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**14TH SESSION OF THE AFRICAN COMMITTEE
OF EXPERTS ON THE RIGHTS
AND WELFARE OF THE CHILD
16-19 NOVEMBER 2009
ADDIS ABABA, ETHIOPIA**

ACERWC/Rpt. (XIV)

REPORT OF PROCEEDINGS

I. INTRODUCTION

1. The 14th Meeting of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was held at the AU Conference Centre, Addis Ababa, Ethiopia, from 16 to 19 November 2009. Its main objective was to share experiences on the promotion of child rights in Africa, consider State Party Reports and agree on recommendations for more effective action to improve the welfare of children.

II. ATTENDANCE

2. The meeting was attended by nine Committee Members, Representatives of the Ministry of Social Action, Burkina Faso, Ministry of Foreign Affairs, Burkina Faso, Ministry of Promotion of Human Rights, Burkina Faso, Ministry of Social Action and National Solidarity of Burkina Faso, Ministry of Social Action, Burkina Faso, Ministry of Gender, Children Affairs and Social Development, Niger Embassy, Addis Ababa, Ministry for the Promotion of Women and Child Protection, Niger, Ministry of Community Development, Gender and Children, Tanzania, Ministry of Labour, Youth, Women and Children Development, Tanzania, Commission for Human Rights & Good Governance, Tanzania Registration Insolvency and Trusteeship Agency (RITA), Tanzania, Child Protection Alliance, The Gambia, National Coalition for the Association of Youth and Children as well as representatives of organizations dealing with children issues: UNICEF Liaison Office to AU/ECA, UNAIDS, International Committee of the Red Cross (ICRC), World Vision, the African Child Policy Forum, Plan International, Inter African Committee on Traditional Practices (IAC), Africa Wide Movement for Children, Girl Child Network, ANPPCAN, Save the Children Alliance, Ethiopia, Save the Children, Sweden, Kenya NGO Child Rights Committee, Children's legal Action Network, AMIC, COBUFADE, CONAFE-Niger, CONAFE-Mali, CONAFE-Senegal, and the AU Commission.

ITEM I : OPENING CEREMONY

3. The Opening Ceremony was chaired by Dr. Olawale I. Maiyegun, Director for Social Affairs, AU Commission.

(a) Opening Remarks by Dr. Olawale I. Maiyegun, Director for Social Affairs, AU Commission:

4. Dr. Maiyegun welcomed the participants and then thanked them for sparing time from their busy schedules to attend the Meeting. He explained that the Committee has consolidated itself and is playing its mandated role effectively. In this regard, it was going to examine six country Reports on the Status of Implementation of the Charter. He commended the Committee for its accomplishments in spite of the constraints faced, and urged the Members to work harder to protect child rights. He also commended the countries that have submitted implementation Reports to the Committee, which is proof of political will and commitment to protect and promote the rights as well as empower African children.

5. The Director further recalled that, even if 45 countries have ratified the Charter, this should be reciprocated with national policies and programmes for all communities. In this connection, the Committee should continue to urge Member States to strengthen respective laws, policies and programmes on child protection. He indicated that the Committee would develop its Plan of Action 2010-2014, which will cover the broad focus of its mandate. He assured the Committee of the support by the AU Commission. He concluded his remarks by thanking the UN Agencies and NGOs which provided financial and human resources as well as technical support to the Committee. He urged them to sustain these efforts, as the goal of these partnerships is to achieve an *"Africa Fit for Children"*.

(a) Statement by Ms Diakhate Seynabou, the Chairperson of the Committee:

6. The Chairperson of the Committee, for herself and on behalf of the Committee thanked the African Union Commission for having organized its Fourteenth Session, with a special mention of H.E. Advocate Bience Gawanas, Commissioner for Social Affairs, for her concern for the Committee.

7. She recalled the activities carried out by the Committee since the April 2009 Session, mentioning, especially, participation in the Stockholm Conference on violence committed against children, the Bamako Seminar on the creation of independent institutions to protect children's rights and the session of the African Commission on the Human and People's Rights. She mentioned this year's celebration of the African Child's Day with the theme "Africa Fit for Children: Call for Accelerated Action Towards their Survival, and specified that a selected group would be set up to reflect on the theme proposed for the 2010 celebration, which is *"Planning and Budgeting for the Welfare of the Child: A Collective Responsibility"*.

8. She expressed satisfaction at the fruitful partnership with the Civil Society organised around ACERWC which held its second forum from 11 to 12 November 2009 in Addis Ababa, with recommendations which will inform the Committee's 2010-2012 Action Plan. This civil society forum should be continued; she warmly welcomed.

ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (Closed Session)

9. The Secretariat presented to the Committee members the status of confirmations received from Member States that were called upon to present their reports. From the explanation, no confirmation has been received from Rwanda; no official confirmation has been received from Mali either, but according to the information received, the Mali delegation is coming. Through a note verbale, dated 16 November 2009, Niger requested that the examination of its report be postponed. With regard to the other Member States invited, their delegations are already present and ready to present their reports.

10. In light of this information, the Committee decided to streamline its work programme, by proceeding to consider Tanzania's report on 17 November 2009 from 8.30 am.

11. The Committee considered it necessary to put on the agenda an item on partnership with the African Commission on Human and People's Rights and the United Nations Committee on the Rights of the Child.

12. The Committee members requested clarifications on the Committee's evaluation; the Secretariat gave necessary explanations on the issue.

13. The Secretariat drew the attention of members to the translation of the report of State Parties which consume a large part of the Committee's budget. The Committee members decided to discuss this issue during the consideration of the Draft 2010-2014 Action Plan.

ITEM 3: PROCEDURAL MATTERS

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

14. The agenda and the program of the work were adopted as amended.

(b) Organization of Work:

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

ITEM 4: BRIEF PRESENTATIONS BY PARTNERS

16. The Chairperson of the ACERWC invited representatives of the partners involved in the promotion of the Rights and Welfare of the Child at national and regional levels to make brief presentations.

17. The Representative of **UNICEF** congratulated the ACERWC for guiding the implementation process of the Charter on Child Rights and observed that the child rights are better off today than before. He reminded the meeting of the need to take stock of the charter as deliberations go on. He re-affirmed its support to improving the welfare of the child, which dates back from the early days the Charter came into force, ten years ago until now. The meeting was informed that UNICEF in collaboration with the Department of Social Affairs has recruited a consultant who has already started work on evaluation of the ACERWC as well as developing a draft Plan of Action 2010 – 2014.

18. The Representative of **World Vision International** expressed the desire of World Vision to increase its support to member states and other partners. World Vision announced a 5-year global campaign aimed at increasing the budgetary allocation to child welfare in countries, getting the donor community to honour their

committed pledges of support and mobilising citizen support in countries. The Committee was requested to use its influence to support the campaign.

19. The Representative of **Save the Children** stated that the NGO has programmes in 25 countries in Africa. He re-affirmed Save the Children's commitment to support and collaborate on many continental activities in Africa such as the Campaign on Accelerated reduction of maternal mortality (CARMMA) which compliments their 'New Born and Child Survival' Campaign (Every One) and the African Union Commission Initiative Against Trafficking (AU.COMMIT) Campaign as they foster a better welfare for the child. The Representative also called on the Committee to help end corporal punishment in Africa.

20. The Representative of the **African Child Policy Forum (ACPF)** informed the meeting of their forthcoming report in 2010 on Child Well Being which focuses specifically on the issue of child budgeting in line with the Committee's theme for the Day of the African Child in 2010. The ACPF's report will provide a comprehensive analysis enabling the Committee and other stakeholders to critically review how much Governments spend on children and identify priorities for action. The ACPF also mentioned their upcoming conference in Addis Ababa on 30th November 2009 at the United Nations Economic Commission for Africa. It was reported that the meeting shall be very useful as it shall produce a framework for improved utilization of research findings.

21. The Representative of **Africa Wide Movement** reaffirmed the Movement's support for the implementation of the Charter and its willingness to follow-up and collaborate with other stakeholders. She reiterated that the size of the Movement gives it a comparative advantage in carrying out and supporting child welfare activities.

22. The Representative of **Plan International** explained that Plan International produces an annual news letter entitled "*Because I am a girl*" that addresses the issues of the girl-child. This year's focuses on the effects of the global financial meltdown on the child, and girls in particular.

23. The Representative of **Kenyan NGO Child Rights Committee** underscored the added value of working together with other partners. She called for a closer working relationship with the Committee of Experts on Rights and Welfare of the Child.

24. The Representative of **Child Protection Alliance**, Gambia explained that the NGO acts as a watch dog to promote child rights and ensure a violence-free environment for children. He called for research to know the extent of violence against children.

25. The Representative of **AMIC** informed the meeting that the NGO plays a big role in child welfare in Guinea Bissau, particularly in education. It also collaborates in re-integrating children into society.

26. The Representative of **COBUFADE** Burkina Faso presented their activities and expressed their willingness to continue to work in close collaboration with the Committee.

27. The Representatives of **CONAFE Senegal, Niger and Mali** informed the meeting that they are playing an important role in fostering child rights by drawing its strategy from the African Charter on the Rights and Welfare of the Child and the United Nations Convention on Child Rights. The network fights against trafficking in humans and exploitation of children.

28. All the partners thanked the Members of the Committee of Experts on the Rights and Welfare of the Child on the hard work they are doing despite the numerous challenges faced. They provided brief overviews on the mandate and activities to promote child rights in Africa. They also expressed their gratitude to the Committee for the invitation to this important Forum.

ITEM 5: PRESENTATION OF THE NGO FORUM RECOMMENDATIONS TO THE ACERWC

29. The Recommendations of the Non-Governmental Organizations (NGOs) to the ACERWC were presented by the Representative of Save the Children on behalf of the NGOs.

30. The presenter reminded the meeting that over 103 NGOs from over 20 countries met in Addis Ababa during the second week of November 2009. In this meeting they agreed that there was need to coordinate their activities with the ACERWC by putting together their resources. He also acknowledged the efforts made by the Committee in promoting the welfare of the African child. He however, expressed concern that some Member States had not yet ratified the African Charter on the rights of the child.

31. In order to strengthen collaboration, the NGO forum made the following recommendations to the ACERWC:

- (i) Use all available channels and means, including forging progressive and sustained relationships with relevant African Union bodies and all other relevant stakeholders in order to ensure an effective implementation of the African Charter on the Rights and welfare of the Child;
- (ii) Adopt an official decision that can equal the African Commission on the Human and peoples' rights commitment towards the collaboration between the two bodies, including designating a focal person within the Committee for liaison;
- (iii) In order to minimize duplication, Article 70 and 71 of the ACERWC Rules of Procedure provide that State Parties can submit a similar report to the CRC Committee to the African Committee of Experts on the Rights and welfare of the Child after highlighting the specificities of the African Children's Charter. Guidelines to State Parties reporting should be amended to reflect in further detail what these specificities are;

- (iv) Amend its guidelines for the consideration of Communications to include a timeframe of six weeks for the ACERWC to acknowledge receipt of a Communication, to make a decision on admissibility and finally to give its decision on the merits of the Communication within a reasonable period of time to ensure that victims are not left without redress;
- (v) Make sure that both English and French versions of guidelines on communication are compatible;
- (vi) Develop General Comments including on the provisions provided in Article 11, Article 16 and Article 20 of the African Charter on the Rights and Welfare of the Child concerning the prohibition of corporal punishment in all settings;
- (vii) In order to facilitate improved interaction between CSOs and the ACERWC and in accordance with the ACERWC Guidelines on Observer Status, act upon applications submitted to the Committee from NGOs/CSOs seeking Observer Status and considering the difficulty in qualifying for observer status, consider revising the guidelines;
- (viii) Set up fixed dates for its ordinary sessions and communicate the agenda four weeks in advance to enable civil society to effectively prepare and engage with the ACERWC;
- (ix) Continuously update the African Committee of Experts on the Rights and Welfare of the Child webpage to facilitate the improved flow of information between the Committee and all relevant stakeholders including (but not limited to the agenda of Committee's meetings, a schedule of reports to be considered by the Committee, state party reports, concluding recommendations and all relevant information and update the Secretariat's E-mail list adding all the participants of the CSO forum and NGO forum (of the ACHPR) to communicate directly with as many CSOs as possible;
- (x) The CSOs encourage the Committee to ensure that child participation is visible in its new Plan of Action 2010-2014.

32. The NGO Forum thanked all delegates for expressing their commitment and wished the meeting fruitful deliberations.

ITEM 6: PRESENTATION ON STATES PARTIES REPORT: Burkina Faso

33. The Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, who was also the rapporteur, commended Burkina Faso for having submitted for the Committees consideration a comprehensive report that reflects efforts made since the ratification of the Charter in 2001. He also noted that the report identified the difficulties of implementing the requirements of the Charter.

34. He noted the questions and observations that were sent to the Government of Burkina Faso after consideration of the report in the pre-session: These areas included:

- (i). Age of the child;
- (ii). Birth registration;
- (iii). Adoption;
- (iv). Education;
- (v). Child participation;
- (vi). Child labour;
- (vii). Juvenile justice;
- (viii). Harmful cultural practice;
- (ix). HIV/AIDS;
- (x). Disable children.

35. Subsequently, the floor was given to the delegation to answer the various questions raised

36. The Burkina Faso delegation was led by the Minister for Social Action and National Solidarity accompanied by experts from the various departments involved in issues related to the rights and welfare of the child and the Permanent Representative of Burkina Faso to the African Union.

37. In her presentation the Minister for Social Action and National Solidarity summarized the contents of the report and developed the following points:

- Progress recorded in the legislative, judicial, administrative and social sectors;
- A Draft Child Protection Code;
- The adoption of the strategy and national policy on children's rights;
- The ratification of two protocols to the United Nations Convention on Child Trafficking and Child Pornography in 2005;
- A strategic framework for the promotion of children, 2008-2017;
- Translation into national languages and circulation of the Charter;
- The introduction of training modules on children's rights in some schools, like ENAM, the National Police Institute and the National Gendarmerie School;
- The establishment of the Children's Parliament.

38. She also highlighted some achievements particularly:

- The establishment of a Placement and Adoption office in MASSN;
- The adoption of the law L013/2007 of July 30 2007 on ...

- The adoption of the Decree D2009/200 on the prevention of violence in schools;
- Reducing maternal and infant mortality rate;
- Increased immunization coverage;
- Changing the treatment protocol for malaria;
- Free preventive care;
- The adoption of the law on the protection of persons living with HIV;
- The adoption of the law on the protection of disabled persons;
- The adoption of the law on human trafficking;
- Awareness campaigns on female genital mutilation with the aim of reaching the "zero tolerance" objective;
- Increase in the gross primary and secondary education rate;
- The creation of a directorate in charge of keeping girls in school;
- The adoption of the law establishing juvenile courts;
- Conducting a national study on violence against children;
- Conducting a study on child begging.

39. The Minister however noted that despite all these achievements, there are other challenges to face. They are:

- Household poverty;
- Lack of domestic resources to implement social policies and fulfil national and international commitments;
- Difficulties in mobilizing international resources especially in light of the current international financial crisis;
- The application of legal provisions;
- Lack of disaggregated data on children;
- The effective establishment of Children's courts.

40. Committee members then took the floor to ask more questions and make comments on the following:

- Legal protection of children;
- The legislative and regulatory framework for adoption;
- The Juvenile courts;
- Violence against children;
- Children's participation;
- Collaboration between the Ministry for Social Action and National Solidarity, other ministries, CSOs and NGOs for the welfare of children;
- The percentage of the State budget allocated to children;
- Issues related to health and education policies and programmes.

41. The Burkina Faso delegation provided answers to the questions and promised to continue with policies and programs in education and health as well as other areas covered by the Charter.

42. The Committee Chairperson thanked the Burkina Faso delegation and said she was confident that the welfare of children will be ensured.

ITEM 7: PRESENTATION ON STATES PARTIES REPORT: Kenya

43. The Chairperson of the Committee congratulated the Republic of Kenya for having submitted its report and gave the floor to the rapporteur of Kenya Report who congratulated this country on the progress made in the protection of the rights and welfare of children and provided some clarifications and observations transmitted to the Government of Kenya after the consideration of the Report in pre-session which included :

- The definition of a child;
- The consequences on education of early marriages/pregnancies that seemed to be rampant in Kenya;
- The Measures taken to adopt the adoption law;
- Birth Registration;
- The Nomadic communities;
- The Custody of children in case of Divorce;
- The Children's Parliament;
- The Infant and Maternal Mortality which was reported to be increasing.

44. Then the floor was given to the delegation of Kenya to reply to the raised issues. The Minister of Gender Children Affairs and Social Development who was leading the delegation introduced herself and the rest of the team from Kenya. She expressed gratitude to the Commission of the African Union for having invited Kenya to present the report and to take part in the 14th Session of the ACERWC. In her presentation she highlighted some of the major achievements Kenya had made since the ratification and domestication of the Charter on the African Child in 2000 and 2001 respectively. She also mentioned some challenges in implementing certain

programmes and what measures Kenya has put in place to overcome them. Specific areas where achievements were made included:

I. **Education :**

Achievements: In Kenya there is free and compulsory primary education. Youth Fund and Bursaires for college and University exist to support Youth in their education.

Challenges:

Overstretched facilities, over-crowding, increased number of orphaned children, difficulties with nomadic/pastoral communities.

Measures taken to overcome challenges: Kenya education Support programmes, early childhood programmes exist to accommodate children with special needs.

II. **Health**

The Minister recalled that the Government of Kenya had made significant steps towards the restructuring of a more effective accessible and equitable health service delivery system such as:

Prevention and treatment of Malaria.

In 2003, the government of Kenya declared total war against HIV/AIDS
56% Immunisation rate.

III. **Violence**

Achievements: The Minister mentioned a number of existing programmes and policies to address the issue of violence to children: These included:

- A National Council for children;
- Toll free 24 hour phone service available for children to report incidents of violence;
- National Children's Policy;
- Juvenile Justice to which the government is fully committed;
- Child legal Aid scheme;

Challenges: IDPs, Refugees and the effect of post election violence that affected children.

45. In the Discussion that followed the Minister responded to a series of questions on specific issues raised by the rapporteur and other committee members such as:

- (i) **Definition of child:** She mentioned that in Kenya a child is defined as child from age 0 to 18 years but that when it comes to marriages there is conflict between the various laws applicable to different communities.
- (ii) **Adoption Law :** The campaign was launched on 11 November 2009 to sensitize people and create awareness to simplify and demystify the adoption law in order to reduce tendencies of stigma among the

children who may need the care and parents who wish to take them up was made.

- (iii) **Registration of Birth** : Some achievements have been made towards increasing the number of parents registering their newborns for example the Minister mentioned an incentive mechanism known as the Cash Transfer Programme which can only be effected if certain conditions are fulfilled (immunization, birth certificate, etc.). Furthermore every child born in hospital must obtain a birth certificate before the age of 6 months and as a prerequisite for enrolment into school a birth certificate must be provided. (This includes the Nubian children).
- (iv) **Custody of Children upon Divorce**: This was said to be a serious challenge due to the diversity of laws existing in the country with regard to claiming property and children. However the Minister reported of action being taken to monitor a follow up to ensure safe custody through alternative family/foster care.
- (v) **Participation of Children**: In partnership with NGOs and CSOs covering this area, the Government has managed to engage children in certain activities such as:
- Children Voices (a programme that started in 2000). Children come together from a particular region and meet opinion leaders, the media and express their needs;
 - Celebration of the day of the African Child: Children actively take part;
 - A report on Best interest of the child as well as participation guidelines was published /adopted.
- (vi) **Establishment of children's parliament**
Establishment of children's Assembly /Parliament is being planned.
- (vii) **Children in conflict with the law**: There exist in Kenya Child offenders rules and guidelines clearly stipulating what should be done from time of arrest to disposure. In addition to this are:
- Children's courts;
 - Over 100 magistrate gazette to address children issues.
- (viii) **Early marriages**:
Steps to harmonize the laws/bills on minimum age for marriage between Muslim and other communities need to be taken. However in the meantime a Children Act applies before the law on age for marriage is passed.
- (ix) **Drug and Substance abuse**: Legal and policy framework exists to ensure that rules and regulations on drug and substance abuse are enacted.

- (x) **Corporal punishment:** No adequate measures have been taken yet to deal with teachers and parents that still use this mode of punishment on children. However specialized training programmes are conducted for parents/ caregivers teachers, police, social workers etc.
- (xi) **FGM :** Anti FGM sensitization by Government leaders is being done and shows positive outcomes from these initiatives. The Minister however emphasized the importance of bringing men on board as the practice can not completely be brought to a halt without concerted efforts from men and women. It was also mentioned that FGM has been medicalized i.e being performed by nurses and other medical professionals in homes which makes it even more difficult to eradicate.

46. In conclusion the Chairperson thanked the presenter for an elaborate and sincere report from Kenya and expressed her hope that the Kenyan Child will achieve what the ACRWC requires for the African Child.

ITEM 8: PRESENTATION ON STATES PARTIES REPORT: Mali

47. The Chairperson of the Committee congratulated the Mali delegation for presenting their report and gave the floor to the rapporteur who congratulated Mali on the progress made in the protection of the rights and welfare of children and on the efforts deployed to align the country's legal and institutional mechanisms with its international commitments. He then recalled the clarifications and observations transmitted to the Government of Mali which included :

- (i). The definition of the child;
- (ii). The general principles of child protection;
- (iii). Family environment and alternative care;
- (iv). Basic health and welfare of the child;
- (v). Education, leisure and cultural activities;
- (vi). The responsibility of the Child.

48. The floor was then given to the delegation of Mali led by Madam, Minister of Advancement of Women, Children and the Family. In her presentation, Madam the Minister emphasized that her country's participation in the deliberations of the Committee "was informed by its determination to bring its contribution to bear on the building of an Africa that is more united in regard to the situation of children". She summed up the content of the report and developed the following points:

- All the texts on the protection of the rights of the child have been signed and ratified by Mali;
- The adoption and implementation of the initial ECOWAS plan of action on human trafficking;
- The laws on educational orientation; conditions for establishment and *modus operandi* of the children's private reception and placement institutions; wards in Mali; the national council on guardianship; issuance of travel ticket for children aged from 0 to 18 months;

reproductive health; marriage code and guardianship; and on compulsory school attendance;

- The edicts on the establishment of centres for reception and family placement;

49. The Minister also underscored the gains achieved:

- The adoption of a document entitled “*Bamako Guiding Principles for harmonization of national legislations against the abuse of children in the French-speaking region and other African countries*”, signed in Bamako on 9 March 2002;
- The review of the law on the Penal Code to remove all the provisions on legal infancy in accordance with the guiding principles of Riyad and with the minimum regulations of Beijing;
- The review of the child protection code;
- The adoption of the law on legal infancy and the establishment of jurisdictions for minors;
- The establishment of specialized centres for detention, re-education and rehabilitation of minor boys and girls, as well as women;
- Definition of the conditions for establishment and *modus operandi* of the private institutions for children’s reception, counselling, orientation or lodging.

50. Members of the Committee raised a number of questions and made observations in several areas relating to the rights of the child particularly:

- The repression of the trafficking of children and other forms of harmful traditional practices, bearing in mind that awareness-raising is not sufficient as a sole or major tool;
- The definition of the concept of “child” which still has variations;
- The notion of indignity of the child in terms of inheritance, in contrast to the principle of non discrimination between children;
- The legal texts on protection of children adopted by edict, which does not accord them priority in the hierarchy of national standards;
- Impact of poverty on the protection of the rights of children;
- The absence of free primary education;
- Early marriages and the gap between religious marriage and marriage celebrated before a marriage registrar;

- The Committee suggested that Mali considers the possibility of putting in place for the country an integrated development policy on childhood.

51. The Committee also discussed other issues such as:

- malnutrition, access to potable water and sanitation for which Malian indicators are at low levels;
- Drug consumption and trafficking and the phenomenon of child soldier, particularly in Touareg communities;
- The debate on the adoption of the draft family code.

52. The Malian Delegation provided responses, as necessary, to these questions and made clarifications on measures taken in respect of justice for minors, imminent harmonization of texts on childhood age, recourse to income generating activities to neutralize the effects/incidence of poverty on strategies and programmes for protection/promotion of children's rights and welfare, and on the prohibition of marriage before age 15 without the mutual consent of the two parties.

53. The Minister underscored the importance of coordination and harmonisation between neighbouring countries, citing the case of women who practice excision crossing borders into more hospitable countries, as well as the key role of agreements between village communities and NGOs which provide them with the guidance and assistance they need. It would be necessary to strengthen cooperation agreements to better coordinate efforts to combat child trafficking, female genital mutilation, etc., through enhanced communication and information.

54. She also briefed the Committee on national sectoral strategies on health, education, justice and family affairs which contain special provisions for child protection, implementation of which is supported by development partners in association with Malian civil society actors.

55. In terms of prospects, she mentioned the ongoing formulation of a national policy and strategic plan for the promotion and protection of children in Mali, the identification of 35,000 victims of violence, abuse, exploitation and neglect, the elaboration of regional plans to cater for 27,000 child victims of violence, abuse, exploitation and neglect, and the revival of the National Committee for Follow-up on Programmes to combat Child Trafficking.

56. She thanked the Committee for inviting her country to present its Report, adding that she was looking forward to the recommendations the committee would send to Malian authorities to help in defining intervention strategies suited to its socio-cultural realities and guaranteeing the welfare of the child on the continent. She appealed for greater regional cooperation, resource mobilisation, improved performance by existing national mechanisms, as well as for the enhancement of the existing internal and external partnerships among the stakeholders.

57. The Committee thanked the Malian Delegation and commended the Malian government and civil society players for the progress made and for the determination of the authorities to carry through their efforts at improving the situation of children.

The Committee expressed its willingness to accompany the Malian authorities in their undertaking.

ITEM 9: PRESENTATION ON STATES PARTIES REPORT: Niger

58. The Representative of Niger requested that consideration of Niger's report be rescheduled for the next session of the Committee. The latter took note of the request and decided that Niger's report would be considered at its next session.

ITEM 10: PRESENTATION ON STATES PARTIES REPORT: Rwanda

59. The representative of Rwanda requested that consideration of Rwanda's report be deferred to the next Session of the Committee. The Committee took note of this request and decided that Rwanda's report would be discussed at its next Session. It however drew the attention of Rwanda's representative to the fact that that was the second time consideration of the report was being postponed, and expressed the hope that appropriate steps would be taken to ensure effective participation of the Rwanda's delegation in the next session.

ITEM 11: PRESENTATION ON STATES PARTIES REPORT: Tanzania

60. The Chairperson of the Committee congratulated the Tanzania delegation for presenting their report and gave the floor to the rapporteur who provided a few guidelines as to some important areas of focus for the debate that would follow. These areas included:

- (i). Adoption;
- (ii). Law against trafficking;
- (iii). Impact of Mkuza and Mkukuta on the wellbeing of the child;
- (iv). Water supply;
- (v). Birth registration;
- (vi). Administration of juvenile justice;
- (vii). Children involved in armed conflict;
- (viii). Street children;
- (ix). Education;
- (x). HIV/AIDS.

61. The floor was then given to the delegation of Tanzania led by the Permanent Secretary for Gender Affairs.

62. Tanzania ratified the Charter in March 2003, since the ratification of the Charter, the following activities have taken place to ensure implementation:

- Dissemination of the Charter has been done;
- In April 2003, Tanzania ratified the two optional protocols to the CRC on involvement of Child in Armed Conflict, and the Sale of Children, Child Prostitution and child Pornography;

- Tanzania is strengthening legislative framework for children through on-going consultative processes with the aim of developing a comprehensive Children's Act and progress has been made towards developing a White Paper;
- Mechanisms for coordinating and implementing the Charter have begun through a process to establish a National coordinating body;
- Integration of children's concerns and vulnerabilities as central issues within the broader national development frameworks that guide national policy development and programmes;
- The development of a number of national policies, cross sectoral strategies, and action plans in critical areas of concern for children (including HIV/AIDS and orphans);
- Policy level decisions such as the abolition of school fees in primary schools;
- Involvement of children's well being through their Junior Council of the United Republic of Tanzania;
- The Sexual Offences Act has been revised to broaden the range of punishable offences and allow children under 18 to testify in camera;
- There is legislation to protect children from hazardous work.

Achievements:

63. Despite challenges such as poverty with administrative, religious, cultural and geographical disparities between the Mainland and Zanzibar, achievements made include the following;

- Tanzania has managed to reduce the infant mortality rate from 68/1000 to 58/1000 and the under 5 mortality rate from 112/1000 to 91/1000;
- Primary education has increased to around 95% after abolition of fees;
- Marriage laws have been considered for revision to protect the girl child;
- Tanzania law provides for protection of refugee children and provides for their reunion with their family and their right to primary education, health and other social services.

Challenges:

64. Although Tanzania has made all these achievements, there are still some challenges that need to be addressed and they include the following:

- Financial constraints restrict Tanzania's efforts to respond to the needs of the child;
- Poverty is a root cause to many child problems;
- Some evidence suggests widespread problems of neglect, violence, abuse and exploitation of children;
- Efforts to protect children fall short of what the ACRWC requires;

- Corporal punishment has not yet been fully abolished in Tanzania Mainland;
- Female Genital Mutilation (FGM) has been criminalized but still takes place;
- Social security like in most developing countries is limited to those in formal employment;
- Though primary enrolment has increased, retention is still a challenge;
- Efforts of harmonization of laws between Tanzania Mainland and Zanzibar have been slow due to the nature of the Union Agreement.

65. The Committee members were satisfied that Tanzania had done a lot to improve the rights and welfare of the child but raised some important issues to the delegation.

66. The Tanzanian delegation was asked to explain the differences in legislation between the Mainland and Zanzibar and requested a clarification as this could give rise to cases of discrimination. It was explained that the same laws are enacted in both areas but implementation is usually slower in one area due to administrative and religious differences of the two regions. In the process of decision making, issues are divided under the Union Agreement into Mainland and Zanzibar matters for ease of implementation. The Tanzanian delegation further acknowledged this discrepancy and stated that they shall do their best under the circumstances to correct the problem.

67. Concerns were raised about the children's rights to registration, as it reported that single mothers cannot register their children in Tanzania and that there were too many unregistered children in the country. It was clarified that these children are not denied registration but authorities need some proof of paternity before they can register them under the mentioned father's name. The Tanzanian delegation admitted that there are a lot of unregistered children, but measures have been taken to curb this by decentralizing registration services. As a result, there has been a sharp increase in the number of registered children.

68. Concern was also raised by the Committee as the issue of male teachers not being adequately sanctioned for impregnating girls in Tanzania, and requested that harmful traditional and cultural practices should be penalized and the provisions of the law should be implemented accordingly.

69. Committee Members also raised concerns on why Tanzania has not fully abolished corporal punishment. It was reported that it has been abolished in certain areas of the country and they were in the process of learning lessons from these pilot areas before extending it to the rest of the country.

70. The Tanzanian delegation was reminded of the need to abide by the procedure in the Guidelines in preparing their Report. Statistics and data, which would have enabled Committee Members appreciate the concerns in context, were also requested for, as this information was not included in the Report. The Tanzanian Delegation noted these observations and promised to ensure compliance in the next Report.

71. The Head of the delegation informed Committee Members that a formal response to the clarifications sought by the Committee would be prepared and submitted by the delegation.

72. The Tanzanian delegation thanked the participants for the giving them an opportunity to present their work and congratulated the Committee on efforts being made to promote the welfare of the child. They called for close collaboration of all stakeholders. Tanzania also emphasized the use of evidence based interventions by generating data such as the study they are conducting with UNICEF to determine the extent of violence against women and children.

ITEM 12: PRESENTATION AND CONSIDERATION OF THE COMMITTEE'S DRAFT PLAN OF ACTION FOR 2010-2014 BY THE CONSULTANT (CLOSED SESSION)

73. Due to the fact that the Plan of Action had not been translated into the two working languages, the Committee agreed to postpone this agenda item and to have it discussed during a workshop before the next session. Resources to organize the workshop to consider the draft PoA would be mobilized. However, if Funds are not made available in time the draft Plan of Action would be presented during the Next Session of the ACERWC.

ITEM 13: CONSIDERATION OF OBSERVER STATUS APPLICATION (CLOSED SESSION)

74. Following the presentation of the report on the consideration of the observer status applications by the appointed Rapporteur and the ensuing discussions, the Committee decided to defer deliberation on the applications submitted to the next Session and to embark upon amending the guidelines for granting observer status. This decision was informed by the need to make the criteria more flexible, thereby enabling a greater number of NGOs and Associations to obtain observer status on the Committee. The decision was also taken in pursuance of one of the recommendations of the Forum of NGOs.

75. The Committee thus went on to amend some of the criteria

ITEM 14: FOLLOW UP ON THE COMMUNICATIONS RECEIVED (CLOSED SESSION)

76. The Committee members considered the two communications received :

- the communication from the Centre for Human Rights in Pretoria, on the violation of the rights of children in Uganda; and

- the joint communication presented by the Institute for Human Rights and Development in Africa, Banjul, and the Open Society Justice Initiative on the violation of the rights of Nubian children in Kenya.

77. It emerged from the Secretariat's report that correspondence had been dispatched to the authors of the communications requesting them to forward the French version of the documents to be considered, to enable all members of the Committee to look into the applications and be in a better position to decide on the acceptability of the communications. However, the documents in question are yet to be received in the Secretariat.

78. The Committee decided to postpone discussion on the acceptability of the communications to its next session to allow the authors enough time to submit the requisite documents.

ITEM 15: PARTNERSHIP WITH THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS AND THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD

79. The Chairperson of the Committee indicated that the African Commission on Human and Peoples' Rights had adopted a resolution on collaboration with the African Committee of Experts on the Rights and Welfare of the Child and that, to this end, Commissioner Soyata Maiga had been appointed as the focal point of the Committee. Members welcomed this decision and reaffirmed their readiness to work purposefully to establish fruitful partnership with the Commission. It was decided to establish a working group to elaborate a document to formalize this collaboration. Meanwhile, the Secretariat of the Committee would continue to serve as the point of contact with the Commission.

80. As regards partnership with the United Nations Committee on the Rights of the Child, the Chairperson informed the members that she had received correspondence from the Chairperson of the United Nations Committee who proposed that a joint working group be established for the two Committees to exchange views and come up with proposals for a collaboration strategy, together with the names of their members that would serve on that working group. Members of the African Committee also welcomed this proposal and appointed the following persons to serve on the working group:

- Ms. Diakhate Seynabou
- Mr. Moussa Sissoko
- Ms. Kabore Agnes
- Mr. Cyprien Yanco
- Mr. Andrianirainy Rassamoely
- Ms. Mamosebi Pholo

ITEM 16: ANY OTHER BUSINESS

81. The members who had represented the Committee at various international or national meetings took turns to present their reports.

82. The ensuing discussions focused on mobilization of resources for the Committee. It was decided that the members who had received financing proposals should direct the partners to the Secretariat and inform them to forward the proposals officially to the Secretariat, which should also inform Committee members on the financing proposals and of other activities

83. Mrs Dawlat Hassan, member of the Committee, has, on behalf of Ambassador Mouchira Khatab presented to the Committee the excuses of the Arab Republic of Egypt which for financial constraints was not able to hold the present session of the Committee as it was planned.

ITEM 17: ADOPTION OF THE DRAFT REPORT

84. The Report was adopted as amended.

ITEM 18: CLOSING CEREMONY

85. The Director of Social Affairs thanked the Committee Members for their painstaking efforts and for honouring their commitments towards promoting the rights of children on the continent. He also acknowledged the support given to the Committee by the CSOs and partners.

86. He stated that discussions would be held with UNICEF on how they could assist the Committee to develop an effective reporting system in order to improve the Committee's efficiency in their work. He mentioned that the Committee should work more closely and continue to have dialogue with the AU Commission, African Commission on Human and Peoples' Rights (ACHPR) and the UN Committee on the Rights of the Child (UNCRC).

87. He concluded by thanking the Secretariat and the Staff of the Department of Social in their contributions to the report.

88. The Chairperson of the Committee thanked all participants for the success of the 14th Session of the Committee. She pointed out that the Committee would focus on areas of modalities and cooperation with the UNCRC and she added that the ACHPR has already put in place a think tank to facilitate cooperation with the Committee.

89. She went on saying that despite the challenges that the Committee has faced, they would work harder to accelerate ratification of the Charter for the remaining countries who have not yet ratified and also urge Member States who have ratified to prepare and submit their reports on time.