Introduction:
The second Civil Society 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.

Since the first CSO forum, it was noted that there is greater collaboration and communication between CSO Forum participants 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 Children’s 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.

Major Outcomes
Better Understanding:
• Increased understanding of the content of the Charter, how it is specific to the African context and how it differs to the UNCRC.
• Greater awareness of what has been achieved since the African Charter on the Rights and Welfare of the Child came into force 10 years ago and how the Charter can continue to be used as an instrument to uphold Children’s Rights.
• Clarity on the challenges faced by the Committee of Experts and what is needed to address these issues
• Improved understanding of the role of the CSO Forum Organizing Committee and a call for those organizations wishing to join the Committee.

Recommendations:
• Recommendations to the African Committee of Experts on the Rights and Welfare of the Child that were officially presented at the 14th session of the ACERWC which followed the CSO Forum on the 16th-19th of November.
• Recommendations to the CSO Forum participants on how to move forward, to forge better linkages with the Committee of Experts and play
a supportive role with the Committee.

Commitments:
• Commitment from CSOs to continue to work together nationally and regionally and to hold the CSO Forum before each session of the ACERWC.

Summary of the Forum:

Mekdes Tadesse, Chairperson of Yeka sub-city Children's Council/Parliament, 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.

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, Social and Cultural Council (ECOSOCC) to ensure children are high on the agenda of the AU.

Seynabou Diakhaté, Chairperson of the ACERWC, reviewed the condition of children in African 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.

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 or general comments as well as the delay in developing concluding observations thus far from the Committee. She suggested an improved 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.

Seynabou Diakhaté, Chairperson of ACERWC, Moussa Sissoko, member of ACERWC and Mariama Cissé, Secretary to the ACERWC, presented on the progress and challenges of the African Committee of Experts on the Rights and Welfare of the Child. The main achievements of the Committee since 2005 are the elaboration on the guidelines for writing state reports, examination of the state reports, elaboration of guidelines on how the Committee can examine communications and conduct investigations, development of a work plan (2005-2009) and elaboration of the criteria for the observer status. The primary challenges of the Committee reported include: lack of financial and human resources to run the Committee; lack of working tools to conduct the Committee’s work; lack of autonomy from the AU; and not having full ratification of the Charter (8 states remain).

Åsa Rapp Baro, Regional Advisor for Save the Children Sweden presented on the progress and developments since the first CSO Forum. 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 /secretariat for a better information flow and collaboration between the ACERWC and CSOs and to carry out in-country advocacy to muster governmental support for investigation missions by the ACERWC. Additionally, in order to have an accurate picture of the collective work of the CSO Forum members, it is necessary to assign someone, or a group of people, to collect information about work at national levels. As a group, she suggested being pro-active about ensuring that the Committee’s Concluding
Recommendations to Nigeria and Egypt are distributed widely in those countries.

On the session on how civil society has used the African Children’s Charter to change laws and policies, three organizations presented their experience: Conafe-Senegal, Children’s Legal Protection Center (CLPC) Ethiopia, the CRADLE-Kenya. The organizations shared how the Charter is being used by judges to determine cases and as an advocacy tool to change policies. The conventions are particularly useful where the municipal law is silent on any matter and also for purposes of resolving any ambiguity in municipal laws. Overall, the Charter and other International instruments ratified by African countries have been of great use to promote the best interests of the child.

Samantha Waterhouse, Programme Manager of Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN) presented on Child Rights Budgeting (CRB) and the importance of understanding and analyzing budgets. She proffered that 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.

Moussa Sissoko, a member of the ACERWC, presented on the Roles and Responsibilities of the Committee Members. 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 rapporteur with a special responsibility to review and comment on the report. He stated that part of the role of members has until now been to produce working tools such as tools to help examine communications, conduct investigations and criterion for observer status. One of the areas that the Committee requests support is in building the capacity of the secretariat concerning the flow of communication.

Chikezie Anyanwu of Save the Children presented on the nomination and selection of the members of the ACERWC. He highlighted that 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.
Chikezie Anyanwu, representing the NGO Group on the CRC discussed how NGOs influence the selection of the CRC Committee members. The NGO group on the CRC provided background information on the election, selection and nomination of the CRC Committee Members, they popularized the selection criteria of the Committee Members and prepared a fact sheet on the necessary information that was then circulated via various media. Learning from the CRC experience, he suggested that the CSO Forum members lobby their government, publicize the nomination and election process, ensure that the process is open and well advertised, campaign for credible candidates and he emphasized the need to have someone doing the legwork in Addis Ababa both at the embassy and at the AU.

The Forum split into five separate working groups to discuss how CSOs can influence the nomination process and interact with the existing ACERWC members. The key recommendations on how CSOs can influence the nomination process were: establish a selection committee per country (preferably to include government, civil society) to identify and nominate candidates; and, to utilize the media to share information about the Committee selection process. This can be indirect pressure to the Government. The key recommendations on how CSOs can interact with the existing Committee members more often and effectively were: to support the Committee to establish a strong funding base, to identify qualified legal interns to support the Committee’s work; and, to interact with them through electronic media or invite them to formal or informal meeting that CSOs organize in their respective countries.

Another working group session was held where each group developed specific recommendations for the Committee under the following areas: selection criteria of Committee member, enhancing Committee’s performance, mandate of Committee, activities to be implemented and improving the work of the secretariat.

Sophie Joy Mosko of Save the Children provided a presentation on the way forward for the CSO Forum. She stated that the CSO Forum Organizing Committee is currently made up of the African Child Policy Forum, Plan International, Save the Children, and the Africa Wide Movement. She highlights that 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 Institute for Human Rights and Development in Africa (IHRDA) and the CONAFE stated they would like to join the Organizing Committee. Due to the high cost of the Forum, a registration fee will be instituted to offset the costs.

**Key Recommendations:**

The Forum participants reviewed and passed two sets of recommendations.
The first were general recommendations to the ACERWC and the second were recommendations for the CSO Forum.

The following are the general recommendations from the Forum to the ACERWC:

- 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.

The following are the recommendations on key action points for the CSO Forum members:

- 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:
  - Create a website where all information can be found or uploaded (perhaps in collaboration with CRIN)
  - To act as the link between CSOs, the ACERWC, the Committee Secretariat and the AU (for example, concerning alternative and complementary reports)
  - To organize the CSO Forums
  - To share information about alternative reporting, state reporting and activities linked to them
  - 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