

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 00251 11 5517 700 Fax : 00251 11 5517844

www.africa-union.org

EXECUTIVE COUNCIL
Fifteenth Ordinary Session
24 – 30 June 2009
Sirte, Libya

EX.CL/530(XV)

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

INTRODUCTORY NOTE

It should be recalled that the African Committee of Experts on the Rights and Welfare of the Child was established at the 37th Session of the Assembly of Heads of State and Government held in July 2001 in Lusaka, Zambia, and pursuant to Article 34 of the African Charter on the Rights and Welfare of the Child. The Committee's mandate includes, among others, the promotion and protection of the rights of the African child on the basis of the Charter's provisions.

Children represent over 50% of Africa's population and continue to be marginalized, underprivileged and vulnerable, chiefly during this period of economic crisis prevailing in the world and on the continent. Despite the adoption of a number of instruments to ensure the development, survival, protection and participation of children, these instruments have not been implemented. The African Charter on the Rights and Welfare of the Child contains clear and explicit commitments for respecting the rights of the child and for ensuring their wellbeing. State Members should put in place mechanisms for high-level political supervision and follow-up of the implementation of national programmes for children.

This report highlights the recommendations adopted in respect of items examined during the twelfth and thirteenth sessions of the Committee which held respectively from 3 to 5 November 2008 and 20 to 22 April 2009, as well as those of the second pre-session to examine reports from State Members held from 23 to 24 April 2009 in Addis Ababa, Ethiopia.

Member States are urged to give their full support to the Committee and its activities, especially in the implementation of its Plan of Action and to pay special attention to the challenges children face. Member States which have not yet done so are also invited to ratify the African Charter on the Rights and Welfare of the Child and to deposit the instrument of ratification with the AU Commission.

This report is submitted for consideration by the Executive Council.

REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

INTRODUCTION

1. The Heads of State and Government of the Organization for African Unity, in 1990, adopted the African Charter on the Rights and Welfare of the Child. This Charter, which makes provisions for a number of rights and even duties of the child, entered into force in 1999. To date, it has been ratified by 45 African countries.

2. Articles 32 to 45 of the Charter contain provisions on the establishment and mandate of the African Committee of Experts on the Rights and Welfare of the Child. This committee comprises 11 members, who were elected for the first time by the 37th Summit of Heads of State and Government of the Organization for African Unity held in Lusaka (Zambia) in July 2001.

3. The purpose of the Committee is to ensure the protection and promotion of the rights stipulated in the Charter. In that regard, the Committee shall monitor the implementation of the Provisions of the Charter by the State Parties. To that end, Article 43 of the Charter stipulates that State Parties shall submit reports on the measures they have adopted in a bid to give effect to its provisions.

4. Since its establishment, the Committee has undertaken several actions to promote the rights of the child and held several sessions, including the 12th and 13th sessions which took place from 3 to 5 November 2008 and 20 to 22 April 2009, respectively, in Addis Ababa, Ethiopia. The Committee also held its 2nd pre-session from 23 to 24 April 2009 in Addis Ababa to examine reports from State Parties.

5. The 12th session provided the Committee with an opportunity to examine, for the first time ever and in the presence of their Representatives, reports submitted by State Parties on the implementation of the Charter. During that same session, the 4 new members elected by the Executive Council held in Sharm El Sheikh, Egypt, from 24 to 28 June 2008, assumed duty. As for the 13th session, it mainly focused on the preparation of the Committee's 2010-2014 plan of action. It should be mentioned that, for the first time ever, an NGO forum on the rights of the child was held as a prelude to the session. During the pre-session, civil society organizations of the countries concerned presented alternative or complementary reports to those by State Parties.

6. This report, which is in three parts as shown below, summarizes the recommendations and decisions of the 12th and 13th sessions, as well as of the 2nd pre-session which examined reports from State Parties:

- a) summary of recommendations of the 12th session
- b) summary of recommendations of the 13th session
- c) summary of recommendations of the 2nd pre-session

I. TWELFTH SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

7. The 12th Session of the African Committee of Experts on the Rights and Welfare of the Child was held in Addis Ababa, Ethiopia, in the Conference Center of the African Union Commission. In attendance were nine Committee members, representatives of the Governments of Egypt and Nigeria, as well as UN agencies, international and national organizations responsible for children's issues.

8. After the discussions, the following recommendations and decisions were adopted:

(i) Consideration of the reports of States Parties

9. The Committee's agenda for this session included consideration of the initial reports on the implementation of the Charter, namely the reports of Egypt, Nigeria and Rwanda.

10. **Presentation of Egypt's Report:** The Head of the delegation made a presentation that reflected her country's commitment to the African Charter on the Rights and Welfare of the Child and to ensuring the effective protection of children. Since 2000 Egypt had placed the rights of the child among its priority programmes:

- **Access of children to health care:** On this point, the statistics showed that over 90% of children in Egypt have access to medical care and various diseases have been eradicated.
- **Access of children to quality education:** Efforts have been made to increase enrollment of children, including girls. In addition, provisions have been made to reduce academic failure and teachers are well trained in an effort to improve their teaching skills.
- **Amendment to instruments on the rights of the child:** The amendments were aimed at giving children appropriate protection.

11. She concluded her presentation by focusing on efforts that had been made to combat child labour, bring street children together and carry out nation-wide awareness campaigns in the best interest of children with the help of the media, churches and other children's rights organizations.

12. Committee members raised various issues concerning the rights of street children, child beggars, children born out of wedlock and corporal punishment. The Egyptian delegation responded to questions, providing the necessary clarifications.

13. The Chairperson thanked the delegation for presenting its first report on the implementation of the Charter. She noted that the report was comprehensive and covered almost all aspects of children's rights. She further said that a detailed commentary would be forwarded to the Egyptian Government.

14. **Presentation of the Report of Nigeria:** The Head of delegation presented the report focusing on the following points:

- **Administrative and legal system:** Nigeria took ownership of the Charter by adopting the law on the rights of the child which came into force in 2003. So far, 19 states have acceded to this law and efforts are being made to ensure that of the remaining States accede to the Charter. This law sets the age of majority at 18 years and upholds, inter alia, non-discrimination and the principle of promoting the best interest of the child.
- **Access to education:** The law provides for compulsory primary education for all. This has led a huge increase in school enrollment. Vulnerable children are also taken into account. It is also worth noting that Koranic schools have been integrated into the formal school system.
- **Access to health and child development.** Access to health services and infant mortality has improved significantly. A country-wide system of birth registration now exists.

15. The President of the Children's Parliament underscored the existence of a Children's Parliament in Nigeria and the importance of this Parliament, which enables children to discuss among themselves issues that affect them.

16. Several issues were raised by members of the Committee in relation to the disparities between rural and urban areas in terms of access to services, as well as the problem of street children and that of limited access to education, especially by girls who are victims of early marriages.

17. The Chairperson of the Committee thanked the Federal Republic of Nigeria for having submitted its report and commended its efforts for the well being of the child. A detailed commentary would be forwarded to the Government.

18. **Presentation of the Rwanda's Report:** Given that the Rwandan delegation was not present despite the invitation addressed to the Government, the Committee decided to postpone consideration of the report to the November 2009 session.

19. At the end of the consideration of the reports the Committee thanked Egypt, Nigeria and Rwanda for submitting their reports. He also commended the Governments of Egypt and Nigeria for responding to its invitation to submit their reports and especially for their efforts to improve the rights and welfare of the child in their respective countries. He reiterated his invitation to the Government of Rwanda to present its report at the November 2009 session. The Committee urged States that had not yet ratified the Charter and those that had done so but had not yet submitted their reports to expedite the process.

(ii) Reorganization of the Committee's work

20. For greater efficiency and especially in order to cover a wide range of children's rights, the Committee decided to adopt working topics for an in-depth consideration of

issues relating to children's rights with a view to making proposals in the various areas identified. To that end, each Committee member was assigned one of the following topics:

- (a) Children in situations of conflict and natural disasters;
- (b) Violence against children;
- (c) Child labour, trafficking and exploitation;
- (d) Child Education;
- (e) Administration of juvenile justice;
- (f) Participation of children;
- (g) The right to an identity;
- (h) Early childhood integrated development;
- (i) Vulnerable children;
- (j) Survival and development of the child;
- (k) Responsibility for the family.

II. THIRTEENTH SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

21. The 13th session of the African Committee of Experts on the Rights and Welfare of the Child was held at the Conference Center of the African Union Commission in Addis Ababa, Ethiopia, from 20 to 22 April 2009.

22. The session was attended by seven members of the Committee and representatives of UN agencies, international and national organizations.

23. After the discussions, the following decisions and recommendations were adopted:

(i) Outcomes of the NGO Forum

24. The outcomes of the NGO/CSO Forum held from 17 to 19 April 2009 in Addis Ababa, Ethiopia were presented to the Committee. The Representative reaffirmed the commitment of the NGO/CSO to support the work of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). In this regard, the Forum identified the four key objectives or focus areas for effective collaboration with ACERWC. These include, (a) popularization of the African Charter on the Rights and Welfare of the Child (ACRWC); (b) protection of the rights of the child enshrined in the Charter; (c) monitoring the implementation of the Charter; (d) strengthening the institutional capacity of the Committee.

25. With regard to the ACERWC Plan of Action 2010-2014 to be elaborated, the NGO/CSO Forum recommended that ACERWC should:

- a) put in place a mechanism for considering and reviewing its Plan of Action to facilitate learning and input into subsequent plans;
- b) review the 2005-2009 Plan of Action;
- c) share its costed Plan of Action and progress indicators with relevant stakeholders to facilitate the exploration of areas of cooperation; and
- d) explore alternative ways of strengthening the staffing capacity of its secretariat outside the African Union Commission.

26. In the ensuing discussions, the AU Commissioner for Social Affairs and the members of the Committee commended the Forum for its support and for the useful recommendations and inputs to the ACERWC Plan of Action. They also emphasised the need to focus on domestication and enhancing implementation of the legal instruments already ratified by Member States, including the African Charter on the Rights and Welfare of the Child.

(ii) UN Agencies recommendations for the ACERWC Plan of Action (2010-2014)

27. This item was introduced by the representative of UNICEF on behalf of the UN Agencies. She stated that the UN Agencies had come up with four (4) key recommendations for the ACERWC Plan of Action 2010-2014 which include: (a) advocacy at all levels for the ratification and implementation of the Charter; (b) capacity building; (c) monitoring the drafting of reports (evaluation) of performances in implementing instruments adopted; and (d) participation and high-level visibility of the Committee.

28. The presenter also outlined the possible contribution of the United Nations Agencies towards the implementation of the identified priority areas. These include: (a) knowledge management; (b) performance monitoring and reporting; (c) joint policy advocacy; (d) capacity building; (e) resource mobilization; (f) protecting the rights of children; and (g) establishing mechanisms for increasing visibility (of the Committee) and experience sharing.

29. The Committee members expressed their satisfaction and indicated their willingness to accept the contribution of the UN Agencies.

(iii) Preparation of the ACERWC Plan of Action (2010-2014)

30. The Committee reviewed the Plan of Action 2005-2009 and pointed out that most activities scheduled were not implemented due to lack of funding. It was decided that the activities not implemented should be carried forward to the Plan of Action 2010-2014 and that an expert should be recruited to prepare and finalize the said Plan. According to the Terms of Reference, the consultant would be guided by the activities of the 2005-2009 Plan of Action, the draft Plan of Action 2010-2014, the African Charter on the Rights and Welfare of the Child, the Rules of Procedure of the Committee and the United Nations Convention on the Rights of the Child.

(iv) Consideration of individual complaints received and applications for observer status

31. The Committee received two individual complaints, one from the University of Pretoria and the other from the Institute for Human Rights and Development in Africa. It was decided that these complaints will be considered during the November 2009 session.

32. The Committee further received four applications for observer status which will also be considered during November 2009 session.

(v) Theme of the Day of the African Child for 2010

33. Following lengthy discussions, the Committee adopted the following theme for the Day of the African Child for 2010: **“Planning and budgeting for the welfare of the child: collective responsibility”**. It was recommended that a restricted task force should be set up to elaborate the theme for better understanding at the grassroots.

34. The theme was chosen to better draw the stakeholders’ attention to the need to make an appropriate planning and set aside a budget that measures up to the children’s cause.

(vi) Collaboration with the UN Committee on the Rights of the Child

35. The Committee decided to undertake actions within the framework of the collaboration with the UN Committee on the Rights of the Child.

III. SECOND PRE-SESSION MEETING TO CONSIDER STATE PARTIES REPORTS

36. The Committee held its 2nd pre-session meeting to consider the reports submitted by the State Parties. The reports considered during this pre-session meeting were from Burkina Faso, Kenya, Niger, Mali, Tanzania and Uganda. The objective of the pre-session meeting in which Civil Society organisations from the concerned countries participated was to enable the Committee to elicit inputs from the organisations working in those countries so as to better prepare the session with the concerned States. Thus, the organisations presented alternative or complementary reports to those of the State Parties.

37. At the end of the pre-session meeting the Committee members thanked the Civil Society organisations for their inputs, as well as the following States: Burkina Faso, Kenya, Niger, Mali, Tanzania and Uganda for having submitted their reports, which is proof of their interest in the Rights of the Child and in the Committee, and urged them to come and present their reports at the November 2009 session. A questionnaire will be sent to them as soon as possible to enable them to prepare their presentation and answer the Committee’s questions.

38. The Committee also received the report of the Republic of Togo. It commended the Togolese Government and wishes to inform the latter that the report will be considered at the pre-session meeting in early 2010. To this effect it invites the Civil Society organisations of Togo to present alternative or complementary reports to the report of Togo.

2009

Report of the African committee of experts on the rights and welfare of the child (Acerwc)

African Union

African Union

<http://archives.au.int/handle/123456789/4104>

Downloaded from African Union Common Repository