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Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 5517 700 Fax 5517844
www.africa-union.org

REPORT

**TENTH (10TH) MEETING OF THE AFRICAN COMMITTEE OF
EXPERTS
ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)
25 – 27 OCTOBER 2007
CAIRO – EGYPT**

I. INTRODUCTION

1. The 10th Meeting of the African Committee of Experts on the Rights and Welfare of the Child was held at the Hilton Ramses Hotel, Cairo, Egypt from 25 to 27 October, 2007.

II. ATTENDANCE

2. The meeting was attended by eight Members of the Committee as well as representatives of Organizations dealing with children issues: UNICEF, UN WFP, ICRC, ANPPCAN, Save the Children – Sweden-Nairobi, The African Child Policy Forum, the Institute for Human Rights and Development in Africa, CONGOC-Senegal, the Community Law Center of the University of Western Cape,

III. Agenda Item 1: OPENING CEREMONY

a) Opening Remarks by the African Union (AU) Commissioner for Social Affairs

3. Dr. Hassen El Hassen of the AU Cairo Office read the opening remarks on behalf of Adv. Bience P.Gawanas, the AU Commissioner for Social Affairs. The Commissioner apologized for not being able to participate in the meeting. She welcomed all participants to Cairo and wished the meeting fruitful deliberations. She informed the meeting that Mrs. Mariama Cisse who has been recruited as the Secretary to the Committee assumed duty last September. She added that another post of Senior Policy Officer has also been approved in the structure and will be filled shortly

4. She noted that the meeting was a special one as it preceded the Second Pan-African Forum on Children: Mid-Term Review which would take place in Cairo from 29 October to 2 November 2007 and in which the Committee Members are called upon to play an important role. She stated that an interactive session with the Committee has been included on the Agenda of the Forum and that Committee Members have been chosen to be discussants in the various Thematic Panel Discussions to be held during the Forum.

5. She highlighted that since the convening of the First Pan-African Forum, the situation of African children has not improved although there have been some progress in some areas. The African children are still confronted with many challenges and Governments have not included children related issues in their national priority programmes.

6. In conclusion, she called on the Committee to finalize the modalities with a view to expediting the consideration of the State Party reports, which were received. She reassured the Committee Members that the AU Commission has confidence in the Committee and that it takes the Committee's activities very seriously. She reaffirmed that the African Union would continue its

support and collaboration with the Committee in the execution of its mandate. She then wished success to the meeting.

b) Statement by the Chairperson of the Committee

7. Mr. Zoungrana Jean-Baptiste, the Chairperson of the Committee started his opening speech by welcoming the members of the committee and the attending partners. He then extended his thanks to the Egyptian authorities for the facilities it provided, and to the African Union Commission namely to Adv. Bience Gawanas, Commissioner for Social Affairs for having accepted to take part in the session.

8. He recalled the decision of the Executive Council ratified by the Conference of Heads of States and governments, which: “expressed its concern regarding the deterioration of the situation of children in the continent and reiterated the necessity to make Africa a place fit for children so that they may develop and prosper”. The Council also advised the Committee to get involved in the organization and the holding of the forum to evaluate the progress of the plan of action for the children, the reason for which, as President Zoungrana said, this session was convened to examine the path undertaken, the difficulties encountered, and to consider the strategic perspectives pertaining to the African child. He therefore recalled the main actions carried out by the Committee.

9. Mr. Zoungrana also recalled the works of the executive Council and his meeting with the African Commission’s Chairperson, after which a major gain has been recorded, namely the approval of the establishment of the Committee Secretariat, whose secretary Mrs. Cisse Mariama came into office. He also noted the commitment of the Chairperson of the Commission to include the more global question on childhood into the Heads of States’ agenda and to ensure that the African Union auditors take into account the Committee problems.

10. He congratulated the Committee members for their determination despite the insufficiency of means and the institutional difficulties that the Committee is encountering, and urged them to pursue their commitment. He recalled the Agenda of the present session and invited the participants to be assiduous, to have frank discussions and to present constructive suggestions.

11. Finally, the Chairperson reiterated his thanks to the African Union Commission, particularly to its Chairperson Alpha Omar Konare and to Adv. Gawanas, Commissioner for Social Affairs and to his department’s staff as well as to the partners.

IV. Agenda Item 2: PROCEDURAL MATTERS

a) Consultation among Committee Members

12. After the opening ceremony, Members of the Committee held a closed consultative meeting to discuss some procedural and administrative matters.

With regard to the election of the Bureau, the Chairperson explained that in conformity to the African Charter on the Rights and Welfare of the Child and the Committee's Rules of Procedure, the Committee ought to elect a new Bureau. It was also highlighted that the mandate of some Committee Members was ending in 2008. After an extensive debate on the matter, it was decided that since some Members of the Committee were not present, the election of the Bureau should be deferred until their arrival.

13. The Committee also raised the issue of support to the Chairperson of the Committee. It was highlighted that the Chairperson of the Committee was invited to represent the Committee at different fora and that he was not getting any support from the AU Commission. An appeal was made to the AU Commission to provide financial support to the Chairperson to facilitate him in carrying out his responsibilities.

14. The Committee then reviewed at the Agenda and agreed that in absence of the Secretary General of the Hague Conference, who has already presented his apologies, his presentation on "The Conference & Modern Conventions of Hague on International Child Protection", will be replaced by a presentation on "The Harmonization of Laws Related to Children", which the African Child Policy Forum would present.

b) Election of the Bureau

15. After a lengthy debate on the matter, the Committee agreed to extend the mandate of the current Bureau until the next meeting of the Committee.

c) Adoption of the Agenda and Programme of Work

16. The Agenda and Programme of Work were adopted after amendment. The Agenda is annexed to the Report.

V CONDUCT OF THE MEETING

Agenda Item 3: Brief Presentations by Partners

17. The Representatives of the UN Agencies, NGOs and other Organizations were requested to introduce themselves and make a brief presentation on the activities of their Organizations.

18. Participants then introduced themselves

a) The representative of UNICEF confirmed that his Organization will continue to collaborate with the African Committee of Experts on the Rights and Welfare of the Child and the Social Affairs Department of the African Union Commission and reaffirmed that UNICEF will continue to support their efforts.

b) As for the representative of the Institute of Human Rights and Development that is based in Banjul he confirmed that his organization militates for the

promotion of Human Rights and that this Institute will soon present a case before ACERWC. He specified that his organization solicit the status of observer in front of the Committee

c) ANPPCAN's representative recalled the working relationships between the Committee and her organization. She specified that her Organization was involved in the draping of report on children consultation which will be submitted to the second Pan African Forum on Children.

d) The Community Law Center of University of Cape Town (South Africa) representative prepared a compilation of 12 articles published on the Charter and on the Committees' activities. Its representative specified that, together with other NGOs they have submitted a document to the UN CRC on "available resources on the rights of the child: an African perspective".

e) The representative of International Red Cross Committee's highlighted that his institution collaborated with the AU Department of Social Affairs and the ACERWC. He declared that his organization wishes to increase this collaboration in accordance to the discussions that were held with the Committee's Chairperson in the margin of the AU Ordinary Summit in Accra in January 2007.

f) CONGOC-Senegal's representative informed the meeting of the launching, in June 2007, of an initiative in support of the African Charter on the Rights and Welfare of the Child, which comprises some ten coalitions from West Africa.

g) The representative of Save the Children presented his Institution and confirmed that, this Institution will collaborate with the Committee.

Agenda Item 4: Presentation on the Harmonization of Laws on Children by the African Child Policy Forum (ACPF)

19. Mr. David Mugawe of the ACPF presented to the Committee a study carried out by the ACPF on "in the best interest of the Child: Harmonizing: Laws in Eastern and Southern Africa.

20. After the presentation the following points were raised:

- a) The harmonization of laws should be accompanied by good Rules of Procedure well prepared;
- b) It is necessary not only to include the provisions in national legislation but also to implement them;

- c) Remarkable progresses were achieved at national level; it is necessary to coordinate and harmonize these activities;
- d) Laws differ from one country to another;
- e) Member States should harmonize the definition of the word "Child".

Agenda Item 5: Overview on Article 31 of the African Charter on the Rights and Welfare of the Child presented by the Community Law Center of the University of Western Cape, South Africa

21. Prof. Julia. Sloth-Nielsen and Mr. Mezmur Benyam of Community Law Center of the University of Western Cape, South Africa, presented an in-depth analysis on Article 31 of the African Charter on the Rights and Welfare of the Child (ACRWC) in particular on the duties of the African Child. In their conclusion they highlighted that:

- The Charter not only reflects an African normative consensus on children's rights but places children's rights within the African cultural context and also provides the responsibilities of children to their parents, communities and society as a whole.
- Even though the Charter's recognizes the duties of children, it does not lose focus of its initial recognition that "... the child, due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development and requires legal protection in conditions of freedom, dignity and security. Article 31 is therefore tailored to make it impossible to demand that the child undertakes his or her duties in such a way that violates his or her other rights under the Charter;
- The ACERWC requests State Parties to provide, in their reports, details on measures, programmes, policies, for the realization of African Unity that they have put in place to assist children to fulfill their duties as contemplated by Article 31;
- The ACERWC could ask the implementation of some of the duties contemplated in Article 31, such as the duty to promote the achievement of African unity;
- The ACERWC could promote the mainstreaming of Article 31 at regional levels where children could participate in the development of positive social, political and economic values in the achievement of African unity.

22. After the presentation the following points were raised:

- a) States should capitalize on the positive roles that children could play within their family and the community;
- b) Children should be able to play a role at national level with a view to them to take up their responsibilities;
- c) Children should receive a training and their capacities must be enhanced in order to enable them participate actively in meetings;
- d) Article 31 of the ACRWC should be reviewed in line with the other Articles of the Charter.

Agenda Item 6: Report on the celebration of the Day of the African Child 2007 and theme for the June 2009 DAC

23. In presenting the item, the AU Representative informed the meeting that the theme for the June 2007 Day of the African Child (DAC) was communicated to all AU Member States requesting them to submit reports on how this day is planned in their respective countries. However, no report was received. She added that at the AU Commission's level, the Chairperson of the Commission issued a statement on the theme: "Combat Against Child Trafficking" this message is posted on the AU Website.

24. In the debate that followed, the following points were highlighted:

- a) Member States should be sensitized on the theme of the DAC. Strategies that could influence the submission of their reports must be elaborated;
- b) The AU Commission, the ACERWC and their partners should undertake advocacy and sensitization on activities related to the 2007 DAC;
- c) The NGOs and other Organizations could insure the follow-up of the celebrations of DAC with Member States at national level and request them to communicate their reports to the African Union Commission;
- d) A document on the theme of the DAC should be prepared and sent to Member States when communicating the theme to them;
- e) It was also pointed that since the celebration of DAC is conducted differently in each country, States could only be provided with guidelines on what is expected from them.

25. Regarding the 2009 DAC theme for the 2009 DAC, the Committee decided to await the outcome of the Second Pan-African Forum before making any proposal on the theme.

**Agenda Item 7: Status of the implementation of the
recommendations of the 9th Meeting of the
ACERWC**

26. The Representative of the AU Commission presented the report and highlighted the main recommendations related to each of the item discussed during the 9th Session of the ACERWC. She noted that many points from the ninth session had been incorporated in the Agenda of the 10th Meeting for follow-up action. She also informed the meeting that the Report of the ninth session was presented to the AU Council of Ministers held in Accra, Ghana in July 2007.

27. Concerning the lobbying mission for the ratification of the Charter, she explained that apart from Tunisia and the Republic of Congo the other countries to which note verbals were sent regarding the mission did not reply. She stressed that there was need to devise strategies to urge the Member States to reply to the Committee's request.

28. In the ensuing debate, the following issues were raised:

- a) Concerning the lobbying mission, it was decided that apart from the note verbal sent by the AU Commission on the matter, the Chairperson of the Committee could write to the Ministry of Foreign Affairs as well and explain about the mission's objective. The AU Commission was requested to clarify the procedure and to ensure the follow up of the questions with the Chairperson of the Committee;
- b) The sensitization mission should be followed up even within Member States that ratified the African Charter in order to insure the follow up on the report of State Parties;
- b) It was also proposed that the Committee in collaboration with the Secretariat continues to follow up on resource mobilization, as some partners such as UNICEF and Save the Children were willing to support the Committee in the implementation of its activities;
- d) Concerning the issue of violence against children, it was recalled that during its last session, the Committee has proposed that the issue must be included on the Agenda of the AU Summit. The Chairperson explained that he raised the issue mentioned during his audience with the AU Commission and he was told that it was not possible to include the item on the Agenda of the Ghana Summit, as the Summit would deal with specific items. It was,

therefore, decided that the Committee follow up on the matter and even raise it during the Forum.

Agenda item 8: Preparation of the Inter-Session of the Committee for the Second Pan-African Forum on Children: Mid-term review

29. The theme on the preparation of the Inter-Session of the Committee for the Second Pan-African Forum on children - Mid-term review, made its subject of discussion during which the members of the Committee decided to grab this opportunity to bring to light the committee and its activities.

30. It was therefore agreed that a 30-min presentation on the committee be made and that the remaining time be devoted to the debates. Chairperson Zoungrana, having already prepared a report to this end, proposed to present it, and it was accepted. He first made a chronological account on the elaboration of the Charter before developing the provisions on the rights and welfare of the child as well as on the committee. He then tackled the difficulties encountered by the committee before drawing conclusions on the perspectives. The other members of the committee brought amendments to the document and proposed to Prof. Ebigbo Peter to assist M. Zoungrana in order to improve it.

31. The Secretariat of the Committee recalled that, during the forum, panels shall be organized and that the members of the committee were identified to act as facilitators. The meeting decided to appoint the following members to participate in the different panels:

- Prof. Peter Ebigbo: the panel on the participation of youth and children.
- M. Moussa Sissoko for the panel: improvement of chances for life.
- Ms Koffi Marie Chantal for: the panel Realization of the right to education.
- Dr. Assefa Bequele for the panel: Realization of the right to protection

Agenda item 9: Consideration of the draft framework for the list of Issues for the consideration of State Parties Reports (prepared by Mrs. Diakhate and Prof. Ebigbo)

32. The list of issues examined and divided into three parts, namely: the general data about the country or context, the observations on the state of implementation of the African Charter on the Rights and Welfare of the Child and the observations by specific field. The document was adopted under few amendments.

**Agenda item 10: Preparation of the pre-session for the
consideration of State Parties Reports**

33. The discussions on the preparation of the pre-session for the consideration of State Parties Reports revolved around the procedure to be followed and the composition of the teams.

34. As for the procedure to be followed, the members of the committee decided to summon the pre-session before the 11th Ordinary Session of the Committee, more precisely in February. During this pre-session, four reports shall be examined and these are that of Egypt, Rwanda, Mauritius and Nigeria; as for the other reports received and not translated yet, these shall be the subject for another pre-session.

35. This pre-session shall be composed not only of the Committee members but also representatives of International and Regional organizations interested in the matter as well as NGOs that are intervening in the field and resource persons chosen by the committee. In this respect, the following teams have been formed:

- Report presented by Mauritius: Mrs. Pholo Momembessi, Professor Ebigbo Peter, Mr. Zoungana Jean Batiste;
- Report of Rwanda: Mrs. Koffi Marie Chantal, Mr. Moussa Sissoko and Mrs. Dawlat Hassan;
- Report of Egypt: Mrs. Polo Napka, Mrs. Diaakhate Seynabou and Mrs. Seilthamo;
- Report of Nigeria: Dr. Assefa Bekele, Mme Koome Martha

36. The African Union Commission will contact the International and Regional organizations to request them nominate their representatives, as for NGOs, Mr. Moussa Sissoko, Dr. Assefa Bequele and Mr. Peter Ebigbo respectively members of CONGAG, Child Rights Policy and ANPPCAN will consult each other rapidly to nominate the representatives to the pre-session.

37. As for the number of participants per team, it had been decided that each of them be composed of maximum 9 persons for reasons of efficiency.

38. As for the financing of this activity, partners shall be recalled to contribute in its achievement.

**Agenda Item 11: Consideration of the Plan of Action of the
Committee (2005-2009) Priority activities for
2008 and resource mobilization**

39. The Committee examined the Plan of Action for the period 2005-2009 and identified the priority activities to be undertaken in 2008. During the identification of activities the following issues were raised:

- a) It was highlighted that it was important for the Committee to carry out investigation missions on cases of violation of Child Rights together with its mission. In addition to the missions, the Committee could obtain information from other sources and sensitization missions for the ratification of the Charter should also be undertaken;
- b) It was proposed that a report be prepared on the ACERWC. This report will explain how and when the Committee was established, its mandate, what it has achieved so far and its future activities. The report could be up-dated periodically;
- c) Concerning the collaboration between the ACERWC and the UN Committee on the Rights of the Child, the meeting was informed that the African Committee was invited to a meeting organized by the UN Committee in Burkina Faso at the beginning of November 2007. The French-speaking Members of the Committee will participate to this meeting. The meeting also informed that the UN CRC was willing to collaborate and support the ACERWC and that a document had been prepared by Mr. Jaap Doek to that effect.

The proposal of this collaboration with the UN CRC was accepted; however, it was clarified that this must not jeopardizes the specific mandates of ACERWC, which is to follow up on issues which are peculiar to Africa;

- c) Regarding resource mobilization, it was agreed that the Working Group, which was established during the eighth session to follow up on, this issue, should work out the Terms of Reference in collaboration with the Secretariat;
- d) Finally, it was agreed that the Chairperson, the Reporter and the Secretariat finalize the Plan of Action for 2008 and that they elaborate the modalities for mobilizing resources in order to implement it. In this regard, the Committee informed the meeting that the Pan-African Parliament was ready to collaborate with the ACERWC and fund some of its activities.

Agenda Item 12: Any other business

a) Organization of ACERWC Secretariat

40. Concerning the theme of the Committee Secretariat's organization, it had been noted that one of the constraints that the Committee encountered was the absence of a Secretariat. The present nomination of a Secretary shall be

a great contribution for the committee activities since the basic documents are established. Now, the recruitment of staff complement must proceed.

41. Discussions were pursued on a general framework, namely the Committee's operation, which is hindered by lack of resources. The committee members deplored the fact that they had never been associated to the elaboration of the committee's budget. It has been noted that it was due to lack of clarity on the committee's status. They have deplored the treatment reserved to the committee comparing to other African Union institutions and have confirmed the necessity to clarify this situation rapidly.

42. Mr. Zoungrana recalled that the Chairperson of the African Union Commission has confirmed, during their meeting, that the General Audit of the AU Commission shall take the Committee's problems into account; consequently, the AU representative informed participants that the audit is going on. Due to the urgency, the committee members asked Mr. Zoungrana to send rapidly a letter to the Chairperson of the African Union Commission to remind him of his commitment to take into account the committee's problems in the audit.

b) Proposed Seminar on Committee Members Capacity building in Conflict Resolution

43. The Chairperson informed the meeting that the Center for conflict resolution has organized, for Members of the Committee, a Seminar which will be held in Dakar from 25 to 29 November 2007. He added that a draft document and a Programme were sent to him to that effect.

44. During the debate it was highlighted that:

- a) Conflict resolution was not within the mandate of the Committee. Therefore, it was proposed that the title of the Seminar be changed to "Capacity building of Committee Members in matters of Child Protection in Conflict Situations" ;
- b) Some Committee Members announced that they would not be able to participate in the Seminar during that period. Two proposals were therefore made on the dates of the Seminar:
 - 4 – 7 December 2007; or
 - 22-25 January 2008

c) AU Award on Children's Champions 2008

45. The Representative of the AU Commission recalled that during the ninth meeting it was agreed that a prize for children champions be awarded every two years. However, the Committee did not agree on the modalities that were to be followed. There was need; therefore, for the Committee to brainstorm on the issue and come out with concrete proposals.

46. In the debate that followed, the following issues were raised:

- a) The Committee had taken part in the First AU Award and a number of constraints and problems were encountered. Hence, there was need to prepare adequately the next award;
- b) A document explaining how the First Award was conducted as well as the problems it encountered ought to be prepared;
- c) It was agreed that the next Award be given to an organization who works on the defense and promotion of child right and that the Award is not linked to a theme;
- d) The Secretariat was requested to come up with proposals on this issue.

Agenda Item 13: Adoption of the Draft Report

47 At the end of the deliberations the Reporter presented a general report, which was adopted subject to few amendments taken into consideration in this report.

Agenda Item 14: Closing

48. As the Agenda was thoroughly examined, the Chairperson of the Committee expressed thanks to Adv Bience Gawanas, Commissioner for Social Affairs for having at the closing ceremony of the 10th Session of ACERWC and asked her to be the spokesperson of the Committee within of the AU Commission. He also thanked all the members of the Committee for their diligence and active participation that allowed the work's success. He then thanked the partners for the interest they accorded to the Committee before giving the floor to the Commissioner for the Closing Speech.

49. Adv Gawanas, Bience, Commissioner for Social Affairs expressed her satisfaction for the 10th Session of the Committee subsequently to the 2nd Pan-African Forum on the future of children. She specified that this forum would allow the Committee to refine well its actions in favor of children. She also added that the conclusions of this forum would be presented during the UN Special Summit on Children. To conclude, the Commissioner thanked the members of the Committee for the work accomplished and Mr. Zoungrana, Jean-Baptiste for his seriousness in assuming his duties as a Chairperson. She also thanked partners for their support and ensured the members of the Committee of her availability to be their spokesperson within of the African Union Commission.

**10TH MEETING OF THE AFRICAN COMMITTEE OF EXPERTS
ON THE RIGHTS AND WELFARE OF THE CHILD
25 –27 OCTOBER 2007
Hotel Ramsis HILTON, CAIRO, EGYPT**

AGENDA

1.	Opening Ceremony: <ul style="list-style-type: none">➤ Statement by the African Union Commission➤ Statement by the Chairperson of the Committee	
2.	Procedural Matters: <ul style="list-style-type: none">➤ Consultation among Committee Members➤ Election of the Bureau➤ Adoption of the Agenda and Program of Work	
3.	Brief Presentations by Partners	
4.	Presentation on the Harmonization of Laws on Children by the African Child Policy Forum (ACPF)	
5.	Overview on « Article 31 of the African Charter on the Rights and Welfare of the Child » by the Community Law Center of University of Western Cape, South Africa	
6.	Report on the celebration of the Day of the African Child 2007 and theme for the June 2009 DAC	
7.	Status of implementation of the recommendations of the 9 th Meeting of the ACERWC	
8.	Preparation of the Inter Session of the Committee for the Second Pan-African Forum on Children: Mid-Term Review	
9.	Consideration of the draft framework for the list of issues for the consideration of State Parties Reports (prepared by Mrs Diakhate and Prof. Ebigbo)	
10.	Preparation of the pre-session for the consideration of State Parties Reports	
11.	Consideration of the Plan of Action of the Committee (2005-2009): Priority activities for 2008 and resources mobilization	
12.	Any other business: <ul style="list-style-type: none">-Organization of ACERWC Secretariat;-Proposed Seminar on the capacity building of Committee Members on conflict resolution;-AU Award on Children's Champions 2008	
13.	Adoption of the Draft Report	
14.	Closing	