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**16TH SESSION OF THE AFRICAN COMMITTEE
OF EXPERTS ON THE RIGHTS
AND WELFARE OF THE CHILD (ACERWC)
9-12 NOVEMBER 2010
ADDIS ABABA, ETHIOPIA**

ACERWC/ Rpt. (XVI)

REPORT

I. INTRODUCTION

1. The 16th Meeting of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was held at the AUC Conference Centre, Addis Ababa, Ethiopia, from 08 to 12 November 2010.

II. ATTENDANCE

2. The meeting was attended by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), as well as representatives from Department of Political Affairs, Department of Social Affairs and the following organisations: UNICEF Liaison Office to the AUC & UNECA, the ILO Regional Office Addis Ababa, the Plan International - Sweden, the Plan International - Senegal, the Plan Cameroon, *Coalition Camerounaise des ONG pour les Droits de l'Enfant (COCADE)*, Save the Children Ethiopia, the Institute for Human Rights and Development in Africa, the Togo FODDET, the IAC/HTPS (ECA), the Plan International - Kenya, UNESCO Rwanda, the African Child Policy Forum (ACPF) Addis Ababa, Ethiopia, the Child Helpline International (CHI) Netherlands and the Plan International - Ethiopia.

ITEM 1: OPENING CEREMONY

3. The Opening Ceremony was chaired by Dr. Olawale I. Maiyegun, Director for Social Affairs, African Union Commission.

(a) Opening Remarks by Dr. Olawale I. Maiyegun, Director for Social Affairs, AU Commission:

4. Taking the floor, the Director of Social Affairs welcomed all the Members and Guests of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on behalf of the AUC and the Department of Social Affairs. He also welcomed the six newly elected members. He then stated that this ACERWC's session was to focus primarily on consideration of the best interest of the African child and to bring about meaningful and qualitative changes to the child's life and welfare.

5. The Director recalled that the rights of thousands of children are violated in the Continent despite the existence of legislation and policies adopted for the protection of children. He therefore highlighted the role that the Committee has to play by constantly reminding and encouraging the Member States to scale up their efforts and holding them accountable for commitments undertaken under the Charter. The Director suggested that the Committee optimise its working methods and review as soon as possible its Rules of Procedure and communication policy. He also proposed that the Committee refer cases of violation of the rights and welfare of the child to the African Court on Human and People's Rights in Arusha, Tanzania. With regard to the adoption of the Committee's Plan of Action, he drew the attention of the members to the fact that the Committee would be evaluated on the basis of the results achieved and not on the number of activities outlined in the Plan of Action.

6. In conclusion, the Director called upon all the Partners to continue to lend their support to the Committee and assured the latter that the AUC would support the implementation of the Plan of Action.

(b) Statement by the Acting Chairperson of the Committee:

7. For her part, Ms. Agnes KABORE, Acting Chairperson of the Committee first thanked the Commissioner for Social Affairs, the Director and the entire staff of the Department for their continued support to the Committee.

8. After congratulating the outgoing members and welcoming the newly elected members of the Committee, the Chairperson gave an update on the various activities in which the Committee had participated since the fifteenth session.

9. She then presented the work programme of the session and informed participants that the 3rd pre-session had been held on 8 November 2010 to consider the alternative reports of the NGOs of Cameroon and Togo. Concluding, she thanked Save the Children which financed the training of members of the Committee.

ITEM 2: CONSULTATION BETWEEN MEMBERS OF THE COMMITTEE

10. During the session, members of the Committee solemnly took the oath of office in the presence of the representative of the African Union Commission Legal Counsel and signed the statements of commitment.

11. With regard to the election of the bureau, the Representative of the AU Legal Counsel informed the members that those absent could neither vote nor stand as candidates; that the number of vice rapporteur positions (02) did not comply with AU regulations and that the three vice chairpersons must be elected according to a particular order. Following this information, the Committee members proceeded to elect the new bureau as follows:

- **Ms. Agnes Kabore: Chairperson**
- **Mr. Cyprien Yanclo: First Vice Chairperson**
- **Mr. Benyam Dawit: Second Vice Chairperson**
- **Ms. Fatima Zohra Delladj Sebaa: Third Vice Chairperson**
- **Mr. Clement Mashamba: Rapporteur**

ITEM 3: PROCEDURAL MATTERS

(a) Adoption of the Agenda and Programme of Work

12. The Agenda and Programme of Work were adopted as amended.

(b) Organisation of Work

13. The Committee agreed to conduct its deliberations in open and closed sessions according to the Agenda.

ITEM 4: BRIEF PRESENTATIONS BY PARTNERS

14. The Chairperson of the ACERWC invited Representatives of the Partners involved in the promotion of the Rights and Welfare of the Child at national and regional levels to make brief presentations.

15. The Representative of UNICEF reminded the meeting that the Department of Social Affairs of the AUC, in collaboration with UNICEF Liaison Office to the AU and UNECA had financed an Evaluation Report of the Committee, as well as a draft 2010-2014 Strategic Plan for the Committee. He made reference to *The State of Africa's Children Report-2010* which AU finalised with the support of UNICEF and added that this continental AU Report is a major tool for advocacy and programming, not only for governments, UN agencies and civil society organisations, but also for this Committee. He re-affirmed UNICEF's support in collaboration with the entire UN system, CSOs and other partners, to spare no effort to give full support to the Committee.

16. The Representative of Plan International gave a briefing on the activities of Plan such as advocacy work on universal birth registration and the education programme 'Learn without Fear' to name but a few, adding that Plan produces reports on promoting the rights of girls. Plan has also been involved in advocacy at sub-regional and regional levels in the continent in the areas of human trafficking, among others.

17. The Representative of the African Child Policy Forum (ACPF) informed the meeting of their forthcoming report which would be published in December 2010, entitled the African Report on Child Well Being which focuses specifically on the issue of child budgeting. He also informed the meeting that ACPF has developed an award – the Larissa Award - to honour outstanding service in protecting, caring and providing for children with disabilities in Africa, and added that the AU Department of Social Affairs, in collaboration with ACPF, had just finalised a Monitoring and Evaluation Framework based on the Call for Accelerated Action towards Africa Fit for Children. The representative of ACPF also mentioned their upcoming Fourth International Policy Conference on the African Child to be held in Addis Ababa from 7 to 8 December 2010. He concluded by stating that for the 2012 theme for the Day of the African Child, the ACERWC could consider the theme Children with Disabilities.

18. The Representative of the Institute for Human Rights and Development in Africa (IHRDA) reaffirmed their commitment to work with the ACERWC to fulfil its mandate. He commended the ACERWC for strengthening their links with the African Commission on Human and Peoples' Rights. He further pointed out that issues that the ACERWC should investigate include violations against children such as denial of nationality and death sentences for children.

19. The Representative of Save the Children Alliance briefed the meeting about the structure of Save the Children and some of their campaigns, namely: on newborn and child survival and on Internally Displaced Persons. He also stated that Save the Children has been assisting the ACERWC with the strengthening of its capacity and implementation of its Plan of Action 2010-2014. He stressed the need for the

ACERWC to be part of the process of the AU Human Rights Strategy for Africa to highlight children's rights within this framework.

20. The Representative of Child Helpline International explained that the Organisation was established in The Netherlands and aims to advocate for and strengthen child helpline facilities in other countries globally. He stated that in the organisation's Action Plan 2011-2015, they would be giving assistance to African children.

21. The Representative of the AU Department of Political Affairs underscored the need for all those working in the area of children to support and advocate on the Convention on IDPs.

22. The Representative of ILO mentioned that ILO's work on programmes of child labour is relevant to the work of the ACERWC, adding that they would continue to support the Committee in the implementation of its Plan of Action.

ITEM 5: PRESENTATION OF THE RECOMMENDATIONS OF NGO FORUM TO THE COMMITTEE

23. The Representative of the Forum of Civil Society Organisations presented to the meeting the Recommendations of the Forum held in Addis Ababa from 4 to 5 November 2010 in which they, inter alia, reiterated their commitment to:

- (i) Support the Committee in its dissemination of the African Charter at regional, national, international and local levels in the countries in which they operate.
- (ii) Support the Committee on request, whenever it wants to conduct surveys, studies, etc.
- (iii) Integrate Members of the African Committee of Experts on the Rights and Welfare of the Child into child rights CSOs programming at national level.
- (iv) Support the Committee in articulating the need for the significant participation of children in accordance with their capacities and the need to establish linkages between the Committee and other children.
- (v) Deploy utmost effort to integrate the rights of children into human rights forums such as NGO Forums of ACHPR and CSO Forums of certain Regional Economic Communities.
- (vi) Support the Committee in its advocacy action with the African Union with regard to the financing of the ongoing activities of the Committee including, in particular, the financing of the two annual ordinary sessions for a period of at least two weeks, and the financing of the translation of the basic documents, including States' reports.

At the end of the presentation, the Chairperson thanked the Representative of the Forum and pointed out that some recommendations kept coming up at each forum,

thus reflecting an urgent plea from the Civil Society to the Committee. She assured the Representative of the Forum that the Committee would look into the recommendations.

ITEM 6: PRESENTATIONS ON CHILD LABOUR:

i. By the Department for Social Affairs, AUC

24. The Representative of the Social Affairs Department made a presentation on child labour from the perspective of the African Charter on the Rights and Welfare of the Child. The presentation highlighted the centrality of Article 15 of the Charter on child labour and the extension of its understanding to the other Articles of the Charter which provide additional clarification (the Articles on Definition of a Child, Parental Responsibilities, the Rights and Responsibilities of the Child, Education and Health of Children, the Best Interests of the Child, etc.).

25. The responsibilities and roles of the Committee of African Experts on the Rights and Welfare of the Child in combating child labour, as defined by the Charter, were highlighted. They constitute the foundation on which the Committee could build upon in undertaking different types of actions to address the phenomenon of child labour.

ii. By the International Labour Office

26. In his presentation, the ILO Representative briefed the meeting on ILO programmes and activities relating to Child Labour. He mentioned the following:

- i) Instruments defining ILO work on child labour;
- ii) Child labour levels and trends;
- iii) Global Action Plan on Child Labour and the Decent Work Agenda in Africa;
- iv) International Programme on the Elimination of Child Labour;
- v) Progress towards 2015;
- vi) Road Map 2010.

27. The ILO Representative focussed on Conventions 138 and 182 and Recommendation 190 which define the *Worst Forms of Child Labour (WFCL)*. He stated that Convention 182 recognises the prohibition and elimination of the worst forms of child labour as an important priority for national and international action.

28. The ILO Representative called for AUC-ILO cooperation, given the need for immediate and common action against the WFCL. He also provided some statistics on child labour in the world and in Africa in particular.

29. After the presentations, the ensuing discussions focused on the situation of child labour in local crafts industry units, family businesses, textile and agricultural enterprises and in domestic work, and the delicate nature of the status of the child on the labour market in relation to the different elements of legal age (marriage age, maturity age, etc.). Emphasis was also placed on the appraisal of IPEC Programme in Africa, its articulation with MDGs 1, 2 and 3, the distribution of the use of its resources and its prospects, as well as the types of social protection that need to be put in place for children.

30. The Committee expressed concern over the upward trend of the phenomenon of child labour in Africa, which is on the decline in other regions of the world. The Committee discussed possible urgent measures that the Committee could take to combat the phenomenon, and agreed to accord priority to the elimination of the worst forms of child labour.

31. At the end of the discussions, the Committee came up with the following recommendations:

- (a) need to support implementation of national policies with the mobilisation of the players to achieve ownership;
- (b) address the issue of child labour in the context of youth employment;
- (c) need for advocacy for the elimination of child labour;
- (d) collaboration with international organs such as ILO and UNICEF, and updating members of the Committee on child labour issues;
- (e) cooperation with similar bodies in Asia and Latin America regions;
- (f) use of its prerogatives in matters of investigation, information and standardisation;
- (g) advocacy for a labour market conducive to harmonious development and the acquisition of knowledge, competencies and qualification by children especially through the modernisation of traditional forms of apprenticeship, etc.

ITEM 7: CONSIDERATION OF THE REPORT OF RWANDA

32. After extending words of welcome to the Rwandese delegation led by Her Excellency the Minister of Gender and the Family, the Chairperson of the Committee thanked Rwanda for having submitted its report, and then gave the floor to the delegation to present it.

33. The Minister informed participants that Rwanda signed the African Charter on the Rights and Welfare of the Child on 2 October 1991 and deposited its instrument of accession on 11 November 1999. The delay in presenting the initial report was due to the period of upheaval experienced by Rwanda in the 90s. The Minister articulated her presentation around the following points:

- (i) General, legislative and political measures taken to implement the Charter;
- (ii) Protection of vulnerable children;
- (iii) Participation of children in the organisation of the annual summit for children (since 2004), as well as in other forums;
- (iv) Resources allocated towards child protection;
- (v) The major challenges and the responses provided, particularly:
 - Poverty related difficulties faced by the country and families and the difficulties arising from the consequences of the 1994 genocide;
 - The very high proportion of children in general, and vulnerable children in particular;
 - The persistently very high infant mortality rate;
 - The scourge of AIDS which continues to increase the number of orphans;
 - The level of enlightenment of the population on the rights of the child, which has remained very low;
 - Problems of coordination of the activities of children's rights players;
 - Special education is yet to attain a satisfactory level;
 - Inadequacy of pre-school institution, day care centres and nurseries.

34. For each challenge, concrete responses were provided. They included combating poverty as a priority objective of the millennium, family planning programme, maternal and infant mortality reduction programme, etc.

35. Taking the floor, members of the Committee requested clarifications and information as follows:

- (i) What are the content and outcomes of the policies and strategies implemented in Rwanda under the Charter?
- (ii) What benefits do children derive from self help organisations?
- (iii) What are the statistics for refugee and working children?
- (iv) What is the role of the National Commission for Children?
- (v) What special or grave reasons led the Ministry of Justice to authorise the marriage of a child?

- (vi) Has the family code been ratified by the Chamber of Deputies?
- (vii) What proportion of the State budget is allocated to promotion of the rights and welfare of the child?

36. The Minister again took the floor to provide answers to the various questions raised. She stated that her country was determined to ensure the protection of the rights and welfare of the child thanks to the good governance advocated by the President of the Republic. She also informed the meeting that the family code was yet to be ratified by the National Assembly.

37. The Chairperson of the Committee thanked the Rwandese delegation for the clarity of the responses provided and indicated that the Committee would transmit its recommendations and observations to the Republic of Rwanda.

ITEM 8: Discussion on the ACERWC Draft Plan of Action for 2010-2014:

- Presentation on Partners' contributions

38. The Representative of Plan International, Save the Children and the Institute for Human Rights and Development presented the project titled "Promoting the African Charter on the Rights and Welfare of the Child" funded by the Swedish International Development Agency (SIDA), in close collaboration with the African Child Policy Forum, the University of Western Cape Community Law Centre, the Institute for Human Rights and Development in Africa, Plan International and Save the Children UK.

39. The proposed project seeks to promote implementation of the African Charter on the Rights and Welfare of the Child (ACRWC) throughout the institutional, political and public arenas of the African Union (AU) guided by the following objectives:

- (i) strengthen the capacity of ACERWC to implement its strategic plan (2010-2014);
- (ii) promote children's rights and welfare in the internal and external environments of the AU; and
- (iii) strengthen civil society's capacity to engage with AU bodies on child rights issues in Africa.

40. After the presentation, some Committee members sought clarifications. It was then decided that all the members should peruse the document and provide their views and comments to the Working Group (made up of Ms Agnes Kabore, Mr Cyprien Yanclo and Mr Benyam Dawit Mezmur) appointed for that purpose. The Group would formulate recommendations and forward them to the partners concerned before the end of November 2010.

41. The UNICEF Representative made observations/comments on the Committee draft Plan of Action and on the SIDA proposal. He requested Committee members to consider several issues, including the actual needs of the Committee, the existing

gaps and the involvement of other UN Agencies in the implementation of the Plan of Action.

- **Consideration of the draft Plan of Action (PoA)**

42. The Committee considered and adopted its five-year Plan of Action (2010-2014), as amended, as well as its 2011 Work Programme.

ITEM 9: Consideration of Committee Working Documents (Rules of Procedure and Guidelines) for review

43. Due to time constraints, the participants only considered thirteen rules of the Rules of Procedure and set up a working group to gather the observations of the other members and improve the draft document to be presented at the next Committee session. The Committee also decided to submit the draft Rules to the AUC Legal Counsel's Office for advice.

44. The Committee did not have enough time to consider the Guidelines. They decided to postpone its consideration to the next session.

ITEM 10: Collaboration with the United Nations Convention on the Rights of the Child (UNCRC): Planning for 2011 joint activities

45. The Chairperson and Secretary informed the Committee members of the missions they carried out with the United Nations Convention on the Rights of the Child (UNCRC) Committee in Geneva and a joint UNCRC/ACERWC Working Group meeting, held on 15 September 2010.

46. Mr Benyam Dawit Mezmur (ACERWC member) was named to work with Mr Kamel Filali who was appointed by UNCRC to carry out a comparative analysis of the two treaties.

47. The Committee also appointed the following ACERWC members as members of the joint Working Group with UNCRC:

- i. Ms Agnes Kabore;
- ii. Mr Cyprien Yanclo;
- iii. Dr Benyam Dawit Mezmur; and
- iv. Ms Mariama Cisse.

48. The Committee, furthermore, decided to carry out the following activities with UNCRC for 2011:

- i. information sharing and exchange;
- ii. advocacy for a higher visibility of the African Charter on the Rights and Welfare of the Child;
- iii. joint mission to a State Party that has presented its reports to the two Committees for the purpose of monitoring the implementation of the final recommendations and observations made by the two Committees; and
- iv. organisation of a joint workshop on capacity building.

ITEM 11: Follow up on the Communications received

49. The Committee Secretary summarised the two pending Communications:

- i. Communication on violations of the Rights of the Child in the North of Uganda: the author requested the Committee to determine the admissibility of the cases of violation in question. The Committee appointed a three-member Working Group to consider the admissibility of the cases and report to it at the Committee's next session;
- ii. with regard to the second Communication, the Secretary pointed out that the Republic of Kenya had not responded to the previous communication from the Committee requesting it to submit its reply in writing;
- iii. The Committee decided to send a final reminder to the Government of Kenya requesting it to submit its written reply and inviting it to take part in the following session during which the communication would be considered;
- iv. A three-member Working Group was set up to study the matter.

ITEM 12: Consideration of Observer Status Applications

50. The Committee Secretary presented a brief on the observer status application submitted by Niger's CODDAE (*Collectif de Défense du Droit à l'énergie*). The Committee considered the request and decided to reject it because it did not meet the Committee's criteria for the granting of observer status.

ITEM 13: Any other business

51. The Committee considered the following matters under this item:

- (i) NGO reports on the implementation of the African Charter on the Rights and Welfare of the Child should be structured in numbered paragraphs, just as States Parties' reports;
- (ii) the Committee commended the offer of Ms Fatima Sebaa to propose her country to host the next Committee session;

- (iii) the States Parties and NGOs should send copies of the summary of their communication to the Secretariat before making presentations to the Committee;
- (iv) the Committee should draw up a simplified version of the African Charter on the Rights and Welfare of the Child;
- (v) the Committee asked Ms Dawlat Ibrahim to help it form a group called "Friends of the Committee", in which former Committee members could participate if they so wished;
- (vi) Members of the Committee should indicate the themes on the Rights and Welfare of the Child they wished to look into and inform the Secretariat before the next session;
- (vii) The Committee appointed Mr Dawit Benyam Mezmur to prepare an explanatory note on the Day of the African Child and submit to the Secretariat;
- (viii) the Committee appointed the following States Parties' representatives as rapporteurs:
 - Felicité Muhimpundu, Senegal ;
 - Dr Dawit Mezmur Benyam, Sudan; and
 - Fatima Sebaa, Libya;
- (ix) the Committee decided that the members who would be participating in the ACPF's "Fourth International Policy Conference on the African Child", scheduled for December 2010 in Addis Ababa, would also take part in the consultative meeting with the consortium of CSO Partners to consider the proposal on the "Promotion of the Draft African Charter on the Rights and Welfare of the Child".

ITEM 14: Adoption of the draft report

52. The report was adopted as amended.

ITEM 15: Closing

The Representative of the AUC Department of Social Affairs thanked the Committee members for the work accomplished and for their unwavering readiness to deploy effort towards the cause of children. She went on to reaffirm her Department's commitment to continue to support the Committee to enable the latter to carry out its mandate.

In her closing speech, the Chairperson of the Committee thanked the members for the confidence reposed in her by electing her the Chairperson. She assured them that she would spare no effort to successfully perform the task entrusted to her. She then thanked the Social Affairs Department for the proper organization of the session and for its unrelenting support to the Committee. She ended by paying tribute to Ms Dawlat Hassane, Committee member, whose mandate was coming to an end.