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Addis Ababa, Ethiopia
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Acronyms

ACRWC  African Charter on the Rights and Welfare of the Child  
ACERWC  African Committee of Experts on the Rights and Welfare of the Child  
ACHPR  African Charter on Human and Peoples’ Rights  
ACJHR  African Court of Justice and Human Rights  
African Commission  African Commission on Human and Peoples’ Rights  
ANPPCAN  African Network for the Prevention and Protection against Child Abuse and Neglect  
APRM  African Peer Review Mechanism  
AU  African Union  
Committee  African Committee of Experts on the Rights and Welfare of the Child  
CONAFE  Coalition of African NGOs Working with Children  
ECOSOCC  Economic, Social and Cultural Council  
IHRDA  Institute for Human Rights and Development in Africa  
MDGs  Millennium Development Goals  
NEPAD  New Partnership for Africa’s Development  
NGOs  Non-Governmental Organizations  
OAU  Organization of African Unity  
UNCRC  United Nations Convention on the Rights of the Child  
UNICEF  United Nations Children’s Fund  

Presenters

Dr. Assefa Bequele  Executive Director, African Child Policy Forum  
Yolanda Weldring  Regional Director, Save the Children  
Mekdes Tadese  Chairperson of Yeka sub-city Children's Council/Parliament  
Julia Sloth-Nielsen  Professor and Dean of Law, University of Western Cape  
Benyam Mezmur  Researcher, University of Western Cape  
Seynabou Diakhaté  Chairperson, African Committee of Experts on the Rights and Welfare of the Child (ACERWC)  
Mariama Cissé  Secretary to the African Committee of Experts on the Rights and Welfare of the Child  
Åsa Rapp Baro,  Programme Advisor, Save the Children  
Samantha Waterhouse  Programme Manager, Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)  
Moussa Sissoko  Member of the African Committee of Experts on the Rights and Welfare of the Child  
Chikezie Anyanwu  Africa Advocacy Advisor, Save the Children, on behalf of the NGO Group on the CRC
Summary of the Forum and Key Recommendations

The second Civil Society Organization Forum aimed to contribute to the implementation and monitoring of the African Charter on the Rights and Welfare of the Child (ACRWC) and to foster closer collaboration among civil society organizations (CSO), the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and other stakeholders in the promotion and protection of children’s rights in Africa.

The main objectives of the Forum were to:
- Contribute to proper implementation and monitoring of the African Charter on the Rights and Welfare of the Child and the Africa Call for Accelerated action for an Africa Fit for children; and
- Foster closer collaboration and co-operation among Civil Society organizations; The African Union Commission, its structures and organs; the African Committee of Experts on the Rights and Welfare of the Child and other stakeholders for promotion and protection of children’s rights and wellbeing in Africa.

This Forum strived to achieve the following sub-objectives:
- To educate, share and learn from one another on important child rights issues, mechanisms and processes.
- To provide recommendations to the ACERWC on various important child rights topics.

The CSO Forum covered some fundamental areas around the African Charter and the Committee of Experts including:
- How far has the African Charter been implemented
- The Progress and Challenges of the African Committee of Experts on the Rights and Welfare of the Child
- How civil society uses the African Children’s Charter to change laws and policies
- Child rights budgeting
- Roles and Responsibilities of the Committee Members
- Nomination and Selection of Committee members according to the Rules of Procedures
- Experiences of the NGO group to the CRC Committee on how they influence selection of CRC Committee members

Since the first CSO forum, it was noted that there is greater collaboration and communication between CSO Forum members and between the CSO Forum and the Committee of Experts. One of the key issues raised was that after 10 years of the Charter coming into force there is still very little knowledge of the African Charter and of the Committee of Experts among the African population and children in particular. Few state parties who have
ratified the Charter have fulfilled their obligation in submitting reports to the Committee. The Committee faces numerous challenges specifically in relation to its Secretariat housed within the African Union.

The Forum concluded with recommendations to the Committee of Experts as well as recommendations of key action points for the CSO Forum.

Summary of Recommendations

**Recommendations for the Committee:**

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<th>The Committee of Experts is encouraged to:</th>
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<td>• Designate a focal person within the Committee for liaison with the African Commission on Human and People’s Rights.</td>
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<td>• Amend its guidelines for the consideration of Communications to include a timeframe 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.</td>
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<td>• Provide further concluding recommendations on State reports already considered by the Committee.</td>
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<td>• Develop General Comments concerning the prohibition of corporal punishment in all settings.</td>
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<td>• To 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.</td>
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<td>• To set 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.</td>
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<td>• To regularly update its webpage to facilitate the improved flow of information between the Committee and all relevant stakeholders.</td>
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<td>• To ensure that child participation is visible in its new Plan of Action 2010-2014.</td>
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**Action Points for Civil Society**

- Coordinate efforts to raise awareness on the theme of the Day of the African Child
- Create a liaison unit which will link CSOs with the ACERWC.
- Provide joint trainings on the ACRWC
- Identify a platform in which African CSOs can express their concerns and experiences working on child rights
- Draft a letter to all donor countries, including foreign missions in Addis Ababa on the importance of including ACERWC in their support to the AU
- Liaise with ECOSOCC to put child rights on their agenda and to invite ECOSOCC to the next CSO Forum
- Invite the AU Parliament to the next CSO Forum
- Ensure that the issue of child budgeting is explored further in subsequent Forums (and nationally in relation to the Day of the African Child)
- Ensure corporal punishment as well as other forms of violence against children is an issue to be explored in one of the subsequent CSO Forums.

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1 A full list of action points and recommendations are provided in Appendix 2
Session 1: The progress of the child rights in Africa in the last 20 years. Is there something to celebrate?

Presenters:
Mekdes Tadesse Chairperson of Yeka sub-city Children’s Council/Parliament
Seynabou Diakhaté Chairperson of the African Committee of Experts on the Rights and Welfare of the Child
Dr. Assefa Bequele Executive Director, African Child Policy Forum
Yolanda Weldring Regional Director, Save the Children

Summary of Presentations:
Mekdes Tadesse of ANPPCAN set the tone for the Forum highlighting that the African Charter on the Rights and Welfare of the Child is largely unknown by the African population and particularly by the African child. She called on the CSO Forum to stand by those children and encourage their active participation.

Dr. Assefa of the ACPF shared three key concerns about the status of children’s rights in Africa and laid the blame at three different levels; 1. the hypocrisy of the international development actors, 2. complacency of the African public, and 3. the callousness of African governments. He shared the results of the ACPF’s report on *The African Report on Child Wellbeing 2008* which evaluated government’s performance in terms of child protection; whether there were appropriate legal and policy frameworks for protection and the degree of budgetary commitment to child wellbeing. The report showed that despite the fact that there are considerable challenges facing governments in Africa, change and progress are possible and feasible even at very low levels of development. Dr. Assefa highlighted that in order for Africa to meet its obligations towards children, the following must be at the forefront of State parties priorities: Politics that put children first, Laws that protect children, and Budgets that provide for children.

Yolanda Weldring of Save the Children focused on child participation and highlighted the need for children to hold their governments accountable. She suggested that governments need to feel accountable to children and to support this, children need to understand and know their rights. She proffered that our role as civil society is to ensure children know the Charter and that civil society needs to work together with the Committee to ensure children are on the agenda. It is particularly important to work with the AU’s Economic and Social council (ECOSOC) to ensure children are high on the agenda of the AU.

Seynabou Diakhaté, chairperson of the ACERWC, reviewed the condition of children in Africa highlighting malnutrition, the continuation of harmful traditional practices and the impact of war and conflict on children. She
commended CSOs for their role in raising awareness of the rights of children and for their continual support to the Committee. She requested that the CSOs use their position to act as a liaison with the donors to bring about increased support to the Committee.

Questions, Comments and Responses:
1. Why are Somalia and the Western Sahara not part of the Child-Friendly government survey conducted by the African Child Policy Forum?
   
   This is because there is no government and therefore no laws or policies to assess.

2. A new child policy has been signed and a bill developed towards child protection is being approved in Swaziland.

3. I think the ACPF should classify organizations like you have ranked the governments?
   
   If you look at the world reports on social and economic issues (human development report) you will see that there are many methodological issues. You will find that all different countries are lumped together. They are scored and ranked together. It does not take into account the political, economic or historical context. These do not make sense from a policy sense of view. This is why we wanted to look at the African situation as a whole. We were interested in focusing on government performance although there are other actors such as African families. These families, although they are poor and disadvantaged, have performed despite their situation. However, the main institution to support children is the family. There are three major elements of the Charter and the Convention on the Rights of the Child 1. protection of children (implementation of laws and policies and mechanisms), 2. provision (budgets), 3. participation. There is no good indicator for participation of children.

4. Governments are the first duty bearers in protecting the rights of the children however civil society also has a role. It is unacceptable that children die of needless causes.


Presenters:
Julia Sloth-Nielsen Professor and Dean of Law, University of Western Cape
Benyam Mezmur Researcher, University of Western Cape

Key Points:
Benyam Mezmur, a researcher at the University of Western Cape provided an introduction to the Charter and to the Mandate of the Committee of Experts. He reviewed the reasons for an African-specific Child Rights Charter and the
key differences between the African Charter and the United Nations Convention on the Rights of the Child. He stated that the Charter has an African fingerprint and addresses key child rights issues found primarily in Africa such as the child soldier, refugees and internally displaced persons, child marriages and moreover, the Charter outlines the duties and responsibilities of the child.

Julia Sloth-Nielsen, Professor and Dean of Law at University of Western Cape, presented a status report or score card of the African Charter and the Committee over the last 10 years. She suggests that ratification is no longer a top priority as the majority of countries have ratified. She highlighted serious concern about the lack of significant jurisprudence, implementation guidelines and the absence of general comments or concluding observations thus far from the Committee. She suggested an improve flow of information from the Committee to state parties and CSOs. She suggested that donors have difficulty seeing the value of the Charter independent of their own priorities and stated the need for their full support behind the Charter. Huge strides have been met in the domestication of the Charter. Professor Sloth-Nielsen concluded with a series of recommendations for the Committee including the optimal use of tools developed by the Committee, the need for the Committee to meet more often than twice a year, for the AU to fully accept the Charter and to drive the process.

Summary of the presentations:
Benyam Mezmur provided an introduction to the Charter and to the Mandate of the Committee of Experts.

The African Charter on the Rights and Welfare of the Child
The Charter was adopted as it was felt there was a need to have an African fingerprint. It was observed that the African Charter on Human and Peoples’ Rights (ACHPR) did not deal in-depth with children’s rights and the United Nations Convention on the Rights of the Child (CRC) left out key children’s rights issues found in Africa. As well, there were few African countries involved in the design of the CRC.

The Charter marries both civil and political as well as socio-economic rights in one document. The Charter is comprehensive in that it includes the 3 Ps - protection, provision and participation. It also includes substantive provisions which states the nature of state party obligations. Theses include harmonization of legislation with the Charter. The Charter discusses custom, tradition, cultural and religious practices and states that these have to be in line with the Charter. Article 1 states up front the obligations of the state when its has ratified the Charter. Article 2 defines a child as anyone younger than 18 years of age. This is stricter than the CRC, which has a qualification clause. The Charter states the four principles: 1. non-discrimination, 2. best interest of the child (in the Charter it states that this is paramount), 3. right to life, survival and development, and 4. child participation.
The Charter also discusses child soldiers which is one of the challenges we have in Africa. The CRC does not address child soldiers. The Charter includes a blanket prohibition of the recruitment of children. Article 22 recognizes internal armed conflict and civil strife which all have the capacity to inhibit children’s rights. The Charter also recognizes and addresses refugee children and internally displaced persons. Regarding adoption, the Charter states that inter-country adoption is to be used as a last resort only after all other means of adoption and fostering have been exhausted. In addition, it states a need for post-adoption follow-up. The Charter states that state parties are required to take measures to encourage regular attendance at school and have special measures in place for female, gifted and disadvantaged children and pregnant girls to receive schooling.

One of the key differences between the CRC and the African Charter is that the Charter supports the child to become a responsible person by stating the duties and responsibilities of the child.

**African Committee of Experts on the Rights and Welfare of the Child**

The mandate of the Committee is to protect and promote children’s rights and to monitor the implementation of the Charter. The numerous roles of the Committee include:

1. Interpreting provisions of the Charter
2. Considering state party reports. It has been observed that there is a lack of commitment from the states to report on the implementation of the Charter and Ethiopia was given as an example.
3. Receive communications regarding the situation of children.
4. Conducting investigation missions when children’s rights are being violated. Darfur was cited as an example.
5. Grant observer status. To date the Committee has not given any organization observer status however guidelines have been established.

The Charter and its accompanying documents provide a very powerful tool for pushing children’s rights to the ideal level – where all children’s rights are respected. The Charter builds on the CRC and goes beyond it giving it an African fingerprint. The drafters have provided us a very powerful tool and we have a Committee that is committed. The mandate of the Committee is comprehensive. While there is a cause for celebration, it is not time to rest.

Professor Julia Sloth-Nielsen of the University of Western Cape presented a status report or scorecard of the African Charter and the Committee over the last 10 years.

Numerous concerns have been raised regarding the Charter and the Committee including:

1. Why is there a Charter when there is a CRC?
2. Is it appropriate to have the committee housed in the AU considering the financial constraints?
3. There is a slow rate of state of ratification and delay in entry into force of the Charter at country level.
4. There is seeming apathy by state parties when nominations are requested for the ACERWC.
5. States may experience ‘over-reporting’ given the CRC mechanisms and the risk of duplications of resources.
6. Due to the limited term of committee members, there has been a loss of experts over the years
7. Lack of legal clarity concerning a number of issues, including observer status

Professor Julia Sloth-Nielsen presented 10 indicators and discussed their rate of progress.
1. Ratification Now 48 out of 53 member states of the African Union have ratified the Charter. She suggests that ratification is no longer a top priority as the majority of countries have ratified.
2. Submission of country reports and development of concluding observations and recommendations Nine reports have been submitted to date. However there is serious concern about the lack of significant jurisprudence, implementation guidelines and the absence of general comments or concluding observations thus far. The reporting and the feedback mechanism is the foundation of the UN treaty body system – this is used as a tool to advance human rights. We emphasized the need to get the reporting process done correctly. The delays in the Committee providing general comments and concluding observations to state parties have rendered initial reports dated. The guidelines for periodic reports need to be developed by the Committee and must be informed by the Committee’s experience with initial state parties reports. She highlights that the reporting process is an opportunity to distinguish the Charter from other human rights instruments.
3. Other ‘work; of the ACERWC Although the Committee has done investigations they have not reported back or followed-up on the investigations. There needs to be a systemization of information flow between Committee, state parties and external parties.
4. Involvement of other institutions/organizations/civil society/media Donors have not put full support behind the African Child Charter. Donors have difficulty seeing the value of the Charter independent of their own priorities. Civil society has been welcome from the Committee at the very beginning of the process. This differs from the CRC process where civil society is not well represented or involved. Perhaps it could be said that civil society has been even more involved than our state parties. Use of the media has not been optimized. The Day of the African Child is a key event for generating media interest. The networking potential has not been optimized.
5. Domestication of the Charter Huge strides have been met. There have been great advances in legislation in numerous countries. Domestication sets a framework not just for principles, norms, rights and relationships but also for structures and implementation. Domestication tends to bring
customary laws within the human rights framework and to an extent accommodates the diversity of culture and religions.

6. **Popularization** There are at least 15 reported cases where judges have used the Charter to decide cases. An example of the South African constitution report was given. There is a desperate need for a website to popularize the Charter.

7. **Incorporation/assimilation of child rights into AU structures, mechanisms and culture (mainstreaming of children’s rights in AU governance)**

8. **Supportive buy-in at country level** Support has been demonstrated by some of the reports being submitted, high-caliber persons make up the government delegations to the Committee, and states have provided nominations for members of the Committee.

9. **Statistical improvements in child wellbeing** This area is difficult to assess as the baseline data is scattered and patchy. Although there is an improvement in the lives of children, it is difficult to state whether it is due to the Charter.

10. **Innovative use of the inherent potential** There is much scope for capitalizing on the intrinsic uniqueness and rationality of the African Charter.

Professor Sloth-Nielsen concluded with a series of recommendations for the Committee:

1. The tools developed by the Committee (communications, investigations) need to be optimally utilized for maximum effect
2. The Committee needs to meet more often than twice a year
3. The AU has to have full acceptance of the Charter
4. We need to ensure that it is the AU that is driving this process and not donors and CSOs
5. Increase flow and access to information concerning the Committee
6. CSO input, partnerships and large scale collaboration is vital

**Questions, Comments and Responses:**

1. There is progress. The Committee has not received nine but ten reports.
2. On the guidelines for reporting on the Charter, it is important that CSO become involved in developing the guidelines. From the experience of Kenya, we have learned that there needs to be synergy between the different institutions doing the reporting.

   **Reporting guidelines – it is important for the Committee to identify the themes and priorities that it wants state parties to adhere to.**

3. One of the challenges is that the Committee cannot do an investigation in a country unless the country gives them permission. Whenever we conduct a field visit, we need to get permission by the state because we have to interact with them.

4. There are 10 working tools that the Committee has elaborated.
5. The international community does not recognize Somaliland. We want to ratify the Charter but how can we when we are not recognized?

6. The guidelines should state that the process in developing the state reports should be participatory. In the case of Senegal, the responsibility was given to a consultant.

Responses
- There is a role that the AU can play in ensuring that the states give the Committee the support it needs and gets the Committee access to a country. Also, the CSO can play a role.

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**Presenters:**
- Seynabou Diakhaté   Chairperson of ACERWC
- Moussa Sissoko    Member of ACERWC
- Mariama Cissé     Secretary to the ACERWC

**Key Points:**
Reviewed the mandate of the Committee, tasks and achievements of the Committee since 2005, main challenges faced by the committee, and requests and needs of the Committee.

**Summary of Presentations:**
The main tasks and achievements of the Committee since 2005 are:
- elaboration on the guidelines for writing state reports
- examination of the state reports
- elaboration of guidelines on how the Committee can conduct investigations
- development of a work plan (2005-2009)
- elaboration of the criteria for the observer status
- conducted observation missions to two states (Sudan and Uganda)
- participated in sessions of the AU
- informed states through letters of the themes on the rights of the child
- encouraged the states who have not ratified the Charter to ratify it
- encouraged states who have ratified to submit reports
- written and disseminated two concluding recommendations for Egypt and Nigeria
- members of the Committee have participated in some CSO forums
- one member of the Committee participated at the conference in The Hague and at the AU EU dialogue on human rights in Stockholm

To date we have received 10 state reports from Kenya, Rwanda, Egypt, Togo, Nigeria, Tanzania, Mali, Burkina Faso, Uganda and Niger. Our wish is that the CSOs develop alternative reports for comparison with state reports. We have received alternative reports from CSOs in all the countries stated above except for Togo.
When the Committee has reviewed a state report and alternative report (if submitted by CSO) there is a pre-session held with the state governments and with NGOs. After the pre-sessions, the Committee writes recommendations and observations for the state party. To date, recommendations and observations have been provided to Egypt and Nigeria.

The challenges of the Committee include: 1. lack of financial and human resources to run the Committee, 2. lack of working tools to conduct the Committee’s work, 3. lack of autonomy from the AU, 4. ratification of the Charter (5 states remain).

Questions, Comments and Responses
1. Does this Committee conduct studies on the states that do not produce reports?
   To date the Committee has not conducted an investigation of the state. We have only conducted advocacy visits to support the states in producing reports. We want to do an investigation in Federal Republic of Congo and Sao Principe however we have not been given permission by the state.

2. How are the reports written?
   Each month in October we forward letters to all states to remind them of the theme of the Year of the African Child and to remind the states to submit reports and to ratify the Charter for those who have not ratified.

3. The African Union has not recognized Somaliland. Can the Committee hear the case from Somaliland?
   The Committee can only hear the states that have ratified the Charter and have been recognized by the AU. We would like to interact with Somaliland however as they are not recognized we cannot.

4. There are some states that are presenting to the CRC this year however they have not submitted to the Committee.

5. Have you thought of engaging children in the Committee’s activities?
   There are opportunities for children’s participation. For example, there was a child that participated in the Nigerian forum. We agree it is good to have children involved and they can give recommendations to the Committee.

Session 4: Progress and Developments since the first CSO Forum

Presenter:
Åsa Rapp Baro Programme Advisor, Save the Children

Key Points:
Since the last CSO forum most of the objectives set by the CSO Forum have been achieved. What remains to be done includes establishing a liaison unit...
Summary of Presentation:

At the last CSO forum there were three sets of recommendations:

- One to the ACERWC
- One giving input into the ACERWC Plan of Action 2010-2014
- One to CSOs committing ourselves to support the Committee

The presentation focused on achievements related to CSOs commitment to support the Committee of Experts. Åsa Rapp Baro discussed what has been done at the continental and regional level. Listed below are the achievements under each objective.

Objective 1. Popularization of the ACRWC

Three new countries (possibly more) have ratified the ACRWC since the last Forum. The last CSO Forum was in the media and well covered on CRIN (www.crin.org). Many organizations involved with the CSO Forum commemorated the Day of the African Child this year. The 10th Anniversary of the coming into force of the African Children’s Charter will be celebrated on Friday, November 13th, 2009. Child-friendly versions of the Charter were developed in Rwanda and Kenya.

Objective 2: Protection of the Rights enshrined in the Charter

The publication “Advancing Children’s Rights – A Guide to Civil Society on how to engage with the African Committee of Experts on the Rights and Welfare to the Child” was disseminated to all participants of the second CSO Forum. Numerous organizations mentioned they had organized training workshops on the African Children’s Charter and the ACERWC. The ACERWC’s guidelines for conducting investigations were disseminated to participants during the second CSO Forum. What has not been done was to carry out in-country advocacy to muster governmental support for investigation missions by the ACERWC.

Objective 3 Monitoring the implementation of the Charter

Members of the organizing committee are in regular contact with the AU and any new events and information has been circulated. Future work needs to be done to establish a liaison unit/secretariat for a better information flow and collaboration between the ACERWC and CSOs. No new CSO reports have been produced in this period however FODDET in Togo started working on their CSO report in September. The first Concluding Observations produced
by the Committee were circulated on November 8th, 2009 to all CSO Forum members.

**Objective 4: Strengthening the Institutional capacity of the Committee**

One of the key recommendations the CSO Forum had to the ACERWC was to carry out a review of their last Plan of Action. The Committee took this up and a review is underway.

**Reflections**

1. We need to assign someone, or a group of people, to collect information about our collective work - both centrally and at country level - in order to share a more accurate picture of what is going on at the next CSO Forum.
2. Now that Recommendations have been circulated for Nigeria and Egypt, we have to be pro-active about ensuring they are distributed widely in those countries.
3. We have to be more pro-active about exploring how we can establish a liaison unit/secretariat for a better information flow and collaboration between the ACERWC and CSOs.
4. We recommend that the Africa Wide Movement for Children also take on the responsibility of sharing and disseminating information and resource materials on the Children’s Charter.

**Questions, Comments and Responses:**

1. Were the countries that ratified the Charter informed about the recommendations from the last CSO forum?
   *No, this has not been officially done unless it was done by the CSOs who attended the Forum. Also the recommendations are mainly at the level of the Forum and the Committee.*

2. Was a mechanism set up to follow-up on the recommendations?
   *We want to set up a mechanism to follow-up on the recommendations*

3. In Niger, we are taking this information and organizing a forum for civil society to popularize these recommendations.

4. Are there any other child-friendly versions of the Charter?
   *Yes there is a group in Rwanda that has adapted the version from the organization in Kenya.*

5. Have the organizations that committed to funding the Committee followed through with their commitment?
   *Committees at the AU cannot receive funds directly from outside sources. The Committee can only receive funding if it is for a very precise activity such as participation at a Forum for example. In January, there is an agent that needs to be recruited to support at the Secretariat level. We have a plan of action and we need support from our donors so that we can obtain*
these objectives. We have $200,000 this year but we do not know if this might be reduced.

6. Using CSO networks might allow us to have the information disseminated in a good manner.

**Session 5: How civil society uses the African Children’s Charter to change laws and policies**

**Presenters:**
Mustapha Diop  
Aster Girma and Helen Seifu  
Gilbert O. Onyango  
CONAFE-Senegal  
Children’s Legal Protection Center (CLPC) Ethiopia  
Deputy Director/Director of Programmes of The CRADLE-The Children’s Foundation

**Key Points:**

**Senegal – lessons learned**
The UNCRC and the African Children’s Charter are two complementary Conventions.

Child participation needs to be authentic and will enable us to better understand and plan our activities.

**The CRADLE, Kenya – lessons learned**
It is evident from the judgment that provisions of international conventions can be utilized in judicial processes instances where the municipal law is silent on any matter and also for purposes of resolving any ambiguity in municipal laws.

**Children’s Legal Protection Center (CLPC) Ethiopia – lessons learned**
Case 1: There is a recent landmark decision by national court referring to regional and international convention and charter in favor of the best interest of the child – against national law.

Case 2: In instances where the father of a child cannot be proven, court has now been convinced that DNA technology can be used to identify the father of a child. This is also supported by the best interest of the child and the right to know his or her parents (for securing support and caretaking). Since 2008, 23 decided cases have been taken to court and half of them has been referred to using this DNA technology.

Case 3: How can court decision be in the best interest of the child in cases of custody? CLPC has promoted a change where judges now take into consideration the interest of the child in cases of divorce. A center has given assessment of the best interest of the child and in most cases court has taken this into account in cases of custody.
These three cases have brought about change in both law and practice in the interest of the child. International instruments ratified by Ethiopia have been of great use to promote the best interest of the child.

**Session 6: How much are governments spending on children?**
The importance of understanding and analyzing budgets

**Presenter:**
Samantha Waterhouse  Programme Manager, Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)

**Key Points:**
Marginalised or disadvantaged groups are recognised in treaties, constitutions, policies and this must translate into services at local level. Child rights budgeting is useful to analyze and understand government priorities, to use as an advocacy tool and to use as a tool to engage children in influencing government decisions. The theme of the Day of the African Child for 2010 is Child Rights Budgeting and the next African Child Policy Report on the Wellbeing of Children in Africa will focus on budgeting. To support CRB, one can lobby for ring-fenced budgets regarding priority issues and for provisional clauses in legislation regarding child rights. It was concluded that there is great interest in this topic and that additional forums are required for participants to share their experience in child rights budgeting.

**Summary of presentation:**
*What is Child Rights Budget Research and Analysis?*
It is an analysis of the government’s budget to determine the priorities of the country and then to assess how the money was spent. Any government policy or budget needs to be looked at through a child rights lens. Budgets are political instruments – they can influence agenda and people. Budgets tell us about policy direction, priorities, and what resources are available. Child Rights Budgeting (CRB) goes beyond ‘paper rights’ and holds government accountable.

*What methods are used for Child Rights Budgeting (CRB)?*
To conduct CRB one needs to know the budget process and cycle. The cycle includes formulation of the budget, budget enactment, budget execution and budget auditing and assessment.

An example of the Girl Child’s Rights to Education was provided to outline the key steps to take in CRB.
Step 1 – define the rights framework that addresses the issue (domestic, international)
Step 2 – describe the situation
Step 3 – describe the policy that addresses the situation and strategy to address the issue. If the policy does not recognize the situation then this needs to be the starting point.

Step 4 – is the situation translated into programmes and is there the capacity to address the situation

Step 5 – is money allocated and spent for programmes and strategies

Step 6 – is the money having the desired impact? (Qualitative)

Step 7 (overarching) - involve children in the process

Challenges to engage with budgeting
The key challenges with CRB are:
- accessing the budgets and documents on what was spent
- having comprehensive budgets with clear budget lines
- ensuring people understand the importance of children’s participation

Lessons learned
The primary lessons learned in CRB processes are:
- the project needs to be long-term
- staff need to have personal qualities and experience to work with children
- there needs to be an investment in relationship building between partner organization
- partners need a similar approach to child participation
- ensure diversity in the group
- address diversity and promote non-discriminatory practices

Good resources
Monitoring government budgets for advancing child rights: a guide for NGOs

Questions, Comments and Responses:
What are the challenges faced around analyzing budgets? In the Botswana case there is no disaggregating of the line items.

It is important to advocate to governments to develop comprehensive budgets and to highlight funds spent on child rights.

At what point are submissions taken into the budget? When are decisions about budgets actually made?

The budget process takes place over the course of a year in different parts of government and parliament. We work within the corridors of the ministries. We do our research and we understand the background and the situation. At the time the budgets are discussed in parliament we go to parliament with all our background information. Many decisions are made before the budget reaches parliament. It is important to intervene through various departments beforehand.

How do you engage with donors and how do you engage with donors to push for child rights in budgets?

This can be very difficult in terms of large international donors civil society needs to strategize collectively around this. However some of the same
techniques for any lobbying process could apply.

How can we bring in those who are most marginalized? 
As with all advocacy it is our role as civil society organizations to ensure that our programmes include the experiences and voices of the marginalized.

How did you manage to get your way into the budgeting process? 
Knowing the procedure and budget cycle in any country is most important. Information on this should be available from the Finance ministry or department. In addition engagement with the budget process takes place through contacts and information at different departments.

How do you ensure governments spend on what they say they will spend on? 
This is not possible to tell without detailed and comprehensive budgets. However there may be narrative to the budget that describes the expenditure, this is very useful. In addition monitoring research by civil society can also provide some of this information.

How do you assess a budget when there is not a gender action plan? 

How do we engage with donors? They have their own objectives that do not reflect reality of the situation. 
As with all advocacy donors must be engaged on the issue of budgeting and spending.

What can the AU do regarding child budgeting? 
This can be the subject of many more discussions but AU can urge governments to adopt transparent budgeting policy and processes which will allow civil society engagement.

Day 2

Session 7: Roles and Responsibilities of the Committee Members

Presenter:
Moussa Sissoko, Member of the ACERWC

Key Points
The primary role of Committee members is to promote and protect the rights enshrined in this Charter. When the Committee receives a state report, one member is appointed to review and comment on the report. Part of our role as members was to produce working tools such as tools to help conduct investigations and criterion for observation status. One of the areas that the Committee requests support is in building the capacity of the secretariat concerning the flow of communication.
Summary of Presentation:

Role of Committee Members

Article 42 states the roles of the Committee members. Article 42 states that the functions of the Committee shall be:

(a) To promote and protect the rights enshrined in this Charter and in particular to:
   (i) collect and document information, commission inter-disciplinary assessment of situations on African problems in the fields of the rights and welfare of the child, organize meetings, encourage national and local institutions concerned with the rights and welfare of the child, and where necessary give its views and make recommendations to Governments;
   (ii) formulate and lay down principles and rules aimed at protecting the rights and welfare of children in Africa;
   (iii) cooperate with other African, international and regional Institutions and organizations concerned with the promotion and protection of the rights and welfare of the child.

(b) To monitor the implementation and ensure protection of the rights enshrined in this Charter.

(c) To interpret the provisions of the present Charter at the request of a State Party, an Institution of the Organization of African Unity or any other person or Institution recognized by the Organization of African Unity, or any State Party.

(d) Perform such other task as may be entrusted to it by the Assembly of Heads of State and Government.

Once members are elected, a Chair, Vice-Chair and Reporter are elected. The Chair represents the Committee and chairs all sessions. The Reporter acts as the secretary for the Committee. The Chair is responsible for developing agenda for the session and for sharing with all members for their comments. As the members are based across the continent there are intense communication efforts. As this is one of the constraints of the Committee, the presenter suggested that it is necessary to build capacity of the secretariat concerning the flow of communication.

Part of our role as members is to produce working tools such as tools to help conduct investigations and criterion for observation status. When the Committee started receiving different state reports from different countries, we found that we needed to have some pre-sessions.

When the Committee receives a state report, one member of the Committee is provided the report to analyze and review. For example, when Rwanda submitted its report, it was given to one member of the committee to analyze and to prepare for the pre-session. If the CSOs submit an alternative (or shadow) report then this member also reviews that report. The Committee considers the two reports. A list of questions is developed for the pre-session and the government representatives are invited to attend a
session of the Committee and to defend their report. These are closed sessions. Directives for reviewing the reports and the guidelines for observation status are on the AU website.

The work of the Committee is collegial work. To facilitate our work, we have decided to work on a certain number of themes. For example, children in conflict, refugees and education issue. Each member state takes one theme and works on it. One member of the committee reports back on their issue or theme.

Observation Status
The presenter described the numerous criteria established for determining organization observation status. The criteria of observer status are:

- the organization’s goal must be in line with the act of the AU and the Charter and be committed to support the AU and the Committee
- the organization must have a reputation or experience concerning children
- the organization must be registered for 3 years within one member state of AU
- the organization must provide proof that it has been functioning correctly within the rights of the child
- the organization must have a democratic structure
- the organization much be transparent
- the organization must have a child representative
- the organization must have a financial audit that is clear and precise

The organization has to request for observation status in writing to the Committee. The submission must be done in both French and English.

Questions and Responses (from Seynabou Diakhaté and Moussa Sissoko):

1. Members of the Committee do not reside in Addis, which must hinder the process. How can this be dealt with?
   All committee members do not live in Addis. Even the Committee members of CRC do not live in Geneva.

2. I think it is difficult to have a child representative within an organization as criteria for observation status. Is this a necessary criterion?
   I will leave this question as we will be reviewing this criterion at our next Committee session.

3. There are differences in the English and French version of article 42 C of the Charter. The English version refers to the member states where the French version refers to member states of the AU.
   We go from one version to another. But there is a general understanding of what ‘member states’ means.
4. You have stated that there is insufficient number of personnel in the secretariat and there is a need to increase the number. Is it possible to do so?

_We want a secretariat that is well equipped. In our proposed plan of action an increase in staff was suggested. There should be one person in charge of recruitment for next year. If the NGOs want to support us it is best to support specific activities such as extra sessions._

5. How is the Committee able to manage to fulfill its mandate when it meets only twice a year?

_We do not have seats like other Commissions. The number of meetings is not conducive to our goal._

6. A member of the Committee is given the task to review the state report. Is it fair that only one member reviews the report?

_All the members of the committee have the same work as the reporter. All Committee members need to review the state reports._

7. What can CSOs do to help build the financial resources of the Committee and its secretariat? Where is the problem? What are the practical solutions that the Committee proposes to deal with the financial issues?

_The CSOs can intervene and influence the donors and they can support specific activities._

8. I recommend that there be an increase in the number of sittings for the Committee.

_Yes, but there is not enough money._

9. The number of the Committee is 11. Are all members actively participating?

_No, for example only nine members will be in attendance at the next session._

10. Does the Committee consider gender?

_We identified themes to address but gender was not one of them as there was lack of funds. It is the CSOs that can support the Committee through studies that are important for the Committee._

**Comments**

The Charter states that the Committee can have as many (extraordinary session- only two ordinary session) sessions as is needed. However, it must be recognized that the members have a great deal of work. Perhaps the Committee should request to have extra-ordinary sessions on specific themes. These are activities that could be funded by CSOs or CSOs can lobby their governments to ensure more funds are given to the Committee.

The session time could be better used during the sessions. For example, the meeting agenda comes out at a late date. If there is better planning then
the time could be better used. As well, at the last session Rwanda did not participate and a great deal of time was wasted. *The agenda for the Committee is established beforehand and is on the website of the AU.*

Save the Children accessed funds from the Foreign & Commonwealth Office to support both the CSO forum and the Commemoration. As well, there are interns available that could be availed to the Committee who could help in reviewing the reports.

**Session 8: Nomination and selection of the Members of the ACERWC**

**Presenter:**
Mr. Chikezie Anyanwu, Africa Advocacy Adviser, Save the Children

**Key points:**
Few people know of the nomination and election process of the ACERWC. CSOs can play an active role in informing the public of the nomination and election process, identifying potential candidates, putting forward candidates to their state governments and lobbying governments to support well-qualified candidates.

**Summary of Presentation:**
This is important topic to discuss at this point as there are six members of the Committee who will retire in July 2010. It is important for the CSO Forum members to understand the nomination and election process so that members can actively engage and influence the process.

*What are the criteria for Committee member selection?*
Article 33 of the ACRWC states the criteria for the selection of the committee members. Members must be of high: a) moral standing, b) integrity, c) impartiality and d) be competent in matters of the rights and welfare of the child. The member serves on a voluntary basis for a period of five years. During their tenure on the Committee, they must act independently and are not allowed to be members of inter-governmental organizations or politically affiliated. The members come from various sectors such as academia, state institutions and civil society.

*How are Committee members nominated and elected?*
Member states can nominate a maximum of 2 persons but 2 members of the Committee cannot come from the same member state. Foreign ministers and the representatives of permanent missions to the AU are usually requested to submit the names and CVs of their nominated candidates to the AU Commission’s Office of the Legal Counsel at least six months before the election is to be held. The nominees are requested to complete biographical information indicating their experience in the field of children’s rights including judicial, practical, academic, activist, professional and information...
on political and other associations relevant to determining questions of both eligibility and incompatibility. Information on the candidate needs to be submitted in both English and French. The Chairperson of the African Union Commission shall draw up in alphabetical order, a list of persons nominated and communicate it to the Heads of State and Government at least two months before the elections.

**Who elects the members?**
Members are elected by the Executive Council (comprised of the Foreign Ministers of AU member states) by secret ballot in a meeting held just prior to the AU Summit. Their decision is then passed to the AU Assembly for final approval and adoption (Article 34 of the Charter).

**Committee Member Elections**
The most recent election was held at the AU Summit in July 2008 where 4 new members were elected from Benin, Burkina Faso, Madagascar and Nigeria. The next elections will be held in July 2010 where six new members will be elected. In January 2011 one member will be elected. The Committee’s year runs from July to July.

**What can CSOs do in regards to the nomination and election process?**
- Contact your Ministry of Foreign Affairs or the Embassy in Addis Ababa to find out who your country is nominating.
- As the next election is in July 2010, CSOs need to start now to inform the public, identify qualified candidates and lobby the government to put forward qualified candidates.
- Monitor whether one’s country has put forward nominations.

**Comments:**
One participant shared that her country had put forward a candidate however there was a communication gap between the country’s lead institutions and the AU. The ballot is secret and as well the nominations are secret so no one knows how many people are nominated. In addition, there might be some governments who are more influential than others due to the fact that some countries provide more funds to the AU.

**Questions and Responses:**
1. **How many elections have taken place so far?**
   *There have been 4 elections to date in 2001, 2005, 2006 and 2008.*

2. **How many nominations does the Legal Council receive?**
   *As it is a secret ballot it is difficult to determine how many nominations are received and from which states. It is believed that there are more nominations given from ECOWAS than other regions. Forum members were encouraged to advocate to their governments to send in as many nominations as possible.*

3. **Is there an age limit for persons nominated?**
Session 9: Nomination and selection of the Members of the CRC Committee: Case Study of the NGO Group on the CRC

Presenter:
Mr. Chikezie Anyanwu, Save the Children on behalf of the NGO Group on the CRC

Key Points:
NGO played a key role in influencing the selection of CRC Committee Members.

Summary of presentation:
What did the NGO group do?
- Provided Background Information on the Election, Selection and Nomination of the CRC Committee Members
- Popularized the Selection Criteria of the Committee Members
- Prepared a Fact Sheet on the necessary information that was circulated via various media. This sheet is available on the CRC website.

What is the role of NGOs and CSOs?
Although NGOs cannot nominate candidates, they can play a role in lobbying their State Party to nominate a good candidate who meets the above-mentioned criteria. Although the nomination process within each country may differ, the following are some recommended actions for NGOs:
- NGOs should promote an open and transparent selection process in which the State Party should advertise the position and interview potential candidates.
- NGOs can identify qualified candidates from among their nationals.
- NGO can approach potential candidate to ensure that he/she is able and willing to accept the position. It is important to note that the candidate must be able to take a leave of absence from his place of employment for sessions and Committee assignments.
- NGOs should seek support for the proposed candidate from government officials working on children's issues or within the Ministry responsible for monitoring the implementation of the Convention.

What can the CSO Forum learn from the CRC process?
NGOs should send a letter to the Ministry of Foreign Affairs and the Embassy in Addis Ababa with well-reasoned arguments as to why this person would be a good candidate as it is typically the Ministry of Foreign Affairs that nominates candidates. NGOs should work closely with UNICEF in this process as they often have the ear of high-level government officials. It is important that the proposed candidate have the strong support of the government, as the elections are part of a political process in which the amount of lobbying that the government is willing to do often ensures the election of the
candidate. It is therefore essential that NGOs convince the government that a strong candidate who meets the recommended criteria would serve both to strengthen the membership of the Committee and to reinforce the prestige of the country.

What can CSOs do to influence the process?
Lobby the government, publicize the process, ensure that the process is open and well advertised, campaign for credible candidates from your country, and ensure someone is doing the legwork in Addis Ababa. It is important that there is someone in the embassies in Addis Ababa. The fact sheet about what can be done is on the website www.childrightsnet.org.

Session 10: Group work on how CSOs can influence the nomination process and interact with the existing ACERWC members

The Forum split into five separate working groups to discuss how CSOs can influence the nomination process and interact with the existing ACERWC members.

Recommendations on how CSOs can influence the nomination of committee members

Group 1
- Collect and disseminate information, regularly consult the AU website to be up-to-date on the latest information, sensitize other NGOs on the existence of the Committee of Experts and how the members are elected, approach potential candidates that would be fit for the post, translate information into Portuguese and share it in Portuguese speaking countries;
- Lobby governments about qualified candidates as well as do other types of advocacy such as developing press releases, sending letters to the appropriate ministries, etc;
- Create strategic alliances, identify and approach people in decision making positions within the public administration and sensitize them about the need to nominate qualified candidates.

Group 2
- At country level, disseminate information on ACRWC, Committee mandate and election process using the media.
- Establish a selection committee including government. Develop a description of selection criteria and set standards based on ACHPR document.
- Lobby relevant government entities including embassies in Addis, UNICEF and allied countries

Group 3
- Mobilization and awareness raising for nomination and lobbying through: CSOs: Interested candidates from the CSOs, within this forum or not, to make their candidature known. Initiate consultation process with Human
Rights Commissions, CSOs and other human rights related networks.

Work with the media
- Initiate mentoring the identified candidate by previous committee members or CSOs part of the process
- Coordination at the regional level to be aware of candidates of other countries and how to support each others

Group 4
- Utilise the media to share information about the Committee selection process. This can be indirect pressure to the Government. At the national policy level, link with the media and decision makers.
- CSOs can develop a fact sheet on the roles and responsibilities of the Committee members. This would be useful for lobbying. Be proactive in drawing up an agenda for and with the potential Committee member for the time frame of his/her service.
- Work within existing networks e.g. Africa Child Policy Forum which can keep CSOs informed at the national level. Determine if NGO CRs coalitions are representative of not only urban based NGOs but also those in the rural areas from across the country. This would make the process more inclusive.

Group 5
- Establish a selection committee per country (preferably to include government, civil society) to IDENTIFY and NOMINATE candidates.
- Identify key responsible ministries in the nomination and to EDUCATE them about their right and responsibility to nominate candidates for this important post.

Recommendations on how CSOs can interact with Committee members

Group 1
- Invite members of the African Committee of Experts to different activities, both at national and regional levels, that are run by NGOs.
- The African Committee of Experts should use NGOs and coalitions of countries that are not represented by a member of the Committee to share information.
- NGOs should develop relationships with Committee members from their particular country.

Group 2
- Use Committee members in our countries to advocate government – they open doors. Information should be shared between Committee members and CSOs
- Include engagement with members in our own Action Plans
- Put pressure (including name and shame) on Committee members to lobby for timely State reporting

Group 3
- Interact with them through electronic media or invite them within formal or informal meeting that CSOs organize in their respective countries
• Strengthen the Committee both in terms of human resources and funding (Lobby the Committee to lobby the AU- CSO should support the Committee)
• Identify which member is responsible for specific thematic areas and interact with them as much as possible

**Group 4**
• Invite the Committee member to participate in our meetings, not just as the Guest of Honour. Engage the Committee member in explaining their experience on working on the Committee especially, if they reside in the country. Other NGOs from different countries can be invited.
• Request the Committee member to have a representative who can interact with NGOs. This is because the Committee member may be very busy.
• Share information with the Committee member about the NGO plans, events, research and other information. Relevant information needs to be produced by the NGOs which can be used by the Committee member.

**Group 5**
• Build the profile of the Committee members by: inviting them to events, forums, trainings as well as making sure they are visible in the media.
• Establish constant communication with Committee members as well as the Secretariat.
• CSOs should support the Committee to establish a strong funding base, and to identify qualified legal interns to support the Committee’s work.

**Session 11: Group work to input into the review of the Committee and the Plan of Action**

**Key Points:**
A consultant has been hired by the AU (with UNICEF funding) to conduct an evaluation of the ACERWC Plan of Action. The CSO Forum contributed to the evaluation by addressing and providing recommendations to the Committee on several key issues.

**Summary of Presentations:**
The larger group was split into five smaller groups and each developed specific recommendations for the Committee under the following areas:
• Selection criteria of Committee member
• Enhance Committee’s performance
• Vision and mission of Committee
• Activities to be implemented
• How the Secretariat can be supported

**Group 1: Recommendations to the Committee on Selection Criteria:**
*Geographic and language imbalance:*
• Criteria for selection should reflect gender and regional balance, without sacrificing merit.
In as much as English and French are currently working languages of the ACERWC, the composition should strive to reflect the language groups in the continent.

Single term:
- 5 years is enough for one member. 50% turn over ensures continuity and capacity building.
- ACERWC should action the recall clause of inactive members. Civil society can follow up and address the Committee on this matter.

Criteria for a possible list of requirements:
1. Ability and will to advocate and collaborate with stakeholders.
2. Ability to mobilize resources from State parties and donors.
3. Ability to work in a multicultural and multilingual environment.
4. Good analytical and strategic thinking skills

Screening and selection committee at the AU:
1. Strengthen existing screening process by setting specific requirements and standards, and including participation of 1 or 2 CSOs and ambassadors in the screening panel.
2. The whole selection process should to be transparent at country and AU levels: advertisement in the newspapers, criteria spelled out, participation of CSOs and embassies.

Group 2: Recommendations to the Committee to Enhance Committee Performance:
Capacity building of Committee Members:
- Induction, mentoring, workshops should be held to build the capacity of members particularly new members of the Committee
- Committee members need to be briefed on the dynamics of the African Union addressing who in the structure makes the decision and when

Development of Sub-Committees (2 or 3 members each):
- To organize the workload of the Committee, create sub-committees under areas such as reports, investigations, or communications

Build the Human and Financial Resources of the Committee:
- The AU must fulfill its duty and capacitate the Committee. Political will and/or support is necessary to operate better.

Make the Committee more autonomous
- The Committee should be able to mobilize their resources. Alter the bureaucratic system so that they should be able to receive funding for other donors.
- Lobby directly to the AU to prioritize children, to take some actions at that level and to prioritize children at the AU level agenda. It is suggested to use the ACPF well-being report to lobby.
• The Committee should lobby for its resources (with both AU, CSOs, donors) and CSOs should also engage directly with the AU in this process

**Strong and Working Secretariat**
• Capacity of the Secretariat of the Committee needs to be strengthened and a timeframe established for the communications procedure.

**Group 3: Recommendations to the Committee on their Vision and Mission**
*Where is the Committee now and where would we want to see the Committee in the next 5 years?*
• The Committee can be more vibrant, but the financial and human resources are a challenge. Only 2 state party reports in 10 years: it can be improved.
• We need to develop indicators if this question is to be answered fairly. Annual monitoring is key.
• There is a lack of knowledge and information on the ACRWC. This responsibility goes beyond the Committee members but is the responsibility also of the NGOs, Government, children etc.
• There seems to be a lack of clarity in terms of receiving human or financial resources from CSOs to serve the Committee. However, the Committee has limited control within the AU structures.
• Greater efficiency in monitoring the state reports is essential.
• Political will by the National Governments on the work of the Committee can be improved.
• The monitoring of the Charter should be by the Secretariat. Hence the capacity of the Secretariat needs to be strengthened. An example is the role of the NGO Group of the CRC.

**Recommended strategies, goals and specific objectives to guide the Committee’s activities:**
• The Committee should have specific General Comments on CRs issues e.g. corporal punishment etc.
• Establishment a report system that goes beyond compliance, but address national benchmarks, and reviews is crucial.
• The Committee should lobby the ratification of the ACRWC.
• It should lobby the establishment of an effective and efficient secretariat.
• The Committee should be fully functional with human and financial resources.
• Clear benchmarks of measuring performance and providing feedback are crucial.
• The Committee has dialogue with either children or adults. This would encourage efficient child participation. The Committee should be able to examine reports prepared by children.
• CSOs need to be more active and proactive on CRs issues. The Committee can be more engaged with children and CSOs. The identification and partnership with strategic partners in each country is
important. Hence, the CSO Forum partners need to be active beyond the regional meetings.

- The Committee should have the opportunity to listen to the voice and opinions of children from Somaliland.
- The Committee can visit more countries, not only when there is an issue to investigate. The findings of the mission reports should be widely shared.
- If a country does not comply in ratifying the ACRWC or reporting, concrete steps need to be taken to keep the Governments accountable.
- Mobilisation of resources beyond the AU needs to be addressed in light of the current constraints of the AU.
- The Committee should adhere to and share their work plan. It needs to be more concrete with a workable logical framework.
- The Committee should share their strengths and challenges with NGOs even at the national level in order for viable suggestions to be made.

**Group 4: Recommendations to the Committee on Activities to Implement**

**Priorities:**
The Accelerated Call for Action should guide the work of the Committee.

1. The priority should be on the basic mandate before doing anything else. This would include:
   - State reporting
   - Concluding recommendations
   - Communications
   - Investigations
   - General Comments- interpretation of the Charter

2. The General Comments or interpretations of the Charter are very important. It would be good to start with the issues of participation and violence.

3. The Committee’s new Plan of Action should have budget lines and be costed.

   1. Popularization of the Charter should be primarily the responsibility of CSOs but get the support from the Committee (because when the Committee develops Concluding Recommendations and General Comments, etc- that will be their contribution to the popularization).
   2. Create forums for exchange and dialogue between CSOs, ACERWC, the CRC Committee, African Charter on Human and Peoples’ Rights, and Regional Economic Blocks.
   3. Make sure children are involved in the alternative reporting process and are members of the delegation that are sent to Addis to present to the Committee.
   4. Lobby for ACERWC to become semi-autonomous from the AU Department of Social Affairs.
Group 5: Recommendations to the Committee regarding the Secretariat:

Recommendations as to how the Secretariat could be reinforced:

a. Ensure the Secretariat has more human resources; hire competent personnel such as lawyers and those who can work in at least two of the AU languages;

b. Make the Secretariat autonomous from the Department of Social Affairs and also, perhaps, to be placed in another physical location away from the AU like the African Commission on Human and Peoples’ Rights where their Secretariat is in Banjul, Gambia.

Recommendations on how CSOs can support the Secretariat:

a. Create a liaison office between the Secretariat and NGOs. One member also suggested that members of CONAFE should get capacity building so they could take that role on instead of creating another organisation - using those that exist already. This was not an agreed upon decision of the group but a suggestion of one member.

b. NGOs and coalitions of NGOs must do their part to share the information from the Committee in their respective countries;

c. Develop a database of all the participants of the CSO Forum. The Committee can then use this database to share information.

d. NGOs should Lobby and do advocacy towards their governments so that more money is coming to support the African Committee of Experts.

e. Provide the Secretariat with interns.

Recommendations relating to the expectations of CSOs from the Secretariat:

Document the activities of the Committee during and outside of the formal sessions and share that information;

a. Regularly follow the Communications that are supposed to be reviewed by the Committee;

b. Interact more with CSOs about information on the challenges and successes;

c. Respond quickly to requests and correspondences;

d. Put a website in place and update it regularly;

e. Work closely with other AU departments which address child rights issues.
Session 12: Presentation of draft recommendations to be presented to the African Committee of Experts on behalf of the Civil Society Forum

The CSO Forum reviewed and approved a set of recommendations to the ACERWC. These recommendations will be presented to the ACERWC during their 16th session. The Forum also reviewed and approved recommendations for CSOs. The recommendations are found in Appendix 2 and 3.

Session 13: Ways Forward for the CSO Forum

Presenter:
Sophie Joy Mosko  Save the Children

Key Points:
The CSO Forum Organizing Committee is currently made up of the African Child Policy Forum, Plan International, Save the Children, The Institute of Human Rights African (IHRDA), World Vision and the Africa Wide Movement for Children. It is a time-consuming task to organize the CSO Forum and a request was made for other organizations to participate in the Organizing Committee. The CONAFE stated they would like to join the Organizing Committee (and World Vision will not be part of the next one). Due to the high cost of the Forum, a registration fee will be instituted to offset the costs.

Summary of Presentation:
Sophie Joy Mosko presented the main roles and responsibilities of the organizing committee including:

- Manage all the logistics and administration of the Forum
- Develop the agenda
- Contact all speakers
- Publicize the event
- Manage the budget
- Fundraise
- Liaise with NGOs, the AU, the ACERWC, donors
- Agree on all PR, media, content issues

The commitment involves:

- Each member of the organizing committee (4 persons on the ground in Addis Ababa) has put in approximately 12 full working days
- We also manage two full-time staff to organize the forum
- Support and advice via email from those not sitting in Addis Ababa (the time commitment for them is much less)

Those currently on the Committee who will stay include:
  a. Save the Children
  b. Plan International
  c. African Child Policy Forum
  d. Africa Wide Movement for Children
What is needed:
- Commitment over a longer period of time - not just a one-off event
- Other organizations to sit on the Committee.

Sophie stated that the Forum costs about $45,000 to organize excluding staff time, communications/stationary, and all the travel costs for those participants supported to attend. Therefore, at the next Forum a registration fee will be instituting to offset the costs.

The Institute of Human Rights African (IHRDA) and the CONAFE stated they would like to join the Organizing Committee. Other organizations stated they would consider joining after discussions with their head office.

Follow-up
The Organizing Committee will come up with a governance structure for the comprehensive liaison unit. This document will be sent to all Forum members for their comments. At the next Forum this structure will be reviewed.

**Session 14: Concluding Remarks**

**Presenters:**
- Seynabou Diakhaté  Chairperson of the ACERWC
- Laure Abado  Programme Coordinator, Plan International

**Key Points:**
The objective of the CSO Forum was to learn about the African Charter and its mechanisms, to meet like-minded organizations, to share experiences and put our minds together for improved implementation of the Charter. These objectives have been met. One of our key lessons working together rather than individually is crucial to deliver sustainable results for the children of Africa. All actors have a role to play, whether it is a state party, the Committee, children or foreign states working with the AU. It is necessary and beneficial to have a partnership between the Committee and the CSO Forum. We will be celebrating 10 years of the Charter being in force however there is still a great deal of work to do.
## Appendix 1: CSO Forum Agenda

### Day 1 - November 11, 2009

<table>
<thead>
<tr>
<th>Time</th>
<th>Title of the session</th>
<th>Presenter</th>
<th>Objective of the session</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00-15</td>
<td>Welcome Remarks</td>
<td>Seynabou Diakhaté, Chairperson of the African Committee of Experts on the Rights and Welfare of the Child</td>
<td>Welcome of the participants</td>
</tr>
</tbody>
</table>
| 9:15-10:15 | Introductory Session: The progress of child rights in Africa in the last 20 years. Is there something to celebrate? | Dr. Assefa Bequele, Executive Director, African Child Policy Forum Yolanda Weldring, Regional Director, Save the Children Mekdes Tadese, chairperson of Yeka sub-city Children’s Council/Parliament | To understand what are the major child rights violations, where are we failing to hold governments accountable and how we can make Africa better for children.  
- To understand the role and importance of CSOs in monitoring child rights in Africa.  
- To understand the role of children in monitoring child rights. |
<p>| 10:35-11:05| Tea break                                                                            |                                                                                               |                                                                                           |
| 11:05-11:25| The African Children’s Charter: How far is it really being implemented?               | Julia Sloth-Nielsen, Professor &amp; Dean of Law and Benyam Mezmur, University of Western Cape | To understand the state of ratification, harmonization and implementation of the African Charter on the Rights and Welfare of the Child. |</p>
<table>
<thead>
<tr>
<th>Time</th>
<th>Title of the Session</th>
<th>Presenter</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>11:25-12:00</td>
<td>Questions &amp; Answers</td>
<td></td>
<td></td>
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<tr>
<td>12:30-1:00</td>
<td>Questions &amp; Answers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1:00- 2:00</td>
<td>Lunch</td>
<td></td>
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</tr>
<tr>
<td>2:00-2:20</td>
<td>Progress and developments since the first CSO Forum</td>
<td>Åsa Rapp Baro, Programme Advisor, Save the Children</td>
<td>Progress report on the action points and recommendations from the 1st CSO Forum</td>
</tr>
<tr>
<td>2:20-3:45</td>
<td>How civil society uses the African Children’s Charter to change laws and policies</td>
<td>Four NGOs</td>
<td>To learn from four case studies presented in smaller groups as to how they used the African Children’s Charter in practice.</td>
</tr>
<tr>
<td>3:45 – 4:15</td>
<td>Tea Break</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4:15- 4:45</td>
<td>How much are governments spending on children? The importance of understanding and analysing budgets</td>
<td>Samantha Waterhouse, Programme Manager, Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)</td>
<td>To understand what is child budgeting is and how civil society can monitor budgets affecting children</td>
</tr>
<tr>
<td>4:45- 5:15</td>
<td>Questions &amp; Answers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5:15-5:30</td>
<td>Closing remarks</td>
<td>Ruth Koshal, Advocacy Advisor, World Vision</td>
<td></td>
</tr>
</tbody>
</table>

Day 2 - November 12th, 2009

<table>
<thead>
<tr>
<th>Time</th>
<th>Title of the Session</th>
<th>Presenter</th>
<th>Objective</th>
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</thead>
<tbody>
<tr>
<td>9:00- 9:15</td>
<td>Recap of previous day</td>
<td>Secretariat</td>
<td></td>
</tr>
<tr>
<td>Time</td>
<td>Session</td>
<td>Speaker(s)</td>
<td>Description</td>
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<tr>
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</tr>
<tr>
<td>9:15-9:45</td>
<td>Roles and responsibilities of the Committee members</td>
<td>Moussa Sissoko, Member of the African Committee of Experts on the Rights and Welfare of the Child</td>
<td>To understand what the role is of the 11 Committee members</td>
</tr>
<tr>
<td>9:45-10:15</td>
<td>Questions &amp; Answers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10:15-10:30</td>
<td>Nomination and selection of Committee members according to the Rules of Procedure</td>
<td>Chikezie Anywanwy, Africa Advocacy Advisor, Save the Children</td>
<td>To understand the procedures for nominating and electing Committee members</td>
</tr>
<tr>
<td>10:30-10:45</td>
<td>Presentation on experiences of the NGO group to the CRC Committee on how they influence selection of CRC Committee members</td>
<td>Chikezie Anyanwu, Save the Children, on behalf of the NGO Group on the CRC</td>
<td>To share good practices on influencing nominations</td>
</tr>
<tr>
<td>10:45 -11:00</td>
<td>Tea break</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11:00-12:00</td>
<td>Group work on how CSOs can influence the nomination process and interact with the existing ACERWC members</td>
<td></td>
<td>For each group to come up with six commitments on how to influence the nomination process engage with ACERWC members</td>
</tr>
<tr>
<td>12:00- 12:45</td>
<td>Presentation of outcomes of the group work</td>
<td>Presenters nominated by groups</td>
<td></td>
</tr>
<tr>
<td>12:45- 1:45</td>
<td>Lunch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1:45-2:00</td>
<td>Presentation of on-going evaluation of the ACERWC Plan of Action</td>
<td>Remember Miamingi</td>
<td>To present the evaluation and ways in which civil society can provide input.</td>
</tr>
<tr>
<td>2:00- 2:45</td>
<td>Group work to input into</td>
<td></td>
<td>To provide input to the evaluation of the</td>
</tr>
<tr>
<td>Time</td>
<td>Session</td>
<td>Presenter</td>
<td>Details</td>
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<tr>
<td>2:45-3:30</td>
<td>Presentation of the outcomes of the group work</td>
<td>Each group present their three key recommendations</td>
<td></td>
</tr>
<tr>
<td>3:30-3:45</td>
<td>Tea break</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3:45-4:45</td>
<td>Presentation of draft recommendations to be presented to the African Committee of Experts on behalf of the Civil Society Forum</td>
<td>Sophie Joy Mosko, Regional Advocacy and Institutional Relations Manager, Save the Children</td>
<td>To agree and endorse the recommendations to be presented to the ACERWC</td>
</tr>
<tr>
<td>4:45-5:15</td>
<td>Ways Forward for the CSO Forum</td>
<td>Sophie Joy Mosko, Save the Children</td>
<td>To understand the role and responsibilities of the Organising Committee of the CSO Forum and to ask for volunteers to join. To establish a drafting committee to work on the governance structure of the CSO Forum</td>
</tr>
<tr>
<td>5:15-5:30</td>
<td>Concluding remarks</td>
<td>Seynabou Diakhaté, Chairperson of the African Committee of Experts on the Rights and Welfare of the Child</td>
<td>Laure Abado, Programme Coordinator, Plan International</td>
</tr>
</tbody>
</table>

The review of the Committee and the Plan of Action

ACERWC Plan of Action and develop recommendations for the Plan of Action 2010-2014
Commemoration of the 10th Anniversary of the coming into force of the African Charter on the Rights and Welfare of the Child  
November 13, 2009  
Addis Ababa, Ethiopia, Harmony Hotel

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<tr>
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</thead>
<tbody>
<tr>
<td>9:00- 9:15</td>
<td>Welcome and Introduction</td>
<td>Abiola Tilley-Gyado, Pan African Relationships Manager, Plan International</td>
</tr>
<tr>
<td>9:15-11:00</td>
<td>Panel discussion</td>
<td>Seynabou Ndiaye Diakhaté, Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, Julia Sloth-Nielsen, Professor &amp; Dean of Law, Western Cape University, Chidi Odinkalu, Director Africa Programme, Open Society Justice Initiative, Dr. Olawale I. Maiyegun, Director of the Department of Social Affairs, African Union, Zerihun Mammo, Haramaya University</td>
</tr>
<tr>
<td>11:00- 11:15</td>
<td>Closing session</td>
<td></td>
</tr>
<tr>
<td>11:15- 11:45</td>
<td>Tea and coffee break</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2: Recommendations to the Committee of Experts

Second Civil Society Organizations (CSO) Forum on
The African Charter on the Rights and Welfare of the Child,
11-12 November 2009, Addis Ababa, Ethiopia

Preamble:

Recognizing the child’s “unique and privileged position in the African society” as reaffirmed in the African Charter on the Rights and Welfare of the Child [African Children’s Charter];

Reaffirming the adherence to the principles of the rights and welfare of the child contained in the legal and political frameworks of the African Union, in particular the Call for Accelerated Action for an Africa Fit for Children (2008-2012), as well as of the UN, including the United Nations Convention on the Rights of the Child (UNCRC);

Acknowledging the important work which the African Committee of Experts on the Rights and Welfare of the Child [ACERWC] carries out to implement its mandate;

Welcoming the continuous efforts of the ACERWC in monitoring States Parties’ compliance with their obligations deriving from their ratification of the African Children’s Charter, in liaising with civil society organizations, with the African Commission on Human and Peoples’ rights, with the UN Committee on the Rights of the Child, AU member States and the European Union;

Commending the ACERWC for the significant theme selected for the 2010 Day of the African Child (Child Budgeting); and for the adoption of its first Concluding Recommendations for Nigeria and Egypt.

Cognizant that 2009 marks the 10th anniversary of the coming into force of the African Children’s Charter;

Recognizing the value of information to all (including children and adults) in the realization of children’s rights on the African continent;

Noting with regret that some Member States of the African Union have not yet ratified the African Children’s Charter;
Observing with concern that several State Parties are yet to fulfill their implementation and reporting obligations under the African Children’s Charter;

We, the participants of the Second Civil Society Organizations (CSO) Forum (The Forum) on the African Charter on the Rights and Welfare of the Child held in Addis Ababa, Ethiopia, on 11 and 12 November, 2009, make the following recommendations to the African Committee of Experts on the Rights and Welfare of the Child:

- 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.
- Adopt an official decision that can equal the African Commission on Human and Peoples’ Rights commitment towards the collaboration between the two bodies, including designating a focal person within the Committee for liaison.
- 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.
- 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.
- Make sure that both the English and French versions of the guidelines on Communications are compatible.
- Provide further concluding recommendations on State reports already considered by the Committee.
- 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.
- 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.
• 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.

• 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 email list adding all the participants of the CSO forum and NGO forum (of the ACHPR) to communicate directly with as many CSOs as possible.

• We encourage the Committee to ensure that child participation is visible in its new Plan of Action 2010-2014.
Appendix 3: Recommended Action Points for the CSO Forum

Recommended Action Points for CSOs:

• Coordinate efforts to raise awareness on the theme of the Day of the African Child

• Create a liaison unit which will link CSOs with the ACERWC. The responsibilities would include but not be limited to:
  o Create a website where all information can be found or uploaded (perhaps in collaboration with CRIN)
  o To act as the link between CSOs, the ACERWC, the Committee Secretariat and the AU (for example, concerning alternative and complementary reports)
  o To organize the CSO Forums
  o To share information about alternative reporting, state reporting and activities linked to them
  o To publicize the important meetings, including when and where they are going to take place and how to get involved

• Provide joint trainings on the ACRWC

• To identify a platform in which African CSOs can express their concerns and experiences working on child rights

• Share the contact of all the participants

• To draft a letter to all donor countries, including foreign missions in Addis Ababa on the importance of including ACERWC in their support to the AU

• To liaise with ECOSOCC to put child rights on their agenda and to invite ECOSOCC to the next CSO Forum

• To draft recommendations on behalf of the forum to the 14th Session of the ACERWC

• Invite the AU Parliament to the next CSO Forum

• Ensure that the issue of child budgeting is explored further in subsequent Forums (and nationally in relation to the Day of the African Child)

• Ensure corporal punishment as well as other forms of violence against children is an issue to be explored in one of the subsequent CSO Forums.

• Ensure that harmful social and cultural norms and traditions are explored in subsequent CSO Forums

• Develop formal structures to link CSOs nationally, building on the coalitions and networks that already exist, to the CSO Forum
# Appendix 4: Participant List

<table>
<thead>
<tr>
<th>First Name</th>
<th>Surname</th>
<th>Organisation</th>
<th>Country</th>
<th>E-Mail</th>
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</thead>
<tbody>
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<td>Country</td>
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**Commemoration of the 10th Anniversary of the ACRWC**

Participants as above and additional participants as below

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Appendix 5: Websites and other resources discussed throughout the Forum

Websites:
The Hague Convention www.hcch.net
Constitutional Court of South Africa www.concourt.org
Child Rights Information Network www.crin.org
NGO Group for the Convention on the Rights of the Child www.childrightsnet.org
Centre for Human Rights, Pretoria www.chr.up.ac.za (includes documents on the review of the Committee meetings in the Africa Human Rights Law Journal)
African Union www.africa-union.org

Books:
The Next Revolution – Giving Every Child a Chance to Survive