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REPORT

**ELEVENTH (11TH) MEETING OF THE AFRICAN COMMITTEE OF
EXPERTS
ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

**26 - 28 MAY 2008
ADDIS ABABA, ETHIOPIA**

I. INTRODUCTION

1. The 11th 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 26 to 28 May 2008.

II. ATTENDANCE

2. The meeting was attended by eight Committee Members, COMESA as well as representatives of organizations dealing with children's issues: UNICEF, UNHCR, Office of the High Commissioner for Human Rights(OHCHR), International Organization for Migration (IOM), WFP, World Vision, the African Child Policy Forum, the Institute for Human Rights and Development in Africa, Plan International, Save the Children – Sweden, the National Coalition of Children's Associations and NGOs (CONAFE – Senegal), the Community Law Center of the University of Western Cape, International Federation for Human Rights (IFHR), Coalition to Stop the Use of Child Soldiers and ANPPCAN.

ITEM 1: OPENING CEREMONY

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

3. In her opening statement, H.E Adv. Bience Gawanas, Commissioner for Social Affairs, welcomed the Committee Members and the participants. She recalled that the African Committee of Experts on the Rights and Welfare of the Child was established within the framework of the African Charter on the Rights of the Child to ensure the promotion of the rights of children. She indicated that since its inception the Committee had undertaken a number of initiatives and that the Committee would soon start to consider the State party reports. She pointed out that the first pre-session to consider State party reports would follow the 11th Session of the ACERWC and called on Committee Members to ensure its success.

4. Referring to the agenda of the 11th Session, the Commissioner underscored the important items to be discussed such as the theme for the Day of the African Child 2009, the Committee's budget for 2009 and the Plan of Action for 2010-2015. She indicated that the Committee should present a budget which is realistic and implementable.

5. She reminded Committee Members that they had the responsibility to ensure that children have a happy life by ensuring the implementation of the provisions of the African Charter. She added that it was in the same spirit that the Call for Accelerated Action Towards Africa Fit for Children was adopted. She recalled that the Call has assigned responsibilities to all stakeholders including the Committee. The Call should therefore serve as a reference document to the Committee.

6. In conclusion she indicated that the outcome of the 11th Session would be submitted to the 13th Session of the AU Executive Council, which will meet in Egypt in June 2008. She then thanked the four Committee Members whose terms of office would end in July 2008, namely, Mr. Zoungrana, Prof. Ebigbo, Dr. Bequele and Mrs. Polo. She thanked them for the services rendered to the Committee and to Africa's children, and stated that they will be called upon should the need arise. She further stated that their names would be engraved in the records of the Committee and the Department of Social Affairs. Finally, she wished the meeting successful deliberations.

(b) Statement by the Chairperson of the Committee

7. In his opening statement, Mr. Zoungrana Jean-Baptiste, Chairperson of the Committee, first of all conveyed his gratitude to the Commissioner for Social Affairs for her brilliant re-election, and thanked the participants for having honoured the invitation.

8. He observed that the meeting was a follow-up to the Second Pan-African Forum held in Cairo, which adopted the Call for Accelerated Action on the Common Position towards « *Africa Fit for Children* », and that it would be important for each person to honour their commitments.

9. He then recalled the context in which the 11th Session was holding, notably situations of conflict in some African countries and the crisis arising from the high cost of living whose consequences impact on children.

10. Mr. Zoungrana Jean Baptiste however underscored the positive aspects of the unfavourable context. These include the holding of the Second International Colloquium on Gender-related Justice organized by the Ethiopian Government and UNICEF, and the Third Conference on the African Child organized by the African Child Policy Forum on Child Poverty in Africa whose organizers he praised for their commitment in favour of the African child. He also recalled the launch, on 11 May 2008, by some 200 organizations, of the Pan-African Movement on the Child.

11. In conclusion, the Chairperson informed participants that his term of office would end on 8 July 2008; this equally applies to those of Dr. Peter Ebigbo of Nigeria, Dr. Assefa Bequele of Ethiopia and Ms. Nakpa Polo of Togo. He expressed satisfaction with the results achieved, and thanked the AU for all the assistance and facilities he had enjoyed during his mandate. He finally invited members to thoroughly analyze the items on the agenda, and wished total success for the deliberations.

ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (Closed Session)

12. Following the opening ceremony, the Committee Members met in camera to discuss urgent matters. The discussion in which the Commissioner participated covered three points:

- Election of bureau members: certain constraints were raised on this item, such as the absence from this session of 4 committee Members

and the non possibility of re-electing 3 of the members present whose terms of office will soon end. Given the situation, the Committee members decided that for the present session, only the Chairperson, the 1st Deputy Chairperson and the Rapporteur would be elected for a two-year term of office. The other bureau members would be elected at the 12th Session with the arrival of new members;

- Collaboration with the UN Committee on the Rights of the Child: Committee Members agreed to treat this issue as an agenda item;
- Organization of a pre-session for the consideration of reports: Committee Members also agreed to treat this issue as an agenda item.

ITEM 3: PROCEDURAL MATTERS

(a) Adoption of the agenda and the Programme of Work

13. Prof. Julia Slot who would have presented a paper on « *the Best Interest of the Child* » excused herself due to a last minute constraint, and thus the paper was cancelled and replaced with one on the Call for Accelerated Action towards « *Africa Fit for Children* ».

14. Other items were proposed, and included cooperation with the UN Committee on the Rights of the Child and the organization of a pre-session.

15. The Chairperson presented the agenda and the programme of work, which were approved subject to the following amendments.

(b) Organization of Work:

16. The Committee agreed to conduct its deliberations as follows:

- The first day in open session
- The second day in closed session

ITEM 4: BRIEF PRESENTATIONS BY PARTNERS AND DISCUSSION

17. The meeting heard brief presentations from the following partners: Institute of Human Rights and Development in Africa, Plan International, Save the Children – Sweden, Coalition to Stop the Use of Child Soldiers, CONAFE – Senegal, ANPPCAN, World Vision, African Child Policy Forum, Community Law Centre , IOM, UNHCR, COMESA, UNICEF, WFP, and IFHR. They all:

- Thanked the Committee for inviting them to participate in the meeting;
- Recalled the cooperation that exists between their organisations/institutions and the African Union Commission;

- Gave a brief on the structure and mandate of their organisations/institutions;
- Briefed the meeting on the activities carried out by their organisations/institutions in promoting the rights and welfare of children;
- Expressed their willingness to continue to work in close collaboration with the Committee and support its activities;
- Some of them expressed the willingness to obtain Observer Status with the Committee, namely the Institute for Human Rights and Development in Africa and Save the Children-Sweden.

ITEM 5: PRESENTATION: “THE UN TEN YEAR CAPACITY BUILDING PROGRAMME”

18. A presentation was made by Mr. Patrice Vahard, Regional Human Rights Adviser (Office of the High Commissioner for Human Rights) on the ‘The UN Ten Year Capacity Building Programme’. In brief, the presentation focused on: the partnership between African Union and the UN, looking at the framework of cooperation between the two organizations and the capacity building strategy as a guide in the UN’s support to the African Union; the UN Cluster approach to ensure an integrated thematic response; and the promotion of children’s rights as a cross-cutting and key issue.

19. Following the presentation, discussions took place: The main points highlighted in the discussions were that the Committee needs to continue to work towards improving the welfare of children in Africa, taking into account the importance of integrating other cross-cutting issues that affect the lives of African children. The Committee will be discussing common issues with partner organizations in order to improve their work and to see how they can be involved in the upcoming 2009 evaluation undertaken in different African countries by the UN Human Rights Council. Furthermore, the Committee will take full note of issues raised at this 11th session and take into account activities in the ten year capacity building programme so that they can play an active role in the promotion of children’s rights.

20. It was emphasized that the role of Regional Economic Communities is vital in the coordination of programmes in their countries of operation; they can maximize the resources that they have in order to work towards a faster achievement in their development activities. Civil society organizations are also particularly essential in the process of helping African communities to be more proactive in shaping the policies, which affect their lives. Nothing can be achieved successfully unless the beneficiaries are involved in mapping out their own needs and requirements.

21. It is crucial that civil society organizations, agencies (donors, humanitarian agencies etc.) and bilateral organizations find ways of putting their resources together to work towards having one agenda on human rights and other matters to ensure effective achievement of goals.

ITEM 6: PRESENTATION ON THE: “*Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit For Children*”

22. The Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children was presented by the Representative of the AU Commission. She recalled the process which led to the adoption of the Call for Accelerated Action. She referred to the First Pan-African Forum on Children, which was held in Cairo, Egypt in 2001, the outcome of which was the Declaration and Plan of Action of Africa Fit for Children. She indicated that Africa Fit for Children was Africa’s contribution to the UN General Assembly Special Session on Children held in May 2002. She pointed out that the Second Pan-African Forum on Children was held in Cairo, Egypt in October/November 2007, in implementation of a mandate given to the AU Commission in the Plan of Action of Africa Fit for Children as well as a Decision taken by the Assembly of Heads of State and Government in 2005. She recalled that the main objective of the Forum was to review and assess the progress made by Member States in implementing commitments made in the Declaration and Plan of Action of Africa Fit for Children.

23. She stressed that the Call for Accelerated Action is a reaffirmation of the need to achieve the targets set in the 2001 Plan of Action. In this regard, the Call focuses on the priority topics, namely: Legislative and Policy Framework; Institutional Framework; Mobilizing and Leveraging Resources; Enhancing Life Chances; Overcoming HIV and AIDS, Realizing the Right to Education; Realizing the Right to Protection; and Realizing the Right to Participation and identifies priority actions under each topic. The presenter indicated that the value added of the Call was that it provides a monitoring and evaluation framework as well as spells out the roles and responsibilities of the AU Commission, Member States, and the African Committee of Experts on the Rights and Welfare of the Child as well as all other stakeholders. She called on the development partners to work in concert and continue to support the AU Commission and the African Committee in implementing the 2001 Plan of Action and the Call for Accelerated Action.

24. Finally, she informed the meeting that the Call for Accelerated Action was endorsed by the AU Executive Council and Assembly of Heads of State and Government in January/February 2008 and has been forwarded to all Member States and development partners. The Call was further presented to the UN General Assembly Commemorative High Level Plenary Meeting held in New York in December 2007 as Africa’s contribution.

25. In the ensuing debate, the following points were raised:

- a) In line with the Plan of Action and the Call Towards Africa Fit for Children, the Nigerian Government has taken measures to develop a Nigeria Fit for Children;
- b) There is need for Governments to be guided by the Call for Accelerated Action when developing their national programmes on children;
- c) The Committee should capitalize as much as possible on the expertise of development partners in implementing the Call;

- d) There is need for the Committee to identify the priority areas and include them in its Plan of Action 2010 -2015;
- e) The Committee needs to take action urgently. It needs to identify the evaluation and monitoring process and actions required on each topic. Furthermore, success stories should be identified and disseminated as widely as possible;
- f) There was lack of information on the African Charter and the Committee. It was therefore necessary to work in collaboration with NGOs and CSOs in order to popularize them;
- g) Advocacy and raising of awareness were important in the implementation of the Plan of Action and the Call. The Committee should utilize all means and actors in the process;
- h) Governments should be held accountable. CSOs, NGOs and other stakeholders should be utilized to put pressure on Governments for the implementation of the Plan of Action and the Call;
- i) It was not enough for Member States to ratify the African Charter; they should also domesticate it;
- j) The Committee should include the Call in the reporting system. State Parties should be requested to also report on the implementation of commitments made in the Call for Accelerated Action;
- k) In order to sensitize Governments and create an impact, children's issues should be debated at the highest level. It is important therefore to include an item on children on the Agenda of the AU Assembly of Heads of State and Government;
- l) The AU Commission should be more committed to children's issues.

ITEM 7: STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS OF THE 10TH MEETING OF THE ACERWC (Closed Session)

26. The Secretary of the Committee presented a paper on the status of implementation of the following recommendations adopted at the 10th Session:

- (a) **Organization of the 1st pre-session to consider the State party reports** (Egypt, Nigeria, Mauritius and Rwanda) preparations have ended, and the pre-session is scheduled to take place from 29 to 31 May 2008, just after the 11th Session.
- (b) **Implementation of activities adopted for 2008 :**
 - Preparation of a study on the Committee highlighting its establishment, mandate and activities: on this item, the

Secretary suggested that they contact the Community Law Centre which collaborates with the Committee and had already conducted research on this topic;

- Investigation missions on cases of violation of the rights of the child and for the ratification of the Charter: the Secretary explained that the budget allocated by the Commission does not make it possible for these missions to be conducted, although contacts have been made with partners such as UNICEF towards the funding of these activities;
- On the issue of resource mobilization: the Commission allocated a total amount of \$180,000 for the Committee to finance its activities and 2 of its sessions, but this amount cannot cover the said activities. To overcome this shortage of financial resources, contacts were made with some partners who promised to finance certain activities. Financing prospects are also being explored on the basis of the African Union–European Union partnership agreement;
- Preparation of an annual work plan for 2008: the document was prepared and submitted to partners such as UNICEF, Plan International, Save the Children and the UN Ten Year Capacity Building Programme for the AU;
- Collaboration with the UN Committee on the Rights of the Child: this activity could not be carried out because of the insufficient budget allocated to the Committee. UNICEF was contacted and showed interest in the issue;

(c) Consideration of the Committee under the AU Audit:

- As agreed, the Committee Chairperson sent mail to the Chairperson of the Commission. Despite that, the report did not take the Committee's concerns into account. Written observations were sent before the extraordinary session of the Executive Council held in Arusha, which the Committee Chairperson could not attend because he did not receive his plane ticket in time. Committee members once more reiterated their wish for the Committee to be taken into consideration in the AU audit.

(d) AU Award on Children's Champions 2008:

- The 10th Session recommended that the organizers submit a report showing the obstacles faced at the 1st Session. The Secretary observed that the report had not yet been forwarded to her ;

- The Committee Members took note of the implementation of these recommendations and made proposals towards improving the services of the Secretariat so that it can better prepare missions and meetings in which they have to take part.

ITEM 8: DISCUSSION ON THE COMMITTEE'S BUDGET

27. To be able to have enough resources to carry out its mission, the Committee expressed the wish to have an autonomous budget like other institutions of the AU Commission.

a) Implementation of 2008 Work Plan:

28. The Secretary made a presentation on the 2008 Work Plan highlighting the *activities* to be accomplished and the source of funding (AU or partners). She recalled that the AU Commission had allocated the sum of \$180,000.00 to the Committee for 2008. The organization of this session and the pre-session cost \$70,000.00. Considering the small amount of financial resources available, the Committee members have to select the priority activities to be financed from the AU Commission budget *surplus*.

29. The members deplored the low amount of financial resources allocated to the Committee and proposed that partners should be called upon to finance their activities. After discussions, the Committee decided to prioritize the following activities:

- organization of the 12th session of the Committee;
- Official missions of the Committee members;
- carrying out the lobbying mission for the ratification of the Charter in the Democratic Republic of Congo.

b) Preparation of 2009 budget

30. The Committee decided to carry over to 2009 the activities earmarked in the 2008 work programme except for the training course of the Secretary to the Committee scheduled for this year. In carrying out activities, those that could not be achieved in 2008 will be prioritized. The Committee decided to take into account the Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children when carrying out these activities.

c) Preparation of a Plan of Action for 2010-2015

31. Ms. Diakhaté Seynabou, Mr. Moussa Sissoko, and Ms. Cisse Mariama were designated to prepare a draft plan of action for 2010-2015 to be presented at the 12th or 13th session of the Committee depending on the state of finalization. The Call for Accelerated Action will also be taken into consideration in the preparation of the Plan of Action.

ITEM 9: THEME OF THE DAY OF THE AFRICAN CHILD

32. Several themes were proposed by Committee Members who finally, by consensus, agreed on the Call for Accelerated Action Towards Africa Fit for Children. Accordingly, the theme adopted for the Day of the African Child 2009 will be entitled: **Africa Fit for Children: Call for Accelerated Action Towards their Survival.**

ITEM 10: PARTICIPATION OF COMMITTEE MEMBERS IN INTERNATIONAL MEETINGS (Closed Session)

33. The Chairperson started by mentioning that Committee Members need to have information in a timely manner concerning attendance of international meetings so that they can prepare adequately. It was stressed that it would be useful for the Committee members to attend international meetings on children rights, particularly meetings and conferences organized by the UN because it would be a great learning and information sharing experience. Members should then provide formal feedback on the meetings to other Committee members.

34. He went on to say that representation of the Chairperson of the Committee as a board member of the African Child Policy Forum (ACPF) is of benefit to the Committee because the forum is an important arena for the Committee's interaction with civil society organizations.

35. A point was raised on the role of the Chairperson of the Committee in the Council of the African Child Policy Forum.

36. It was then explained that the ACPF is a policy and advocacy centre that deals with policy research on the rights and welfare of the child and follows three principles: universalism, internationalism and Pan Africanism. The ACPF's work is guided by the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The ACPF consists of institutional members (Plan International, African Union, Save the Children etc.) and individual members; the ACPF involves the Chair of the Convention on the Rights of the Child and the Chair of the African Charter or their proxies as standing members of the board of the ACPF so that the forum's work will continuously be geared towards and embody the values of the UN Convention and the African Charter.

37. It was noted that as of yet, the Committee's relationship with the ACPF has been positive and constructive and no conflict of interest has occurred.

38. An objection was made with regards to the Committee Chairperson's membership on the board of the ACPF and membership of the ACPF's Director on the Committee. It was emphasized that this situation was not ethical and could cause problems with the two parties influencing each other's decisions.

39. It was also mentioned that even though the issue of the Committee Chairperson's membership on the ACPF board should have initially been discussed with the other Committee members, there is no conflict of interest or problem because the collaboration with ACPF is complementary of the Committee's work and adds value to it.

40. It was concluded that unless there is an article in the Rules of Procedure of the Committee which prohibits the participation of the Chair in the ACPF board, then the next incoming Chairperson will continue to participate.

ITEM 11: ORGANIZATION OF THE PRE-SESSION TO CONSIDER STATE PARTY REPORTS

41. Following discussions, the Committee Members decided to organize the working session on the morning of 28 May 2008 to enable them exchange and harmonize their observations and comments on the various reports and to enable the rapporteurs to finalize the report.

ITEM 12: COLLABORATION WITH THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

42. The Committee Chairperson recalled the paper presented by Mr. Jaap Doeck on collaboration between the two Committees and the meeting organized in Ouagadougou by the UN Committee on the follow-up of its recommendations, which was attended by some members of ACERWC. He then informed the Committee of the meeting he had with the Chairperson of the UN Committee during the meeting of the African Child Policy Forum held in Addis Ababa in May 2008. The meeting provided occasion to reiterate the need for such collaboration.

43. During discussions on this issue, Committee members appreciated the collaboration between the two institutions and requested that a framework be set up in this respect. The bureau was assigned to prepare terms of reference which will be discussed with the bureau of the UN Committee.

ITEM 13: RECOMMENDATIONS

44. After discussions, the Committee adopted the following recommendations:

- Provide the Committee with the necessary resources to enable it to conveniently carry out its mission;
- Upgrade the status of the Committee;
- Provide the Committee with an autonomous and adequate budget;
- Give the Committee greater visibility;
- Encourage children to participate in the Committee's activities;
- Encourage States to ratify the Charter and to submit their reports in conformity with the provisions of the Charter;
- Popularize the Charter as is done with the UN Convention on the Rights of the Child;
- Organize an African Summit on the Child.

ITEM 14: ELECTION OF BUREAU MEMBERS:

45. As agreed, the Committee members elected three bureau members. The newly elected members are:

- Chairperson: Ms. Diakhaté Seynabou
- Deputy Chairperson: Ms. Koffi Marie Chantal Appoh
- Rapporteur: Ms. Boipelo Lucia Seiltamo

ITEM 15: ANY OTHER BUSINESS

46. The following issues were raised under this item:

- Mr. Moussa Sissoko presented the terms of reference for the organization of a NGO Forum on the issue of children. Following discussions the Committee decided to study the document which will be considered as an avenue of reflection on the issue. The document should take account of the recently established Pan-African Movement on the Child;
- Collaboration with the African Commission on Human and Peoples' Rights (ACHPR). The Chairperson recalled that the idea had been expressed to designate a special rapporteur on violence against children. Since this proposal was not adopted, it would be useful for the Committee to cooperate with the ACHPR to benefit from the opportunities or information available to the various special rapporteurs of that institution;
- There was a proposal for reflection on the possibility of making Committee members responsible for specific themes;
- It was also proposed that the Committee should publish its own News Letter to give its actions greater visibility;
- It was observed that Ms. Pholo Mamosebi, a Committee member, had failed to attend two consecutive sessions of the Committee without justification; the Committee decided to send her a reminder in conformity with Article 14 of the Rules of Procedure;
- There was a proposal on the possibility for the Committee to have its own headquarters like other AU institutions: This proposal was deemed untimely, considering certain priorities the Committee has to tackle.

ITEM 16: ADOPTION OF THE DRAFT REPORT

47. After the rapporteur presented the report, a few proposals for amendments were made and the report was adopted, pending the taking into consideration of the said amendments.

ITEM 17: CLOSING CEREMONY

48. In her closing statement, the Acting Director of the Department of Social Affairs thanked the participants for the work accomplished and stressed the need to

implement the decisions. She also thanked the Committee Secretary who spared no effort for the success of the session, and wished participants a safe return journey.

49. In his closing speech, the out-going Committee Chairperson commended the decisions and recommendations adopted at the session and thanked participants for their contributions and the quality of the discussions. He equally thanked the AU Commission, his fellow committee members and the Secretary for the support they lent him during his term of office. While wishing the newly elected bureau total success, he declared the deliberations of the 11th Session of the Committee closed.