

AFRICAN UNION

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FOLLOW UP
REPORT OF THE AFRICAN UNION COMMISSION

ON

THE OFFERS BY MEMBER STATES TO HOST THE SECRETARIAT OF
THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)

**FOLLOW UP
REPORT OF THE AFRICAN UNION COMMISSION ON
THE OFFERS BY MEMBER STATES TO HOST THE SECRETARIAT
OF THE AFRICAN COMMITTEE OF EXPERTS ON THE
RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

I. Background and Introduction

1. The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted on 11 July 1990 and came into force on 29 November 1999. The ACRWC is a comprehensive continental legal instrument that sets out rights and defines universal principles and norms for children in Africa. The main objective of the Charter is therefore to promote and protect the rights and welfare of the African child in a manner that takes into account the historical, economic, social and cultural background and reality of the African continent.

2. Article 32 of the Charter established the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), while Article 42 mandated the Committee to promote and protect the rights and welfare of the child enshrined in the Charter, as well as to monitor the implementation of the Charter. The ACERWC was established in July 2001 pursuant to articles 32-45 of the Charter while in 2007, the African Union Commission officially established the Secretariat and the appointed a Secretary for the Committee in accordance with Article 40. The Secretariat has the following mandate:

- To co-ordinate the work of the ACERWC;
- To maintain effective links between the Committee and Member States;
- To ensure effective partnership between the Committee and the Stakeholders;
- To mobilize resources and raise awareness for the Committee's activities.

3. The Secretariat is currently domiciled within the Department of Social Affairs of the African Union Commission. However, in the last five (5) years, there has been a move to relocate the Secretariat to a Member State. The Executive Council in its decision EX CL /Dec. 712(XXI) requested the Commission to "*continue consultations with the PRC with regard to the financial implications of moving the Secretariat of the Committee outside the headquarters and register the offer made by Burkina Faso to host this Secretariat*". Additional four (4) Member States - Lesotho, Botswana, Kenya and Sudan later expressed interest in hosting the Secretariat.

4. The Commission had in its report (Doc. EX.CL/977 (XXIX)B) of 2016 submitted to the Executive Council through the PRC conveyed an evaluation of the offers from the Member States and informing of the withdrawal of the offers from Kenya and Botswana. The PRC inter alia decided (PRC/Rpt(XXXII):

- i) The report should be returned to the Commission to rank the Member States competing on the basis of their offer and the fulfilment of the assessment criteria;
- ii) Following this re-evaluation exercise, the Commission will make a recommendation as to the State leading in the ranking;
- iii) The revised report should be submitted to the next session of the Executive Council in January 2017.

5. The Commission submitted to the Executive Council in January 2017, the revised report – Doc. EX.CL/997(XXX) with the ranking as requested by the PRC. The Council in its decision EX.CL/Dec. 947(XXX) took note of the report, welcomed the consultations undertaken among Burkina Faso, the Kingdom Lesotho and the Republic of The Sudan on the matter with a view of reaching a consensus; and also welcomed the withdrawal of the offer by Burkina Faso aimed at facilitating consensus. The withdrawal of the offer from Burkina Faso left two Member States – Republic of The Sudan and the Kingdom of Lesotho. The Executive Council encouraged the Kingdom of Lesotho and the Republic of The Sudan to continue consultations; requested the Commission to facilitate such consultations and to report to the ordinary session of the Executive Council scheduled in January 2018.

II. Consultations undertaken by the Commission

6. The Commission has undertaken and facilitated a number of consultations with and between Republic of The Sudan and the Kingdom of Lesotho. It is imperative to underscore that the Commissioner for Social Affairs, Mrs Amira EIFadil, who is from Sudan completely reclude herself from the process. The Director, Social Affairs was then delegated to facilitate the consultations between the two countries.

7. The consultations can be categorized into two broad areas:

- a) Facilitating consultation meetings between Sudan and Lesotho;
- b) Organizing the 29th and 30th sessions of the ACERWC in Lesotho (April 2017) and Sudan (December 2017) respectively.

III. Facilitating Consultation Meetings

8. The Commission sent Note Verbales to the two Member State requesting them to commence consultations in line with the Executive Council decision EX.CL/Dec. 947(XXX).

9. During the July 2017 Assembly in Addis Ababa, the Commission facilitated a meeting between the Ministers of Foreign Affairs of the two countries. The two Ministers had frank discussions and agreed to continue consultations after the new Government

in the Kingdom of Lesotho had settled down into office. It is pertinent to note that national elections were held in Lesotho in June 2017, just before the July Assembly.

10. In addition, there were regular consultations between the Commission and the Permanent Missions of the two Member States in Addis Ababa. It was during one of these consultations in February 2017 that the Commission proposed the holding of two regular sessions of the ACERWC in the two countries in order for them to experience what it entails to host the session of the ACERWC and for the Commission to observe their capacity to do. The decision on who first host a session was based on the ACERWC's practice of alphabetical order. Consequently, the 29th and 30th sessions of the ACERWC took place in Maseru and Khartoum respectively.

IV. Organizing the 29th and 30th sessions of the ACERWC in The Kingdom of Lesotho and The Sudan

11. The Commission organized the 29th and 30th sessions of the ACERWC in Maseru and Khartoum respectively in April and December 2017. The Commission took advantage of these sessions to meet top government officials in both countries including Ministers of Foreign Affairs, Social Development and Interior. These meetings focused mainly on: (a) Facilities made available for sessions; (b) Reaffirmation of the contents of the offer on they will support the Secretariat of the ACERWC; (c) Entry Visa to all participants; (d) Relationship with CSO; (e) Ensuring the independence of the Committee; and (f) Reservations on the Charter.

12. The two countries put at the disposal of the Commission excellent facilities for the successful organization of the 29th and 30th sessions of the ACERWC. The Commission expresses the hope that whoever hosts the Secretariat of the ACERWC will continue to offer similar support to the Secretariat, if not more.

13. It is in this context that both countries reaffirmed the pledges contained in their earlier offer including: Diplomatic immunity and privileges, entry visas, tax and custom exemptions; office facilities; adequate logistical facilities including transportation in to and out of the Country, modern infrastructure, especially telecommunication facilities, health facilities, and direct financial and additional support to the ACERWC.

V. Conclusions

14. The hosting of the 29th and 30th sessions of the ACERWC by both the Kingdom of Lesotho and the Republic of The Sudan show that taking into consideration the technical factors, both Member States can adequately host the Secretariat of the ACERWC. Participants at the two sessions – Member States, Members of the ACERWC, CSOs, and the Commission staff, all expressed satisfaction and appreciation at the facilities put in place by the two countries.

15. The Commission used the organization of the 29th and 30th sessions of the ACERWC to urge the two Member States to actively engage in consultations and decide on who will host the Secretariat.

16. However, at the time of preparing this report, no consensus has been reached between the two countries. The two Member States will inform the Executive Council of their bilateral consultations.

17. Pursuant to the implementation of the Executive Council decision EX.CL/Dec. 947(XXX), the present report is submitted to the Executive Council for consideration and decision on the hosting of the Secretariat of the ACERWC.

2018-01-26

Follow up Report of the African Union Commission on the Offers by Member States to Host the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

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