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**20TH SESSION OF THE AFRICAN COMMITTEE
OF EXPERTS ON THE RIGHTS & WELFARE OF
THE CHILD (ACERWC)
12- 16 NOVEMBER, 2012
ADDIS ABABA (ETHIOPIA)**

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REPORT

**REPORT OF THE 20TH SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)**

I. INTRODUCTION

1. The 20th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was held at the African Union Commission Headquarters in Addis Ababa, Ethiopia, from 12 to 16 November 2012.

II. PARTICIPATION

2. The Meeting was attended by all the eleven Members of the ACERWC, the AUC Representatives, the Representative of the African Commission on Human and Peoples' Rights, officials from the Government of the Republic of Botswana, the Republic of Ghana and the Republic of The Sudan, UNICEF, UNCHR, UNESCO, Plan International, Save the Children, International Committee of the Red Cross (ICRC) ChildFund International, Penal Reform International (PRI), The African Child Policy Forum (ACPF), Institute for Human Rights and Development in Africa, the Open Civil Society, Nelson Mandela Children's Fund, African Movement of Working Children and Youth (Mouvement Africain des Enfants et Jeunes Travailleurs) (MEJT), COBUFADE-Burkina Faso Sudan Child Rights Institute, Organisation Internationale de la Francophonie.O.I.F, African Network for the Prevention and Protection Against Child Abuse and Neglect(ANPPCAN), Open Society Initiative for East Africa(OSIEA), Sudan Institute for Human Rights, Community Law Center, CSO Forum on the ACRWC, Willamette University USA, and Interights, Wings Education and Media.

ITEM 1: OPENING CEREMONY

3. Two statements were made during the opening ceremony.

Statement by the Commissioner for Social Affairs, African Union Commission

4. In his speech, the new Commissioner for Social Affairs, Dr Mustapha Sidiki Kaloko, welcomed all participants and promised to continue with the good work already undertaken by his predecessor. He highlighted the plight of children due to their vulnerability and said that poverty, disease and modern living were destroying family and community values and structures. He then informed the participants that the Department of Social Affairs was organizing in the coming two weeks, three meetings related to children issues. These are the 3rd Pan African Forum, an Experts Consultation on Family and the 3rd Session of the AU Conference of Ministers of Social Development.

5. Concerning the discussion which will take place on Article 6 of the Charter, the Commissioner indicated that a child whose birth was not registered would experience many problems such as lack of identity and the risk of statelessness. He urged the Committee and participants to ensure that the discussion would provide clarity on the obligations of State Parties and special measures that can be adopted to afford every

child the right to legal recognition. He assured the participants that he was eagerly awaiting Recommendations from the Discussion which would help the Department of Social Affairs and other stakeholders in the implementation of the Charter.

6. He also appreciated efforts of the ACERWC in addressing children issues in the continent despite meagre resources. He urged Member States who had not ratified the Charter to hasten the process and the State Parties that were yet to submit their Reports on the implementation of the Charter to accelerate the process. He expressed his gratitude to Save the Children, ChildFund International and ACPF for their support in the organization of the 20th Session of the ACERWC and the ICRC for organizing training for the Committee Members on International Humanitarian Law. He concluded his remarks by congratulating the outgoing bureau and welcoming the new bureau that was to be elected.

Opening Statement by the Chairperson of the ACERWC

7. The Chairperson of the Committee, Madame Agnes Kaboré, congratulated the Commissioner for Social Affairs on his election. She thanked all partners who had supported the mandate of the Committee financially, materially, technically and otherwise. She highlighted all the achievements of the Committee with the assistance of partners and cited the various documents produced by the Committee. She particularly mentioned the Committee's satisfaction with the African Children's Charter Project (SIDA Project) that was instrumental in achieving the 2012 Work plan.

8. Mme Kabore cited issues that were to be discussed in the Session that included among others a discussion on Article 6 of the Charter, and a meeting with Burkina Faso delegation on the proposed relocation process of the Secretariat. She recalled benefits of collaboration of the Committee with the Department of Social Affairs and the partnerships with Civil Society Organizations.

9. Before concluding her speech, she thanked Save the Children, ChildFund International, ACPF, and ICRC for assisting in the organization of the 20th session and GIZ and Plan International for assisting in the organization of the 19th Session. She further thanked the outgoing bureau for their devotion to working for children and then declared the Session open.

ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (CLOSED SESSION)

10. The Committee elected a new bureau, for a period of two years counted from election day, under the supervision of the Representatives of the AUC Office of the Legal Counsel. The new bureau comprises of :

- **Chairperson:** Mr Benyam Dawit Mezmur
- **1st Vice-Chairperson:** Mme Fatima Zohra Delladj-Sebaa
- **2nd Vice-Chairperson:** Prof Julia Jane Sloth-Nielsen
- **3rd Vice-Chairperson:** Mr Clement Mashamba
- **Rapporteur:** Mr Alfas M. Chitakunye

ITEM 3: PROCEDURAL MATTERS**A. Adoption of the Agenda and Program of Work**

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

B. Organisation of work

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

ITEM 4: BRIEF PRESENTATIONS BY PARTNERS

13. Various partners made statements on their work as it relates to that of the Committee. Most presentations focused on achievements in the recent past, activities in progress and pledges for future support in the realisation of the Committee's objectives. They all congratulated the new leadership of the Committee and commended the work of the outgoing Bureau.

14. Presentation by ACHPR: The Representative of the ACPHR Commissioner Maya Sahli Fadel reported on their work with the consortium of NGOs and civil society forum. She empathized the fact that the committee has similar mandate with the ACPHR and that there is need to identify synergies and to avoid duplication. She expressed appreciation to the Committee Members on their active participation in the Ordinary Sessions of the ACPHR.

15. UNICEF: The Representative of UNICEF, Madame Akila Aggoune, highlighted a number of interventions that UNICEF had undertaken in favour of the child both from the health and rights perspectives. She highlighted some of the achievements since the last session of the Committee which included supporting the commemoration of the Day of the African Child, intervention in support of children in conflict zones such as in northern Mali, support to civil registration and vital statistics. She pledged UNICEF's continued support to the Committee in its efforts to promote the ratification and domestication of the charter on the rights and welfare of the child. UNICEF would also provide support in covering the gaps in communication, identifying innovative ways of advocacy for celebrating the day of the African child and contributing to the ongoing consultations on Post 2015 Development agenda in favour of the Child.

16. Save the Children: The Representative of Save the Children Ms Susan Wambui Mbugua reported on the recent restructuring of the organization. She highlighted activities undertaken by her organization to strengthen the work of Regional Economic Communities (RECs) particularly EAC and SADC. She mentioned the EAC conference which produced the Bujumbura declaration and highlighted some of the recommendations adopted which included development of harmonised strategies and institutionalization of the conference to take place bi annually.

17. Plan International: The Representative of Plan International Mr Chikezie Anyanwu highlighted the organization's achievements which included the "Count Every Child campaign" launched in over 30 countries and has contributed to the registration of millions of children. He reassured the Committee of Plan's support to using modern technology in civil registration processes and also pledged the organisation's support in facilitating implementation of article 30 of the Charter as it relates to the rights of imprisoned mothers.

18. CSO Forum on the ACRWC: The Representative of CSO Forum on the ACRWC Mr. Sidikou Gade Moussa reported progress in the area of increasing visibility of the Committee and its work among member states. This included strengthening the communications and advocacy aspects. He mentioned the Forum's willingness to support the follow up on state party reporting to the Committee.

19. Penal Reform International: The Representative of Penal Reform International Mr Asim Turkawi reported on the Organisation's achievements which included work on building partnerships with Governments and supporting projects that addressed needs of children in detention. He emphasized the Organisation's commitment to supporting implementation of Article 30 of the Charter- on children of imprisoned parents.

20. ICRC: The Representative of ICRC Mr Vincent Ochilet highlighted the recent as well as upcoming undertakings of the Organisation. He pointed out that, on 17 November 2012, the Organisation would convene a session on children protection jointly with the Committee. He briefed the meeting on the recent report on statistics of children in conflict and armed situations which were shared with the Committee. He pledged the ICRC's commitment to collaborating with the Committee.

21. African Movement of Working Children and Youth (Mouvement Africain des Enfants et Jeunes Travailleurs): Mr Moussa Harouna Sambo The Representative of the Movement explained their work in supporting children's participation in the decision making process on issues that concern them. He reported the achievements since the last Committee session mentioning community services undertaken by the movement during the last commemoration of the Day of the African Child. He shared a CD that was produced by the movement which expresses children's concerns on the family, neighborhood and village structure.

22. Nelson Mandela Children's Fund: Ms Moipone Buda Ramatlo, the Representative of the Nelson Mandela Children's Fund, the only CSO established by Mandela himself appreciated the Invitation to the Committee's session for the first time. She highlighted extensive partnerships the foundation had established and its work in facilitating a favorable policy and legal environment for children in South Africa. She also highlighted efforts to support pediatric hospitals through capacity building. She expressed the Fund's willingness to support the Committee.

23. IHRDA : The Representative of the IHRDA Ms Meskerem Geset commended the Committee for its work and highlighted gaps within the Malawi law that are not in tandem with the Charter particularly articles related to the definition of a child. She urged the

Committee to intervene in ensuring that appropriate mechanisms were in place to address these gaps.

24. African Child Policy Forum: The Representative of the African Child Policy Forum Mr David Mugawe highlighted recent achievements of the Forum especially in research describing a list of publications that were produced. These included :

- global and continental report on inter country adoption
- country briefs focusing on harmonisation of laws in 30 countries
- report on child friendly justice in Africa
- a CD on child law resources
- Documentary entitled “an uncertain journey” that hilts the experiences of adopted children. He ended his remarks by committing the organisations support for any kind of research that the committee wishes to commission in support of children.

25. ChildFund International: The Representative of Child Fund International Mr. Jumbe Sebuya thanked the Committee for recognising the agency as a partner. He briefed the meeting on work undertaken in Uganda and the Gambia. He emphasised the organisation's focus on promoting, and strengthening monitoring and research and its close collaboration with Government partners encouraging policy makers in changing family structures. He also reported the support provided by the organisation of the Day of African Child and appreciated partnerships with civil society organisations.

26. Community Law Center (CLC): The Representative of CLC Mr Lorenzo Wakefield briefed on work of the Organisation since the last session of the Committee. CLC participated at the CSO forum on the African Charter on the Rights and Welfare of the Child (ACRWC), organised a pre-summit event and participated in drafting the concept note for the commemoration of the Day of African Child.

ITEM 5: PRESENTATION OF THE RECOMMENDATIONS OF THE 7th CSO FORUM on the ACRWC TO ACERWC

27. Recommendations of the 7th Forum of Civil Society Organizations (CSOs), held in Nairobi, Kenya, from the 9th to 11th November 2012, were presented by Mr Sidikou Moussa, the Chair of the CSO Forum and Ms Nguile Estelle, the Deputy Chair of the CSO Forum. The Forum discussed issues relating to the theme of the Day of the African Child 2013: “Protection of Children against social and cultural practices, towards visible social change”.

28. The Forum thus made seven (7) key Recommendations to the Committee:

- **Laws and Policies:** to strongly recommend to the African Union Assembly to establish mechanisms to encourage State Parties whose laws and policies comply with regional human rights instruments, including the African Children’s Charter and to denounce non-compliant State Parties;

- **Child Friendly budgets:** a call to State Parties to have child – friendly budgets that put children at the centre of development in line with the Abuja, Dakar and Maputo Plans of Action;
- **Harmonization of laws:** to engage with State Parties to strengthen and enhance the prioritization and harmonization of laws in favour of children’s rights over traditional practices;
- **Fight against Harmful Social and Cultural Practices:** to call on the African Governments to implement laws that criminalize harmful social and cultural practices against children as well as national programmes and frameworks established to fight harmful social and cultural practices;
- **Research and documentation:** to undertake and facilitate evidence-based research and documentation on harmful social and cultural practices in Africa against children, in cooperation with the CSO forum;
- **Awareness creation:** to call upon States Parties to increase public awareness and civic education on harmful social and cultural practices;
- **Sharing and feedback:** to share the Committee’s activity progress reports as a feedback mechanism to CSO Forum: and to provide children with a continental platform to have their views heard.

Recommendations for States:

- To review and harmonize national laws and positive customary practices to conform to provisions in the Charter;
- To put in place measures to discourage child marriages;
- National Committee on negative practices should be set up in all State Parties and come up with periodic reports to the Committee;
- To encourage and promote child participation and empowerment in decision making;
- To have budget allocation for children specific programming.

Recommendations for CSOs:

- To fight any violation on the provisions of the African Charter;
- To form social forum to enable them participate in third party meetings;
- To encourage establishments of associations of child victims- parents and stakeholders to hold campaigns against harmful cultural and social practices;
- To provide Committee with periodic reports to help them make decisions;
- To do community sensitization and awareness;
- To network, collaborate and partner with the State Parties accountable through monitoring and evaluation;
- To advocate for child protection systems;
- To undertake and facilitate and have evidence based advocacy;

- To organize stakeholders forum (children, media, policy makers) to brief them on outcomes of the CSO Forum intimating them of the chosen theme for 2013 Day of the African Child.

ITEM 6: A GENERAL OVERVIEW OF ARTICLE 6 AND ITS SPECIFIC IMPLICATIONS ON THE OBLIGATIONS FOR STATE PARTIES

29. Professor Julia Sloth-Nielsen, a member of the **ACERWC** who is also in charge of the thematic area “birth registration and nationality” made a presentation on “a general over view of article 6 of the Charter: Obligation of the State Parties”. She outlined the provisions of Article 6 and did an analysis of the provisions thereof. She highlighted the nature of state obligations to include legislative and procedural measures to facilitate birth registration and the process of acquisition of nationality. She emphasized that such measures or systems must be functional, accessible and affordable. She also indicated the links of rights under article 6 to the exercise and enjoyment of other rights in the Charter. Thus violation of rights in article 6 has a ripple effect on the enjoyment of rights enshrined in the Charter. She also indicated that failure to register a child put them at risk of statelessness. It is thus imperative that each state party realizes that it has a minimum obligation to register all children on its territory with some kind of status. In her presentation, she also pointed out some challenges such as governments not prioritizing resources for birth registration and the fact that birth registration is linked with issues of nationality. In such instances, states are reluctant to register children born or found in their territories.

30. After the presentation, the discussion focused on the following:

- Birth registration increased when linked to social grants;
- Clarification between the right to acquire a nationality and the right to nationality;
- State obligation to establish birth registration in maternal child care centers;
- State obligation to establish birth registration archives/registries.
- Strengthen government support for Birth Registration when it is connected to economic and security issues.

ITEM 7: PANEL DISCUSSION OF ARTICLE 6: CHALLENGES IN IMPLEMENTING ARTICLE 6 OF THE ACRWC ON THE GROUND

31. The panel discussants each gave a presentation on the challenges of implementing Article 6 of the African Charter on the Rights and Welfare of the Child. The main points that were highlighted in each presentation were as follows:

- In the presentation by **UNICEF** ‘Bottlenecks and Barriers to Civil Registration for Children’, the presenter, Ms Mylen Kidany, informed that the challenges of birth registration are varying such as no proper system for storing data; inadequate coverage of rural populations and in some cases urban populations particularly in low income areas; payment needed for birth certificates where poor families

cannot afford; gender disparities whereby there may be more boys than girls registered; cumbersome systems of registration. The presenter pointed out that it is important for stakeholders including countries to work together on this very important issue of protecting the rights and well-being of a child.

- In the presentation by **Plan International**, the presenter, Mr Chikezie Anyanwu stressed that birth registration is the first and most important step to acknowledge the existence of an individual. Children who are not registered are invisible and are therefore more vulnerable to trafficking, being recruited as child soldiers, child marriage and other forms of abuse and exploitation. Their rights may also be affected, such as the right to education, health services and to claim inheritance. The presenter noted that States must fulfill their obligations to ensure the effective implementation of the right of every child to a name and an identity, and the right to be registered immediately after birth. The presenter gave an example of the work of Plan International by indicating that two years ago they started using innovative approaches such as birth notifications through mobile phones in Kenya. Using lessons learnt from Kenya (and other similar projects), Plan has worked with mobile phone operators, governments, UN Agencies and key partners to develop the “**Identity at Birth**” (**IAB**) process which will create digital identities at birth through mobile phones.
- In the presentation by **Save The Children**, the presenter, Ms. Susan Wambui Mbugua, discussed the areas in which Save has been focusing at national levels: to advocate for birth registration being free, available and accessible; adequate laws to govern birth registration; issuance of birth certificates without punitive measures such as late registration fees of which many low income families cannot afford. The presenter emphasized that CSOs, the media, development agencies and other stakeholders can work solidly together to promote birth registration and it is important to also include Regional Economic Communities.
- In the presentation by **UNHCR**, the presenter, Ms. Millicent Mutuli, clearly pointed out that their work on birth registration centers on refugees, displaced persons and migrants. The presenter elaborated that refugees and displaced persons are often at greater disadvantage than other populations, they face big challenges particularly since they are seeking asylum in a country of which they are not citizens. Often in a number of African countries the legislation does not have provisions for birth registration for refugees and there are issues that evolve around nationality, nationality laws in a country determine a person’s nationality.

32. After the presentations, the discussion focused on the following points:

- Member States should be assisted with strengthening an enabling environment for birth registration such as making the birth registration and certification procedures more simple and accessible for all demographics;
- Enhance supply, demand and quality services;
- The ACERWC should continue including the right to birth registration consistently in its concluding observations to states parties to the Charter;
- The ACERWC should develop a 'General Comment' on Article 6; for clarity and guidance of State Parties reporting, national legislation and policies and other stakeholder's engagement;
- ACERWC should work closely and collaboratively with the current Africa Initiative on Strengthening of Civic Registration and Vital Statistics championed by AU, ADB, UNECA, UNICEF, Plan International, UNHCR and others;
- States parties should strengthen their efforts to ensure universal birth registration, including by ensuring effective elimination of all laws and practices that limit access and enjoyment to universal birth registration;
- Member States need to be capacitated to be able to treat birth registration and nationality as separate issues;
- Development of electronic systems to retain birth records in case of natural disasters or any eventuality.

ITEM 8: PRESENTATION ON THE RIGHTS OF DISPLACED AND MIGRANT CHILDREN TO NAME AND NATIONALITY

33. Ms. Brigitte Eno, Senior Legal Officer in the **Department of Political Affairs**, African Union Commission gave an overview of the rights of displaced and migrant children to a name and nationality. She outlined among other issues, the legal basis anchoring the rights of displaced and migrant children to a name and nationality and principles of the United Nations Convention on the Rights of the Child which came into force on 2 September 1990. Ms. Eno gave a synopsis of forced displacement in Africa, highlighting main protection needs of displaced children and also gave a summary of statelessness and its attendant risks for displaced populations. Other issues discussed in her presentation included state succession, discrimination, deprivation of nationality and situations inducing statelessness.

34. Key recommendations highlighted in her presentation included calls for AU Member states to:

- Ratify International Conventions;
- Implement ACRWC (Art.6);
- Embark on National Law Reform:
- Recognize the Right to nationality of children born in the country who would otherwise be stateless;
- Recognize the Right to acquire nationality of any person born in the country still resident there at majority age or of one parent also born there;

- Raise awareness of statelessness, advocacy, issuance of birth certificates to children, and improved identification of populations at risk;
- Remove gender, racial, religious, ethnic discrimination in law and practice;
- develop measures on status of cross-border, nomadic and historical migrant populations;
- Adopt effective naturalization procedures;
- Facilitate Civil registration;
- Recognize due process protection for displaced persons.

35. Ms. Brigitte Eno said the issue of statelessness was a very sensitive issue among African Union Member States. However, the Commission encouraged Member States to consider dual citizenship as a way of addressing the issue of statelessness. Of the 54 African Union member states, at least 35 had unitary nationality. She mentioned progress towards regional integration which the AUC hoped would cover the African continent enabling free movement of citizens and eliminate the challenges associated with statelessness.

36. After the presentations the discussions focused on the following points:

- An MoU between Sudan and South Sudan to address the issue of returnees who want to move from The Sudan to South Sudan and vice versa to address the issue of statelessness;
- An concept of African citizenship to be effective, need for common technology for African citizen to materialize;
- The birth registration is not only beneficial to the child. The environment of the Child and the comprehension of the parents are important.

ITEM 9: PRESENTATION AND DISCUSSION ON GOOD PRACTICES FROM SOME AU MEMBER STATES AND IMPORTANT COMPONENTS OF THE DURBAN RESOLUTION

37. Representatives of two Member States, Botswana and Ghana, presented their country experiences.

38. Botswana: The Representative of Botswana, Mrs Julia Dineo Poloko, presented on the state of birth registration in her country. She pointed out legislative and the institutional framework. In her presentation, she indicated that birth registration in Botswana is computerized and decentralized. In an effort to register all births, Botswana has carried out numerous educational campaigns using various methods on the importance of birth registration. As the result of above measures, birth registration in Botswana is now at 72% and effort is being undertaken to track the outstanding 28%.

39. Ghana: Ghana's Representative, Mr. Kinsley Addo, gave an overview of civil registration processes in the country describing in detail the operational structure of the Births and Deaths registry, programmes to achieve its mandate and also challenges that were being encountered. The central Births and Deaths registry, which is located in Accra is divided into 10 regional registration centres under which are 170 district registration offices and 390 registration centres in communities and outreach points. Ghana's registration percentage currently stood at 65 per cent.

40. Efforts were underway to strengthen the registration system through programmes aimed at building partnerships with strategic bodies, raising public awareness via mass media campaigns and also capacity building of the community through public education. The registry was also lobbying the government to remove all registration fees up to 12 months from birth and was also training community workers to collect information to register births. In addition the head office was being computerised and regional offices expanded. Among challenges encountered by the registry were inadequate financial resources, from Government, which limited acquisition of vehicles for effective monitoring and also affected provision of registration materials and incentives to volunteers. Looking ahead, the Ghana Births and Deaths registry was working on linking birth registration to essential services, improving computerised systems and raising public awareness.

ITEM 10: RECOMMENDATIONS ON ARTICLE 6 OF THE ACERWC

41. After the discussion on Article 6 of the Charter, the participants came up with the following Recommendations:

Develop General Comment on Article 6 and:

- Take into account African realities (customs and traditions);
- Also take into account that people move frequently between countries and internally;
- Clarification on the way that birth registration is interpreted;
- Interpretation on “right to acquire nationality”;
- Take this century into account (use of ICT)
- Create awareness on the importance of delinking nationality and birth registration to ensure that children are registered at birth whether they are nationals of a certain country or not.

42. It was also pointed out that the possibility of coming up with a General Comment on Article 6 will be a good way to build on the children of Nubian descent in Kenya Decision (made by the Committee in 2011).

43. It was also highlighted that the Committee has to play a role in the Durban process, and in that context, should endeavor to:

- To designate a focal person to represent the experts group established by Durban process; and
- To liaise with the AUC Department of Economic Affairs.

Role of Partners

- Working group can be established which may consists of Partners present during the 20th Session, the Committee and others with expertise to work on the drafting of a general comment;

- The Committee was also called upon to decide what assistance it may need and how Partners present can facilitate in providing information, statistics, or any other expertise needed.

44. In the due course of the 20th Session, a brief meeting was held with partners and designated Members of the Committee to discuss the details of the collaboration between the Committee and partners in the preparation of a General Comment on Article 6.

ITEM 11: CONSIDERATION OF STATE PARTY REPORTS: SUDAN REPORT

45. The Report of the Republic of the Sudan was presented by Mrs Amal Mahamoud Abdula, Secretary General of National Council of Children Welfare (NCCW). She gave an overview in legislative and administrative measures put in place especially the Children's Act adopted in 2010 to ensure better lives for children. She also spoke on the establishment of children courts and family and child protection units in the police.

46. Regarding HTP, the NCCW is implementing various programs to combat these practices especially FGM and early marriage. The program put in place on birth registration contributed to a rise from 32% in 2006 to 59% in 2010.

47. The partnership with UNICEF, Plan, Save the Children and other organizations contributed to the improvement of laws and programs on Child Rights. However she acknowledged that there are still challenges in the implementations of child rights.

48. After the secession of South Sudan, Sudan lost 80% of its export earnings; there is still conflict in some areas and lack of sufficient budget. There also are difficulties to reach nomadic people who constitute 66% of the population. Despite the challenges, the Government and international community continue to support child rights programs.

49. After the presentations, the Committee raised various questions related inter alia to the implementation of the Child Act, plan of Action for combating FGM and early marriage, violence against children, Child participation, access to education, children with disability, children in armed conflicts, corporal punishment, child labour and exploitation, adoption, malnutrition, kidnapping, refugees, child soldiers, reservation on the Charter.

50. In its response to the Committee, the delegation indicated that they are working with partners on the implementation of the Charter. There are efforts to combat FGM (through a plan of action) and early marriage and The Sudan have signed protocols with cross border countries. She also mentioned that corporal punishment is prohibited in school. There is Disarmament, Demobilization and Reintegration Program (DDR) for the rehabilitation of the ex-child soldiers who were recruited by opposition armed groups and movements.

51. She said that The Sudan has formed a Council for disabled persons that also takes care of disabled children. In Sudan, education is free but lack of sufficient resources is a challenge.

52. At the end of the session, the Chairperson of the Committee thanked the delegation for their work and congratulated the Republic of Sudan for being the only State party so far to present its State Party Report within the required period in compliance with the Charter. He announced that The Sudan would receive the Recommendations of the Committee.

ITEM 12: PRESENTATION OF THE REPORTS ON THE COMMEMORATION OF DAY OF THE AFRICAN CHILD 2012

53. The Representative of UNICEF Liaison Office to the AUC, Mr Anthony Mwangi, reported on commemorations of the Day of the African Child (DAC) 2012 whose theme was is “The Rights of Children with Disabilities: The Duty to Protect, Respect, Promote and Fulfil.” in 28 African countries in 2012. These are Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Comoros, DRC, Ethiopia (both Liaison Office and Country Office), Ghana, Guinea, Kenya, Liberia, Lesotho, Madagascar, Mauritania, Namibia, Rwanda, Senegal, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda and Zimbabwe.

54. The events, some of which were organised and led by children, including those with disabilities, drew high level government officials including Heads of State and Government, First Ladies and Ministers. United Nations agencies and other partner organisations were represented. The commemorations were innovative; for example, debates by children on challenges faced by children with disabilities was held in some countries while in others, children painted their hands on a giant flag as a gesture of support to people with disabilities. In one country, 13,000 responses were received following a U-Report questionnaire. The UNICEF Social Media initiative through Twitter and Facebook received a huge following.

55. The DAC commemorations, invariably, created a lasting impact that highlighted issues facing children with disabilities and challenging governments to action. To improve future DAC commemorations, UNICEF recommended among others that:

- Preparations for activities to mark the day be done well ahead of time;
- The media be sensitised on issues surrounding DAC in advance;
- Civil Society organisations and other partners improve co-ordination with governments;
- Children be involved in planning for the day ;
- Messages on the day, especially from governments, be simplified for the appreciation of many children and;
- Impact of the DAC;
- The DAC was very successful in a number of countries. For instance, the NGOs in Algeria agreed to reinforce their efforts and collaboration in order to improve the situation of children with disabilities, while in Burkina Faso, the DAC helped galvanize the 2012 Decree for the law protecting the rights of persons living with disabilities. Burundi committed to advocate for the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD), while in DRC, children with various disabilities benefitted from medical care through

hospitalization and follow-up outpatient treatment. In Liberia, advocacy campaigns contributed to the proclamation of 16 June as a National Working Holiday in Liberia. In Sierra Leone, the National Commission for Children and that of the Commission for Persons with Disability will be set up and when fully established and operational they will derive their powers from the 2007 Child Rights Act and the 2010 International Convention on Rights of Persons with Disability, while there was enhanced public awareness of the role of technology for development such as U-report, on the extent of government's intervention to realize the implementation of the policy to protect and promote children living disabilities.

56. After discussions, the following points were agreed upon:

- UNICEF would post report on 2012 commemorations of DAC on its web page and the ACERWC was free to upload it on its website also;
- That the DAC should not be viewed as a one-off annual event but a process to sensitise the community on the needs of children;
- Feedback to be given to children.

ITEM 13: PRESENTATION AND DISCUSSION ON THE REPORT ON CHILDREN'S VIEWS ON THE THEMES OF THE DAY OF THE AFRICAN CHILD

57. The Representative of Plan International, Mr Paul Fagnon, presented the report on Children's views on the themes of the Day of the African Child. He informed that the children consultation took place in three countries from three regions. More than 60 children between 12 and 22 years old participated in these consultations. Among the children who participated, were girls and boys, including others with disabilities.

58. The consultations took place according to the following procedure:

- Establishment of the level of awareness by children on the existence of child rights;
- Assessment of the knowledge of children on the existing of Day of African Child and its celebration;
- Assessment on the level of knowledge and participation of children on issues that affect them;
- Selection of the three themes for Day of African Child for 2014 and 2015.

59. The themes suggested by the children are related to various issues such as early marriage, environment, education, participation and protection in emergency settings.

60. The presenter indicated that after the discussion, the children were very happy to know that this consultation is useful insofar as their point of views will now be taken into account in the selection of the themes of the Days of the African Child 2014 and 2015.

61. The Committee welcomed the initiative as it's the first time and highlighted the need to improve on the children consultation process. The Committee decided to consider the proposal for 2014 and 2015 themes. For this purpose, the Committee requested Plan

International to submit a two page document on the subject to the Secretariat, which in turn will place it before the Committee during its 21st Session..

ITEM 14: COLLABORATION BETWEEN ACERWC AND ACHPR (CLOSED SESSION)

62. The discussion on the collaboration between ACERWC and ACHPR was led by Cyprien Yanclo, a member of the Committee, and Maya Sahli from the ACHPR. They both gave a brief background on the efforts taken so far on the issue of collaboration between the two organs.

63. After discussions, it was agreed that:

- The Chairperson of ACERWC to send a letter to the Chairperson of the ACHPR to brief on the discussion held and the need for an MoU to formalise the collaboration and to suggest a joint workshop in early 2013 to discuss the collaboration;
- The ACERWC establish a working group comprising Benyam Dawit Mezmur, Fatima Delladj, Cyprien Adebayo Yanclo and Clement Mashamba to follow up on the collaboration of the two organisations;
- It was proposed that the two organisations should endeavour to mobilise funds in this regard.

ITEM 15: PRESENTATION AND ADOPTION OF:

- **DRAFT CONCEPT NOTE ON THE THEME OF THE DAY OF THE AFRICAN CHILD 2013:ELIMINATION OF HARMFUL SOCIAL AND CULTURAL PRACTICES: OUR COLLECTIVE RESPONSIBILITY**

64. The draft concept note on the Day of the African Child 2013 was presented to the Committee and after discussions the document was adopted with few amendments.

- **DRAFT GENERAL COMMENT: ARTICLE 30 OF THE CHARTER” CHILDREN OF IMPRISONED MOTHERS”**

65. The draft general comment was presented to the Committee. After discussions a working group was established to consider the document and to make necessary inputs. The working group comprising Benyam Dawit Mezmur, Clement Mashamba, Professor Julia Sloth-Nielsen and Maryam Uwais will consult on the time frame.

ITEM 16: PRESENTATION AND ADOPTION OF:

- **DRAFT CSO GUIDELINES ON COMPLEMENTARY REPORTING, CONDUCT OF, AND PARTICIPATION IN PRE-SESSION.**

66. The draft Guidelines for CSO on Complementary Reporting, Conduct of and Participation of CSO in ACERWC Pre-Session was presented to the Committee. After discussions, the document was adopted with amendments.

- **DRAFT PLAN OF ACTION FOR COLLABORATION BETWEEN ACERWC AND THE RECS**

67. The draft collaboration plan with the RECs was presented to the Committee. After deliberations, the Committee agreed to study the document further before making its decision on the way forward.

ITEM 17: FINALIZATION OF THE DRAFT RULES OF PROCEDURE

68. The Committee discussed the finalization of its Rules of Procedure and agreed to harmonize the English and French versions before the end of 2012. It was also agreed that the Communications procedure will be a separate document of the Committee, and will not form part of its Rules of Procedure. As per the SIDA project, it was agreed that both the English and French versions will be sent to the relevant organization for further harmonization of the two versions, before the harmonization of the Rules of Procedures is done with the Rules of Procedures of other relevant organs of the AU. Ultimately, once this initial harmonization is done, it was agreed that a workshop to harmonize the Rules with the other AU Human Rights Organs Rules will be organized, and the Rules will finally be submit to AUC Office of Legal Counsel for clearance. It is expected that the Rules will officially be adopted before the end of 2013, with an envisaged date of operationalisation for 2014.

ITEM 18: DISCUSSION ON THE RELOCATION OF THE ACERWC SECRETARIAT

69. Following an invitation from the Committee, a delegation from the Embassy of Burkina Faso in Addis-Ababa, led by H. E Ambassador Minata Samate gave a brief to the Committee on an offer made by Burkina Faso during the AU Summit in July 2012 to host the ACERWC Secretariat.

70. H. E Ambassador Minata Samate assured the Committee that Burkina Faso had capacity to host the Secretariat as the country was stable politically, economically and legally. The country was already host two AU regional offices and other sub-regional organizations. She said that Burkina Faso would provide office space and associated privileges and immunities. She concluded by saying that Burkina Faso respected the rights of children as evidenced by the ratification of conventions on human and children's rights. The country was also accustomed to organizing and hosting large events.

71. After the presentation, the Committee members sought clarification on many issues including the following:

- Whether Burkina Faso would provide funding for operational and program budget for the Secretariat;
- Whether Burkina Faso has a schedule for relocation.

72. In response, H.E Madam Minata Samate said that Burkina Faso was awaiting proposals from the AU Commission on the financial and technical implications for hosting the secretariat. She said the relocation schedule depended on the speed with which the AU Commission submitted this proposal to Burkina Faso.

ITEM 19: PREPARATION FOR THE 3rd PAN AFRICAN FORUM ON CHILDREN AND THE 3rd CONFERENCE OF AFRICAN MINISTERS FOR SOCIAL DEVELOPMENT

73. The following decisions were made by the Committee;

3rd PAN AFRICAN CHILDREN'S FORUM

1. Mr. Benyam Dawit Mezmur, ACERWC Chairperson, will moderate Plenary 1 on Background Documentation;
2. Mr. Cyprien Yanclo, ACERWC Committee member, will represent the Committee in Plenary 3 on Intergenerational Dialogue;
3. Mr. Benyam Dawit Mezmur, will make a presentation in Plenary 4 on the Importance of Recommitment to the Call for Accelerated Action on Implementation of the Plan of Action towards Africa Fit for Children.

3rd CONFERENCE OF AFRICAN MINISTERS FOR SOCIAL DEVELOPMENT

Mr. Cyprien Yanclo will represent the ACERWC in the 3rd Conference of African Ministers for Social Development.

ITEM 20: FOLLOW UP ON COMMUNICATION RECEIVED

74. The Secretary to the ACERWC made presentations on the three Communications received. After discussion, the following was agreed:

- Follow-up missions on two Communications received were rescheduled to take place in early 2013;
- A working group was established to consider a new communication received.

ITEM 21: CONSIDERATION OF OBSERVER STATUS APPLICATIONS

75. The assigned committee members to consider applications for Observer status during the 19th session presented their report. After deliberations, the Committee decided to grant observer status without any reservations to:

- SOS -Kinderdorf International Africa and the Middle East;
- African Movement of Working Children and Youth (Mouvement Africain des Enfants et Jeunes Travailleurs);
- Penal Reform International.

76. The Committee assigned a rapporteur to consider the reapplication of Retrak and the application of ChildFund International.

ITEM 22: DISCUSSION ON SIDA PROJECT

77. The Committee discussed activities on SIDA project and agreed on the following:

- Activity 6: the Chair of the Committee will liaise with the UNCRC on collaboration between the two bodies;
- Activity 7: the Committee Secretariat, will review and input into the revised ToR of the Legal Researcher;
- Activity 8: the Committee Secretariat assisted by Prof Julia Sloth-Nielsen will prepare the ToR for the induction in consultation with members of the Committee;
- Activity 28: the Committee Secretariat will arrange the meeting between Chairpersons of the Committee and the AUC PSC;
- Activity 10: the Committee received the draft General Comment on Art. 30 and formed a working group to consider the document and make the necessary inputs. The working group will consult on the time frame ;
- Activity 11b: the Committee decided to consider the proposal from Children reviews on DAC themes for 2014 and 2015. For this purpose the Committee requested Plan International to submit a two page document on the subject;
- Activity 12: the Committee adopted the CSO Complementary Reporting Guidelines with minor modifications;
- Activity 15: the Committee discussed the finalization of its Rules of Procedure and agreed to harmonize the English and French versions. This will be done by IHRDA before the end of 2012, then the Committee will organize a workshop to harmonize the rules with the other AU rules and finally submit to AUC Office of Legal Counsel for clearance.;
- Activity 16: the Committee deferred the consideration of the draft Communication Plan until it is refined by the Consultant as directed;
- Activity 23: The Committee agreed to study the draft Plan of Action on the collaboration with REC's, further, before making its decision on the way forward. The Consultant will be released after feedback from the chair before the end of 2012
- Activity 25c: the Committee appointed a working group to work on the timing and content of the joint session with ECOWAS.

78. Follow up on SIDA project should be a standing agenda item until the project is over and the Committee will decide whether it will be a closed or open session.

79. The Committee established a working group to follow up on the implementation of the SIDA Project. The working group comprises:

- Mr Cyprien Adebayo Yanclo;
- Mr Clement Mashamba;
- Mrs Felicite Muhimpundu.

80. It was also agreed that the Chairperson of the Committee will play an overall role in facilitating the work of the Working Group.

81. Mr Cyprien Adebayo Yanclo was designated as the focal point in activities related to collaboration with ECOWAS. He will be assisted by Mrs Maryam Uwais.

ITEM 23 : DISCUSSION ON STATE PARTY REPORTING

82. Lobbying States parties to submit their Report on the implementation of the Charter: the Committee noted that the Reporting by States Parties on the implementation of the Charter has slowed down. It was noted that there are currently fifteen (15) reports that have been submitted to the Committee. As a result the Committee discussed a number of ways of supporting and reminding States in relation to their reporting obligations. The Committee decided to target at least 10 States Parties (based on objective criteria) to submit their State Party Report on the implementation of the Charter in 2013. The Committee sought the support of UNICEF through their country' offices to lobby and assist these countries to prepare and submit their Reports. The Representative of UNICEF, Antony Mwangi, expressed UNICEF's willingness to support the initiative.

83. In relation to the Libya State Party Report: after discussions, the Committee agreed to write a Note Verbal to inform the Government of the Republic of Libya that the Committee is intending to consider the Report in 2013.

ITEM 24: SUBMISSION TO THE ACERWC THE ACPF GUIDELINES ON INTER COUNTRY ADOPTION

84. The African Child Policy Forum (ACPF) through its Executive Director (Ethiopia), Mr David Mugawe, submitted, to the ACERWC, outputs from the Fifth International Policy Conference on the African Child held on 29-30 May 2012 in Addis Ababa, under the theme "Intercountry Adoption: Alternatives and Controversies".

85. The outputs, which the ACPF hoped could inform the ACERWC's work on inter-country adoption are contained in seven documents namely;

- The Addis Ababa Communique on Inter-country adoption in Africa;
- Guidelines for Action in Inter-Country Adoption of Children in Africa;
- The Fifth International Conference on the African Child: Proceedings Report;
- The Fifth International Conference on the African Child: Conference Report;
- Inter-Country Adoption: An African Perspective;
- Africa: The New Frontier for inter-country adoption;
- "An Uncertain Journey" – A video documentary on inter-country adoption in Africa.

86. Recommendations contained in the outputs, notably the Addis Ababa Communique and Guidelines, urged the ACERWC to:

- Monitor developments in African countries regarding inter-country adoption and observance of internationally recognized safeguards and UN guidelines on Alternative Care;
- Monitor measures taken by states to address family poverty and breakdown and to improve domestic alternative care provision; and also to ;
- Ensure that States Party Reports reflected progress on implementation of the Guidelines.

87. The Representative of ACPF said Africa was ill-equipped in law, policy and practice to provide African children with necessary safeguards in inter-country adoptions. The organisation therefore requested the ACERWC to endorse guidelines in the outputs to facilitate Law Reform advocacy on inter-country adoption. The ACPF hoped that after endorsement, the Guidelines would be submitted to the African Union Commission for adoption as a regional tool to guide governments in making inter-country adoption safe for children.

88. After deliberation, the Committee endorsed the Guidelines and decided to use it as a tool to guide stakeholders in their efforts to make inter country adoption a safe process for children. The Guidelines will also be used during the consideration of State Party Reports on the implementation of the Charter.

ITEM 25: ANY OTHER BUSINESS

89. The outgoing Chairperson informed that she will present, to the Committee a report on the activities undertaken by the outgoing Bureau.

90. Madame Kabore was designated to represent the Committee in Meetings on Governance and Democracy in Africa, Dakar, Senegal, November 2012;

91. The Committee Members agreed to consult among themselves to urgently Come up with the dates for the 21st Session of the ACERWC;

92. The Chairperson informed the Committee that Botswana had sent a Note Verbal to the AUC dated 8th November 2012 to offer to host the Secretariat of the ACERWC .He further informed them that the Committee had no role to play in the proposal to host the Secretariat, the follow up was to be made by the AUC and the decision to be taken by the AU Summit.

ITEM 25: ADOPTION OF THE DRAFT REPORT

93. The report was adopted as amended.

ITEM 26: CLOSING CEREMONY

94. Closing Statements were made by a Representative of the AU Commission and the Chairperson of the Committee.

95. The Secretary to the Committee Mme Mariama Cisse on behalf of the AU Commission thanked all the participants who had worked tirelessly during the five days. The discussions on Article 6, she said would help raise awareness on the obligation of State Parties to implement and report on measures to ensure holistic implementation of the Article. She also thanked the Partners who had assisted in the preparation of the Session namely Save the Children, ACPF, ChildFund and ICRC. She appreciated UNICEF, UNHCR and Plan International who have always been at hand to assist the Committee accomplish its mandate. She congratulated the Government of the Republic of The Sudan for being the only State Party to report in the required time. She also

congratulated the Burkina CSOs for their complementary reporting. Finally she thanked all who had made the 20th Session successful.

96. The Chairperson of the Committee, Mr Benyam Dawit Mezmur, started by thanking the Committee for electing him as Chairperson of the Committee. He expressed his appreciation to the large number of Organizations that want to work with the Committee. This was evident through the many applications for Observer Status and the Organizations who had come for the first time. He also acknowledged the Organizations who have had a long standing partnership with Committee. On the Day of the African Child, he said that he is energised by the impact the Day creates in the continent and particularly on the participation of children. He also thanked the outgoing Chairperson Madam Agnes Kabore whose diligence raised the profile of the Committee and congratulated her as Burkina Faso is the only Country that has presented its State Party Report twice. He thanked the outgoing bureau for assisting the Chairperson and working as a team. He thanked the AUC-DSA for hosting the Secretariat and thanked the Commissioner Social Affairs for personally opening the 20th Session thus reaffirming the commitment of DSA to ACERWC. He thanked SAVE the Children, ACPF, Child Fund and ICRC for assisting in the preparations of the Session. He thanked UNICEF for assisting in the DAC activities and all the other Partners who continue to support the Committee. Finally he thanked the Secretariat for making sure the Committee runs smoothly, and declared the Session officially closed.