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EXECUTIVE COUNCIL
Seventh Ordinary Session
28 June – 2 July 2005
Tripoli, Libya

EX.CL/200 (VII)

REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON
THE RIGHTS AND WELFARE OF THE CHILD

REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

INTRODUCTION

1. It will be recalled that the African Committee of Experts on the Rights and Welfare of the Child comprising 11-Members elected from States Parties to the African Charter on the Rights and Welfare of the Child was established by the Assembly of Heads of State and Government during its 37th Session held in Lusaka, Zambia in July 2001. Among others, the mandate of the Committee is to promote and protect the rights of the African child based on the provisions enshrined in the Charter.

2. The African Committee organized its 6th Meeting to coincide with the Day of the Africa Child (DAC) which this year was on the theme **“African Orphans: Our Collective Responsibility”**. Within the framework of DAC, a Consultative Workshop on **“Protecting the Orphans and Vulnerable Children”** was conducted on 16 and 17 June, 2005 and was part of the 6th ACRWC Meeting which was held from 13 to 17 June, 2005.

3. African children represent more than half of the continent’s population and their vulnerability cannot be over-emphasized. Africa’s children are most disadvantaged in many ways: their life chances are limited; they are exposed to violence; they are used as child soldiers; they are vulnerable to malnutrition and diseases, in particular the HIV/AIDS pandemic; they are deprived of education; their rights are violated; they are abused and exploited. While Africa’s children are most vulnerable, addressing their vulnerabilities and rights have not been prioritized at national level. Governments continue to overlook children issues when formulating national development policies and programmes and the Ministries responsible for implementing activities on children are not allocated sufficient budget .

4. The major cause for concern is that the African Charter on the Rights and Welfare of the Child which is the legal instrument for the survival, protection and development of the African child has to-date been ratified only by 35 Member States. This is a sad state of affairs as those countries that have not ratified the Charter yet cannot be held responsible for the state of children in their countries. An appeal is therefore made for Member States which have not yet done so to ratify the African Charter urgently.

5. The Committee held its 5th Meeting in Nairobi from 8 to 12 November 2004 and the 6th Meeting took place in Addis Ababa from 13 to 17 June, 2005. Among others, the Committee has been able to adopt the procedures for considering State Party reports. This is a major step forward as the Committee can start considering State Parties’ Reports in its future meetings. The Committee has also adopted its Plan of Work for 2005-2009 which includes; Popularization of the African Charter; Protection of the rights of Children as enshrined in the Charter; Monitoring of the implementation of the Charter; and Strengthening its Institutional Capacity.

6. One major constraint which is continuing to hamper the work of the Committee is the lack of a Secretariat to coordinate its work. In view of the long recruitment process at the AU Commission it has not been possible yet to put in place a Secretariat for the Committee. The AU Commission is still pursuing the matter.

7. The AU Commission would also want to inform Council that the term of Office of five of the Committee Members will expire in July 2005 after the elections of the new Members which, as you are aware, will be held during this session. The AU Commission would like to thank the out-going Members for the services rendered to the African children through the Committee and wish them well in their future endeavour.

8. The present report highlights the recommendations which the Committee adopted during its Fifth and Sixth Meetings. Annexed to the Report is also the report of the Consultative Workshop on Protecting Orphans and Vulnerable Child held on 16 and 17 June, 2005. In presenting this report, the Committee calls on the Executive Council to treat children issues with all the seriousness they deserve and continue to support the work of the Committee. The Report is in three Sections:

- I. Report of the 5th Meeting of the African Committee
- II. Report of the 6th Meeting of the African Committee
- III. Report of the Consultative Workshop on Protecting Orphans and Vulnerable Children

I. REPORT OF THE FIFTH MEETING OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

The Fifth meeting of the African Committee of Experts on the Rights and Welfare of the Child was held at the Nairobi Safari Club in Nairobi, Kenya from 8 to 12th November 2004. The meeting was attended by 8 Members of the African Committee, representatives of some UN Agencies, NGOs and other International organizations working in the area of children's rights.

SUMMARY OF PROCEEDINGS

After debating the items on the Agenda, the Committee made the following recommendations:

i) Report on the Activities of Committee Members in Relation to the work of the Committee

After hearing reports from some of the Committee Members , it was recommended that:

- a) Member States should fulfill their obligations by submitting to the African Committee reports on measures undertaken to implement the provisions stipulated in the Charter, in accordance with Article 43 of the African Charter;
- b) Activities undertaken by Committee Members on behalf of the Committee will subsequently only refer to those activities delegated by the Chairperson of the Committee or activities undertaken by Committee Members on the request of the Secretariat of the Committee (in consultation with the Chairperson).
- c) Reports on activities undertaken on behalf of the Committee will in future be sent to the Secretariat/ Chairperson of the Committee for incorporation into the report of the Chairperson to the Committee.
- c) In future there will no specific agenda item in relation to the individual reports on the activities of the Committee Members

ii) Report by the AU Commission

After the debate it was recommended that there was need:

- a) for National Human Rights Organisations to focus on children's rights ;
- b) to enhance children and youth participation

iii) Reports on the Celebration of the Day of the African Child

After hearing reports from the AU Commission and some Committee Members it was recommended that:

- a) the Committee registers its disappointment on the failure of Member States to submit their reports on DAC to the Commission;
- b) In order to enhance clarity and expound on the theme of the Day of the African Child, an explanatory note should always be prepared and forwarded to Member States amplifying the rationale for the selection of the theme, its relevance and its meaning;
- c) Shortly before the Day of the African child, the chairperson of the Commission/the Chairperson of the Committee should send out a message on the theme to all Member States;
- d) There should be a multi-faceted approach for reaching out to actors at national level with regard to the celebration of the day. The Secretariat should develop and circulate to members a strategy note on how the day should be celebrated;
- e) In order to ensure better coordination and communication with Member States, there is need to carry out an audit in all Member States on the focal points that are responsible for the organization of the celebrations for the day of the African child as well as the nature of activities carried out;
- f) In order to facilitate the reporting process, a structured and simple reporting format should be developed and forwarded to Member States to be used in preparing their reports;
- g) In order to enhance information sharing, other organizations apart from Governments, should be welcome to forward their reports on the celebrations of the Day to the AU Commission

iv) Progress Reports on Country Visits by Committee Members

Reports on country visits to Madagascar, Namibia and Sudan were heard and the following recommendations were made that:

- a) A letter be sent to the host Governments and partners under the signature of the Committee Chairperson, thanking them for their cooperation and enclosing the report of the mission, its findings and recommendations;
- b) Member States be called upon to establish Ministries for children matters;
- c) There should be follow-up on the visits;
- d) The Committee should identify the problems, draw the attention of the country concerned on the problems and propose solutions in solving them;
- e) CSOs could assist in identifying cases of violation of children's rights.

v) **Discussions on Modalities for handling State Party Reports on the Implementation of the African Charter on the Rights and Welfare of the Child**

It was agreed that the document would be revised in line with views expressed and amended made by the Committee.

vi) **Presentation and Discussion on Harmful Traditional Practices (IAC)**

After presentation and debate on the issue, the Committee undertook to ensure:

- a) that FGM and other harmful practices were taken on board in the priority programme of the Committee;
- b) that State Parties include FGM and other harmful practices in their reports

vii) **Presentation and Discussion on Progress Report on the African Common Position on the Future of Children: State of Africa's Children**

After the debate on the item, it was recommended that:

- a) the Committee should speak up on behalf of children at all fora;
- b) the Committee should include the promotion of the rights of children in its priority programme;
- c) children issues should be included in the Poverty Reduction Strategy Programmes of Member States;
- d) The African Committee should be involved in the elaboration of the next Report due in 2006

viii) **Presentation and Discussion on the Way Forward on Children affected by armed Conflict in Africa**

After discussion, it was agreed that:

- a) There was need for training the AU peacekeepers on issues of children's rights and child protection. In this regard UNICEF expressed the interest to work with the AU Commission;
- b) the Committee ought to pronounce itself and take a position on the various conflicts affecting children on the continent. It was proposed that the Secretariat should prepare a position paper for the Committee's reflection.

ix) **Prioritization of Work-Plan of the Committee.
Discussion of partnerships in relation to the implementation of the prioritized Work-Plan (Partners' Forum)**

After discussion, the Committee identified the following priority activity areas:

- a) Undertaking targeted advocacy missions and initiatives particularly in response to major crises affecting children on the continent e.g in Darfur, Northern Uganda, Cote d'Ivoire as well as lobbying for the ratification of the Charter;
- b) Following up countries that have ratified the Charter to submit their reports to the Committee as well as the consideration of State Party reports;
- c) Building the capacity of both the Committee and the Secretariat to handle State Party reports as well as communications .
- d) Working out modalities for handling Communications under Article 44 of the African Charter.
- e) Organising a meeting with Ministers in Charge of Children Affairs together with Civil Society Organisations.
- f) Fundraising.

The Committee decided that the above areas should be developed further into detailed projects by the Secretariat.

x) Committee's link with the Labour and Social Affairs Commission

It was proposed that the Committee should seek to be given space on the Agenda of the Labour and Social Affairs Commission other than just being invited to attend.

xi) Children in crisis in Africa

After identifying the urgent need to respond to situations on the continent where the rights of children were gravely at risk, the Committee made the following recommendations:

- a) the Committee should follow up with the AU Commission to ensure that a component for children is incorporated in all major initiatives taken by the AU Commission particularly in areas where there is gross violation of children's rights.
- b) the Secretariat should elaborate a concrete proposal and mobilise resources for the advocacy missions by the Committee to areas where the rights of children are gravely at risk.
- c) The Committee writes to the AU Commission expressing its grave concern about the plight of children in conflict areas in Africa especially in Darfur, Northern Uganda and Cote d'Ivoire and requests the AU Commission to financially assist the Committee in undertaking an exploratory mission to these areas.

xii) Methods of Work of the Committee

Under this item, it was recommended that:

- a) the Committee should, whenever necessary, endeavour to seek legal guidance from the Office of the AU Legal Counsel.
- b) In view of the problems experienced in the interpretation of Article 44, it was agreed that the Secretariat would follow up with the Legal Counsel for proper guidance.
- d) the Secretariat should start the process of preparing guidelines for the submission of communications as envisaged under Article 44 of the Charter

xiii) Open and closed meetings of the Committee and the participation of partners/observers

After discussion, the Committee proposed that:

- a) Members of the Committee would in their comments on the proposed agenda items indicate which items should be discussed in open and closed sessions;
- b) once the items to be discussed in the closed sessions had been determined, the information would be sent to the participants in advance to enable them plan the timing of their attendance at the meetings.

xiv) Follow up of State Party Reports

The following recommendations were made on the item:

- a) In order to maintain the independence of the Committee Members, the responsibility of following up Member States to submit reports should be left to the AU Commission. While Committee Members could informally follow up, they should not have the primary responsibility of reminding their Member States to submit reports.
- b) Before the Committee takes a decision to allow for the submission of consolidated reports it should seek the guidance of the AU Legal Counsel. The Secretariat was requested to follow up with the office of the Legal Counsel.

II. REPORT OF THE SIXTH MEETING OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

The 6th Meeting of the African Committee of Experts on the Rights and Welfare of the Child was held at the AU Conference Centre in Addis Ababa, Ethiopia from 13th to 17th June 2005. The Meeting was purposely organized at this date to coincide with the Day of the African Child (16 June, 2005) on the theme: “**African Orphans: Our Collective Responsibility**”. The meeting was attended by 7 Members of the African Committee as well as representatives from UN Agencies, NGOs and other Organisations dealing with children issues.

Within the framework of the Day of the African Child (16 June), the AU Commission organized a Consultation Workshop on “**Protecting Orphans and Vulnerable Children**” on 16 and 17 June, 2005. The Workshop was part of the Committee’s meeting and was attended by Committee Member as well as other partners dealing with children issues. The report of the Workshop is annexed to this report.

SUMMARY OF DELIBERATIONS

i) Report on Child-Related Activities at the AU Commission

After the debate, the Committee agreed that:

- a) the document on children to be presented to the Summit would be distributed to Committee Members for in-puts;
- b) Committee Members should look at their Work Plan and provide clear guidelines on what kind of projects should be developed;
- c) With regard to the creation of Ministries in charge of children in Member States, it was agreed that this matter should be raised in the report to be presented to the Executive Council by the Chairperson of the Committee.

ii) Enhancing coordination with:

a) The UN Committee on the Rights of the Child;

The Report was presented by Mrs. Nakpa Polo, Committee Member who attended the 38th Session of the UN Committee on the Rights of the Child in Geneva as observer.

During the debate, Committee Members commended Mrs. Polo for her clear presentation and raised the following issues:

- a) explanation on the administrative machinery and capacity needed for considering State reports was sought. It was explained that for each

report a pre-session was held and each report was examined for a whole day. The time taken depended on the number of reports to be considered. The Secretariat provided the technical assistance however, when needed additional resource persons were recruited to assist the Secretariat;

- c) whether special rapporteurs were chosen from outside. It was explained that it was the Committee Members themselves who were assigned as special rapporteurs;
- d) the UN Committee was ready to provide the ACRWC with any information and assistance;
- e) the information contained in the report for handling State Party reports was more or less similar to that of the UN Committee;
- f) there should be synergy between the ACRWC and the UN Committee as the reports to be submitted to the ACRWC would be a complement to the report submitted to the UN Committee.

b) African Commission on Human and People's Rights

It was agreed that Committee Members should undertake a similar visit to the ACHPR to learn from their experience.

iii) Follow-up on modalities for handling State Party reports on the implementation of the African Charter on the Rights and Welfare of the Child.

After agreeing that the document had been revised in line with discussions held during the 5th Meeting the Committee adopted the document.

iv) Follow-up on the Work-Plan of the Committee

It was noted that this issue had already been considered at the last Meeting. The Committee, therefore, adopted its Work-Plan for the period 2005-2009.

v) Modalities for participation in the meeting of the Committee by NGOs, Associations and other partners

When examining the above subject matter, participants wanted to know if the Commission already had some well-defined rules governing the participation of NGOs in the Commission's work. In her reply, the Representative from the Legal Counsel highlighted that the need to review the criteria:

- a) was partially due to the change from the OAU to AU;
- b) was also based on the new vision and strategic framework of the AU Commission;
- c) the other reason was to keep pace with the changing world where the demands are not the same. Criteria which existed before were not complete and needed to be updated;

- d) The AU Commission was more open to NGOs, and other partners and all partners were included in the granting of observer status. However they were divided in accordance to the roles they play in conformity with the Constitutive Act;
- e) The AU Commission had received a number of requests but no decisions had been taken on them yet. Others which were interested could still apply;
- f) Collaboration with CSOs and partners was continuing although they might not have certain rights.

vi) Brief on the Millennium Development Goals (MDGS)

The Representative from UNICEF gave a brief on the document titled: “***A Call for Accelerated Child Survival***” which was distributed to all participants. He stated that the document was prepared by Experts from UNICEF and WHO in collaboration with the AU Commission. The AU Commission would finalise the document before submitting it to the Summit of Heads of State and Government in July 2005. He pointed out that the document was focuses on goal 4 of the MDGs on: Reduce Child Mortality with the target of reducing by two-thirds, between 1990 and 2015, the under-five child mortality rates: although the other 7 goals are also relevant to child survival. He then gave an overview on the content of the document.

In the debate that ensued, the following recommendations were raised:

- a) it was necessary to customize on the quick wins and have an aggressive approach by involving the children and youth themselves
- b) it was pointed out that important goal on education, especially education for the girl child and gender were not addressed in the document;
- c) there was need to ensure that good governance and investing in children be made priorities;
- d) There was need also to close the gap between declarations and actions. The many declarations and commitments which have been made over the years, have not been translated into concrete action;
- e) African leaders should show more political will and fulfill the promises made to African children;
- f) Child rights movements and organizations should be reinforced to ensure the promotion and respect of children’s rights.

vii) Establishment of a Secretariat for the Committee: Appointment of Staff and technical support for the Committee

After a lengthy debate on the matter, it was agreed that the Committee should take cognizance of the recruitment procedure at the AU Commission and the efforts being deployed to establish a Secretariat for the Committee. However, an appeal was made for the AU Commission to expedite the recruitment process and that in the meantime the AU Commission should continue to provide secretarial support to the Committee.

viii) Elections of New Members

Under this item, the issue of the five members of the Committee whose terms of office expire in July 2005 was raised. Concerns were expressed to the fact that from July 2005 when the new Members were elected and the next meeting of the Committee there would be no Chairperson. After the debate, it was finally agreed that the four Members who would remain would continue the work of the Committee and that the AU Legal Counsel would include the concerns of the Committee in the document to be presented to the Executive Council.

ix) Any Other Business**Communication**

Under this item it was recalled that the Committee had received a complaint and concerns were expressed on what should be done with the complaint. It was highlighted that this was a legal issue and that the Committee did not yet have any guidelines on how to deal with such issues. After a long debate, it was agreed that:

- a) the Secretariat would acknowledge receipt of the communication;
- b) the Office of the Legal Counsel would advise on whether the Committee was mandated to receive such communication and deal with it;
- c) if the Legal Counsel's affirms, the Committee would informally discuss the matter during its next session

III. REPORT OF THE CONSULTATION WORKSHOP ON PROTECTING ORPHANS AND VULNERABLE CHILDREN

Introduction

The Consultation Workshop on Protecting Orphans and Vulnerable Children was held within the framework of the Day of the African Child, on 16 and 17 June, 2005 at the AU Conference Centre, Addis Ababa, Ethiopia. It was also part of the 6th Meeting of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

Participation

The Workshop was attended by the Members of the ACRWC, representatives of the Embassies in Addis Ababa, Representatives of UN Agencies, NGOs, CSOs, International Organisations and other Organisations dealing with children issues.

Opening

The opening ceremony was chaired by the Vice-Chairperson of the ACRWC and was addressed by the AU Commissioner for Social Affairs, the Vice-Chairperson of the ACRWC, Ms Lotti Latrous, Founder of l'Espoir d'Adjouffou an NGO in Cote d'Ivoire, the Representative of UNICEF and the Ambassador of the Federal Republic of Nigeria in Addis Ababa, Chairperson of the AU Permanent Representatives' Committee.

SUMMARY OF DELIBERATIONS

a) Social Development and Children in Africa

Moderator: Mr. Soh – ACERWC

Rapporteur: Ms. Rahim, AU Commission

The AU Commissioner for Social Affairs gave an overview on Social Development and Children in Africa. She highlighted that:

- the ultimate goal of social development was to improve and enhance the quality of life of all people including children;
- Social development was human centered;
- the human and social predicament was complex and attributed to economic, social, environmental and political factors;
- the nature of children's childhood, their physical and social development determined their capacities as adults and could meaningfully contribute to poverty reduction, economic growth and sustainable development;

- social development included not only poverty reduction but also education and training, peace and security; meeting basic human needs such as primary health care, water, sanitation, food, shelter and protection;
- the African Charter on the Rights and Welfare of the Child provides norms and guidance for formulating policies on the survival, development and protection of the child;
- in a number of documents commitments had been made to ensure the rights of children, especially the most vulnerable, and requests had been made for national programmes to be developed to achieve the goals and commitments;
- implementation of these commitments had been poor and children continue to face the challenges;
- the socio-economic development of the continent must have an impact for the well-being of children. Children should be a priority for policy-maker;
- in the African Common Position on Children which is made up of a Declaration and Plan of Action renewed commitments were made and the document provides guidelines for attaining an “Africa Fit for Children”;
- The Plan of Action puts emphasis on: Resource allocation for implementing children programmes; enhancing the life chances of children; overcoming the HIV/AIDS to ensure child survival; developing the potential of children by realizing their right to education; protecting children to ensure their development and survival; ensuring the participation of children;
- There was need to develop national strategies to enable orphans and vulnerable children to attain their physical, mental, spiritual, moral and social development;
- the special needs of OVCs could be attained by: strengthening the capacity of the care givers; providing the OVCs with essential services; providing social protection and supportive environment for OVCs; and promoting child centered community development;
- The poverty dimension should be addressed in all children’s issues;
- A broad partnership was necessary in implementing commitments made to children;
- Africa should take the leadership role in moving the children’s agenda forward.

b) Abuse, Neglect and Exploitation of Children

The issue was presented by the Executive Director of African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) who is also a Member of the African Committee on the Rights and Welfare of the Child. He highlighted that:

- child abuse could be defined as “any deliberate act done to cause harm to a child”;

- Child abuse and neglect occurred not only because of poverty but also by ignorance, misconception of priorities and diseases;
- Child abuse and neglect was impacting negative on the child's development;
- Child abuse was taking place at individual, family, community and State level;
- When entitlements such as child rights were withheld, this constituted abuse and neglect. Other forms of abuse and neglect included: child trafficking, child abandonment, child labour and child exploitation, sexual abuse, neglect of HIV/AIDS orphans; neglect of disabled children; street children;
- There should be a distinction between child work for socialization and child labour;
- Interventions should be carried out at all levels to ensure the protection of children;

In the debate that followed the two presentations, these recommendations were made:

- a) the families as well as the children should be educated on their respective responsibilities;
- b) a child should have a name and the name should not be changed in whatever circumstances;
- c) since laws on children were scattered, there was need to come up with a Code on the rights of the child;
- d) AU Commission should play the advocacy role to ensure that the rights of children were respected;
- e) Need to translate the commitments on children into concrete actions;
- f) National legislation should be consolidated;
- g) Children in conflict situation as well as in post-conflict should be protected;
- h) Child participation should be encouraged as it would lead the way to democracy;
- i) The African Charter on the Rights and Welfare of the Child should be domesticated at national level

PLENARY SESSION I : DIMENSION OF VULNERABILITY

Moderator: Prof. Ebigbo – ACERWC
Rapporteur: Ms. Donovan – Office of the UN Special Envoy for AIDS in Africa

a) Orphans and increased vulnerability

The above topic was presented by the UNICEF Representative who highlighted the following:

- in Sub Saharan Africa more than 15% of all children were orphans. The number of orphans would rise even after the number of infected adults declines;
- public support for orphaned and vulnerable children was very low globally;
- in the global framework to respond to the challenges of orphans and vulnerable children five strategies were identified; strengthen the capacity of the family to cope; support community based responses to support vulnerable households; ensure access to basic services– education, health, birth registration; improve legislation; raise awareness at all levels.
- UNICEF has put in place the Rapid Assessment, Analysis and Action Process (RAAAP) in collaboration with UNAIDS, USAID and WFP to, among others, scale up region-wide response to the problems faced by HIV/AIDS orphans and vulnerable children; ensure the fulfillment of the UN Declaration of Commitment on HIV/AIDS (2001); and ensure the implementation of the Global Framework for the protection, care and support of orphans and children living in a world with AIDS (2004);
- Parliamentarians from across the African continent adopted the Cape Town Declaration on the crisis of Orphans and other children made vulnerable by HIV/AIDS in Africa;
- Key actions for National Parliaments included: establishment of specific portfolio in every parliament to deal with OVC; hold annual public hearings on OVC issues; advocate and lobby for funding and implementation of national plans; provide free primary education for all children; facilitate support for community-based care for orphans; and ensure safe and effective interventions including access to HIV/AIDS treatment for mothers and children;
- UNICEF was supporting the implementation of National Plans of Action on OVCs; ensuring the mainstreaming of action plans within macro-development process; making children and AIDS its core business; and mobilizing resources to finance the national plans.

b) Children in Conflict Situations

i) ICRC

The presentation was made by the Representative of ICRC. He gave an overview on the work of the International Committee of the Red Cross (ICRC) and the International Red Cross and Red Crescent Movement. With regard to children in conflict situations, he underscored the following:

- In situations of armed conflict or international violence, children often go missing; they are separated from their families; they are executed; they are ill-treated physically, psychologically and sexually; they are enslaved; and they are displaced inside their countries and become refugees outside their countries;

- In the phase of post-conflict, insecurity prevails and creates an environment of organized crimes and street violence. Often separated children become outcast to the society and join in the crimes and violence;
- Child soldiers are recruited from children left to themselves in conflict zones. Children are enlisted as soldiers because they are easily manipulated, are not aware of dangers and have no notion of right or wrong. Forced recruitment of children in armed forces or groups is used as blackmail against civilians;
- ICRC intervention during conflicts includes: ensuring the development of humanitarian laws; visiting detained minors; ensuring respect for fundamental rights of civilians; restoring links between separated children and their families; running of programmes for missing persons; providing emergency and rehabilitation medical assistance; conducting primary health care activities for isolated people; providing food aid and other assistance to cover basic needs;
- With regard to child soldiers ICRC intervenes at various stages, before and during the conflict to prevent recruitment of children into armed forces or groups and after the conflict to support rehabilitation of child soldiers and reunite them with their parents.

The following recommendations were made;

- a) Concerted efforts by all stakeholders were required to assist victims of armed conflict;
- b) The AU Commission, in cooperation with other partners, should: ensure implementation and application of relevant regional and universal instruments; protect family unity including reunification and registration of children; protect children and ensure that they receive education and care; and act speedily in post-conflict situation to reintegrate children affected by conflict into the normal society.

ii) Coalition to Stop the Use of Child Soldiers

The Representative from the Coalition to Stop the Use of Child Soldiers complemented the presentation by ICRC. He stated that while some progress was being registered in the recruitment and use of children as soldiers by Government armies, armed political groups had continued to force children into combat with all its atrocities. He highlighted that:

- many children had been recruited and abducted in the conflict in the Great Lakes;
- due to lack of proper mechanisms, relevant instruments on the protection of children in armed conflict had not been implemented;
- child mothers continued to face reintegration challenges due to discrimination and stigmatization in the community. There was need to adopt broad and gender-balanced view of child soldiers to include the girls and child mothers;

- the most important issue to address was impunity. The UN Security Council should end the use of children in wars. Those who were accused of grave abuses of children should face criminal prosecution in the International Criminal Court;
- there was need to strengthen the capacity of Civil Society Organisations to enable them protect children;
- children and youth formerly associated with armed forces and groups should be involved in peace processes and post conflict recovery programmes;
- the international community should insist to have all the under-18 withdrawn from fighting and pledge the necessary funding to sustain their social reintegration in society;
- the root causes of protracted wars should be addressed and a more protective and enabling environment for children should be created.

c) Poverty and Social Exclusion (DFID)

In her presentation, the representative of DFID indicated that;

- Social exclusion was characterized by: discrimination and disadvantage based on the status of an individual; denial of equal rights and opportunities; context specific such as gender, race, religion, HIV status, age, ethnicity, disability, migrant status;
- There were multiple forms of exclusion: formal and deliberate – laws, policies, rigid social system; unofficial forms – dictated by prejudice in public sector and become institutionalized; subtle and informal – social attitudes, media messages; and spatial exclusion;
- Social exclusion causes poverty and hampers poverty reduction as people are denied access to resources; the reproductive capacity of society is reduced; and MDGs are harder to attain;
- Social exclusion caused conflict and insecurity in that: aggrieved people usually mobilize to create unrests and insecurity; states sponsor political, economic and social discrimination to cause conflict; and conflict management and post-conflict reconstruction do not tackle causes and preventive measures;
- The forms of exclusion for children included: child soldiers, child labour, HIV and other orphans, girl children, children living in remote areas, and ethnic minorities;
- Social exclusion can be tackled by: public policies; budgets and public expenditure; creating new economic opportunities; improving access to services; better data collection; promoting political participation and rights; and improving communication;
- The role of Civil Society should include: increasing accountability and enforcing rule of law; increasing influence on policy making; delivering services where the state will not; tackling prejudice and changing behaviour;

- The role of donors and multilaterals should include: ensure that their programmes take into account exclusion; raise awareness on the key forms of inclusion, support research and provide data; support context specific policy environment; support experience sharing and good practices; undertake dialogue with partner governments; support weaker Ministries; support the CSOs as well as support social protection and monitoring mechanism

d) Child-headed households

The above item was presented by the Representative of the African Child Policy Forum (ACPF). After giving a brief on the objectives and activities of the ACPF, he highlighted that:

- a child-headed household is a household run by a child who is taking care of other younger siblings and whose parents or old grandparents are ill, or disabled and are not taking care of the household;
- the major causes for CHHs are HIV/AIDS, armed conflicts, natural disasters and family disintegration;
- HIV/AIDS is the prominent cause. However, in armed conflicts situations, communities are disintegrated, human rights are violated, families break up and become impoverished, parents are killed and children become orphans;
- When there is no care for the orphans such as orphanage centers and foster care, they end up establishing their own households the eldest looking after the small ones;
- These orphans lack resources to lead a healthy life and are highly at high risk of violence, abuse, neglect and being in conflict with the law;
- the impacts on child-household members include: dropping out of school; increase in child labour; chronic depression and fear; loss of assets and property; decline in health and nutrition status; discrimination and exploitation;
- the impacts on communities are: direct loss of productive labour; frustration and unease; increase in care giving activity; and threat to traditional form of nuclear family;
- the impacts on countries are: reduced saving and investment; potential decline in GDP; increase in public expenditure; increase in crime and social disruption; weak intergenerational transmission of knowledge; unprecedented forms of social welfare services;

The Presenter made the following recommendations that:

- a) both material and psychosocial support should be provided to CHHs to enable them get out of poverty and enhance their living conditions;
- b) preventive and reactive responses at policy and programmatic levels should be provided;

- c) studies and researches should be carried out on strategies to address the problems of CHHs;
- d) All stakeholders should be involved in assisting CHHs.

After the general debate on the above presentations the following recommendations were made, that:

- a) there was need to obtain more data on CHHs;
- b) CSOs should be empowered to act as an agent of change in situation of conflict - to identify the problems and assist the communities with problems such as reintegration of child soldiers and sustain what Governments and other NGOs have started;
- c) Corporal punishment should be abolished in homes and schools;
- d) The genuine participation of children at local, national and international levels should be encouraged;
- e) there was need to address hunger as a component of child vulnerability and poverty;
- f) communities should be involved at the beginning and be given the necessary tools to address the various problems and find solutions for them;
- g) religious groups and faith-based organizations should be involved in responding to the problems faced by vulnerable children, child soldiers, child-headed households etc.;
- h) there was need to define social exclusion and address its many components including the establishment of institutions and policies to deal with social exclusion;
- i) child-headed household should be legally defined and included in legal instruments;
- j) Governments should be made accountable in dealing with issues of vulnerability and child-headed households.

PLENARY SESSION 2: PROTECTIVE ENVIRONMENT

Moderator: Mr. Bjorn, UNICEF

Rapporteur: Mr. Dirieh, ICRC

a) Laws and Policies

The above item was presented by the Vice-Chairperson of the ACRWC. He highlighted the following:

- there was a linkage between policies and laws – legislation is the engine which drives policies;
- the African Charter on the Rights and Welfare of the Child puts children at the center of development policies;
- globalisation has had an impact on legislation and policies;

- Many countries which have undergone reforms in their legislations have left out issues related to children;
- The rights and responsibilities of the family and children as well as the socio-cultural realities were not well understood.

He recommended that there was need to:

- a) reconcile universality of rights with socio-cultural reality;
- b) establish policies for implementing laws and legislation;
- c) popularize and create awareness on laws to enable the population to understand them;
- d) sensitize all stakeholders on the protection of children in conformity with the provisions of the African Charter on the Rights and Welfare of the Child.

b) Child Centered Community Development

The Representative of Plan presented the issue. She gave a brief on the activities of Plan. She then provided an overview of the Child-centered Community Development (CCCD) concept. She indicated that:

- Child Centered Community Development (CCCD) is an approach in which children, families and their communities play active and leading roles in their own development;
- CCCD enhances the capacity of children, families and communities to work in concert with other stakeholders to address the structural causes of child poverty at all levels;
- The fundamental principle of CCCD is right-based approach;
- poverty is impacting more severely on children;
- The components of the participatory planning process of CCCD are: facilitating participation, child centered programmes, supporting groups and organizations, and partnerships, networking and relations building;
- Plan Strategic Framework in Africa is aimed at promoting an African-wide scale up of CCCD interventions and approaches. Strategies used in this regard are: education, investing in human capital, and building relationships and partnerships;
- These interventions address the real concerns of children, namely, to enhance and empower them, provide them with knowledge; build self confidence in them; and enhance their personal and social development;
- At the community level; local partnership is developed; the community is enhanced; transparency is promoted; and child friendliness in public places is improved.

She ended by sharing some good practices and examples.

c) Child budgeting

The topic was presented by the Representative of Save the Children – Sweden who focused on the obligations of State Parties to the ACRWC to provide the necessary funding for realizing the rights of vulnerable children. She highlighted that:

- Child budgeting is an analysis of government spending and resource allocation to programmes that benefit the social development of children;
- In conformity with the various articles of the ACRWC, Governments need to develop laws policies, programs and provide the necessary budgets in realizing children's socio-economic rights;
- Governments must establish laws and raise awareness on children's rights;
- Governments should ensure that the poorest and most vulnerable children are included in their spending;
- Separate budget lines for children should be included in governments' budget. No data exist on child budgeting.

After sharing some good practices in some countries, she made the following recommendations that Member States should:

- a) ratify the ACRWC;
- b) develop a legal framework to define institutional roles, responsibilities and accountability;
- c) develop comprehensive budgets that capture the totality of government's financial operations;
- d) create a budget process that is transparent and allows for meaningful participation of the legislature, civil society and children as well as build performance monitoring into the budget system;
- e) show how policies, laws, programmes, budgets, and service delivery are developed to realize children's rights as enshrined in the ACRWC and CRC

d) Institutionalised Participation of Children and Young People

The item was presented by a Representative from UNICEF. He indicated that

:

- adolescents and young people fall between the institutions of childhood and institutions of adulthood;
- youth should participate in day to day living;
- the ladder of participation includes: tokenism, decoration and manipulation;
- the principles of participation include: participation in schools; participation in youth centers and peer education; and participation in health centers, local councils, village governments;

- those who participate can represent others if: the representatives are selected; there has been preparation and collective priority setting; feedback and accountability; and regular and transparent elections;
- participation: protects the participants' capacity development; empowers the vulnerable to act together in their own cause; and enables the presentation of a different point of view. Joint participation leads to stronger and more meaningful personal relationship whereas isolation leads to greater abuse;
- if community accepts partnership, there will be a youth-adult partnership which will benefit the community as a whole; youth could have youth advisory boards to MPs, Government offices, NGOs, UN etc.; and youth facilitation committees to implement on behalf of the community;
- Areas of participation include: families, school, clubs, sports, community meetings, planning processes, media, political processes, and international forums;
- When adolescents and young people are given the chance to participate: they become the protectors of their younger siblings; young people organizations enable others to take up the cause of those who have been silenced; participation in the media enables hidden issues to be brought to the fore and discussed; participation in political process presents the views that would not be heard and places protection issues on the table.

In the debate that ensued after the presentations, the following recommendations were made:

- a) there should be strong advocacy on the interpretation of laws and policies;
- b) the ACRWC and CRC should be translated in the local languages and distributed in villages;
- c) there is need to create a protective environment and child-friendly community;
- d) there is need to bridge the gap between policies and the implementation of these policies;
- e) include family poverty should be included in poverty reduction programmes in order to ensure and sustain child protection. Job creation should be an important element in this regard;
- f) the principle of human rights should be brought at the level of the community;
- g) the roles of the population should be identified to address the problems;
- h) the workshop should come up with a concrete plan of action.

PLENARY SESSION 3: KEY ELEMENTS OF A PROTECTIVE ENVIRONMENT AND HOW THEY CAN BE PUT IN PLACE

Moderator: AU Commissioner for Social Affairs
Rapporteur: African Child Policy Forum

The AU Commissioner for Social Affairs indicated that one of the objectives of the Workshop was to come up with recommendations that would add value to the AU Commission and the Committee of Experts on the Rights and Welfare of the Child.

After some debate on the issue, the following recommendations were made:

- a) since the elderly and old people were also taking care of children, both issues of child headed-households as well as aged-headed households need to be looked at;
- b) children should be provided an opportunity to voice their concerns, in their own vernacular, at the level of policy makers;
- c) Each Committee Member or a small group could be assigned some specific issues to follow-on in conformity with the African Charter. This would require working with all stakeholders in the field to bring children issues at the forefront;
- d) the AU Commission should work together with the UN Special Rapporteur on Children in armed conflict and be involved in investigative missions as well as in the preparation of reports. AU Commission should also request to present a report on children in armed conflict at the UN Security Council;
- e) AU Commission should carry out advocacy campaign to ensure that commitments made are fulfilled. Where violations of children's rights are observed, sanctions should be applied;
- f) AU Commission should encourage Member States to revisit their youth policies from a child-friendly perspective and establish a Youth Advisory Committee;
- g) AU Commission should play its political role to encourage Member States to establish mechanisms including justice systems to ensure the social protection of the child;
- h) AU Commission should develop data on the extent of poverty and vulnerability of children and orphans in the continent and serve as a depository of information and records of best practices with regard to children. Data on children should also be put on the AU Website;
- i) Member States should be requested to commit themselves to the ACRWC and allocate the necessary funds to the Ministries dealing with children issues ;
- j) AU Commission should ensure that every peace keeping process in Africa has a child protection component and the signing of peace agreements should take into consideration the best interest of the child;
- k) AU Commission should use its existing organs such as the Pan-African Parliament, the Peace and Security Council, and the ECOSOC to promote its children Agenda in particular, protection of children;

- l) Member States should ensure that children's issues are addressed in the Poverty Reduction Strategy Programmes (PRSPs);
- m) AU Commission should advocate for the birth registration of all children;
- n) The AU Commission should convene a meeting of Ministers in charge of children issue.

PLENARY SESSION 4: DISCUSSION ON COOPERATION BETWEEN AU AND PARTNERS

Moderator: Mrs. Polo – ACERWC

Rapporteur: Ms. Berman – DFID

Working together to achieve the protective environment

In the general debate on the above topic, participants highlighted the following:

- the protection of the child could be ensured better by engaging with informal institutions, such as churches, youth clubs, traditional systems and sports club;
- Member States do not live up to their expectations in implementing their commitments. NGOs should collaborate with the Governments to ensure that commitments are translated into concrete actions and decide who should do what;
- Funds allocated for demobilization of child soldiers are badly managed. All stakeholders should play their roles in supporting and sustaining the reintegration process in order to prevent child soldiers from going back to war;
- a programme of work should be developed to implement the recommendations of the Workshop;
- To devise different approaches to ensure success in protecting the child: institutional approach, lobbying and operational approach;
- Need to look at the quick-wins, such as: streamline efforts of NGOs with the African Committee and ECOSOC; the AU Commission to raise funds for children's activities in Member States; share good practices and information in areas of protective environment for children; identify strategies to achieve MDGs at national level; and extend activities on the Day of the African Child over the whole year;
- UN Representatives in Addis Ababa should set up a mechanism to ensure coordination of their activities to prevent overlapping of activities and effective use of resources.

The following recommendations were finally made:

- a) the AUC should play its advocacy role in getting countries that have not ratified the African Charter to do so. The opportunity during the AU Assembly should be seized. The African Charter should be popularized at the grass-root levels and in schools;

- b) AUC should get Member States to come up with time-tables to achieve primary education, abolish school fees, ensure that schools are safe, and ensure the participation and empowerment of children by promoting student representative councils;
- c) AUC to facilitate dialogue between Finance Ministries and weak social Ministries – education, health, social welfare – to obtain more resources to deal with children’s poverty and vulnerability;
- d) social protection strategies should be promoted as means of reducing vulnerability and poverty as well as for achieving the MDGs;
- e) the parliamentarians should be sensitized to lobby for children;
- f) the ACERWC should monitor and evaluate the respect of children’s rights in individual Member State and follow-up more vigorously on Member States’ reports on the Charter;
- g) partners can be brought in to assist not only financially but by providing advisory and technical assistance;
- h) there is need for better collaboration between the AUC and the partners and between the NGOs and multilateral organizations;
- i) the capacities of families should be enhanced to ensure the protection of the child.

PLENARY SESSION 5: Preparation for 2006 Review of the African Common Position on Children

Moderator: Prof. Tshiwula – ACERWC
Rapporteur: Dr. Abiola - Plan International

Participants were briefed on the African Common Position – Africa Fit for Children which was Africa’s contribution to the UN General Assembly Special Session on Children. The Common Position which is made up of a Declaration and a Plan of Action was elaborated at a Child Forum held in Cairo, Egypt in May 2001. The Common Position mandates the AU Commission to conduct a mid-term review in 2006 to assess progress achieved in the implementation of the Plan of Action. In this regard, a conference would be convened next year to bring together Member States, more specifically, Ministers in charge of children issues, and other stakeholders to evaluate the achievements.

It was highlighted that:

- a review mechanism would be put in place and circulated to all partners;
- the evaluation exercise would be carried out at national and continental levels;
- Member States would be requested to send reports on their achievements and evaluation would be done country by country and a national evaluation paper would be presented at the meeting;
- The Dev-info which has been developed by UNICEF would be updated to include data contained in the reports;
- The RECs would be involved in the preparation of the meeting.

It was agreed that a Steering Committee would be put in place to:

- a) work out the modalities;
- b) define the criteria and set the guidelines for the evaluation;
- c) agree on the venue of the meeting;

Members of the Steering Committee would, among others, include a Member of the ACERWC and a Representative from Egypt which hosted the first Child Forum.

Closing

In her closing remarks, the AU Commissioner for Social Affairs expressed her thanks, gratitude and appreciation to all the participants for their time and invaluable inputs in the Workshop. She noted that this was a testimony of individual commitment to the cause of Africa's children. She reiterated that the roles of CSOs and other Organisations were appreciated and expressed the wish to continue that partnership. She called on participants to support the Committee of Experts on the Rights and Welfare of the Child in carrying out its mandate. Finally, she wished the participants, who had come from abroad, a safe journey back home. The Vice-Chairperson of the ACERWC also commended the participants and technical staff for their worthy contributions.

2005

Report of the African committee of experts on the rights and welfare of the child

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