



ACERWC Tribune

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In this issue:

- 2. Editorial Note
- 2. 22nd ACERWC Session
- 4. Lobbying missions
- 6. ACPF and the monitoring of the African children's Charter
- 8. Launching of the Ratification and Reporting Campaign under the Africa children charter

Upcoming:

- General Comment on Article 6 of the ACRWC
- Day of the African Child (DAC) 2014 "Child Friendly, quality, free and compulsory education for all children in Africa"
- Launching of the Campaign in the RECs



Synergizing the work of the ACERWC with other AU Organs: with Human Rights mandates

by Ayalew Getachew Assefa, Legal Researcher - ACERWC Secretariat

ACERWC Inside...

History shows that discussions leading to the formulation of the African human rights system began as early as 1961 when the International Commission of Jurists convened the African Conference on the Rule of Law in Lagos, Nigeria. At the end of the Conference a resolution, commonly called the 'Law of Lagos', was adopted. The resolution invites African governments to study the possibility of adopting an African Convention of Human Rights which would be safeguarded by a creation of a court of appropriate jurisdiction. Accordingly, in 1969, a seminar was organized in Cairo to study the possibility of the establishment of regional commissions on human rights with special reference to Africa. After that, various seminars and conferences were held which discussed the possibility of establishing a regional human rights protection system in Africa.

This continuous effort hit its target in 1979 when the Heads of States of African

countries, at their 16th Ordinary Session in Liberia, requested the Secretary General of the Organization of the African Unity (OAU) to convene a meeting of government experts to prepare a preliminary draft of an African Charter on Human and Peoples' Rights.

Accordingly, the African Charter on Human and Peoples' Rights, which is one of the constituent elements of the African Human Rights System, was adopted by the Assembly of Heads of States and Governments of the OAU in June 1981 in Nairobi, Kenya and this treaty entered into force five years later in 1986. The Charter provides for the establishment of an African Commission on Human and Peoples' Rights (ACmHPR), charged with the promotion and protection of human and peoples' rights on the continent.

continues on Page 2

African Charter on the Rights and Welfare of the Child

25 years
in 2015
RATIFY & REPORT

CAMPAIGN FOR THE UNIVERSAL RATIFICATION OF AND REPORTING ON THE AFRICAN CHILDREN'S CHARTER (2014 - 2015)

Editorial Note

Dr. Benyam Dawit Mezmur
Chairperson ACERWC

An Africa Fit For Children

A continent where all African children fully enjoy the rights enshrined in the African Charter on the Rights and Welfare of the Child (ACRWC) is the goal that the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ the Children's Charter) is moving towards. As far back as 01 July 1990, the Member States of the then Organization of the African Unity (OAU), unanimously adopted the ACRWC to contextualize and complement the UN Convention on the Rights of the Child (CRC). Driven by the belief that the child occupies a unique and privileged position in the African society, the African Children's Charter emerged as the only regional human rights instrument that identifies the child, not as a mere beneficiary of rights, but also as a rights holder and enables him/her to assert them. The ACRWC came into force on 29 November 1999, after ratification by 15 State Parties.

continued from Page 2

To complement the protective mandate of the Commission, the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights (the Court Protocol), was adopted in June 1998 and the Court became operational in 2006.

The ACERWC in Article 32, provides for the establishment of a monitoring body whose mandate is to promote and protect the rights and welfare of the child. As a result, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established in 2001. Since then, with little in the way of human and financial resources, the Committee has endeavored to fulfill its mandate.

Despite all the successes recorded regarding the promotion and protection of children's rights in Africa, the ACERWC firmly believes that Africa has still a long way to go to create a Continent fit for children. Particularly in areas related to the situation of children in armed conflict, harmful traditional practices including child marriage, children with disabilities and child labor, State Parties have to strengthen efforts to address the plight of children in their respective jurisdictions.

To help the process of creating an Africa which is fit for children and in order to fully ensure the promotion and protection of children's rights in Africa, the ACERWC has launched a



major campaign called "*Campaign for the Universal Ratification of and Reporting on the African Children's Charter*".

The Campaign aims at encouraging Member States who have not yet ratified the Charter to do so, and State to get Parties to comply with their reporting obligations relating to the implementation of the provisions of the ACRWC. The Committee strongly aspires towards the full realization of children's rights in accordance with the provisions of the ACRWC. We therefore, calls upon Member States, CSOs and the media to come on board and support the Committee in the process of creating an Africa fit for children.

Engage with us now, African children can't wait!

Moreover, in 1990, shortly after the establishment of the UN Convention on the Rights of the Child (CRC), the OAU Assembly has adopted the African Charter on the Rights and Welfare of the Child (ACRWC). This Charter, as it is crafted in a manner it can be able to address issues specific to the African

children, has revealed itself with some form of peculiarities to advance the protection of children in Africa. To monitor the implementation of this instrument, in accordance with article 32 of the Charter, the Committee of Experts was established in 2001.

The African Union Peace and Security Council (PSC) is also another Organ

in 2011, the African Union adopted a 'Regional Human Rights Strategy'. This document includes mechanisms to reduce duplication in human rights bodies and to harmonize rules of procedure, strengthen the capacity of human rights bodies, increase the ratification of human rights instruments, and 'increase promotion and populari-

en their collaboration. Moreover, the ACERWC held a consultative meeting with the AU PSC on 18 February 2014. During this meeting, the ACERWC requested for the PSC to engage Member States to take measures and initiatives against recruiting and using children in the armed forces. The PSC, therefore, welcomed the call for an institutional-



Collaboration meeting ACERWC - AU PSC, 18 February 2014, Addis Ababa

with a significant human rights protection mandate. Although established as the collective security and early-warning mechanism of the AU, the *raison d'être* of the PSC is not narrowly limited to prevention, management, and resolution of conflicts. As clearly stated in the preamble of its Protocol, the AU PSC plays a great role in the development of strong democratic institutions and culture, observance of human rights and the rule of law. Article 3 of the Protocol further states that the PSC shall amongst others guarantee the protection of human rights and fundamental freedoms.

Looking at the human rights mandates entrusted to these Organs,

zation of African human rights norms'. In agreement with the spirit revealed through the AU Human Rights Strategy, the ACERWC is currently working on mechanisms in order to synergize its work with the ACmHPR, the ACtHPR and the AU PSC. Accordingly, the Committee has held various collaboration meetings with these Organs with a view to identify common areas of engagements.

In 11 December 2013, the Committee held a workshop which was aimed at identifying areas of collaboration among the ACERWC, the ACmHPR and the ACtHPR. During the workshop, the three Organs discussed a number of issues with a view to strength-

ized collaboration between itself and the ACERWC in engaging AU Member States to take necessary measures and initiatives to stop the recruitment and use of children in armed conflicts.

The ACERWC, therefore, has a strong stance on the need for the existence of concrete collaboration among the various AU Organs with human rights mandates, which not only will increase the efficacy of the Committee as an effective child rights' mechanism, but will also serve to strengthen the collective regional human rights system, and contribute to the creation of a strong, multi-layered, complementary, joined-up and united human rights front in Africa.

Expert talks

"Eradicate War on the African Continent,
Hope in an Africa Fit For Child"

Dr. Félicité Muhimpundu, Member of the ACERWC

The protection and promotion of children's rights is a moral and legal duty of every parent, every society and every country. As such, it is up to Africans to make every effort to ensure that Africa is a continent fit for children according to the principles and the vision of the African Charter on the Rights and Welfare of the Child, adopted in 1990 by the Heads of States and the commitment made by these same States in 2007 in Cairo.

Nowadays, many African countries experienced situations of armed conflict and genocide, and some are still subject to their extremely harmful consequences; social or political tensions have raised fears that may lead to uprisings which will affect adults, youths and children. None of these situations is favorable to the welfare and development of the child, nor to the future of Africa.

Tales from the field

by Philippe Sekone Wendyam, Child Rights Officer - ACERWC Secretariat

The ACERWC lobbying and monitoring missions

Although it is mainly a decision making and monitoring body, the African Committee of Experts on the Rights and Welfare of the Child is not limited to meetings, nor confined to holding workshops removed from the realities and the concerns of those whose they are responsible for defending. It happens from time to time that the Committee goes to the field, for the purposes of questioning the reality on the ground to complement States parties or civil society alternative reports on the implementation of the Charter. Thus, a team of two members of the Committee and a member of the Secretariat undertook a mission to the Republic of Niger, from 9 to 14 December 2013. Indeed, having examined the initial report of the Re-

Under these conditions, talking about the rights and welfare of the child becomes a mere formality: for the social insecurity threatens the emotional safety of children. However, it is well known emotional security, from a very young age, is the essential to the well-being and development of the child.

It is the responsibility of States to ensure public security so that families are able to ensure the security of their children. We must ask current or potential warmongers to take initiatives to avoid placing Africa in a state of perpetual war.

Any warlike initiative as an option in conflict resolution (social, economic, tribal, religious or political) means the denial of human survival and development of children. If war is their inheritance, what future can they build?

If it is true that "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed", advocates of children's rights and welfare should take the necessary steps to plant the seeds of peace. By so doing, wars will be eradicated on the African continent and an Africa Fit for Children will become a reality.

public of Niger on the implementation of the Charter, the Committee adopted Recommendations and Observations for the attention of the Government of Niger.

The mission therefore aimed at monitoring the progress on the implementation of these recommendations. Stakeholders in the field of child protection were consulted through field visits and working sessions with the Ministry of Population, Women Empowerment and Child Protection, Ministry of Health, Ministry of Education and the promotion of national languages and the Ministry of Justice. There were also meetings with representatives of the National Commission for Human Rights, International Organizations and Civil Society Organizations.

With all of these contacts, the delegation of the Committee outlined the objectives of the mission,



Consultation between the ACERWC and CSOs in Niger

the Rights and Welfare of the Child. Thus, meetings were held with the Ministers of Human Rights and Transitional Justice, Health and Social Development, Justice and of Foreign Affairs, who showed an interest to the Committee's approach, and who were able to give assurance that an acceleration of the ratification process would follow. While regretting the fact that this had not been done earlier, they indicated their willingness to sensitize parliamentarians involved in the National Constituent Assembly to include this concern on their agenda.

insisting that it was not a fact-finding mission but a constructive dialogue in order to find solutions for better implementation of the provisions of the Charter. At the end of the mission, the Committee noted with satisfaction that the Government of Niger had taken into account the prescribed measures, but still urged them to continue

efforts to allocate the necessary human and financial resources for their full implementation. In the same vein, a lobbying mission was also deployed, from 25 to 29 November 2013, in the Republic of Tunisia. Tunisia is one of the AU Member States that has not yet ratified the African Charter



The Chairperson of the ACERWC, Lobbying mission to Tunisia

Children Voices

Africa's future and treasure

We should eliminate harmful cultures,
to see our future treasures,
starting from a little tree,
to something big that we can see.
There is no superior between African men and women,
so women should not marry at the age of ten,
African female circumcision must be stopped,
children's ovule must not be cut.
All African girls should go to school,
this must be an African Rule.
Africa can get better,
if women and children's rights get higher.
I can imagine Africa,
probably better than America.
We can eliminate harmful cultures,
and get our African treasures

Linda Getnet (Age 9) and Salem Hailemeleket (Age 10)



Partners Corner

ACPF support for the monitoring of the implementation of the African Charter on the Rights and Welfare of the Child

Dr. Nkatha Murungi, *Head of the Children and the Law Programme ACPF*

The African Child Policy Forum is a Pan-African centre for policy research and dialogue on the African child. The work of ACPF is based on the ACRWC, the CRC and other child rights instruments. Through the years supporting the African Committee of Experts on the Rights and Welfare of the Child (ACERWC or the Committee) to effectively deliver on its mandate to monitor the implementation of the ACRWC, as well as the promotion and protection of children's rights on the continent, has been a key priority of ACPF. On this basis, ACPF has, and continues to, embark on a number of activities in collaboration with the Committee some of which are highlighted below.

ACPF is currently undertaking a three year project (2013 – 2015) under the theme of child rights governance (CRG), one of the objectives of which is to support monitoring of the African Charter on the Rights and Welfare of the Child (ACRWC). Through this project, ACPF is supporting the Committee to undertake its monitoring and interpretive functions, and also to build the knowledge base on the state of child rights in Africa. Hence, in 2013, ACPF supported the Committee to develop Guidelines on the Form and Content of Periodic State Party Reports submitted under the Charter. These Guidelines will facilitate timely reporting and consistency in both the content and form of the reports submitted to the Committee. The finalization of the Guidelines and their impending adoption is opportune as it coincides with the Committee's recently launched Campaign on the Universal Ratification of and State Party Reporting on the ACRWC. It is hoped that the Guidelines will expedite the

submission of Periodic State Party Reports in order for States Parties to fulfil their reporting obligations by 2015. Indeed, State Reporting is an integral part of monitoring implementation of and compliance with the ACWRC. In addition, research and advocacy initiatives undertaken by ACPF have been instrumental in enhancing visibility of matters affecting children on the continent, building knowledge on the existing resources, and establishing standards for the protection of children's rights and wellbeing in the region. For instance, the Guidelines for Inter-country adoption in Africa, and the Guidelines on Children in the Justice System in Africa which have been endorsed by the Committee set significant standards for use in monitoring the implementation of the Charter.

In collaboration with the ACERWC and the UN Special Representative on Violence against Children, ACPF is conducting a study on violence against children in Africa, with the aim of building evidence around the multiple manifestations of violence against children in the region and building consensus towards eliminating violence against children on the continent. Other key research documents developed by ACPF include the African Report on Child Wellbeing, reports on Harmonization of Laws in Africa, and the Child Law Resources. During the 2013 Day of the African Child, ACPF along with other partners on children's rights helped to organize the celebrations of the DAC in Addis Ababa. Specifically, ACPF helped to draft the 2013 DAC Declaration on the elimination of harmful cultural practices affecting children, and assisted with the general organisation of the celebrations. For this year and those ahead, ACPF will continue to support efforts towards the realization of children's rights in Africa, and especially the full implementation of the ACRWC.

Session In-depth

22^e ACERWC Ordinary Session

by Catherine Wanjiru Maina, Senior Social Worker, ACERWC Secretariat

The Twenty-Second Session of the African Committee of Experts on the Rights and Welfare of the Child was held at the headquarters of the African Union Commission in Addis Ababa, Ethiopia, from 4 to 8 November 2013. During the Session the Legal Counsel of the African Union conducted the swearing in of three newly elected Committee members, namely: Mrs. Suzanne Assouma, Mrs. Sidikou Alassane Moulaye and Mr Joseph Ndayisenga. A special focus was placed on issues of discrimination and violence against girls in the light of their right to education, health, survival and

development; the outcome was a “*Declaration to End Violence and Discrimination against girls*” which aims to chart mechanisms through which all forms of discrimination and abuse against girls in Africa can be eliminated. In the Declaration, the responsibilities of Member States and Partners were identified. Looking closely at the Declaration, it appears that the fulfillment of the right of protection will directly contribute to the achievement of national socio-economic development and poverty reduction agendas in Africa. The Committee also had a discussion on the planning of the 25th Anniversary of the Adoption of the Charter and the launching of a campaign for the ratification and reporting under the Charter.

Following the debates on the theme of the day of general discussion, which gathered representatives of the African Union, the Regional Economic Communities, CSOs, INGOs, UN agencies, and experts from across Africa, a ***Declaration to End Discrimination and Violence against Girls in Africa*** was adopted by the Committee.



Participants view of the Day of General Discussion - 22nd ACERWC Session

Also at the heart of discussion reports on the commemoration of the Day of the African Child 2013 whose theme was: *Harmful Social and Cultural Practices affecting Children :Our collective responsibility* were presented by UNICEF. This year DAC will be celebrated across Africa under the theme “***Child Friendly, quality, free and compulsory education for all children in Africa***”.

One of the major projects on which Committee’s members have been consciously working on, will culminate during the 23rd session. In order to clarify the provisions of the Charter and to make them as operational as possible, the Committee decided during its 20th session, to adopt of a General Comment on Article 6 of the Charter. Article 6 of the ACRWC stipulates

that every child has the right to a name and nationality at birth. National differences in the interpretation of this provision may justify the steps taken by the Committee to make this provision clear and understandable for all.

The General Comment on Article 6 of the Charter reaffirms that every child, no matter they are stateless, refugees, born to asylum seekers parents, or belonging to an indigenous or marginalised group, should be registered at birth. This act, is the first step in the development of policies and programs to affect the well-being of these children. The General comment is also call on States parties, international partners and civil society to play a role so that legislation and policy measures accompany this process.

25 Years Anniversary of the Charter / Ratification and Reporting Campaign

by Kameni Ngankam, Communication Officer, ACERWC Secretariat

LAUNCHED!

Alongside the 22nd AU Summit (21 – 31 January, 2014), the launching of the campaign took place, in presence of partners organizations (Unicef, Save the Children, Plan International) and the Media. Planned to be conducted within a 2 year period culminating on 29 November, 2015, the Campaign aims at achieving universal ratification and respect for States Parties' fulfillment of their reporting obligations by 2015 and increasing the visibility of the ACRWC and its monitoring body. It also promotes the effective implementation of the ACRWC and advocates for the withdrawal of reservations.

To date, April 2014, only seven AU member States are not party to the African Children's Charter. Forty Seven countries have ratified the Charter though four State Parties have placed reservations on the application of some its provisions. With regard to reporting, Twenty Three State Parties have submitted their reports on the measures they have adopted which give effect to the provisions of the Charter and on the progress made in the enjoyment of the Charter in accordance with Article 43 of the ACRWC.

In his address to Media, the Rapporteur of the ACERWC, Justice Alfas Chitakunye highlighted the untiring efforts of the Committee in advocating for reporting on the implementation of the Charter. However, only 23 countries

have duly complied with their obligations to submit reports. For most of the countries, the due date for submission of their periodic reports has already lapsed. Some countries reports are overdue by more than ten years, he announced with regret. Mme Fatima-Zohra SEBAA-DELLADJ, 1st Vice-President of the Committee insisted on the urgency of reporting under the Charter, since it is based on those reports that the Committee can formulate recommendations on the implementation of the Charter and therefore ensure that children's rights are promoted, respected and fulfilled. Reporting on the implementation of the Charter is also a fundamental require-



Press Conference, launching of the Campaign, 29 November 2013 -

ment for the Committee to effectively undertake its mandate. In their solidarity Statement, Partners reaffirmed their commitment to support the Committee during the Campaign.

The Campaign has started with the objectives of achieving universal ratification and States Parties' fulfillment of their reporting obligations by 2015, promoting the effective implementation of the African Children's Charter and advocating for the withdrawal of reservations, and increasing the visibility of the African Charter on the Rights and Welfare of the Child and its monitoring body.

The countdown is set. 2015 is around the corner!

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