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**24<sup>th</sup> SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
1-6 DECEMBER 2014  
ADDIS-ABABA, ETHIOPIA**

**ACERWC/RPT (XXIV)  
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**REPORT**

## TWENTY FOURTH ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

### I. INTRODUCTION

1. The 24th Session of the African Committee of Experts on the Rights and Welfare of the Child was held at the headquarters of the African Union Commission in Addis Ababa, Ethiopia, from 1 to 6 December, 2014.

### II. ATTENDANCE

2. The meeting was attended by the eleven members of the ACERWC, Representatives of the African Union Commission, CAPE Senegal, Representatives of United Nations Children Fund (UNICEF), Office of High Commissioner for Human Rights (OHCHR), EU Delegation, CSO Forum, Save the Children, Plan International, African Child Policy Forum (ACPF), ICRC, African Movement of Working Children and Youth (AMWCY), Retrak, East African Center for Human Rights (EACHRights), CONAFE Senegal, West African Coalitions Union for Children, The Inncity Mission For Children, Under the Same Sun (UTSS), Global Initiative to End All Corporal Punishment of Children, ECPAT International, Terre des Hommes Netherlands, ANPPCAN, World Vision, Africa Wide Movement for Children (AMC), and CONIDE.

### ITEM 1: OPENING CEREMONY

#### Remarks by AUC Commissioner for Social Affairs

3. Dr Johan Lodewyk Strijdom, on behalf of the Commissioner of Social Affairs, his Excellency Dr Mustapha Sidiki Kaloko made a welcoming statement. In his speech, he indicated that despite all the collective effort towards the protection of children of Africa, there are new challenges which they are facing such as the current Ebola outbreak which has taken 5000 lives including children and which has subjected many children to orphan hood. He then mentioned that the AUC in order to address this problem has established the African Union Support to Ebola outbreak in West Africa (ASEOWA) which has been deploying teams to Liberia, Sierra Leone and Guinea. He also mentioned the AUC campaign to end child marriage which was inspired by the Chairperson of the AUC, HE Dr Nkosazana Dlamini Zuma and indicated the appointment of the AUC Special Rapporteur on Ending Child Marriage. The Commissioner congratulated Dr Fatima and promised to support her work in all the means available. He further indicated that the Committee has launched the Universal Ratification of and Reporting on the African Charter on the Rights and Welfare of the Child to reinforce State Party obligation to report on the implementation of the Charter and to promote the ratification of the Charter. Following the launch of the Campaign, 11 due reports were received in short time. The Commissioner then called all partners to make the

campaign a reality. He Commended the Committee for the just concluded validation workshop for the Strategic Plan 2015-2019 and thanked those who supported the process, particularly UNICEF, Save the Children, Plan International, and World Vision. He Commended and thanked the outgoing bureau of the Committee under the leadership of Prof Benyam Mezmur for impacting the work of the Committee. He finally congratulated the Committee and encouraged Partners to continue supporting the Committee.

### **Opening Speech by Chairperson of the Committee**

4. The Chairperson of the ACERWC, Prof Benyam Dawit Mezmur, started by thanking the AUC and Department of Social Affairs for their continued support. He thanked the Committee members for the sacrifices they made to attend the Session. He further thanked all the partners and indicated that the Committee would like to strengthen its already existing partnership and also to build new partnerships. Highlighting some of the activities which will be undertaken during the Session, the Chairperson mentioned that the Committee will adopt the Working Method, Concluding Observations for 5 countries whose reports were considered during the Extra Ordinary Session and the Draft Strategic Plan.

5. Furthermore, the Chairperson underlined some of the activities and achievements. He also instigated for collaboration with National Human Rights Institutions, and called to continue the momentum in State Party reporting as well as strengthen the Communications Procedure.

6. After highlighting the establishment of the mandate of the AU Special Rapporteur on Child Marriage, the Chairperson congratulated Dr Fatima Sebaa for being appointed as the Special Rapporteur and assured that the Committee would support her.

7. He also appreciated the outgoing bureau for working in team spirit and also thanked the AUC Department of Social Affairs, the Secretariat and partners for their support for the outgoing bureau. He finally called partners to continue their support for the newly elected bureau and underscored that the creation of Africa fit for children requires a collective work and making accountability for children.

### **ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (ELECTION OF A NEW BUREAU) (CLOSED SESSION)**

8. The Committee with the assistance of the Legal Counsel of the AUC consulted and elected its new Bureau for an interim of one year. This was due to the fact that the term of the majority of the members of the Committee would come to an end in July next year, after which a new Bureau would be appointed for two years. This is based on the past practice as well as on the advice from the Office of the Legal Counsel.

9. The newly elected member of the Bureau are as follows:

- Mme. Sidikou Aissatou Alassane Moulaye (Chairperson);
- Prof Benyam Dawit Mezmur (1st Vice Chairperson);
- Mr. Joseph Ndayisenga (2nd Vice Chairperson);
- Mrs. Amal Muhammad El Henqari (3rd Vice Chairperson); and
- Dr Clement Julius Mashamba (Rapporteur).

### **ITEM 3: PROCEDURAL MATTERS**

- **Adoption of the Agenda and the Program of Work**

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

- **Organization of work**

11. The Committee agreed to carry out its deliberations in open, semi closed and closed sessions according to the Agenda.

- **Introduction of the new bureau**

12. The outgoing Chairperson of the Committee accentuated that the Committee was building up on what has been worked by the previous members of the Committee. He thanked the outgoing bureau and underlined that the newly elected bureau is a bureau for one year due to the fact that the mandate of majority of members of the Committee members will come to an end during July 2015 and that an election will be held. He then introduced the newly elected Chairperson, Mme. Sidikou Aissatou Alassane Moulaye and invited her to introduce the other members of the bureau. He finally handed over the powers and duties of chairmanship to allow the newly elected chair to take over.

### **ITEM 4: BRIEF PRESENTATIONS BY PARTNERS**

13. The UNICEF Representative, Dr. Iyorlumun Uhaa, congratulating the newly elected Chairperson and Bureau, highlighted UNICEF's support towards the follow up of the submission of Initial State Party Reports to the Charter, noting that this has resulted in more Reports being submitted to the Committee. He made a case for concerted efforts to ensure the remaining seven African countries ratify the Charter. He highlighted UNICEF's contribution to the AU Campaign to End Child Marriage in Africa, as a matter of high priority. He also mentioned the ongoing collaboration with His Majesty King Letsie III of the Kingdom of Lesotho – who is also the Africa Nutrition Champion - to promote child nutrition and mechanisms to improve child nutrition interventions. On Ebola, he called for the

strengthening of health systems in Africa to cope with future health threats and emergencies.

14. Further he highlighted some initiatives where children's issues were positioned within the AU Agenda in 2014. He additionally urged that children's issues be mainstreamed in all the AU policy documents that will be expiring in 2015. He recalled that this year marks the 25th Anniversary of the adoption of the Convention of the Rights of the Child, and reminded the participants of the need to re-energize effort to implement commitments made to children. He concluded by pledging UNICEF's continued support, within its capacity, any human, technical and financial needs of the Committee, in collaboration with other partners.

15. Ms. Dunia Mekonen from the OHCHR congratulating the newly elected Bureau reaffirmed the commitment of the OHCHR to support the works of the Committee in the implementation of the new Strategic Plan, its initiative to engage with the Human Rights Council and other human rights institutions, its work and involvement of children with albinism, and in its plan to carry out a continental study on the situation of children in armed conflicts.

16. Mr Chikezie Anyanwu, Pan African Program Specialist at Plan International, congratulated the new Bureau of the Committee as well as he graciously thanked the outgoing Bureau. He also congratulated the Committee for its concerted efforts to ensure that there is an increase in State Party reporting. He pointed out that, this achievement has been due to the ongoing campaign and the efforts put into engaging States Parties to ensure they report as per their Charter obligation as well as to ensure the full ratification. In relation to CSO reporting he was concerned with the inability of civil society and especially those working with and for children in some member states to freely come together, analyse the child rights situation as presented in the State Party reports, compile and present complementary reports. He reaffirmed Plan International's calls on the Committee to urge Member States to adhere to this fundamental principle of the Charter and facilitate an enabling and supportive environment where children and civil society can freely participate in a constructive dialogue on the State Party reports.

17. He also reaffirmed Plan International's commitment to support the newly appointed Rapporteur on Ending Child Marriage as child marriage is one of the issues championed by Plan's campaigns on matters pertinent to children. In addition, he mentioned that Plan International joins other partners to support the Committee in its collaboration with the AU Peace and Security Council. In conclusion, he appreciated the Committee on its efforts on the various General Comments on Article of the Charter and related issues and particularly on General Comment No. 2 on Article 6 (on the right to name, nationality and birth registration). He expressed Plan's commitment to support the popularization of this General Comment and many others to come.

18. Mr John Njoka, on behalf of Save the Children International, congratulated the Chairperson and the Bureau on their appointment. He expressed the satisfaction of Save the Children in the works of the Committee. He also congratulated Madam Fatima Sebaa on her appointment as the Special Rapporteur on the campaign to End Child Marriage in Africa. He reaffirmed the commitment of Save the Children to support the Special Rapporteur as child marriage to protect children from the danger child marriage posed on their wellbeing and education.

19. He further commended the partnership of Save the Children with the Committee in its engagement with South Sudan and Central African Republic to improve the situation of children in armed conflict. He stated that his organization looks forward to work with the Committee on the new Strategic Plan and the work plan to be developed in that framework.

20. The Executive Director of ACPF, Mr. Theophane Nikyema, welcomed the newly elected Bureau of the Committee and underscored the cordial and mutually supportive relationship that the Committee has had with ACPF. Mr. Nikyema highlighted the work that ACPF had undertaken since the 23<sup>rd</sup> Session of the Committee, both in direct support to the Committee as well as ACPF's own initiatives that would contribute to the overall wellbeing of children in Africa. In direct support to the work of the Committee, he noted ACPF's support to the development of a Working Methods Document for the Committee to clarify the ways in which the Committee operates and the ways in which stakeholders can engage with it. He also cited the development of a Training Tool Kit on the African Children's Charter within the framework of the AU Campaign on Ratification and Reporting on the Charter, support to the celebrations of the 2014 Day of the African Child, and ACPF's continued support to the AU Campaign to End Child Marriage.

21. Mr. Nikyema highlighted other works that ACPF has undertaken. He concluded by commending the Committee for the adoption of a new Strategic Plan, and reiterated ACPF's willingness to support the Committee to implement some specific aspects of the Plan.

22. Mr James Boyon, from the African Movement of Working Children and Youth (AMWCY) stated that his organization has been able to shelter 831 652 children in 27 different African Countries under its protection canopy and mode of creating solidarity and fraternity organization through some concrete problem solving and accompaniment activities in the life of children and youth in 27 Africa countries.

23. In addition he mentioned that the children and youth that benefited or involved in the activities of the organization were able to be protected from all traditional believes such as early marriages issues, enlightened them to think and harmonize future perspectives for their life, and gave them awareness on what really is happening in their various home and families that may disturb the future ambitions.

24. Mr George Nyakora, from AfricaWide Movement for Children (AMC) emphasized the complex and pervasive conflicts in a number of African countries are having devastating effects of social, economic and institutional fabric for child wellbeing in many African countries. The Africawide Movement for children through its continent-wide membership network receives anecdotal evidence on the gross impact of conflicts on children in the various conflict contexts. In order to build momentum for an informed response by the various regional and continental institutions to the plight of children caught up in conflict, AMC will be undertaking a Pan African assessment of the impact of conflict on children in Africa. He confirmed that AMC will share the nature, scope as well as the intentions and foreseen outcomes of this Pan African Assessment with the ACERWC. The assessment will include aspects of the peace and security operations undertaken under the African Peace and Security Architecture (APSA) which will inform the two Committees engagement as reiterated at the 433 session of PSC of the AU.

25. Representing ECPAT International, Ms. Jade Tachie-Menson made a brief background about ECPAT International's mandate and work on combating the commercial sexual exploitation of children, particularly in the African continent. She delved specifically into ECPAT International's plans to strengthen its presence in the continent by outlining, among others, the organization's draft Africa strategy for the coming four years (2015-2018), which includes areas of anticipated collaboration with the ACERWC.

26. Dr Lynnette Kay from RETRAK, introduced her organization as an international NGO working with highly vulnerable children and families particularly street children who are marginalised, discriminated against and unable to access their rights. She indicated that Retrak recognizes that it must work to prevent children coming to the street, not just support them to leave the street. As a result in 2013 it began a community prevention program funded for 3 years by Cordaid in Hadiya Zone of SNNPR to address the factors pushing children to the street. She mentioned that the results were impressive after 12 months and provides a model of community development to protect children that is sustainable and able to be scaled up.

27. Congratulating the newly elected Bureau, Ms. Gamuchirai Tagwireyi from Terres des Hommes (TdH) Netherlands, applauded the sterling work of the outgoing Bureau for its continuous promotion and protection of the rights of children in the continent. She stated that TdH works to prevent child exploitation, removes children from exploitative situations and ensures that children can develop themselves in a safe environment. She indicated that TdH is committed to joining forces with the Committee and other partners to ensure a systems approach to child protection becomes a reality in Africa.

28. Ms. Haja Kamara from the ICRC began her statement joining the other partners in congratulating the newly elected Bureau and extending appreciation to the outgoing Bureau. She stated that ICRC is committed to support the Committee in its plan in relation to the situation of children in armed conflicts. In addition, she proposed the Committee to

undertake its continental study on the situation of children in armed conflict around the impact of conflict on children's education, access to education during conflict times, and occupation and use of schools by armed groups.

29. On behalf of World Vision International, Mr. James Odong extended his appreciation to the Committee for its key achievements and its mission to South Sudan and Central Africa Republic. He indicated that there are many areas of alignment between the mission of World Vision and the new Strategic Plan of the Committee. World Vision's strategic goal is building peace and protection for the wellbeing of children which is in line with the vision of the Committee to see an Africa fit for children. He further indicated that the situation of children in armed conflict is an area World Vision has been working on for the past many years. As a result, World Vision is more than willing to give all the necessary support to the Committee in its undertakings on the matter. Moreover, he informed that World Vision will continue supporting the work of the Committee on the specific articulated work plan to be adopted under the new Strategic Plan.

30. Ms Vicky Ntetema, Executive Director of Under The Same Sun (UTSS,) highlighted that children with albinism in Tanzania are in a particularly risk situation. She indicated that the data at Under The Same Sun shows that two-thirds of all victims of attacks against persons with albinism are children. These attacks, discrimination and stigma are based on centuries of erroneous witchcraft-influenced beliefs about albinism. As a result, today, in Tanzania, hundreds of children with albinism have fled their homes and are now held at temporary shelters to avoid being attacked. She mentioned that the conditions at these shelters are unbearable. Children as young as age 3 are abandoned there, abused, and their human rights grossly violated. She calls for collaboration of the Committee in mainstreaming or fully integrating the human rights of all African children with albinism.

31. Mr François Raoul Latouffe, Chairperson of CONAFE Senegal stated that his organization has the mission to promote and ensure positive changes for the realization of children's rights. As a result CONAFE Senegal participates at international and sub-regional levels to disseminate information about violence against children. He expressed his organization's commitment to popularize the Charter and the Committee in West Africa. Moreover he stated that CONAFE Senegal looks forward to closely working with the Committee to end child begging in Senegal.

32. Mrs Ndeye Fatou Sarr, Programme Officer at the Support Unit for the Protection of Children (CAPE), welcoming the new Bureau and congratulating the outgoing office, stated that they are planning to national consultation with Qur'anic Schools and CSOs and Inter-ministerial consultation to end child begging in Senegal. She expressed CAPE Senegal's commitment to disseminate the Charter.

33. Mrs Justine Laison on behalf of West African Coalition for Child Protection (UCOA) stated that her organization is a framework that brings together the coalition of 15 countries

in West Africa and intends to interact with ECOWAS, UEMOA, the African Committee of Experts, the CSO FORUM The NGO group, the WACSOF to promote the Charter.

34. She expressed her organization commit to support the Committee in its campaign for universal ratification and submission of reports on the Charter in West African Countries. In this regard, they will undertake advocacy missions to Ghana, Guinea Bissau, Cape Verde, Gambia, Sierra Leone, Liberia, and Benin for the submission of the reports in 2014 and 2015.

#### **ITEM 5: PRESENTATION BY RETRAK**

35. Dr Lynette Kay, Country Director of RETRAK Ethiopia, presented the works of RETRAK and the improvements achieved by the project. She introduced RETRAK as an INGO working with highly vulnerable children and families particularly street children who are marginalized, discriminated and unable to access their rights. She informed that these children range from 7-17 years of age. Dr Lynette stated that RETRAK provides these children with educational catch up classes, health care service, and counselling in the centre. Psychosocial support is given for these children in order to redress the abuse, neglect and lack of education they have encountered. They will also be given the opportunity to recreation and play. She indicated that RETRAK gives the children two sessions of life skill per day, on issues of hygiene, HIV, and conflict resolution.

36. Dr Lynette informed that 98% of street children come from rural area; hence there is a need to reintegrate them. RETRAK would follow these children up to 2 years from the time the children leave the centre. In order to facilitate reintegration, RETRAK works with families through parental training, financial support for needy families and small business training.

37. RETRAK does not only work on reintegration but also in prevention. Dr Lynette underscored that dependency syndrome is a challenge and small level of saving constrained size of the loans and length or repayment. She finally mentioned that RETRAK in the future intends to create cluster level association to make them sustainable, and to focus on FGM.

38. After the presentation, discussion was made on RETRAK's activities regarding children on the street, legal assistance in cases of violations of the children's rights, the number of children on the street with a special focus on the number of girls on the street, the responsibility of parents, and training opportunities available for girls. Dr Lynette then explained RETRAK's undertakings in these regard.

**ITEM 6: PRESENTATION OF THE REPORT ON THE COMMEMORATION OF THE DAY OF THE AFRICAN CHILD (DAC) 2014**

39. A presentation on the report of the commemoration of DAC from 14 African Countries was made by Anthony Mwangi, Public Affairs Manager of UNICEF Liaison Office to the AU and UNECA. He began the presentation by recalling the theme “A child friendly, quality, free and compulsory education for all children in Africa”. The presentation covered some of the innovations in commemorating DAC 2014, the impact it brought, and the lessons learnt from the 14 countries. Some of the innovations were the strengthening of “*Republica de Mininus Today Movement*,” in Guinea Bissau with a focus on access and quality education; involvement of traditional leaders in Zambia in the celebration of DAC; the engagement of the private sector for the first time in the commemoration of DAC in Swaziland; and the undertaking of child-centered design workshop which led children to be the architects of education policy in Kenya. As the impact of DAC 2014 celebration, it was informed that in Namibia focus is given to inclusive education; in Niger advocacy for free and compulsory education was undertaken at the local level and at the national level through the media; and in Tanzania the DAC resulted in an increased number of cases reported on violence, abuse and neglect against children, as well as number of victims supported. Moreover as lessons learned, the presentation highlighted on the need to improve national coordination among key stakeholders; the opportunity at the DAC events to promote girls’ rights; the need for collaboration with the media to get wide coverage of the DAC; the need to engage traditional leaders as champions for children’s causes; and the need to strengthen follow up mechanisms on the issues raised in debates by children in the events of DAC.

40. After the presentation, a discussion was held. Members of the Committee and Partners raised questions for clarification. The questions included: if there was an indication of the percentage of children that are directly impacted by the commemoration of DAC, how many days it was celebrated and who were the participants of the celebrations, if there are instances in which DAC was celebrated outside capital cities, and on what the practice of reporting is in North Africa. Moreover, questions were also raised in relation to how the Committee reinforce the commemoration of DAC, how child participation was manifested in the celebration of the day, how DAC has been used to advocate for those children who are in the situation of armed conflict, how children from rural and urban areas are represented. In addition to the questions proposals to make DAC more than a festival and a platform to make State Parties recommit to the Charter.

41. In responding to the questions raised the presenter highlighted that thousands of children were involved in the celebration of DAC across Africa. He also mentioned that in some countries the DAC was celebrated ranging from one day to three weeks. He, however, mentioned the fact having member of the Committee in every country during the celebration of DAC would have contributed a lot to increase the visibility of the Committee. It was informed that in three countries the celebration was held at community level. However in

many countries it is celebrated at the capitals due to logistic reasons and partners desire to have representation of highest government officials. In relation to the commemoration of DAC in North Africa, it was mentioned that though it is commemorated, receiving reports every year has been a challenge. It was expressed that UNICEF is willing to collaborate with CSOs to fill the gap in reporting on the commemoration of DAC. It was also mentioned that there has been instances in which children participated in organizing the celebration of DAC, for instance during the celebration of DAC in South Sudan while children were in conflict.

#### **ITEM 7: PRESENTATION AND ADOPTION OF THE PROGRAM OF THE AU RAPPORTEUR ON ENDING CHILD MARRIAGE**

42. Dr Fatima Sebaa, the AU Special Rapporteur on Child Marriage presented her program of work and intended activities to the Committee and partners. Dr Fatima thanked all who committed to support her mandate including the Directorate of Social Affairs, the partners and the Canada and Netherland governments. She alluded that Canada and Zambia recently adopted resolution to end child marriage and 116 countries signed it. This resolution was adopted on November 21, 2014. However, many African countries failed to sign even though many of them are on top of the list of UN on the practice of child marriage.

43. Dr Fatima presented some of the activities she has planned including the following:

- Following up on the policy and other measures adopted in countries where the campaign to end child marriage has been launched;
- Holding assessment meetings with those affected by the problem;
- Holding meetings with CSOs and coalitions to determine the role of the mandate and the kinds of investigations to be undertaken;
- Developing communication materials;
- Studying and elaborating the physiological and psychological effect of child marriage;
- Undertaking a study to summarize all the researches and outcomes on child marriage and regroup findings and recommendations in this regard;
- Participating in the global meeting in Casablanca to learn from the experience of Asian countries and join with other ongoing efforts;
- Meeting with the Goodwill Ambassador designated by AUC to see what activities can be led together;
- Holding activity and advocacy meetings (First ladies and Ministries of Health meetings) to introduce the mandate of the Special Rapporteur;
- Meeting with the CRC and other UN Organs for exchange and reflection around a common agenda,

- Meeting with different Ministries at national level such as Ministry of Health, Ministry of Social Development, Ministry of Justice, education ;
- Gathering a reliable data and statistics on child marriage issues by hiring a consultant; and
- Using the opportunity of DAC 2015 in accelerating the effort to end child marriage by addressing children themselves as they can transmit the message in their schools and families.

44. The Committee members and participants then raised some comments on the contribution of the mandate to the Geneva Committee, on itemizing of activities to identify the kinds of support they require, on working at sub-regional and national level, and on linking the mandate with on-going efforts on the ground to avoid duplication. Plan International further stated that Dr Fatima can use the documentary review and the study it conducted on social and cultural practices as input for her mandate.

45. Finally, Dr Fatima indicated that she concurs with the suggestions made and stressed on the need to establish continental network on child marriage to avoid duplication of work which at the end weakens the effort to end child marriage. After the presentation, the Committee extended its support for the work plan presented within the mandate of the Special Rapporteur.

#### **ITEM 8: DISCUSSION ON THE COMMUNICATIONS STRATEGY OF THE COMMITTEE**

46. The Communication Strategy was presented by the Communication specialist at the Secretariat, Ngankam Yannick Gael Kameni. The presentation mainly focused on the outcome of the group discussion during the validation workshop of the strategic Plan. In his presentation, he highlighted the major achievements and challenges of the strategy. As the first holder of the position, he mentioned that his role was mainly to set the bedrock of the Communication Plan for its further implementation following the new priorities of the Committee as it emerged in the validation workshop of the Strategic. The next Communication Strategy will be aligned to meet the objectives of the Committee's Strategic Plan 2015-2019. However, he emphasised more support is needed from the AUC and partners he pointed. In terms of support from partners, he indicated that the current Communication Strategy is being supported under the ACCP Project by SIDA. Plan International and Save the Children were also instrumental in implementing some of its component, especially the revamping of the website which is undergoing now and will be available in few weeks. The ACERWC Communication Plan 2013-2017 has shared with partners who are interested in supporting communication activities of the Committee. A review and alignment with the new priorities is the next step for its implementation in 2015.

**ITEM 9: PRESENTATION AND DISCUSSION ON THE AFRICAN CHILDREN'S CHARTER PROJECT (SIDA PROJECT) (CLOSED SESSION)**

47. A presentation on the African Children's Charter Project (ACCP) was made by Ms. Beatrice Arionget, the Project coordinator of ACCP and the Consultant Ms Chiedza Chagutah. In the presentation the background of the Project, overview of the success reached the challenges, lessons learnt, the cost extension application, and the evaluation of the first phase of the Project.

48. Some of the successes of the Project was presented to be the development of various operational guidelines, rules, procedures and other documents of the ACERWC; recruitment of additional staff to the Secretariat; and the development of operational frameworks between the ACERWC and other African Union organs. It was indicated that some of the challenges the Project faced were difficulties in finalizing the proposal to be submitted to the donor; the over stretched role of the Project coordinator; lack of a focal point persons representing the ACERWC in the project; and limited involvement of children in the project delivery. Ms. Beatrice stated that at the closure of the current phase there are lessons learnt for future actions. The learnt lessons include the need for a project structure at the very initial stages; the importance of having a focal person; the need for well-coordinated partnership; and the need to have consultation with the ACERWC and other AU organs.

49. Further, the Project coordinator informed the planned closure activities which include addressing issues such as knowledge management, project database, development of project completion of the project, human resource, and commissioning of final project evaluation. In addition the objectives of the bridging phase (2015-2016) have been introduced. The main objectives are strengthening the capacity of the ACERWC to implement its mandate; promoting children's rights and welfare in AU institutions; and strengthening CSOs to use AU mechanisms, and especially the ACERWC's mechanisms, to promote children's rights and welfare in Africa.

50. Following the presentation by the ACCP Project coordinator, the Project evaluation Consultant Ms Chiedza Chagutah made an overview presentation of the evaluation process. It was stated that the evaluation will take place as it is a donor requirement, to establish project activities and implementation, and to reflect on lessons learnt and challenges faced. The consultant informed that the evaluation methodology will focus on desktop research and interview with members of the ACERWC and other concerned organs. In conclusion the Consultant underlined the crucial importance of inputs from members of the Committee.

51. At the end of the presentation, questions were raised by members of the Committee on how the produced documents have been disseminated; if evaluation has been undertaken in previous years; why the CSO Forum is not as active as it has been in the past years; and what the role of the focal person would be.

52. In addressing the questions it was said that focal persons from members of the Committee are mainly needed to have a continuous and deeper understanding of the Project. In relation to dissemination of documents it was informed that a number of documents have been translated in to French, Arabic, and Portuguese. It was also indicated that some of the documents are owned by the Committee and are disseminated on the Committee's website. With regard to evaluation in previous years it is said there were review meetings every year and the evaluation to be carried out from November 2014 - March 2015 is a rolling evaluation.

53. The Committee commended members of the consortium for the effort they exerted to promote the rights of children under the ACCP.

#### **ITEM 10: GENREAL COMMENTS (CLOSED SESSION)**

54. The Committee held a detailed discussion on the process of the development of General Comments. The Committee made the discussion particularly on the development of General Comments on the responsibilities of the child, children and armed conflict, and child protection systems strengthening and general measures of implementation. The Committee indicated that the process undertaken to develop General Comment No 2 on Article 6 of the Charter should be a bench mark. During the discussion, the Committee agreed on the following issues:

- To adopt a consistent procedure for developing General Comments
- To mainstream the process of selection of themes, drafting of work plans for developing General Comments, and identifying participation of stakeholders
- The budget allocated for all General Comments should be consistent and the development of General Comments should not be budget driven
- Consultation with Member States is essential to avoid confusions and ensure ownership
- Efforts should to be made to develop detailed guidelines on the process of developing General Comments for the future with a view to record, standardize and formalize the process
- As General Comments are standing permanent documents and hence the research that informs the General Comments should be of a high standard

55. The Committee further appointed Prof Benyam Dawit Mezmur and Prof Julia Sloth-Nielsen to be focal persons for the development of General Comments and agreed to assign the Community Law Centre or other African research institutions to continue being the institutional support for the coordination of research. It was also proposed that the two focal persons from the Committee shall involve the experts in charge of the thematic area.

**ITEM 11: DISCUSSION BETWEEN CSO FORUM AND THE ACERWC (CLOSED SESSION)**

56. Mr Sidikou Moussa, the Chairperson of the CSO forum first congratulated the newly elected Chairperson and thanked the Committee for the opportunity given to the Forum to appear before the Committee. Mr Sidikou underlined that the CSO forum was motivated to have discussion with the Committee for three reasons. First, it is to remind the Committee and the newly formed bureau about the mission of the CSO forum and re-affirms the commitment of the CSO Forum to further strengthen the advocacy works in relation to the Universal Ratification and Reporting Campaign. The second reason is to express the Forum's commitment to assist the Committee in the implementation of the Strategic Plan, 2015-2019. Third, to present the challenges and constraints that affects the CSO forum.

57. Mr Sidikou generally expressed the commitment of the CSO Forum on the following activities:

- Support the Committee in its operation with national coalitions and Regional Economic Communities;
- Sensitize national coalitions to submit complementary reports and communications and undertake capacity building activities in this regard;
- It was mentioned that the CSO forum can be the interface of the Committee and other CSOs ; and
- To sign a MoU with the Committee to strengthen the synergy between the Committee and the CSO Forum.

58. Finally, it was mentioned that the CSO forum is awaiting the decision of the Committee on its application for observer status.

59. After discussion the Committee thanked the CSO Forum for its continued support in assisting the Committee to carry out its mandate. The Committee also expressed its readiness to strengthen the collaboration with the CSO Forum.

**ITEM 12: PRESENTATION AND DISCUSSIONS ON THE ACERWC WORK PLAN FOR 2015 (CLOSED SESSION)**

60. The Secretariat made a presentation on the Work Plan for the year 2015. In the presentation, the Secretariat addressed the following as planned activities:

- Monitor the implementation of Concluding Observations in selected State Parties;
- Engage with State parties on received Communication (Complaint on Child Rights violation);

- The organization of the two Ordinary Sessions and the possibility of organizing an Extra-Ordinary Session ;
- Activities related to children and armed conflict including the planned continental study on the impact of armed conflict on children, the high level conference and the open Session with Peace and Security Council;
- Campaign on the Universal Ratification of and Reporting on the African Charter on the Rights and Welfare of the Child (ACRWC). Particularly, launching of the Campaign in Regional Economic Communities (RECs) and assessment of the status of child rights in Africa at the 25th Anniversary of the ACRWC;
- Develop a Case law data base on Child Rights issues;
- Commemoration of the Day of the African Child (DAC) 2015 and monitor the activities of the DAC 2014;
- Development of an implementation handbook for the ACRWC;
- Strengthen the collaboration between the ACERWC and the ACHPR, AfCHPR including the possibility of undertaking joint meetings;
- Translation of States parties reports on the implementation of the Charter;
- Implementation of the ACERWC Communication plan;
- Strengthen the collaboration between the ACERWC and the UNCRC (joint working group);
- Investigation Mission in Tanzania on the issue of children with albinism;
- General Comment No. 3 on Article 31 of the ACRWC;
- Launching of General Comments in RECs ; and
- Organizing the Day of General Discussions.

61. After the presentation discussion was made and the Committee Members raised various issues including the importance of ceasing the selected State Parties for the follow up Mission as the countries are selected based on the fact that the Committee has sent its recommendations three years ago and it is appropriate to follow up the implementation of these recommendations. Furthermore, the Committee Members discussed the practicality of holding an extra-ordinary session considering the financial challenge that the Committee is facing. After considering various options, the Committee indicated that having an extra ordinary seems impractical. On the DAC, it was suggested to widely circulate the message of the Chairperson, and the presenter indicated that it is possible so long as the Secretariat receives the message well in time.

62. As an additional activity, the Committee indicated that induction to the new Committee Members who will be elected in the year 2015 should also be part of the Work Plan. In addition, the Committee mentioned that the dates for the 25th Ordinary Session should be identified in time. It was also indicated that the Committee should prioritize activities. Part of the discussion in this session also covered the possibility of producing the Committee's News Letter and other documents in Arabic and Portuguese. The Committee, with a view of addressing the financial implication this would have, agreed to collaborate with partners and

Arabic speaking Committee members to make the documents available in the other AU languages in addition to English and French. The Committee finally agreed to assign focal person for each of the planned activities in the year 2015.

### **ITEM 13: PRESENTATION AND ADOPTION OF THE SOUTH SUDAN ADVOCACY MISSION REPORT (CLOSED SESSION)**

63. A brief presentation of the report of the Committee's advocacy Mission to South Sudan was made by Professor Julia Sloth-Nielsen. In presenting some of the findings of the Committee, it was indicated that 1.5 million people are displaced without nutrition, food, and sanitation. The impact of this is stressed to be very high on children exposing 50, 000 children to death due to lack of nutrition. With regard to the impact of the mission, it was stated that the mission led to the ratification of the African Charter on the Rights and Welfare of the Child by the government of South Sudan. In addition, the Sudanese People Liberation Army held a workshop to draft a time table for demobilization of children.

64. In the presentation Professor Julia highlighted the important lessons learnt that need to be applied in the Committee's subsequent mission to Central African Republic and other future missions. The lessons learnt include the significance to liaise with AU officers and organs on the field; the need to recognize the expensive cost of field works and to take action on it; the importance of having an advance preparation by the Secretariat on the ground before the actual mission takes place; the importance of asking the right question to UN Agencies, and International NGOs working on the ground.

65. Further based on the Committee's observation of the impact of war on children in South Sudan, the presenter draw the attention of the Committee to ponder on the theme of its planned continental study on the situation of children in armed conflict. In particular Professor Julia stressed on the need to agree the theme of the study to be either specific revolving around the situation of child soldiers or broadly dealing on the impact of conflict on children's such as on education and other issues.

66. Following the presentation questions were raised on what role of CSOs is in South Sudan; measures taken by the government in relation to the occupation of schools by the rebels; and how the Committee can follow up the demobilization plan and if it also concerns the rebels. In addressing the question on measures taken by the government on education it was said that the government is not in control and most schools, libraries and the university has been bombed by the rebels. With regard to the role of CSOs it is indicated that the CSOs in South Sudan are very weak due to fund withdrawals by donors and the consumption of available resources for humanitarian work. In relation to the demobilization plan it was said that it doesn't cover the rebels.

67. Additional questions were raised on how to use the benefit of the South Sudan mission on the way forward particularly in relation to the joint open session of the Committee with the Peace and Security Council; and on the attainment of the objective of the mission. In responding on the attainment of the objective of the mission it was stated that the mission draws the attention of the Africa Union and other stakeholders on the exact situation of children in South Sudan. A number of partners used the report in their advocacy programs. It was also informed that findings of the Committee's report on the mission were used to feed the AU Commission of Inquiry. On the way forward it was stated that the report from South Sudan mission and the report to be prepared on the mission to Central African Republic can be submitted at the joint open session of the ACERWC and the Peace and Security Council.

68. The South Sudan Advocacy Mission Report was adopted as amended.

#### **ITEM 14: ADOPTION OF THE COLLABORATION PLAN BETWEEN THE PEACE AND SECURITY COUNCIL AND THE ACERWC (CLOSED SESSION)**

69. The Secretariat presented the collaboration plan between the Peace and Security Council. After the discussion the Committee adopted the Collaboration Plan between the Peace and Security Council and the ACERWC as amended and decided for the collaboration plan to include the would be appointed AU Special Envoy on Children in Armed Conflict.

#### **ITEM 15: DISCUSSION AND ADOPTION OF THE DECISION ON COMMUNICATION (CLOSED SESSION)**

70. The Committee discussed and adopted its decision on the Communication submitted by Centre for Human Rights (University Of Pretoria) and La Rencontre Africaine Pour La Defense Des Droits De L'homme (Senegal) against the Government of Senegal as amended.

#### **ITEM 16: FINALIZATION OF THE ACERWC STRATEGIC PLAN (2015-2019) (CLOSED SESSION)**

71. The Consultant, Mr. Christopher Davids, made a brief presentation on the modifications made to the ACERWC Strategic Plan (2015-2019). He summarized that the Strategic Plan composes 3 outcomes, 11 outputs, 54 activities, and 72 indicators. The modifications include an additional section on the functions of the Committee; alteration of Result Areas based on the feedbacks from the validation workshop; revision of the section on Program

Management, Human and Financial Resources, Monitoring and Evaluation, and Communication; and an update on annexes.

72. Following the presentation discussion was made on matters relating to the recruitment of interns to support the Secretariat; harmonization of posts; and on Committee's mandate to appoint a full time Chairperson. In relation to the recruitment of interneers it was said that costs that might be attached to the recruitment should be taken into account. It was highlighted that appointment of a full time Chairperson is outside the mandate of the Committee under the Charter and needs further consultation.

#### **ITEM 17: ADOPTION OF THE CONCLUDING OBSERVATIONS (CLOSED SESSION)**

73. The Rapporteurs presented the concluding observations of the Government of Ethiopia, Guinea, Kenya, Mozambique and South Africa. The Committee, accordingly, discussed and adopted the Concluding Observations and Recommendations for Ethiopia, Guinea, Kenya, Mozambique and South Africa.

#### **ITEM 18: DISCUSSION ON THE 2015 ACERWC WORK PLAN ON CHILDREN IN ARMED CONFLICT IN AFRICA (CLOSED SESSION)**

74. The Secretariat briefed the Committee on the draft Concept Note for the continental study to assess the situation of children in armed conflict. It was emphasized that the focus of the study is on the impact of armed conflict on children.

75. The Secretariat presented the objectives, themes, scope and methodology of the study. The presenter indicated that the objectives of the research are; to assess the impact of armed conflict on children; to assess whether or not Member States take all necessary measures to provide care and protection for children affected by armed conflict; and to assess whether or not Member States take all necessary measures to ensure no child takes a direct part in hostilities. In the presentation, it was mentioned that the themes of the study include education, health care, refugees and IDPs and sexual violence against children. It was further stated that the scope of the study will focus on countries which are in active conflict or in a fragile post conflict situation. The presenter listed 19 countries which could fall under the scope and indicated that the list can be amended. The presenter finally highlighted that the methodology of the study will be a rapid assessment methodology which is a fast and an effective way of collecting extensive information.

76. Following the presentation, Committee members raised some suggestions. Accordingly it was agreed that the study should be innovative and to this end should include the views of children. Hence, it was recommended that the TOR for the study should be amended to include interviews of children as this requires a special expertise. Moreover, it was

suggested that the study may reflect the 25th anniversary of the Charter. It was agreed that the inclusion of the views of children should be reflected on the title of the study. It was proposed that the research should guide the Committee on its future engagement regarding armed conflict and that the previous experiences of organs of the AUC like that of the PSD should be consulted.

77. The Committee members in addition suggested that the study should include the special needs of the girl child in terms of providing hygiene, separate latrines as well as psychosocial support for them in different camps. It was also stressed that the study should give special attention to children with disabilities. The need to do further analysis on who should be interviewed in addition to children, and the need to identify the specific contexts of each country were emphasized.

#### **ITEM 19: CONSIDERATION OF APPLICATION FOR INVESTIGATION (CLOSED SESSION)**

78. The Committee considered the application submitted by Under the Same Sun to conduct an investigative mission on the situation of children with albinism. The Committee then decided to undertake an investigative mission to a State Party pursuant to Article 45 of the Charter. The Committee then appointed a sub-committee to lead the process.

#### **ITEM 20: PRESENTATION AND ADOPTION OF DRAFT DAC 2015 CONCEPT NOTE (CLOSED SESSION)**

79. Dr Maria Assim Usang from, Community Law Center gave a general summary of the Concept Note for DAC 2015 on behalf of the Consultant who was indisposed. She mentioned that the Concept Note generally provides an overview of child marriage, concerns in relation to child marriage and its consequences. She stated that the Concept Note notes some best practices and provides recommendations. She pointed out that DAC 2015 will be linked with the 25th anniversary of the Charter as the theme for DAC 2015 is **'25 years after the adoption of the African Children's Charter: Accelerating our collective efforts to end child marriage in Africa'**. She also indicated that it will be linked with the Universal Campaign for the Ratification of and Reporting on the Charter to advocate for withdrawal of reservations on Art 21 of the Charter.

80. Dr Maria in her presentation emphasized on the following issues;

- The objectives of Concept Note which are to highlight the context of child marriage in Africa, the challenges faced and the importance of Articles 2 and 21 of the Charter;
- The situational analysis of Child Marriage in Africa which is enormously affected by cultural and traditional practices;

- The Continental Legal Framework for Addressing Child Marriage which is composed of the African Charter on Human's and Peoples' rights, the African Children's Charter, UDHR, and the Maputo Protocol;
- Some best practice in Eliminating Child Marriage;
- Areas of concern and challenges such as lack of education, low income, gender inequality, increased cost of living, cultural and regional practices, and weak enforcement of laws; and
- Recommendations for eliminating child marriage and activities to DAC 2015, including strengthening social protection services, assisting low income families, providing proper education, ensuring prosecution of perpetrators, holding parliamentary debates, intercultural and interreligious dialogues, and documenting testimonies of children who are married as well as those who escaped child marriage.

81. The Committee and the Secretariat then made some suggestions. It was highly stressed that the Concept Note is too theoretical and academic. However, it was agreed that the main objective of the CN should be guiding State Parties on the concrete steps that should be taken. Furthermore, it was suggested that the Concept Note should incorporate issues in relation to child pregnancy, paedophilia, and early sexuality of children as concern areas leading to child marriage. At the end, it was recommended that the report of UNICEF on the celebration of DAC 2014 and the Committee's Declaration on Ending Child Marriage in Africa should be consulted.

#### **ITEM 21: ADOPTION OF THE ACERWC STRATEGIC PLAN (2015-2019) (CLOSED SESSION)**

82. The Committee adopted its Strategic Plan for 2015-2019.

#### **ITEM 22: PRESENTATION OF THE ACERWC WORKING METHOD DOCUMENT (CLOSED SESSION)**

83. Dr. Nkatha Murungi, on behalf of the consultant presented the draft Working Method Document. The presentation highlighted the background of the development of the Working Method Document, contents of the document, and issues that need consideration.

84. The purpose of the document was summarized to be providing an overview of how the Committee carries out its functions, facilitating an understanding of how the Committee works among stakeholders, and guiding on frequently asked questions on the works of the Committee. It was indicated that the document contains guidelines on State Parties reporting, on complementary reporting, consideration of the reports, concluding observations, general comments, Day of the African Child, statements and communiqués, thematic discussions and days of general discussion, investigative missions, CSOs Participation and their observer status, and conferences and trainings.

85. At the end of the presentation a discussion was held and consensus was reached on the need to regularly update the document; the need to include the role of the Secretariat; and the need to make reference to other documents of the Committee such as the Rules of Procedure and the Collaboration Plan between the Peace and Security Council and the ACERWC. In the discussion it was highlighted that the Working Method Document institutionalizes the practices of the Committee in discharging its mandate.

86. Finally the Draft Working Method Document was adopted as amended.

### **ITEM 23: DISCUSSION ON GENERAL COMMENT NO. 3 ON ARTICLE 31 OF THE CHARTER (CLOSED SESSION)**

87. The outline of General Comment No. 3 was presented by Dr Maria Usang Assim from Community Law Center in South Africa. In her presentation, she underlined that the General Comment will include;

- An introduction on the mandate of the Committee to adopt General Comments to interpret provisions of the Charter;
- The background of the Article 31 of the Charter, the African notion of child responsibility as well as the notion of duties in general as enshrined under other international human rights instruments;
- The placement of the article last which indicates its subsidiary role to other rights stipulated under the Charter;
- The linkages of responsibility of the child with other rights and that Article 31 is cannot be used as justification of violations such as child labour, education and so forth;
- Elaboration of the elements of Article 31 and its cardinal principles; and
- The obligation of State Parties and other actors in assisting children to discharge their duties.

88. Subsequent to the presentation, the Committee members indicated that it should be well stressed that responsibility of the child cannot justify violations and that the Charter is not condoning violation by introducing violation of the Child. It was highly mentioned that the need to equip children so that they can fulfil their duties should be reflected in the General Comment. Moreover, the need to undertake a wide consultation with State actors, CSOs and other partners in the way forward was highlighted.

### **ITEM 24: CONSIDERATION OF OBSERVER STATUS APPLICATION (CLOSED SESSION)**

89. The Committee considered applications for observer status from Plan International, World Vision International, Parenting in Africa Network, Kenyan Alliance for the Advancement of Children's Rights, and CSO Forum and rendered the following decisions;

- Granted observer status for Plan International and World Vision International;
- Decided that Parenting in Africa Network should submit official certificate of registration;
- Decided that Kenyan Alliance for the Advancement of Children's Rights should provide authenticated certificate of incorporation, financial documents and its governance structure; and
- Indicated that the CSO forum should submit its application in both languages.

**ITEM 25: APPLICATION FOR WITHDRAWAL OF STATE PARTY REPORT (CLOSED SESSION)**

90. The Committee considered a request by State Party to withdraw its report and made a decision that will be communicated to the State Party.

**ITEM 26: DATE OF THE 25TH SESSION (CLOSED SESSION)**

91. The Committee discussed the dates for its 25th Session and the launch of General Comment No. 2 and decided to align its 25th Session with the Ministerial Meeting in the AUC to facilitate the launch of General Comment No. 2 during that time. Accordingly, the Committee tentatively scheduled its 25th Session to take place in April 20-25, 2015.

**ITEM 27: ADOPTION OF THE DRAFT REPORT**

92. The report was adopted as amended.

**ITEM 28: CLOSING CEREMONY**

93. In her closing remarks, the Chairperson congratulated the outgoing bureau and the Committee for working in team spirit for the advancement of children's interest. She mentioned that in the 24<sup>th</sup> session many areas have been addressed by the Committee including the adoption of the Committee's Strategic Plan (2015-2019), the continental study on the situation of children in armed conflict, the development of General Comment N°.3, and the Committee's investigative mission to South Sudan. She further congratulated Dr Fatima Sebba on her appointment as a Special Rapporteur to end child marriage in Africa and reaffirmed the support of the Committee in her planned activities.

94. Finally on behalf of the Committee, she thanked the African Union Commission, UN agencies, Civil Societies, and others who support the work of the Committee. She called on partners to continue their support for the implementation of the new Strategic Plan. Finally, she officially declared the Session closed.