increased their enrolment capacity. Moreover, the government launched an

initiative to strengthen the capacity of social work force and up graded the para-social workers to be social workers. In relation to the outcome of phase one of the National Action Plan, the lesson learnt is said to be coordination through target NGOs and led phase two to be family based and focused on system social strengthening.

91. In relation to the best interest of the child, it was said that it is mainstreamed in all matters that concern children.

92. With regard to access to birth registration to all children, the delegation informed that registration offices are established even in remote areas. In addition, it was said that non-citizens can be issued of birth certificate.

93. In relation to children's parliament it was indicated that the National Youth Council is in charge of it and the views of children have weight. As example the delegation raised the government's initiative to build 2000 schools based on the motion of the children's parliament.

94. On the regulation of alternative care institutions it was said that inspections are conducted twice a year. To address the issue of children deprived of the family environment, it was said that tracking of family, reunification and reintegration system is in place and institutional care is a last resort.

95. The BEAM is said to be granted to genuine beneficiaries for children in need and the fact that it is given in lump sum addresses the financial constraints of schools. It was said that levies are laid on education as parents contribution towards the education of their children and the amount is to be set based on ability to pay and the purpose of the levy by the parents assembly. The delegation explained that schooling is free in rural areas. With regard to school dropout, it is said that there is a chance for children to be readmitted if they are at the age appropriate for their grade and a non-formal education system is in place for those who cannot be readmitted to the regular education system. The government's policy in relation to education is said to be child seeking instead of children seeking schools.

96. To address the challenge in shortage of food supply, it was said that schools are implanting school feeding programmes through the collaboration of the community and the School Development Committee. Moreover, the provision is said to be supplemented by the Nutrition Program. The government also introduced the Agricultural Framework and Food Fortification Strategy to combat malnutrition. On the issue of reducing maternal and child mortality, it was indicated that Zimbabwe launched the Campaign on Accelerated Reduction of Maternal Mortality in Africa (CARMMA) and integrated the Maputo Plan of Action in its national programmes. The delegation indicated that the government with other stakeholders hold an annual four weeks campaign to promote exclusive breast feeding for the first six months.

97. On the issue of child marriage, it is said that the government is engaged in multi-sectoral interventions including in advocacy programs for and with communities that practice child marriage. It was indicated that as child marriage results in sexual violence, hence the act of child marriage is regarded as statutory rape. Moreover, as child marriage mainly occurs because of poverty, it is said that the government set in place various social protection programs to address the root cause.

98. On the issue of children on the move, it was indicated that Zimbabwe entered a Memorandum of Understanding with neighbouring countries and protection to unaccompanied children is accorded.

99. At the end of the constructive dialogue, the head of the delegation thanked the Committee for the amicable discussion and affirmed Zimbabwe's commitment to upgrade children rights issues.

100. Finally, the Chairperson of the Committee appreciated the Delegation and stated that the Committee, after a careful consideration of the reports, will send recommendations to the Government and undertake a mission to follow up the implementation of the recommendations.

## **ITEM 12: REVIEWING APPLICATIONS OF CONSULTANCY FIRMS TO UNDERTAKE THE CONTINENTAL STUDY ON THE IMPACT OF ARMED CONFLICT ON CHILDREN**

101. Prof Julia Sloth-Nielsen presented the works that have been conducted by the working team (comprised of 5 Committee members and the secretariat) established to identify the criteria for the selection of the consultancy firm that will undertake the continental study and to shortlist consultancy firms. She highlighted the criteria identified for the selection which are;

- extensive research experience;
- multidisciplinary and multilingualism;
- experience working with the AU;
- ability to interact at a higher level with credibility;
- experience in producing good publication;
- ability to implement rights based approach;
- ability to conduct field work with children and articulate the voice of the child; and
- Capacity to represent an African voice.

102. It was indicated that the working team examined 17 applications received and ranked them based on the above criteria. Following the presentation on the application of the shortlisted candidates, the Committee assessed and identified the consultancy firm which will undertake the continental study on the condition that it provides;



1. A senior human rights researcher with a robust experience in African Human Rights System;
2. Bilingual or multilingual researchers (French, Arabic and English);
3. A senior data analyst; and
4. Two/three samples of its previous publications/studies.

### **ITEM 13: PRESENTATION AND ADOPTION OF THE GUIDELINES FOR REPORTING BY NGOS AND ASSOCIATIONS WITH OBSERVER STATUS (CLOSED SESSION)**

103. Dr Lucyline Nkatha Murungi from ACPF, on behalf of the consultant, presented the draft Guidelines for Reporting by NGOs and Associations with Observer Status for the Committee's consideration and approval. She highlighted the process of the development of the Guidelines; the rationale for the preparation of the Guidelines; the content of the Guidelines; and the format of the Guidelines. She also underlined that the Guidelines contain attachments of information note on the application of the guidelines by Committee and explanatory note on specific guidelines. She stressed that these attachments are not public documents; rather they are provided for the Committee alone.

104. Highlighting on the content of the Guidelines, Dr. Nkatha stated that the Guidelines require NGOs and associations to provide information about the following in their report:

- introduction about the organization;
- the operational environment;
- the financial status and viability of the organization;
- activities undertaken towards the implementation of the Charter;
- their contribution to the Committee;
- their participation in the works of the Committee;
- the support they provide to the works of the AU;
- the challenges they faced during the preparation of the report; and
- any additional information.

105. She further stressed that the Guidelines are prepared in accordance with the Criteria for Granting Observer Status to NGOs and Associations which requires organizations with observer status to report to the Committee. She stated that the Guidelines will be translated following the adoption.

106. Dr. Nkatha finally pointed out some concerns which need the consideration of the Committee including the consequence of reporting or not reporting; and the consequence of the outcome of assessment of the report.

107. After discussion and clarification, the Committee then adopted the Guidelines as amended.

**ITEM 14: PRESENTATION AND ADOPTION OF THE TRAINING TOOL KIT FOR MEMBER STATES AND CSOs (CLOSED SESSION)**

108. Dr. Lucyline Nkatha Murungi, on behalf of the consultant, presented to the Committee highlights on the Toolkit. She started by underscoring the imperative role of the Toolkit in engaging with CSOs, RECs, Government officials and child rights focal person. She indicated that the Toolkit elaborates the engagement of RECs; trains governments' officials, on the obligation of state parties as well as on the implementation of the Charter; and informs CSOs on the mechanisms of engaging with the Committee.

109. She specified that the Toolkit provides information, among others, on the structure, mandate and operation of the Committee; on the content of the Charter; on the relationship position of the Committee in the AU system; and stakeholder specific issues. The presenter also indicated that the Toolkit guides the training to be conducted in a participatory manner.

110. Following the presentation the Committee members raised questions on whether the Toolkit can be used by children, and whether the Toolkit is a Committee document. In addressing the concerns of the Committee, Dr. Nkatha clarified that the Toolkit is mainly developed for CSOs, Government and RECs and not children, however, she stated that it can be used by young learners. She also emphasized that the Toolkit is not a Committee document but that it can be used by various partners.

111. The Committee then decided to consider the toolkit in detail before adopting it.

**ITEM 15: PRESENTATION OF THE DRAFT GENERAL COMMENT ON THE RESPONSIBILITIES OF THE CHILD (ARTICLE 31)**

112. The draft General Comment on the responsibilities of the child was presented by Dr Maria Usang Assim from Community Law Center, University of the Western Cape. She mentioned that the General Comment contains an introduction on the Charter and article 31, and an explanation of the background for the inclusion of article 31. She also emphasized that the General Comment elucidates that the rights of children is the first priority area of the Charter; and illustrates that rights and duties are mutually independent i.e. the enjoyment of rights is not dependent on the fulfilment of duties. It was also informed that the draft consists of a detailed explanation on the elements of article 31; linkage between article 31 and other provision of the Charter; obligation of State Parties; and the role of other stakeholders. Moreover, she stated that the General Comment accentuates that article 31 does not lead to the violation of rights of children enshrined in the charter such as child labour, and harmful tradition practices.

113. It was also presented that the General Comment underlines the significance of the realization of the right to education to assist children in discharging their responsibilities. Dr Assim then indicated that the Committee needs to consider whether a link should be made with the African Union Agenda 2063; and identify whether article 31 prescribes moral or legal duties.

114. After the presentation, members of the Committee made suggestions on the importance of holding consultation with various partners; the need to find proper terminology for duties and responsibilities of the child in all languages; and the importance of maintaining shared values such as the unity of the Continent. The Committee further stressed that the General Comment should reflect that the children's responsibility to protect the integrity of the territory of their nation should not in any way lead to the involvement of children in armed conflict.

115. In response to the questions raised, Dr. Assim explained that a consultation will be undertaken with partners to increase the quality of the General Comment. Finally, she informed the Committee that a detailed expounding will be made on the use of terminologies and on the legal consequence of article 31.

#### **ITEM 16: ADOPTION OF THE 2016 THEME OF THE DAC (CLOSED SESSION)**

116. Based on the presentation on children's consultation on DAC 2016 and 2017 themes, the Committee discussed and adopted the theme for DAC 2016 to be **"Conflict and crisis in Africa: protecting all children's rights"**.

#### **ITEM 17: CONSIDERATION OF COMMUNICATION RECEIVED (CLOSED SESSION)**

117. The Secretariat presented to the Committee a Communication received against a State Party. After the presentation, the Committee appointed a working group to work on the admissibility of the Communication.

#### **ITEM 18: PRESENTATION OF THE ACERWC DRAFT BUDGET FOR 2016 (CLOSED SESSION)**

118. The Committee considered and adopted the budget for 2016.

#### **ITEM 19: PRESENTATION OF PROJECT 2016 AFRICAN YEAR OF HUMAN RIGHTS (CLOSED SESSION)**

119. Ms. Nassuna Rizzan, Democracy and Governance Analyst at the Department of Political Affairs, AUC, made a presentation on "African Governance Architecture (AGA) and its Flagships". The focus of the presentation was on the contextual background that led to the establishment of AGA, the structure and components of AGA, the AGA flagship programmes, and opportunities for engagement.

120. It was presented that AGA was established by the AUC as a platform to create a dialogue between the various stakeholders who are mandated to promote good governance and strengthen democracy and respect for human rights in Africa. Ms. Nassuna indicated that AGA consists of four components which are vision and agenda, African Governance

Platform, mechanisms and processes of interaction and African governance facility. She highlighted that specifically the African Governance Platform is said to be composed of AU Organs, Institutions and RECs with a mandate to promote good governance, consolidate democracy and respect for human rights including the Committee. It was also noted that AGA operates in five clusters, namely Democracy, Governance, Human Rights and Transitional Justice, Constitutionalism and Rule of Law, and Humanitarian Assistance.

121. While presenting on the AGA Flagship programmes, the Committee was taken through two of such programmes. These included coordination of state reporting as envisaged by Article 44, 45 and 49 of the African Charter on Democracy, Elections and Governance (ACDEG). It was observed that the draft state reporting guidelines on the ACDEG are yet to be approved through the AU structures, while the African Governance Platform will act as the evaluation mechanism for the ACDEG. Another flagship programme that was highlighted is Project 2016 – the celebration of the African year of human rights. Ms. Nassuna underlined that 2016 is declared as the Year of Human Rights by the AU Heads of State and Government during the January 2015 Summit.

122. It was indicated that Project 2016 has six objectives, namely to celebrate milestones in the protection and promotion of human rights on the Continent over the years; evaluate the level of ratification, domestication and implementation of regional, continental and international human right instruments at the national level; encourage Member States to develop policies, plans of actions and programmes on the promotion and protection of human and peoples' rights; encourage Member States to recommit to the protection and promotion of human rights; provide a platform for constructive debate on human rights with a view to putting human rights at the foundation of the AU framework; and evaluate the work accomplished by various mechanisms in the promotion and protection of human rights, notably, on the rights of women. The activities planned for project 2016 include publication of a commemorative handbook on human rights; documentary on human rights in Africa; specialized publication in partnership with Think Tanks on Human Rights; and the establishment of the Pan African Human Rights Institute (PAHRI).

123. As an opportunity of engagement for the Committee, it was stated that the Committee can engage by amplifying on the rights of the girl child and seeking State Parties' recommitment to protect and promote children's rights. It was also highlighted that there is the opportunity for the Committee to strengthen synergies with other African human rights bodies and to establish long term strategic partnerships and alliances with key stakeholders at national, regional and continental levels. In addition, it was stated that the Committee can contribute to the operationalization of the AGA human rights and transitional justice cluster and advance the appointment of a Child Marriage Envoy.

**ITEM 20: PRESENTATION ON THE ACTIVITIES OF THE AU RAPporteur ON ENDING CHILD MARRIAGE (CLOSED SESSION)**

124. Dr Fatima Sebaa, the AU Special Rapporteur on Child Marriage presented activities she undertook and upcoming activities within her mandate. Dr Fatima thanked all who committed to support her mandate including members of the Committee.

125. The presented activities include the following:

- Participation at the Conference of Female Parliamentarians of Central Africa in collaboration with parliament of the European Union
- Participation at the Technical Experts meeting to Draft a General Comment on article 6(b) of the Maputo Protocol
- Meeting with the Secretariat for Commonwealth Countries
- Meeting with the Embassy of Canada in Algiers

126. After the presentation members of the Committee and the Dr Fatima Sebaa discussed on the possibility of co-jointly with the ACHPR from Banjul, drafting the General Comment on article 6(b) of the Maputo Protocol since the Charter too has a specific provision on child marriage.

#### **ITEM 21: PRESENTATION OF THE CENTRAL AFRICAN REPUBLIC MISSION REPORT (CLOSED SESSION)**

127. A brief presentation of the report of the Committee's advocacy Mission to Central African Republic was made by Mrs. SIDIKOU Aissatou Alassane Moulaye, Chairperson of the Committee. She presented that the Mission was carried out based on the Committee's Resolution during the 23<sup>rd</sup> Ordinary Session on the situation of children in South Sudan and Central African Republic. In her presentation she indicated that the Mission was carried out on 14th-21th December 2014 with the objective of conducting advocacy to protect the rights of children affected by the conflict and to assess the capacity and the need for a better response. She presented that the delegation met and discussed with officials government institutions such as the Foreign Affairs and Gender Commissions of the interim Parliament, the Ministry of Justice, the Ministry of Social Affairs and the Commission on Security Reform and Disarmament. It was also informed that the delegation met and discussed with UN agencies, national NGOs, and representatives of the Anti-balaka. Further, it was indicated that the delegation visited refugee camps.

128. Mrs. SIDIKOU highlighted that based on the field trips and discussion with stakeholders, the delegation observed that children's situation is in danger and that there is a need for restoration of authority, security, health and justice, and the socio-economic fabric of the country. It was also indicated that there is a need for demobilization and reintegration of children conscripted to militia groups. Moreover, it was indicated that children went through traumatic incidents and there is a need for provision of psycho-social assistance.

129. Following the presentation, members of the Committee raised questions on the specific recommendation of the delegation to restore authority, the outcome of the mission and on the possibility of negotiation for children with the militia groups. In response to the

questions raised, it was indicated that the mission proved the concern of the AUC and the Committee for the situation of children in CAR. Even though negotiation with the militia groups cannot be done for various reasons, it was stated that the report of the mission will be used to inform Member States, the Peace and Security Council and other stakeholders on the situation of children in CAR and to initiate further interventions.

## **ITEM 22: CONSIDERATION OF OBSERVER STATUS APPLICATIONS (CLOSED SESSION)**

130. The Committee deliberated on applications for observer status from the Association for Protection of Women and Children Rights and the Zimbabwe National Council for the Welfare of Children and appointed rapporteurs to examine the application.

131. Furthermore, the Committee considered the previous application of Inner City Mission. The Committee had requested Inner City Mission to provide more documents and following the request Inner City Mission submitted the requested documents to the Secretariat.

132. After reviewing the documents, the Committee is of the view that the organisation doesn't satisfy the criteria as stated in the Guidelines.

## **ITEM 23: PRESENTATIONS ON THE PREPARATIONS FOR THE COMMEMORATION OF THE 25TH ANNIVERSARY OF THE CHARTER AND THE HIGH LEVEL CONFERENCE ON CHILDREN AND ARMED CONFLICT (CLOSED SESSION)**

133. The Secretariat presented the Concept Note on the Celebration of the 25th Anniversary of the African Charter on the Rights and Welfare of the Child. It was indicated that the celebration of the 25<sup>th</sup> anniversary will be marked by the Open Session of the Peace and Security Council, the Continental study to assess the situation of children in armed conflict, the high level conference to submit the preliminary findings of the continental study, and the conference to assess the situation of children in Africa after 25 years after the adoption of the Charter.

134. It was presented that the conference to assess the situation of children in Africa 25 years after the adoption of the Charter will have presentations of papers on identified thematic areas. The Secretariat emphasized that the objective of the conference is to assess children's rights situation in Africa in the past 25 years and assess the impact of the Charter and the Committee in promoting children's rights.

135. Following the presentation the Committee discussed the thematic areas for the Conference and decided that the thematic areas should include positive developments in Africa in relation to children's rights, major legal reforms undertaken in State Parties after the ratification of the Charter, and reflections on the works of the Committee.

**ITEM 24: INTERNAL MATTERS (CLOSED SESSION)**

136. The Committee agreed that a more detailed thematic area classification will be developed by Prof Julia Sloth-Neilsen with the assistance of the Secretariat.

137. The Committee also nominated representatives who will be attending the Open Session of the PSC that will be held on 19<sup>th</sup> May, 2015 in Addis Ababa.

138. The Committee also discussed internal matters pertaining to session attendance, and the proposed development of a handbook on General Comment N°6.

**ITEM 25: ADOPTION OF THE DRAFT REPORT**

139. It was agreed that, because of time constraints, the report will be adopted online after inputs from Members of the Committee are received and integrated.

**ITEM 26: CLOSING CEREMONY**

140. In her closing remarks, the Chairperson of the Committee, Mme Sidikou Aissatou Alassane Moulaye highlighted the various activities the Committee undertook during the session towards the implementation of the Charter including consideration of State Party reports and alternative reports; adoption of the theme for DAC 2016; and shortlisting consultancy firms that will undertake the Continental Study on children and armed conflicts. She also underlined that the Committee learned about the activities of the AU Special Rapporteur on Child Marriage- Dr Fatima Sebba. Furthermore, she informed that a collective action should be taken to ensure the birth registration of all children, the protection of children of incarcerated mothers, the elimination of child marriage, and children in conflict with the law.

141. Indicating that an election of some Committee members will be held in the June 2015 during the AU Summit, Mme Sidikou emphasized that article 37 of the Charter has been amended to allow re-election of Committee members. She congratulated those who do not want to be re-elected during the June election for their contribution to the works of the Committee.

142. Moreover, on behalf of the Committee, the Chairperson expressed her gratitude to partners, the Secretariat, and the interpreters for all their support. Finally, she officially declared the 25<sup>th</sup> Session closed.