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**TWELFTH (12th) MEETING OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
3-5 NOVEMBER 2008
ADDIS ABABA, ETHIOPIA**

REPORT ACERWC (XII)

I. INTRODUCTION

1. The 12th Meeting of the African Committee of Experts on the Rights and Welfare of the Child was held at the AU Conference Centre, Addis Ababa, Ethiopia, from 3 to 5 November 2008.

II. ATTENDANCE

2. The meeting was attended by nine Committee Members, two Member States, Egypt and Nigeria, as well as representatives of organizations dealing with children's issues: UNICEF, UNHCR Liaison Office, UN Human Rights Regional Office (UHCHR), ICRC, European Union, World Vision, the African Child Policy Forum, the Institute for Human Rights and Development in Africa, Plan International (West African Regional Office), Save the Children Sweden, Save the Children UK, Save the Children Alliance, Save the Children Finland, Community Law Centre of University of Western Cape, ANPPCAN, National Council for Childhood and Motherhood, , Child Protection Alliance, Forum for Street Children – Ethiopia, Childwatch International, Zambia Civic Educator Association, DITSHWANELO-the Botswana Center for Human Rights, The CRADLE – The Children' Foundation and the AU Commission.

ITEM 1: OPENING CEREMONY

a) Opening Remarks by the African Union (AU) Commissioner for Social Affairs

The Secretary of the Committee of Experts on the Rights and Welfare of the Child currently the Acting Director for Social Affairs made a brief presentation on behalf of Adv. Bience Gawanas, the Commissioner for Social Affairs who apologized for not attending the Session. She welcomed all the participants. She also thanked all the participants for the importance they reserved to the meeting regardless their busy schedules.

3. She requested members of the Committee to ensure that this session was a success because it was the first time that they would consider States Parties Reports in the presence of their representatives.

4. In particular, she congratulated the Egypt, Nigeria, Rwanda, for having been the first States to submit their Reports to the Committee. She noted that the Session was an opportunity to consider the efforts deployed by the Member States for the protection of the child.

5. Concerning International Organizations and development partners, she requested that they lend their support to the Committee. She also requested Civil Society Organizations to make concrete recommendations to the Committee.

(b) Statement by the Chairperson of the Committee In her statement, the Chairperson of the Committee welcomed all participants, and conveyed the AU Commission's gratitude to the Committee for its collaboration. On behalf of the

Committee she congratulated the new members on their election, and welcomed them to the Committee

She underscored that the Secretariat is limited in both human and material resources.

She noted however with satisfaction that the Executive Council adopted a Decision at the last Summit in Sham El Sheikh Witch recommends to allocate an autonomous budget to the Committee.

6. On behalf of the Committee, she thanked the first States, namely Egypt, Nigeria and Rwanda for having submitted their reports to the Committee and took the opportunity to request other States to submit their reports as soon as possible.

7. She concluded her remarks by congratulating the Commissioner for Social Affairs, the Secretary of the Committee and all who invested themselves in the effective welfare of the African Children.

(c) Introduction of the New Members of the Committee

8. The under listed new members of the Committee introduced themselves to the participants:

- (i) Mrs. Maryam UWAIS, Nigeria
- (ii) Mrs. Agnès KABORE, Burkina Faso
- (iii) Cyprien Alebayo YANCLO, Benin
- (iv) Mr. Adriamiramy RASAMOELY, Madagascar

ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (Closed Session)

9. The Secretary of the Committee informed the members that the Africa Union Legal Officer had sent a copy of the oath of office to the new Members of the Committee for commissioning before a Notary Public in their respective Countries. She explained that this was due to the unavailability of the Legal Counsel to administer the oath of office during the Session.

12. The Chairperson informed Members that she had received the oath of office duly signed from the Secretariat. Therefore, there is no necessity for new members to commit an other oath. However the attention of AU Legal Officer should be drawing on that effect.

13 It was also suggested that in future, newly elected Members of the Committee be taken through induction at a special session, so that they may familiarize themselves with procedures of the Committee. The Secretary confirmed that she sent all the ACERWC documents to the new Members.

14 One of the members deployed the fact that he arrived few hours before the opening ceremony. The Secretary explained it was due to the problem of the flight

and advised Members to confirm their participation in the session earlier, this will enable the Secretariat to make travel arrangements and bookings early.

15. Members wanted to know what the secretariat had done to individual petitions, which were received. The Secretary mentioned that only one petition has enregistered.

The Chairperson reported that she has a copy of the petition and as the guidelines for the consideration of individual petitions was completed and adopted, the petition can be included in the agenda for the next session. The Chairperson informed the Members of the three vacancies in the Bureau in respect of the positions of 2 Deputy and 1 Deputy Reporter. The members suggested that the elections be held on the 2nd day of the session.

ITEM 3: PROCEDURAL MATTERS

(a) Adoption of the Agenda and the Program of Work

16. The agenda and the program of the work were adopted without any amendment.

(b) Organization of Work:

17. The Committee agreed to conduct its deliberations in open and closed sessions according to the agenda.

ITEM 4: BRIEF PRESENTATIONS BY PARTNERS AND DISCUSSIONS

The following partners made brief presentations in their work in regard to the welfare of children:

19. UNICEF, UN Human Rights Regional Office (OHCHR), ICRC, World Vision, the African Child Policy Forum, the Institute for Human Rights and Development in Africa, Plan International, Save the Children Sweden, Community Law Center of University of Western Cape, ANPPCAN, Save the Children Alliance, Childwatch.

20. All the partners:

- Thanked the Committee for inviting them to participate in the meeting;
- They presented the activities they were carrying out within the framework of the implementation of the Charter and the prospects for collaboration with the Committee.

ITEM 5: PRESENTATION: “ENDING CORPORAL AND OTHER FORMS OF HUMILIATING PUNISHMENT OF CHILDREN”: by Children’s Rights Organization from Africa

21. The presentation was made by the representative of the “ Southern African Network to End Corporal and Humiliating Punishment of Children”.

22. The presenter noted that in many African countries, corporal punishment was still widely practiced and widely approved as a penalty in the criminal system as a disciplinary measure in childcare institutions.

23. She stressed that legislative and educative measures were needed to change attitudes and the practice of corporal punishment and any other punishment that is humiliating or degrading to the welfare of the child. She also said that measures should be taken to ban corporal punishment and promote alternative forms of discipline that are compatible with the dignity of the child in families and childcare institutions.

24. She also noted the progress made in 23 countries, which had legally banned all forms of corporal punishment regardless of the context. Sweden was the first country to carry out this legislative reform in 1979.

25. She concluded her presentation by requesting that the Committee take all the necessary measures to eradicate the scourge of corporal punishment and all other punishments that are humiliating or degrading to children. Finally, she made recommendations.

26. The Chairperson proposed moving to the next presentation and then discussing them together.

ITEM 6: PRESENTATION ON THE: “Psychosocial support to children in difficult circumstances in West Africa” Plan International

27. The presenter first situated the context and the justification of the study before stating its objectives, which focus on two axes:

- Evaluation of the state of mental health of children in 5 countries;
- Analysis of existing services in 10 countries.

28. Field studies were carried out mainly on children in high traffic risk communities, communities with a high prevalence of HIV/AIDS and in armed conflict areas.

29. In his conclusion he explained that without adequate psychological assistance, many children who are severely affected will fail in their integration into the society and will tend to reproduce the violence they were subjected to. In conclusion, he made recommendations and proposed strategies.

30. During the discussions, which followed the two presentations, many topics were addressed, including the responsibility of parents, childcare, which should be ensured and the sensibilization of teachers. In response to questions, the presenters gave adequate clarifications and replies to participants.

ITEM 7: PRESENTATION ON “*The Best Interest of the Child*” Article 4 of the Charter: Prof. Julia Sloth-Nielsen and Mr. Benyam Mezmur, Community Law Center of the University of the Western Cape

31. On May 2007, the Committee requested the Community Law Centre of the University of the Western Cape to prepare and present a paper on the best interests of the African child as incorporated under article 4 of the Charter. Accordingly, the Centre, represented by Prof. Julia Sloth-Nielsen and Mr. Benyam Mezmur, presented a jurisprudential analysis of article 4 of the Charter with proposal for an African interpretation of this Charter provision. The presentation first highlighted an overview of the principle and underscored its historical roots in the private law domain of parental separation and divorce disputes. Its gradual extension to cover all matters affecting children was described. This was followed by discussion of some of the complexities that are generated by the principle. Particular focus was placed on cultural relativism and the question whether the best interests of the African child could accommodate positive African cultures and values as incorporated under article 4 of the Charter was answered in the positive. Concrete recommendations for the African Committee in relation to the principle were made.

32. The Committee congratulated the presenters for a well-researched presentation. Remarks were made about the need for training judges and other stakeholders in order for them to have a balanced view of what the principle entails. The need for further research on the implications of the principle in specific thematic areas was also underscored. The role of the other three cardinal principles (such as non-discrimination) in defining the principle was highlighted.

ITEM 8: PRESENTATION ON STATES PARTIES REPORT:

- **Egypt**

33. The Chief of the Egyptian delegation made a presentation, which showed commitment of the country to the African Charter on the Rights and Welfare of the Child in order to ensure effective protection of the children. Since 2000, Egypt has put Child Right on the priorities of its Agenda. The following three points were raised:

- **Access of Children to Healthcare:** In this regard, the statistics showed that above 90% of the children in Egypt have access to medical care and different contagious diseases have been eradicated.
- **Access of Children to Quality Education:** Efforts have been deployed in order to increase high educational rate including girls' education. Furthermore, the effort to decrease dropout rate have been deployed. In this aspect, the teachers are well trained to enhance the good teaching competencies.

- **Legal Amendment of Children's Right:** The legal amendment of child rights has been done in order to provide adequate protection of children. For specific issues, legal assistance is provided for the children.

34. The presenter concluded her presentation by focusing on the efforts which are deployed in combating child labour, regrouping street children and implementing awareness of the best interest of the child at national level through media, church and other activists who are working in child rights.

35. The Committee Members raised different questions about the rights of street children, children involved in mendacity, children born out of wedlock and the corporal punishment of the children. The Egyptian delegation responded to the raised questions and gave clarifications.

36. The Chairperson thanked the Egyptian delegation for presenting the initial report on the implementation of the Charter. She noted that the report was comprehensive and covered nearly all the aspects of the child.

37. The Egyptian delegation presented to the Committee a supplementary report in order to respond to the list of issues sent by the Committee.

- **Nigeria**

38. The Chairperson welcomed the distinguished delegation from the Federal Republic of Nigeria and congratulated the Government of Nigeria for submitting the Initial Country Report in compliance with the provisions of AUCRWC. The Leader of the delegation introduced the members of her delegation, which included the President of Senate of the Nigeria Children's Parliament. The delegation presented the report and the following issues were highlighted from the Country Report.

- **Legal and Administrative Regime**

39. Nigeria has domesticated the Charter through the Child Rights Act enacted in 2003. So far, 19 States have re-enacted the CRA, and efforts are put in place for the remaining States. The age of majority of children is 18 years. The Act provides for non-discrimination and emphasizes the principle of promotion of the best interest of the child. The President of Senate of the Children's Parliament underscored the importance of the Children's Parliament as it encourages children to discuss their issues and grow in confidence.

- **Access to Education**

40. The law provides for universal and compulsory free primary education. This has seen a tremendous increase in school enrolment. There are other methods employed to address the vulnerable children such as street children and the integration of Koranic schools with regular schools.

- **Access to Health and Early Childhood Development**

41. Health services and child mortality has significantly improved. There is a system of registration of births throughout the country.

42. Several issues were raised by the members of the Committee with regard to regional, rural and urban disparities that impact on the quality of access to services. The problem of street children, access to education, especially for girls who are subjected to early marriage were among the issues discussed. Many challenges were noted, and so were some encouraging good practices. The list of issues and observations will be forwarded to the Government of Nigeria.

- **Rwanda**

43. Since the Rwandan delegation was absent, the Committee decided to postpone the consideration of the report.

ITEM 9: STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS OF THE 11TH MEETING OF THE ACERWC (Closed Session)

44. The Report on the Implementation of the Recommendations of the 11th Session was presented to the Committee. These recommendations were on:

- the budget of the Committee
- the theme of the Day of the Child for 2009
- the participation of members of the Committee in international meetings
- the organization of the pre-session
- collaboration with the UN Committee on the Rights of the Child
- strengthening the visibility of the Committee
- the status of ratification of the Charter

45. Members of the Committee took note of the presentation and made the following observations:

- All members of the Committee should be informed about invitations to meetings, and those who wish to attend at their own expense may do so;
- A request for clarifications should be sent to the Islamic Conference to obtain clarifications on the age of marriage. Mrs. Dawlat Hassane volunteered to draft the request.

ITEM 10: ORGANIZATION OF THE COMMITTEE MEMBERS' WORK (Closed Session)

46. At the end of discussions on this issue, members of the Committee decided to allocate duties according to the following themes:

1. Children in conflict and natural disaster situations: Mr. Moussa Sissoko
2. Violence against Children: Mrs. Diakhaté Seynabou
3. Child Labour, Trafficking and Exploitation: Mrs. Agnes Kaboré

4. Education of Children: Mrs. Boipelo Sheilthamo
5. Administration of Justice to Minors: Mrs. Maryam Uwais
6. Participation of Children: Mr. Cyprien Yanclo
7. The Right to an Identity: Mrs. Dawlat Hassane
8. Integral Early Childhood Development: Mrs. Koffi Marie Chantal
9. Vulnerable Children: Mrs. Martha Khome
10. Survival and Development of Children: Mrs. Koffi Marie Chantal
11. Responsibility of the Family: Mr. Andriamiramy Rasamoely

ITEM 11: CONSIDERATION OF OBSERVER STATUS APPLICATION SUBMITTED BY:

47. The Secretary of the Committee informed members that the Secretariat had received 3 applications for observer status to the Committee from:

- Save the Children Sweden
- Institute for Human Rights and Development in Africa of Banjul
- The Botswana Center for Human Rights

48. The Committee decided to entrust the consideration of these applications to one of the members who would present his/her report at the next session.

ITEM 12: ANY OTHER BUSINESS (Closed Session)

49. The Committee elected the remaining members of the Bureau as follows:

Vice Chairpersons: Mr. Andriamiramy Rasamoely

Mrs. Agnès Kaboré

Vice Rapporteur: Mr. Cyprien Yanclo

50. Members of the Committee discussed the case of Mrs. Pholo Mamosebi who has not attended 3 consecutive sessions. It was decided that the Chairperson of the Committee would send a letter to the Chairperson of the AU Commission in conformity with Rule 14 of the Rules of Procedure of the Committee.

51. The following Reporters were designated for the consideration of the States Parties Reports on the implementation of the Charter:

- Mr. Cyprien Yanclo: Mali
- Mr. Moussa Sissoko: Burkina Faso
- Mrs. Mariam Uwais: Tanzania
- Mrs. Koffi Marie Chantal: Uganda
- Mr. Andriamiramy Rasamoely: Niger

52. Mrs Diakhaté Seynabou was designated to consider the communication presented by the University of Western Cape. The report will be presented at the next session.

53. Members of the Committee also made the following proposals:

- Write to States to request their support
- Carry out actions to increase the visibility of the Committee
- Invite States Parties to present their initial or periodic reports
- Conduct a study on national mechanisms for the implementation of the African Charter on the Rights and Welfare of the Child

The Secretariat of the Committee will send the information's on the procedure for the States to host AU Commission meetings.

ITEM 16: ADOPTION OF THE DRAFT REPORT

The Reporter presented the draft report, which was adopted as amended.

ITEM 17: CLOSING CEREMONY

Mrs mariama Cisse, the secretary of the Committee thanked all the participants and gave the floor to the Committee Chairperson who also thanked all the participants for their fruitful contribution in the strong debates they made.

She finally expressed her optimism that the synergies of both the Committee and the partners who are invested in Rights and Welfare of the children will come out with an effective protection of children 'Rights and an effective Welfare of the African Child.