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**13TH SESSION OF THE AFRICAN COMMITTEE
OF EXPERTS ON THE RIGHTS
AND WELFARE OF THE CHILD
20-22 APRIL 2009
ADDIS ABABA, ETHIOPIA**

ACERWC/Rpt. (XIII)

REPORT

I. INTRODUCTION

1. The 13th Meeting of the African Committee of Experts on the Rights and Welfare of the Child was held at the AU Conference Centre, Addis Ababa, Ethiopia, from 20 to 22 April 2009.

II. ATTENDANCE

2. The meeting was attended by seven Committee Members as well as representatives of organizations dealing with children issues: UNICEF, Office of the High Commissioner for Human Rights (OHCHR), International Committee of the Red Cross (ICRC), World Vision, the African Child Policy Forum, the Institute for Human Rights and Development in Africa, Plan International, PLAN-Sweden, PLAN-Kenya, Save the Children - Sweden, Save the Children UK, Save the Children- Finland, Save the Children - Alliance, International Organisation for Migration (IOM), Community Law Centre of University of Western Cape, ANPPCAN Ethiopia, ANPPCAN Uganda, National Council for Childhood and Motherhood, University of Surrey, School of Law, England, Centre for Conflict Resolution, Girl Child Network, COBUFADE, CONAFE-Niger, CONAFE-Mali, COBUFADE, CONAFE-Senegal, Uganda Child Rights NGO Network, National Committee of Women Living with HIV/AIDS in Uganda (NACWOLA-ARUA), Concerned Parents Association, Uganda, Inter African Committee, Africa Wide Movement for Children, Forum on Street Children, WFP, ICJ-Kenya, ENDATM, World Association of Girl Guides & Girl Scouts (WAGGGS), Africa Centre for Democracy and Human Rights Studies (ACDHRS); Centre for Human Rights-Pretoria University; and the AU Commission.

ITEM I : OPENING CEREMONY

(a) Statement by the Commissioner for Social Affairs

3. In her opening statement, H.E Advocate Bience Gawanas, the Commissioner for Social Affairs, welcomed the delegates and expressed satisfaction with the preparation of the Committee's plan of action.

4. She further presented the priorities of the Department concerning children and said she hoped that the Committee would take the priorities into account when preparing their plan of action. These priorities comprise the launch, in the current year, of two campaigns, one of which is aimed at reducing maternal mortality - which will impact on children - and the other against human trafficking, especially women and children. Also, as one of the priorities, she appealed for quick action to be taken to improve the lot of children, especially vulnerable children.

5. The Commissioner concluded by thanking all the development partners for their unflinching support to the Committee and congratulated and encouraged the civil society organizations who organized the first NGO forum.

(b) Statement by the Chairperson of the Committee

6. Mrs. Seynabou Ndiaye Diakhate, the Chairperson of the Committee took the floor and thanked the Commission, particularly the Commissioner for Social Affairs, for organizing the 13th Session. She further recalled the need for the Committee to organize the two sessions provided for by the Rules of Procedure and the urgent need to provide the Secretariat with adequate human and material resources.

7. She presented the work programme of the 13th Session to the participants and announced that the session would be followed by the 2nd pre-session on the consideration of the reports of States parties.

8. The Chairperson lastly congratulated the partners on their support and civil society organizations on the organization of the forum and especially the presentation of recommendations to the Committee.

ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (Closed Session)

9. Some Members expressed their concerns that there had been a problem with communication between them and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) Secretariat; and some Members mentioned that they do not have regular access to email and internet services. This was noted and it was agreed that a solution would be found soon.

10. The Commissioner for Social Affairs, H.E. Adv. Bience Gawanas, proposed that an evaluation of the African Committee on the Rights and Welfare of the Child (ACERWC) should be commissioned which would provide an assessment of what the Committee has achieved so far and how it should organize itself in the future to be more effective and efficient.

11. Members requested clarification on the ACERWC's budget stating that they want to know the rules and procedures on the use of funds in the ACERWC budget as they are not aware of how they can access the money for the work of the Committee. The Commissioner stressed that the budget for the ACERWC for 2009 is USD260,000 which includes expenditures for the holding of the two ACERWC Meetings. She added that the ACERWC needed to clearly outline all the concrete activities it wants to undertake based on its Plan of Action and within the framework of the implementation of the Charter.

12. In response to queries by Members about the oath, the Commissioner stated that new Committee Members would be required to take the oath of office in their own respective countries and would not have to take the oath again at the AU Commission.

ITEM 3: PROCEDURAL MATTERS

(a) Adoption of the Agenda and the Program of Work

13. The agenda and the program of the work were adopted without any amendment.

(b) Organization of Work:

14. The Committee agreed to conduct its deliberations in open and closed sessions according to the agenda.

ITEM 4: BRIEF PRESENTATIONS BY PARTNERS

15. Representatives from the following NGOs and other Organizations made brief presentations on their activities related to the promotion of the rights and welfare of children on the continent: NGOs from Kenya; Burkina Faso; Mali and Niger; The Institute of Human Rights and Development in Africa; National Organization for Legal Assistance – Tanzania; Girl Child Network – Kenya; Africa Wide Movement for Children; The World Association of Girl Guides and Girl Scouts (WAGGS); Plan International; Centre for Human Rights - University of Pretoria; Save the Children Alliance; International Committee of the Red Cross; CONAFE-Senegal; University of West Cape; Centre for Conflict Resolution; African Child Policy Forum; Uganda Child Rights NGO Network; Inter-African Committee on Harmful Traditional Practices; ENDA Tiers Monde; World Vision; and Africa Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN).

16. They all expressed their willingness to continue to work in close collaboration with the Committee and support its activities.

ITEM 5: PRESENTATION OF THE AFRICAN REPORT ON THE CHILD WELLBEING 2008 BY THE AFRICAN CHILD POLICY FORUM

HOW CHILD-FRIENDLY ARE AFRICAN GOVERNMENTS

17. The Report was presented by Dr. Assefa Bequele, Executive Director of the ACPF. He stated that in its introduction the report emphasizes the efforts of governments in addressing the issues pertaining to the rights of the child. However, there are gaps and weak links in how, what the governments do, impact on children in a positive way. It was, therefore, urgent and essential to develop a framework of simple analytical tools which could be used in assessing country performance, and in identifying the specific areas of public policy. It was essential to look at areas where a government is making progress and where it is not and what specifically the Government should do to meet its obligations, namely, in the areas of protection, provision and participation.

18. The Presenter highlighted that the child-friendliness index was used as a common framework for the organization and analysis of information data of all the 52

African countries. It was based on some 40 policy and wellbeing indicators and assessed the individual and relative performance of all 52 governments for the periods 1999-2001 and 2004-2005. The results were presented in a table which ranked the countries from most to least child-friendly.

19. The analytical tool also ranked Governments for child protection indicators using allocation of national budget to address children's issues. Likewise, a table was presented ranking the governments from the most friendly to the least friendly. The results of both analysis of protection and provision were combined to create another table ranking governments from most to least child-friendly.

20. In conclusion, Dr. Assefa highlighted the following:

- Change and progress are possible and feasible even at low levels of development.
- An African vision based on centrality of children in policy making and development of legal framework, is essential for socio-economic development of Africa.

21. The discussions that followed the presentation focused mainly on appreciation of the excellent report and how it was going to make it easier to assess and know what governments are doing about children's rights.

22. It was also acknowledged that ratification of the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child does not necessarily mean implementation of laws that protect children. It was stressed that, implementation of the charter remained a major challenge. Responding to further questions raised, the Presenter informed the audience that the next report on the wellbeing of children would focus on how effectively governments are implementing the laws governing children's rights and how budget allocations are impacting on children well being.

ITEM 6: PRESENTATION OF THE OUTCOMES OF THE NGO FORUM: CIVIL SOCIETY ORGANIZATIONS

23. A representative of the NGO/CSO presented the outcome of the above-mentioned Forum which took place from 17 to 19 April 2009 in Addis Ababa, Ethiopia. The Representative re-affirmed the commitment of the NGOs/CSOs to support the work of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). In this regard the Forum identified four key objectives or focus areas for effective collaboration with ACERWC. These included: (a) Popularization of the African Charter on the Rights and Welfare of the Child (ACRWC); (b) Protection of the rights of the child as enshrined in the Charter; (c) Monitoring the implementation of the Charter; and (d) Strengthening the institutional capacity of the Committee.

24. With regard to the 2010-2014 Plan of Action of the ACERWC to be elaborated, the NGO/CSO Forum recommended that the ACERWC should:

- a) put in place a mechanism for reviewing and reflection of its plan of action to facilitate learning and input into subsequent plans;
- b) review the 2005-2009 Plan of Action;
- c) share its costed Plan of Action and progress indicators with relevant stakeholders to facilitate the exploration of areas of collaboration; and
- d) explore alternative ways of strengthening the staffing capacity of its Secretariat outside the African Union Commission

25. In the discussion that followed, the AU Commissioner for Social Affairs and Members of the Committee commended the Forum for its support and for the useful recommendations and inputs to the ACERWC Plan of Action. They also emphasized the need to focus on the domestication and enhance the implementation of the legal instruments already ratified by Member States, including the African Charter on the Rights and Welfare of the Child.

ITEM 7: PRESENTATION OF THE UN AGENCIES RECOMMENDATIONS FOR THE ACERWC POA (2010-2014)

26. This item was introduced by the Representative of UNICEF on behalf of the UN-Agencies. She indicated that the UN Agencies came up with four (4) key recommendations for the ACERWC Plan of Action (2010-2014) which included (a) Advocacy at all levels for ratification and implementation; (b) Capacity Building; (c) Monitoring and Reporting (Evaluation) of performances in implementing agreed instruments; and (d) Participation and High-level visibility of the Committee.

27. The Presenter also outlined the possible contribution of the UN Agencies towards the implementation of the above identified priority areas. These included: (a) knowledge management; (b) performance monitoring and reporting; (c) joint policy advocacy; (d) capacity development; (e) resource mobilization; (f) protecting the rights of children; and (g) establishing mechanisms for increasing visibility (of the Committee) and experience sharing.

28. The participants welcomed the UN Agencies' contributions to the POA and areas of collaboration. The meeting was informed that WFP and the UN Commission on Social and Human Development was conducting a study on the socio-economic costs of child malnutrition, the result of which would shed light on the vulnerability of children.

ITEM 8: CONSIDERATION OF THE PARTNERS RECOMMENDATIONS TO THE ACERWC

29. In considering the above item, the Committee thanked the civil society and the partners for the recommendations and their willingness to support the work of the Committee. While agreeing in principle with the recommendations, the Committee formulated the following strategic ways on how to partner and promote the work of the ACERWC:

- **Popularization of ACRWC:** Committee members requested the CSO's to organize activities such as high level seminars in countries that have not yet ratified the African Charter and facilitate the participation of all committee members.
- **Sensitization of the Judiciary:** The Committee agreed to hold colloquia with the judiciaries to sensitize the judges and the magistrates on the provisions of the Charter.
- **Preparation of the Statement:** The Chairperson of the Committee would prepare a statement that would be presented at country level during the celebrations of the Day of the African Child.
- **Technical support by partners:** The Committee suggested that partners give immediate technical support to the Secretariat of the Committee. The Committee would consider the terms of reference of the consultant who would develop the thematic areas around the rights of the child. In addition the Plan of Action should include the consultant's TOR.

ITEM 9: PREPARATION OF THE ACERWC PLAN OF ACTION (2010-2014)

i) Plan of Action

30. In considering the above item, the Committee observed that most activities in the 2005-2009 Plan of Action (PoA) were not implemented. It was suggested that the activities which were not implemented, due to lack of funding, be carried over in the 2010-2014 PoA. It was proposed that it would be necessary to engage the services of a Consultant to prepare and complete the 2010-2014 PoA. The Terms of Reference of the consultant would be developed and the Consultant would also be guided by the activities in the 2005-2009 PoA, the draft of the 2010-2014 PoA; as well as the African Charter on the Rights of the Child, the Rules of Procedure of the Committee and the UN Convention on the Rights of the Child.

31. Referring to the 2005-2009 PoA, the Committee proposed the following:

- a) **Under objective one: Popularization of the Charter**, the following additional activities be added:
- Commemoration of the day of the African Child should also include the reading at national level of a statement from the committee chairperson.
 - Print and distribute a compendium containing the charter and all the rules of procedures of the committee.

b) **Under objective 2: Promotion and protection of the rights as enshrined in the charter.**

32. All activities under that objective should continue for 2010 except for the activity on the development of modalities on receiving and considering communication/complaints on the violation of the rights of the child as stipulated under article 44 of the Charter, which was done.

c) **Under Objective 3: Monitoring the implementation of the Charter,**
The following additional activities be included:

- Monitoring implementation of the recommendations made to the state parties by the Committee after considering the reports; and sharing the recommendations with CSOs to enable them to monitor implementation within their jurisdiction;
- Document, disseminate and replicate good practice of the implementation of the Charter;
- Follow up the domestication and implementation of the Charter;
- Conduct awareness workshop for parliamentarians, judges, magistrates, child line ministry departments and advocates on the implementation of the Charter.

d) **Under objective 4: Strengthening the institutional capacity of the Committee:**

It was agreed that all activities under that objective be carried forward. In addition it was suggested that an activity on an induction workshop for committee members be included.

ii) **Thematic area by each Committee Member**

33. With regard to the thematic area to be covered by each Committee Member, it was agreed that a concept paper on each thematic area be developed to include activities aimed at highlighting the situation analysis and response and address the gaps identified.

34. The following two activities were identified for implementation for 2009:

- Hold a seminar in Swaziland for popularizing the Charter and further consult with civil society on the development of the Plan of Action 2010;
- Hold a capacity building session with the UN Committee on the Rights of the Child (UNCRC) on how the Committee can harmonize the reporting procedures under the UNCRC and the Charter. In this regard, the Committee suggested that the UN Agencies could support that activity which was in line with the UN proposal to provide technical and financial support to the committee.

ITEM 10: CONSIDERATION OF THE COMMUNICATION PRESENTED BY THE UNIVERSITY OF PRETORIA

35. In considering the above item, Committee Members agreed that the communication received from the University of Pretoria should be translated into French and disseminated to all Members of the Committee for consideration and appropriate action during the next Committee's session.

36. It was also agreed that a response should be sent to the University to acknowledge receipt of the communication, apologize for the delay, and reassure it that necessary actions are being taken to consider the communication.

37. The Secretariat informed the Committee that another communication was received from the Institute for Human Rights and Development in Africa. It was agreed that the Secretariat should acknowledge receipt of the communication and requests that the communication be translated into French by the Institute.

38. Finally, the secretariat was advised to establish a registry system in order to register all correspondences received and sent out by the Committee.

ITEM 11: CONSIDERATION OF OBSERVER STATUS APPLICATIONS

39. The Secretary to the ACERWC explained that a Committee Member was designated to compile a list of all applications received for observer status and prepare a report for the consideration of the Committee.

40. Since this had not been done, the Committee decided to defer consideration of that item. However, it was agreed that the Chairperson of the Committee would send an email to the Committee Member, with a copy to the other Members, to request him to send the applications to the Secretariat. A report on the status of applications for observer status would subsequently be prepared for consideration by the next session.

41. It was also agreed that the organizations that had applied for observer status would be requested to re-forward their applications in both English and French.

ITEM 12: THEME OF THE DAY OF THE AFRICAN CHILD FOR 2010

42. In considering the above item, Committee Members made several proposals on themes which could be considered for the 2010 Day of the African Child.

43. After a long debate, the Committee adopted the following theme for the 2010 Day of the African Child: **"Planning and Budgeting for the Well-being of the Child: A Collective Responsibility"**. It was recommended that a small group be constituted to articulate the theme to facilitate easy understanding at the grassroots level.

ITEM 13: DISCUSSION ON PARTNERSHIP WITH THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

44. The Chairperson of the Committee presented a draft letter addressed to the United Nations Committee on the Rights of the Child in Geneva. In this draft letter, it was proposed that a team comprising three members from each side be set up to reflect on a collaboration strategy. Amendments were made to the draft letter which will be sent to the Committee in Geneva.

ITEM 14: ANY OTHER BUSINESS

45. The following items were raised under this item:

i) Invitations to Meetings

46. The Chairperson informed Committee Members that she had received invitations to the following meetings and that the Committee should decide on the Committee Member who should attend:

- a) Invitation from the International Institute of Private Law to a Seminar on International Adoption to be held in La Hague from 22 to 26 June 2009. The organizers would fully sponsor the participation of the Committee Member. After some discussions it was agreed that Mr. Cyprien Yanclo would participate in the meeting and that a presentation would be prepared for him to deliver at the meeting;
- b) Invitation to the 6th African Conference on Child Abuse and Neglect from the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) to be held in Addis Ababa from 4 to 6 May, 2009. While the Committee agreed that Mr. Andrianirainy Rasamoely should attend, concerns were expressed on whether ANPPCAN would sponsor the participation of the Committee Member. It was agreed that a letter would be sent to ANPPCAN to request for more details on the matter;
- c) Invitation by the Centre for Conflict Resolution for training on conflict resolution to be conducted in June 2009 for all Committee Members. The Centre requested the Committee to propose the dates. After discussions, it was agreed that the training should be held in the second half of July 2009. The exact dates would be decided upon after further discussions on the matter.

ii) Thematic area for Committee Members

47. Clarification was sought on the thematic area which each Committee Member would follow. It was agreed that a concept note would be prepared and subsequently a concept paper would be developed taking into consideration the new Plan of Action of the Committee. It was also stressed that proposals from NGOs should be included in the new Plan of Action.

iii) Case of Mrs Pholo Mamosebi

48. The Chairperson informed the Committee that a draft letter had already been prepared addressed to the AU Commission's Chairperson on that issue.

iv) Meeting with the AU Chairperson

49. The Chairperson indicated that the Committee should request for an appointment to meet with the AU Commission's Chairperson during the next session of the Committee.

v) State Reports from Egypt and Nigeria

50. The Chairperson informed the Committee that she had already prepared the recommendations on key issues for the report from Egypt.

51. Justice Martha Koome agreed to submit the recommendations for the Nigeria report in June 2009.

ITEM 15: ADOPTION OF THE DRAFT REPORT

52. The Report was adopted as amended.

ITEM 16: CLOSING CEREMONY

53. The Chairperson of the Committee thanked all participants for successful deliberations of the 13th Session of the Committee. She further emphasized that suggestions and contributions made by all participants would support the Committee in its future programmes. She acknowledged the support given to the Committee by the CSOs and partners and underlined that together the Committee would attain its objectives. She wished the participants a safe journey back home.

54. The Acting Director of the Department of Social Affairs thanked participants for the work accomplished. He welcomed the interests shown by CSOs and partners in the work of the Committee and acknowledged that the Committee was making good progress in its work.