

Summary Report

Fourth Forum on the African Charter on the Rights and Welfare of the Child



18-20 March 2011

Addis Ababa, Ethiopia

“Like two hands clasped in unity of purpose, the Forum supports the African Committee of Experts on the Rights and Welfare of the Child and other AU human rights institutions in the safeguarding of child rights in Africa.” - Edmund Foley, The Institute for Human Rights and Development in Africa

The 4th Forum on the African Charter on the Rights and Welfare of the Child (ACRWC) was held between 18 and 20 March 2011 in Addis Ababa, Ethiopia. As is customary, the Forum was organised ahead of the 17th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) also taking place in Ethiopia.



Ninety-seven activists from 23 countries (of which 19 were in Africa) attended the Forum, which is a framework for strategic partnership to improve child rights in Africa. Specifically, the Forum contributes to the proper implementation of the ACRWC by providing a platform where CSOs can effectively engage with the African Committee of Experts on the Rights and Welfare of the Child (ACERWC); facilitating partnership, mutual learning and networking and serving as a springboard for advocacy around children’s rights and wellbeing in Africa. As the June 2011 theme for the Day of the African Child is “All together for street children”, this Forum specifically intended to draw attention to the challenges facing children without appropriate

care in Africa and to design appropriate responses to address these challenges. The 4th Forum was organised by Africa-Wide Movement for Children, CONAFE, The Institute for Human Rights and Development in Africa, Plan International, Save the Children, and The African Child Policy Forum.

The Forum was privileged to have three African Committee of Expert members attend the meeting. They presented their mandate, plans, objectives and challenges to the CSO Forum. The participants were able to engage with the Committee and get to know them personally as well as understand how civil society can support them in their mandate.

Major Outcomes

The meeting generated heated debate and discussion on thematic topics but also on the structure of the Forum itself. Some of the major outcomes of the meeting included:

- A comprehensive list of recommendations to the ACERWC, which were then presented to them at their 17th ordinary session.

- A list of suggestions for civil society to incorporate into their every day work to ensure the spirit and focus of the Forum are shared and implemented.
- A communique, which was presented to the ACERWC, asking that all those involved in the conflict in Libya ensure children's rights are being respected.
- A firm commitment to ensure children are involved in future Forums as well as commitments to explore how to link children more with the work of the ACERWC.
- A decision that the Management Committee, established at the 3rd Forum, should forge on and ensure that a Liaison Unit (serving to better connect civil society and the ACERWC) is quickly established.
- A decision that a website of the Forum will be developed by the end of April 2010.

The theme

The theme of the 4th Forum on the ACERWC (children without appropriate care) was selected because the Day of the African Child for 2011 is supposed to address street children. Understanding that children end up on the street because of inadequate protective systems and lack of appropriate care, the Forum delved into issues that drive children to the street and how we are collectively trying to tackle those issues. Consequently, participants spent time discussing the protective rights of internally displaced people and children with disabilities as well as inter-country adoption and, of course, street children.

The deliberations

As at each Forum, experts are invited to give presentations. The following topics were deliberated at the 4th Forum (in chronological order):

- An introduction to the purpose and objectives of the Forum
- The Strategic Direction of the United Nations Office of the High Commissioner for Human Rights in Africa and how CSOs can collaborate
- The state of the rights of street children in Africa
- How the new AU IDP Convention protects the rights of children without appropriate care
- Introduction to the Africa Wide Movement for Children
- Update on the plans and policies of the African Committee of Experts on the Rights and Welfare of the Child
- Introduction to some of the ways civil society can get involved in the work of the African Committee of Experts
- How the African Children's Charter safeguards the rights of children without appropriate care
- Presentations of three concrete programs addressing children without appropriate care
- Inter-country adoption: the trends in Africa
- An overview of the challenges and opportunities for children with disabilities in Africa
- An introduction to UNICEF's new 'equity approach'
- Presentation on the progress made since the 3rd CSO Forum on the commitments they made
- A discussion on the governance of the CSO Forum and subsequent liaison unit

For a copy of the full report of the proceedings, please go to www.forum-acerwc.org

The recommendations

As in each Forum, the participants developed a list of recommendations they shared with the African Committee of Experts on the Rights and Welfare of the Child as well as a set of recommendations to civil society. Because of the situation in Libya, the participants felt it was imperative that civil society also speak out and request that child protection should be a high priority despite the unfurling conflict. The following are summaries of the recommendations and communique:

Summary of the recommendations to the ACERWC

We, the participants of the Fourth Civil Society Organisations (CSO) Forum on the African Charter on the Rights and Welfare of the Child in Addis Ababa, Ethiopia from 18 to 20 March 2011 make the following recommendations to the African Committee of Experts on the Rights and Welfare of the Child in relation to children without appropriate care:

A) Children living and/or working on the streets and refugee & internally-displaced children

- According to UNICEF, an estimated 32 million children in Africa live or work on the streets. These children are often viewed as a nuisance to society, suffer from violence and abuse, face health problems and malnutrition, have difficulty in accessing health facilities, are vulnerable to substance use, lose the relationship with an adult caregiver and opportunities for growth, find it difficult to attend school and may be at risk of being mistreated by law enforcement bodies. Consequently, we recommend that the Committee:
 - Should strongly consider having a day of general discussion on children living and/or working on the street with the relevant stakeholders, including children, with the goal to establish agreed-upon indicators that would inform policy, programmatic interventions and research.
- Forced displacements due to existing and new conflicts, natural and man-made disasters, climate change and urbanisation have resulted in an alarming rate of refugees and internally-displaced persons, of which women and children are most affected. Consequently, we recommend that the Committee:
 - Should urge State Parties to ratify and domesticate the African Union Convention for the Protection and Assistance of Internally-Displaced Persons in Africa (Kampala Convention) to grant greater protection to women and children.

B) Alternative care

- While children in Africa are subject to alternative care including inter-country adoption, we acknowledge that there exists a lack of consensus on the issue due to diverse interpretations and understanding of circumstances of children. Compounding this further is the inadequacy and abuse of alternative care systems by various actors. We therefore recommend that the Committee:
 - Should adopt a General Comment on article 24 of the African Children's Charter giving consideration to issues relating to alternative care including inter-country adoptions in the best interest of the child within the African context.

C) The rights of children with disabilities

- Children with disabilities are generally hidden in Africa and therefore their plight is often ignored and disregarded in national policies and legislation. The consequences of these lead to endemic violation of the following rights; amongst others: the rights to education, health and health services, social security, participation, and the right to protection from abuse and neglect. We therefore recommend that the Committee:
 - Adopt a resolution on the rights of children with disabilities.
 - Should give an advisory opinion on article 13 of the African Children’s Charter, giving due consideration to the language that promotes the dignity of children with disabilities.
 - Call upon states to properly implement laws and policies passed and adopted for the rights and well-being of children with disabilities.

D) Child Participation

- The meaningful participation of children is important in the realisation of their rights and wellbeing. To this end, we wish to re-emphasise the importance of child participation as a cross-cutting theme in the mandate of the Committee. We recommend that the Committee:
 - Adopt guidelines on how child participation will be realised in the fulfilment of their mandate.
 - Meaningfully engage children in the identification of the theme of the Day of the African Child.

E) Rights of children in non-member states of the ACRWC

- The CSO Forum is deeply concerned about the plight of children in the nine countries in Africa that have not ratified the African Children’s Charter. These children are at risk of having their basic human rights violated without redress. We therefore recommend that the Committee:
 - The Committee should liaise with the African Commission on Human and Peoples’ Rights and other regional and international human rights mechanisms to ensure the protection of the rights of children in these countries which have ratified this Charter.
 - Strongly urge these nine remaining countries to ratify the African Children’s Charter.

Conclusion:

In order to concretise the recommendations mentioned above, we would strongly recommend that the ACERWC endeavours to constitute a special mechanism that holistically examines the issue of children without appropriate care. With that we reiterate our support as civil society to work with the ACERWC in implementing these recommendations.

For a copy of the full report of the proceedings, please go to www.forum-acerwc.org

Summary of the recommendations to civil society

The Forum came up with some general recommendations that were further split into more specific ones with time frames allocated to each suggestion. For a copy of the full report of the proceedings, please go to www.forum-acerwc.org

The following are commitments civil society represented at the Forum have made to themselves to work on until the next Forum is held. They also committed to sharing the information learned and the discussions had at the 4th Forum on the ACERWC with other civil society members in their respective countries and urge them to work on the following issues as well:

- Harmonise data collection in collaboration with Governments.
- Consolidate the CSOs experiences, share them with the ACERWC Members and put them on CSO and ACERWC websites.
- Share the theme of the Day of African Child with stakeholders in respective countries.
- Build the capacity of relevant stakeholders (sensitisation, materials and funding support, training etc).
- Raise awareness on disability issues including the urgent plight of albinos targeting the parents, the general public, parliamentarians, experts, and media.
- Advocate for the ratification of the UN Disability Convention and lobby the ACERWC to progressively interpret the ACRWC to promote the dignity of children under article 13.
- Undertake research, collect data on disabled children, and disseminate the findings.
- Consult with children at all levels for the CSO Forum (and ensure timely communication of the next Forum's programme and themes to participating CSOs to enhance the participation of children).
- The CSO Forum should identify a lead organisation in each country to facilitate the consultation of children for the CSO Forum.
- The CSO Forum should facilitate the sharing of guidelines, strategies and structures on child participation.
- The lead agency in each country should coordinate the process of child participation in the 2012 CSO Forum, ensuring their presence and participation having due regard to the representation of children from all regions in Africa.
- Develop an understanding on alternative care options. What alternative care options are available, etc.

Summary of the communiqué to the 17th ordinary session of the ACERWC on the conflict in Libya

We, the participants of the Fourth Civil Society Organisations (CSO) Forum on the African Charter on the Rights and Welfare of the Child in Addis Ababa, Ethiopia on 18 to 20 March 2011 strongly make the following recommendations to the African Committee of Experts on the Rights and Welfare of the Child:

Should request specific responses from the State delegation of the Libyan Peoples Arab Jamahiriya to the following issues affecting Libyan children caught in the midst of the conflict:

- The specific measures undertaken by all parties to the conflict to ensure:

- The right to free movement of people and children within Libya without fear of violence, according to international law and the African Union Convention for the Protection and Assistance of Internally-Displaced Persons in Africa (Kampala Convention);
- The protection of children in armed conflict and to further ensure that civilians, especially children, are not harmed by the on-going violence, having due regard to United Nations Security Council Resolutions 1612 and 1973;
- The safe transit of humanitarian supplies and personnel into Libya and to allow children and their families to access food and humanitarian assistance, especially the roughly 700,000 children apparently trapped in Tripoli;
- The distinction between military and non-military targets, including hospitals, schools, and areas populated by civilians;
- Civil Society Forum welcomes Egyptian and Tunisian commitments to keep their borders open to people seeking refuge from the violence.