



# ACERWC Tribune

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The bi-annual Publication of the African Committee of Experts on the Rights and Welfare of the Child

## The ACERWC to adopt an Africa's Agenda for Children 2040



*“...We pledge to  
restore the dignity of  
the African child...”*



H.E. Dr. Nkosazana Dlamini Zuma

Chairperson African Union Commission



*ACRWC @25 : Has there been any  
value in having an African Charter?*



- Continental Study on the impact of armed conflicts on children.
- The plight of children living with albinism.



**Vol 3: Issue 001 - April 2016**

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## 2016: African Year of Human Rights

The Year 2016 has been declared as the Africa Year of Human Rights, with particular focus on the rights of Women. Indeed the urgency to promote and respect human rights on the continent has never been so timely. In particular, the continent has experienced recent developments that remind us of the urgency to give a special attention to women, especially at the earlier stage of their lives. Indeed, the girl child is more exposed and vulnerable to inequalities among others due to her socio-economic conditions. Discrimination, violence against girls, harmful traditional practices, as well as the disproportionately negative impact of armed conflict on the girl child are some of the day to day violations that they have to contend with. Indeed, it almost needs no reminder that it has been two years since the Chibok girls in the Borno State of Nigeria have been abducted, and we, along with the rest of the world, eagerly await for their safe return.

While on the topic of conflicts, it is no surprise that the African Committee of Experts on the Rights and Welfare of the Child (the Committee) deemed it necessary to dedicate the commemoration of the Day of the African Child (DAC) 2016 to accord a greater protection to children as they are the most vulnerable among civilian population and are often the main casualties when conflict erupts. As Member States celebrate the DAC 2016 on the theme: "Conflict and Crisis in Africa: Protecting all children's rights", the almost completed Continental Study to assess the impact of armed conflicts on children, commissioned by partners of the Committee with its active involvement will offer its findings. The study aims at providing a deeper understanding of the impact of conflicts and crisis on children, and therefore calls on the various stakeholders to accord a greater protection to children during conflict situations.

The African Union has adopted several human rights instruments, and has put in place the institutional frameworks/organs to facilitate and monitor the effective implementation of these instruments. The year 2016 marks the 35th anniversary of the adoption of the African Charter on Human and Peoples' Rights, and comes only one year after the 25th anniversary of the adoption of the African Children's Charter. At the recent Conference held in Addis-Ababa (20-21 November 2015) to



Prof. Benyam Dawit Mezmur  
*Chairperson of the ACERWC*

Commemorate the Silver Jubilee of the ACRWC, the impact of the African Children's Charter on the protection of the rights of children as well as the challenges faced in its implementation have informed the development of a 25 year Agenda for children's rights in Africa. Having as its main objective the opportunity to assess the achievements and challenges towards the implementation of the Charter, the conference also sought to galvanize the efforts for a better protection of children's rights in Africa. The agenda, to be adopted in the coming months while not creating any new obligations on States, presents measurable goals and priority areas to which the African Union and its Member States commit themselves for the coming 25 years. It is surely a path to contribute towards our continued efforts to building an Africa fit for children.

It is our strong belief that if Member States and other stakeholders uphold their obligations in the ACRWC fully, and take ownership and follow-up of the recommendations of the Committee, the appropriate interventions to implement the Charter will be undertaken for the benefit of the African child. The Committee is committed to play its part, and will continue to strengthen its collaboration with the relevant stakeholders to ensure that 2016 is remembered as the Africa Year of Human Rights, and contribute to improving the lived reality of children throughout the continent ■



## *Towards Africa's Agenda for Children 2040: Fostering*



Credit Photo:© acerwc

By 2015, twenty-five years have lapsed since the OAU Assembly of Heads of State and Government, on 1 June 1990, adopted the African Charter on the Rights and Welfare of the Child (African Children's Charter). This landmark moment provided an opportunity to reflect on the accomplishments over a quarter of a century, identify the remaining challenges and plan ahead. Much has been achieved between 1990 and 2015, but much remains to be done. Commemorating the 25<sup>th</sup> anniversary of the adoption of the African Children's, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) has organized an international conference to assess the status of children in the past 25 years. At the Conference, a number of papers, in line with the identified thematic

areas were presented. The presentations and discussion mainly focused on the impact of the African Children's Charter on the protection of the rights of children as well as the challenges faced in the implementation of the Charter. Based on the findings and by taking stock looking back and prioritising future action, the ACERWC decided to develop a 25 year Agenda for children's rights in Africa. The Agenda aspires for, by 2040, the rights of African children should be firmly protected, with full effect being given to the priorities in this Agenda. Elaborating on Paragraph 53 of the Popular version of AU-Agenda 2063, the Agenda presents measurable goals and priority areas to which the African Union and its Member States commit themselves for the coming 25 years. While implementing

# an Africa Fit for Children

by Ayalew Getachew Assefa  
ACERWC Secretariat



the Agenda, Africa will be in a position to nurture and nourish its children. It calls for collective efforts in relation to the priorities set; and enhances collaboration among stakeholders by identifying shared concerns. The Agenda identifies the following being the ten aspirations that we all would like to see happen for all children of Africa:

## Aspiration #1

*The African Children's Charter, as supervised by the African Children's Rights Committee, provides an effective continental*

*framework for advancing children's rights.*

## Aspiration #2

*A child-friendly national legislative, policy and institutional framework is in place in all Member States.*

## Aspiration #3

*Every child's birth – and other vital statistics -- is registered*

## Aspiration #4

*Every child is born alive and grows up healthy*

## Aspiration #5

*Every child grows up as well-nourished and with access to the basic necessities of life.*

## Aspiration #6

*Every child benefits fully from quality education*

## Aspiration #7

*Every child is protected against violence, exploitation and abuse.*

## Aspiration #8

*A child friendly justice system is in place*

## Aspiration #9

*Every child is free from the impact of armed conflicts*

## Aspiration #10

*African children's views matter*

### **The ACERWC's call to stakeholders**

While the African ACERWC takes the major responsibility of monitoring the implementation of the Agenda across the Continent, obviously implementation of the principles and realisation of the aspirations of the Agenda very much depends on the willingness and readiness of a range of stakeholders, including Member States, the African Union and its Organs, Government Machineries at national level, UN Agencies, CSOs, religious and community leaders, and the media. It is the ACERWC's call that all the stakeholders join hands with the Committee and the African Union in disseminating the Agenda and establishing an evidence-based communication and advocacy tools on the rights of children in Africa ■

# ACERWC@25: Has there been any value in having



Credit Photo: © acerwc

Panelists at the 25<sup>th</sup> Anniversary of the Charter Conference

One of the strongest motivations for having an Africa-specific Charter on the rights of the child was the argument that the United Nations Convention on the Rights of the Child had not fully captured the issues affecting children in Africa. On this basis, the African Charter on the Rights and Welfare of the Child was adopted with some unique provisions on the rights of children living under apartheid, children of imprisoned mothers, protection against harmful social and cultural practices, and duties of the child. The adoption of a Children's Charter by the OAU was worth celebrating, considering that the OAU had been roundly criticised for failing to protect human rights in general, except for the right to self-determination, which it had fiercely fought for culminating in the end of apartheid in South Africa in 1994. Coming on the heels of the African Charter on Human and Peoples' Rights (ACHPR or African Charter) in 1981, the adoption of a Charter on children was also seen as a stronger show of commitment to addressing the needs of a particular group of Africans - children.

In addition to addressing specific thematic issues, the OAU also sought to re-emphasise the African philosophy of human rights – which had been stated earlier in the preamble of the ACHPR. Thus, the framers of the ACRWC stated in its Preamble:

*"...Taking into consideration the virtues of their cultural heritage, historical background and the values of the African civilization which should inspire and characterise their reflection on the*

*concept of the rights and welfare of the child,*

*Considering that the promotion and protection on the rights and welfare of the child also implies the performance of duties on the part of everyone..."*

From this perspective, the African Children's Charter included some unique provisions on the rights of children living under apartheid, children of imprisoned mothers, protection against harmful social and cultural practices, and duties of the child. As was the practice in the African Human Rights System, the Charter also established a monitoring body, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC or African Committee) with a mandate to receive and consider communications on violations of the Charter. This made the ACERWC the first ever child rights treaty body to have such a mandate. The UN Committee on the Rights of the Child has recently been granted this mandate by virtue of the Third Optional Protocol on a Communications Procedure.

The paper argues that while some provisions remain valid and necessary for African children today, others have seemingly outlived their usefulness over the last 25 years yet, they more or less could be creatively used to sustain the uniqueness of the Charter and its persuasion on the protection of children's rights in Africa and beyond.

Both the ACRWC and the CRC contain



# ving an African Charter?\*

by Edmud Amarkwei Foley

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\* Extract of the paper presented at the Conference on the 25th Anniversary of the African Children's Charter

the most visible of four cardinal principles of child rights – the best interest of the child. In stating the principle, the ACRWC is seen as providing a stronger imperative for the principle by stating that the best interest of the child shall be the primary consideration in all matters concerning the child. The CRC however is more liberal when it provides that the best interest of the child shall be a primary consideration. The use of 'a primary consideration' has often been interpreted by scholars on the two treaties as making the best interest principle as one of other primary factors to be considered, thus watering down the persuasion of the principle.

The African Children's Charter also emphasises the indivisibility of human rights, when it makes no distinction between economic, social and cultural rights on the one hand and civil and political rights on the other. Citing Peter and Mwalimu,<sup>1</sup> Abdulqawi Yusuf, recounts that:

*The uniqueness of the Charter is to be found in the originality of its normative content. It covers civil and political rights as well as economic, social and cultural rights and some protective rights that are specific to children. Furthermore, the African Charter covers third generation rights, and gives due importance to the assumption that a person has duties as well as rights in the community.*

Perhaps the most enduring peculiarity of the African Children's Charter, not found in the CRC is the inclusion of the duties of the child in article 31. This is in keeping with the African philosophy of human rights that the individual's enjoyment of his or her rights is intrinsically linked with his or her reciprocal duty to the society, from which he or she derives these rights.<sup>2</sup> The inclusion of duties or responsibilities of the child does not create an obligation on the part of children, which can

be enforced against them. On the contrary, the responsibility is placed on the State to guide children in the performance of these responsibilities.<sup>3</sup>

While we may praise the ACRWC for filling in these gaps, the treaty has its own shortcomings, which are addressed by the CRC. Article 26 of the CRC provides for the right to social security, which is absent from the ACRWC, considering that the African Charter on Human and Peoples' Rights actually provides for the right to the public services of one's country in article 13. Social security to a large extent is linked with access to public services, one may argue. Another area in which the CRC offers better protection is in article 40 on the rights of children in conflict with the law.

A final observation made from comparing the ACRWC and the CRC is that the ACRWC is comparatively more emphatic in positing the child as a rights-holder. Nearly all the articles of the Charter are cast on the language of the right of the child to something. The CRC on the other hand is often termed from the perspective of State obligations. While both approaches are appreciated, the emphasis on the child being a holder of rights is more consistent with the normative evolution of child rights, which began with stating the child as holding specific rights.<sup>4</sup>

The African child rights landscape has significantly been modified with the birth of an African Children's Charter 25 years ago. Its monitoring body, the ACERWC has taken some time to gain a firm footing to execute its mandate but it needs to be commended for its interventions so far to assert the Charter. In the next 25 years, we should hasten slowly to tamper with the provisions of the Charter through amendment. The problems that confronted African children, for which reason the Charter was born, are still present, albeit in different forms. The Charter should be allowed to engage with these challenges in their evolving nature. Further, in the next 25 years, the Charter has to be increasingly visible in the lives of Africa's children. Publicity of the Charter is crucial ■

1 Peter C & Mwalimu U, 'The African Charter on the Rights and Welfare of the Child', referred to in Yusuf (2014) at p 229.

2 See the Preamble of the African Charter on Human and Peoples' Rights, which states in paragraph 6, that "Considering that the enjoyment of rights and freedom also implies the performance of duties on the part of everyone."

3 See Viljoen (2012) p 394.

4 See the 1924 Declaration of Geneva of the League of Nations and first developed by the International Save the Children Union in 1923. See also the 1959 Declaration on the Rights of the Child of the UN General Assembly.

## ACERWC to release its ever first comprehensive study on the impact of conflict and crises on children in Africa



Credit Photo: © acerwc

Displaced children in Church yard, Bossangoa Central African Republic

The African Union Executive Council requested the African Union Peace and Security Council (PSC) to take into account the rights of the child in its agenda and cooperate actively with the African Committee of Experts on the Rights and Welfare of the Child (Decision EX.CL/Dec.712 (XXI)). This Decision was taken in light of the mandate of the PSC as articulated in Article 3 of the Protocol Relating to the Establishment of Peace and Security Council of the African Union, which reads ‘the PSC shall guarantee the protection and preservation of life and property, well-being of the African people as well as the protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law as part of efforts to preventing conflicts’. In view of implementing such Decision, the

ACERWC has held a joint meeting with the PSC on 18 February 2014 where the Council suggested for the ACERWC to undertake a study which assesses the situation of children in armed conflict and its impact across the Continent. Taking the suggestion in good order, the Committee kicked off the process in undertaking a comprehensive continental study on the impact of conflicts and crises on children in Africa.

The study takes into consideration the fact that recent trends in armed conflicts have resulted in new challenges for the protection of children’s rights. Previously armed conflict involved confrontations between states, whereas now it mainly consists of high levels of prolonged violence involving a state and one or more armed groups. As battle lines become blurred and fragmented, armed





Credit Photo:© acerwc

*South Sudanese girl in a camp, Malakal, South Sudan*

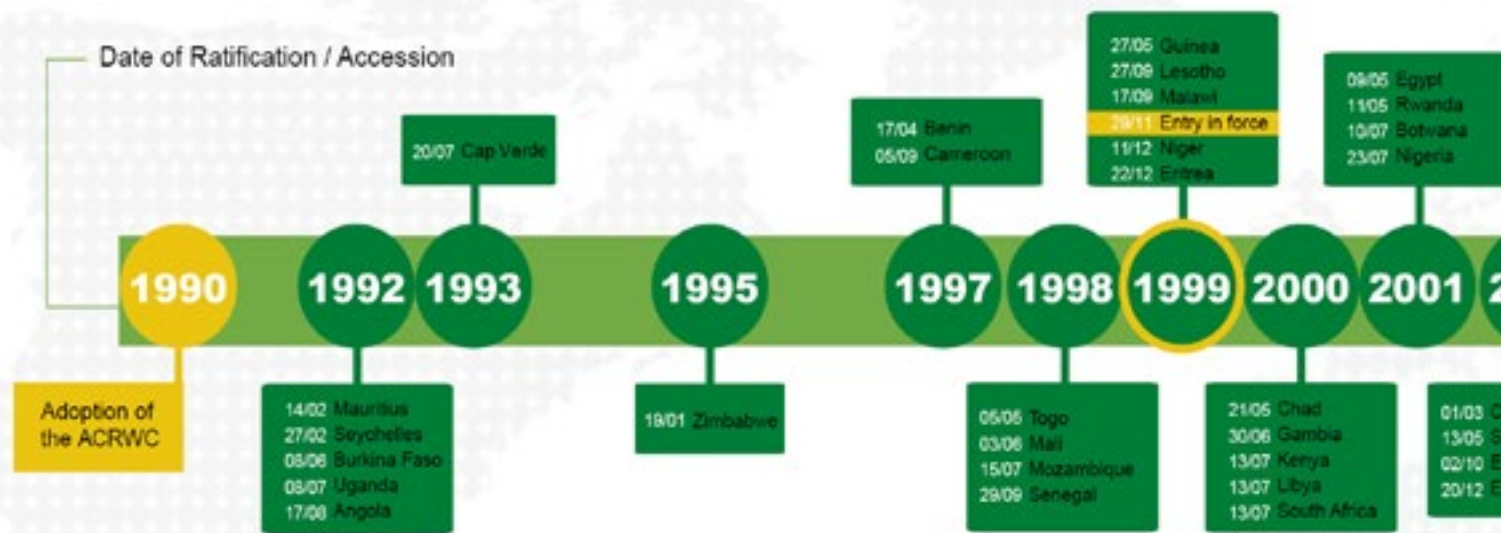
groups increasingly rely on improvised explosive devices and suicide missions, as well as on the use of children to carry out attacks. Both boys and girls have been targeted for recruitment and use by such groups, which indoctrinate and manipulate in order to coerce or force children to participate in hostilities, including acts of extreme violence. Girls and boys are often unaware of the actions or consequences of the acts they are manipulated or coerced to commit. The potential risk of sexual violence, abuse and exploitation of boys and girls is alarmingly increasing in the context of conflicts and crises.

The study concentrates on conflicts and crises across Africa over the last 10 years and the measures by State and non-State actors to protect the rights of children during and in the aftermath of such situations. It addresses psychological impact, education, health and nutrition/food security, separation from parents/caregivers and sexual and

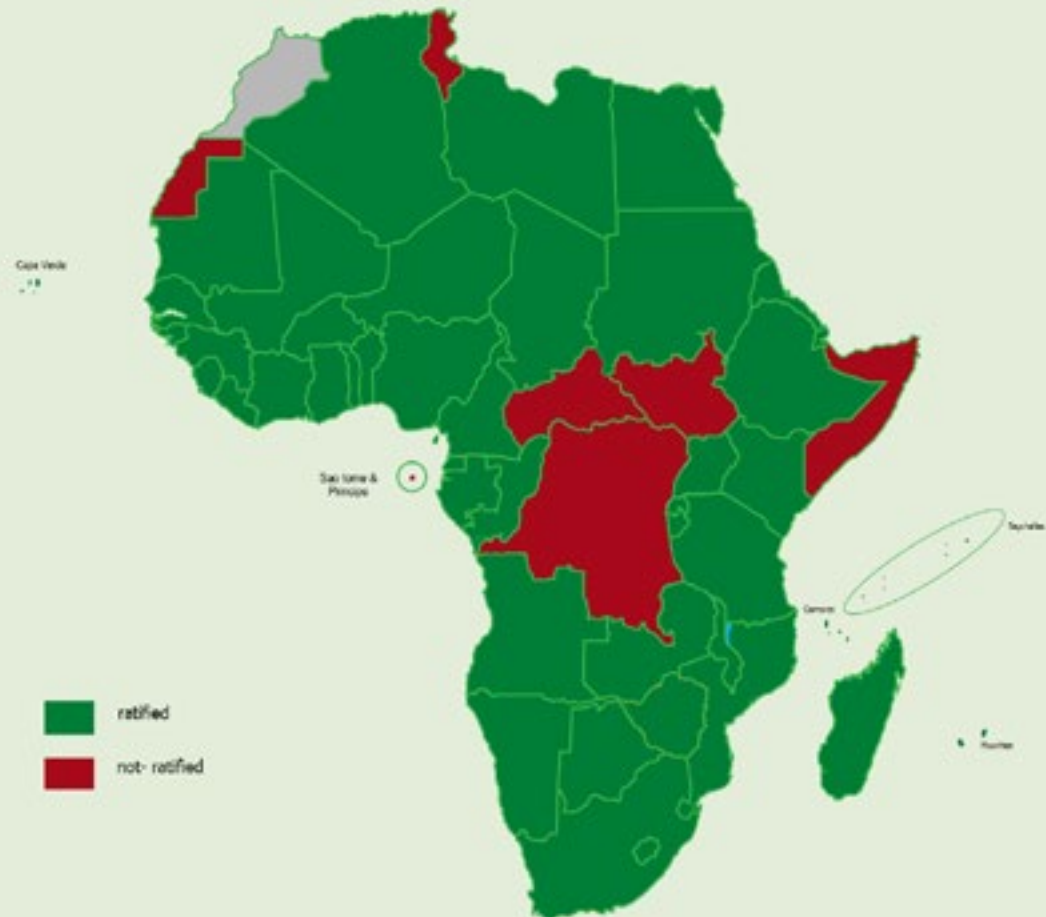
gender-based violence. The study builds its analysis on the four cardinal principles of the African Children's Charter namely the best interest of the child; the right to life, survival and development; and respect for the views of the child as evidenced through children's voices.

Being the first of its kind at the African Union level, the study draws urgency towards Member States to address the challenges that children are facing in conflict situations and halt recruiting and using children for military purposes. Taking the new challenges into consideration, the study, particularly, urges for a high level commitment from Member States to establish effective and functioning mechanisms to address the impact of conflict and crises on children and provide for the care and protection of children affected by armed conflict. With a view of impacting programs and policies, the finding of the study will be submitted to the AU Executive Council, and widely disseminated among stakeholders ■

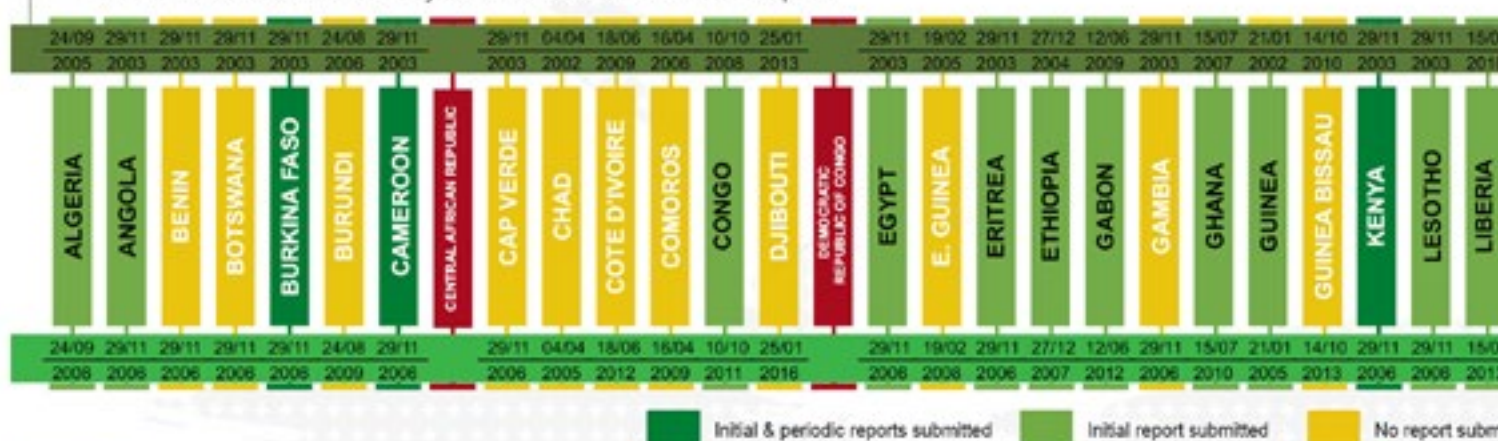
# ACRWC Ratification & Reporting Timeline



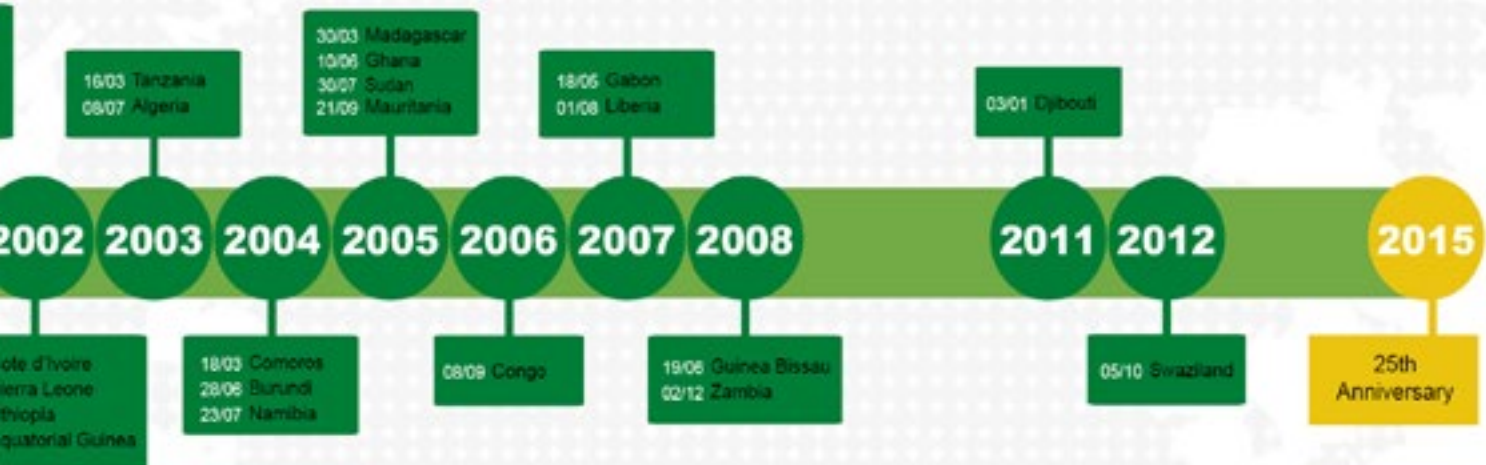
Ratification Status of the African Charter on the Rights and Welfare of the Child (ACRWC) by AU Member States



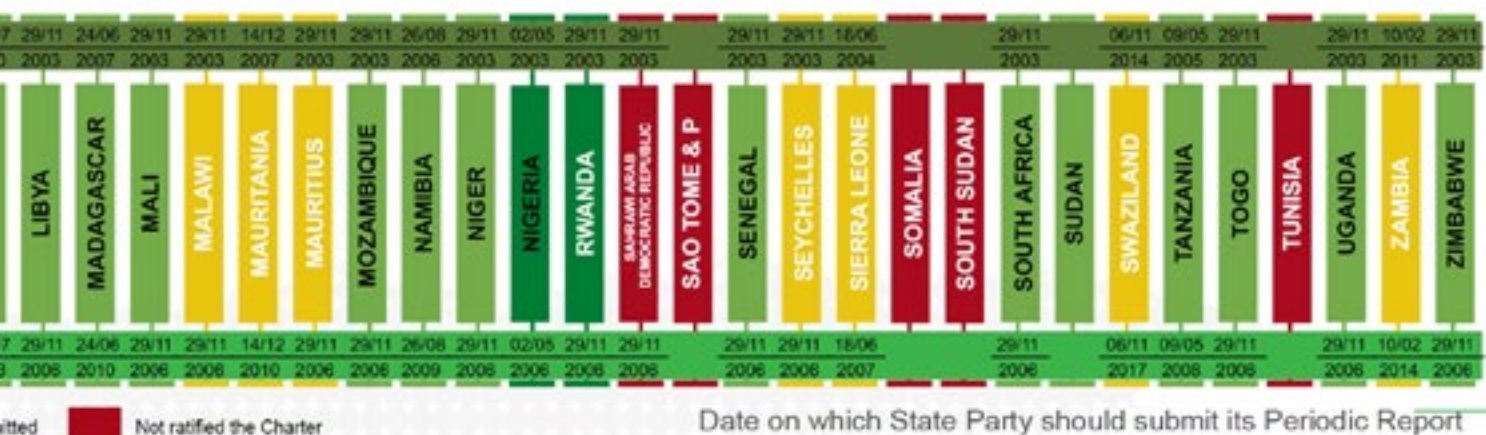
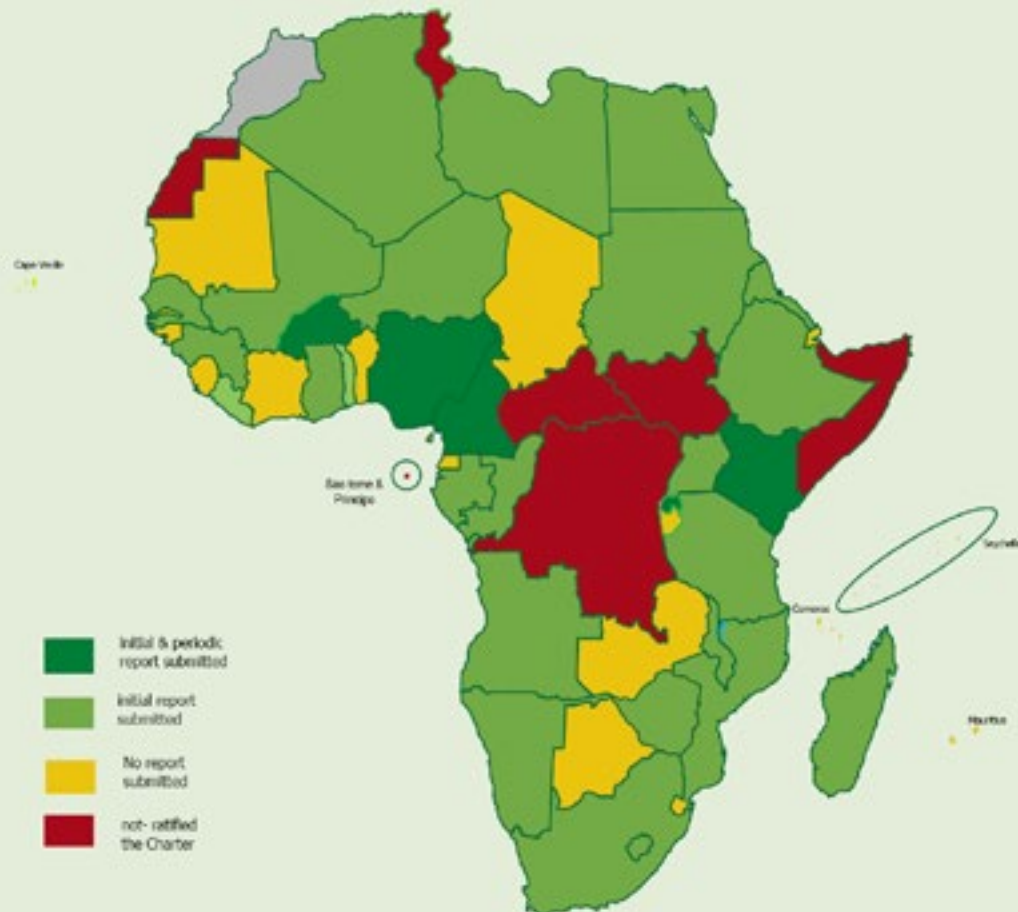
Date on which State Party should submit its Initial Report







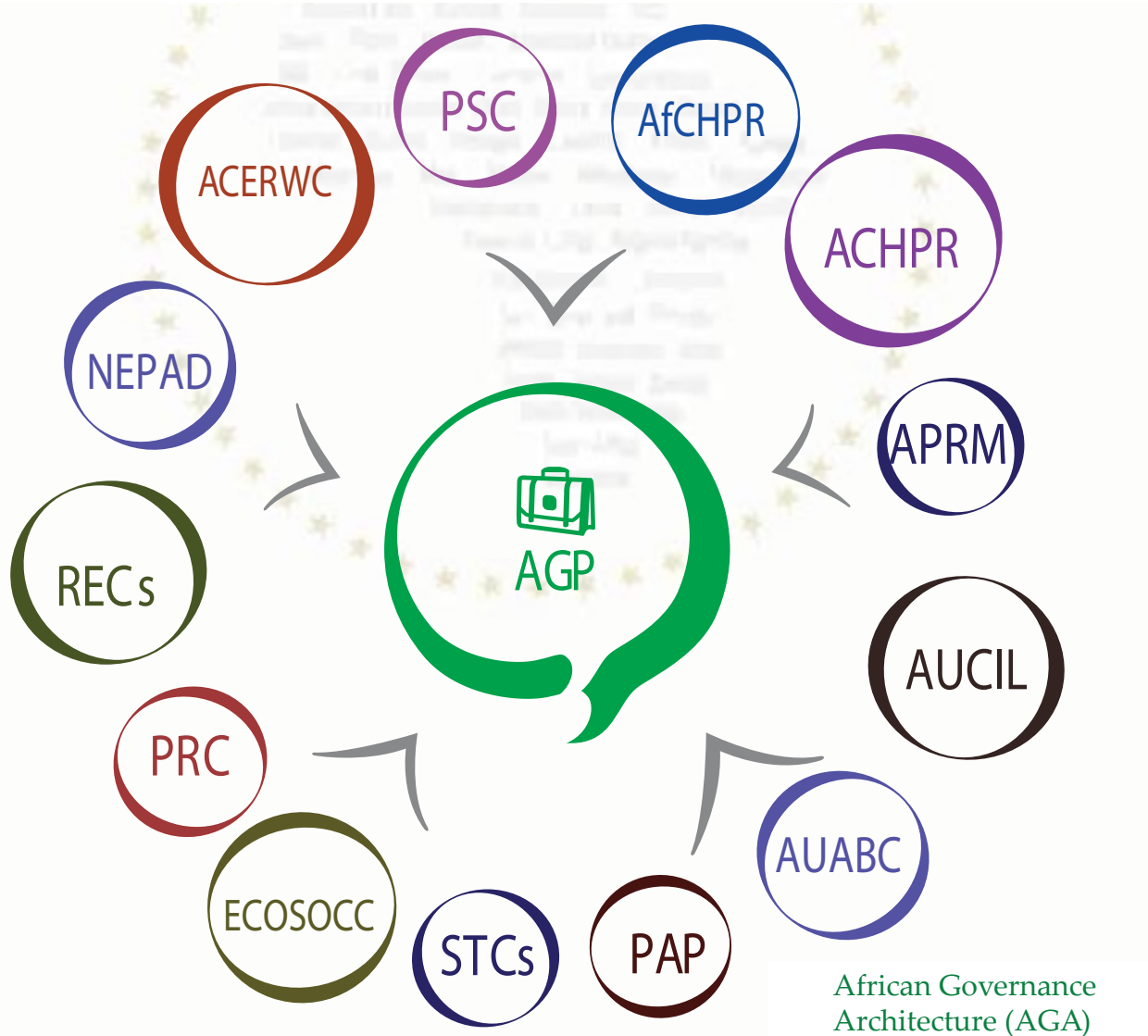
Reporting Status of the African Charter on the Rights and Welfare of the Child (ACRWC) by AU Member States





# A call to the African Court to open up its doors to the ACERWC

by Ayalew Getachew Assefa  
ACERWC Secretariat



In 2013, the ACERWC seized the African Court on Human and Peoples' Rights with a request for an Advisory Opinion under Article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights and Rule 68 of the Rules of the Court.

In its application, the Committee sought of access before the Court in contentious matters pursuant to Article 5 (1) (e) of the Court Protocol. In its application, the Committee submitted that if the Committee is given access to make use of the mandate of the Court, that will complement the Committee's functions and thus, ensures effective protection of the rights and welfare

of the child in Africa. The Committee, in its application noted that though the preamble of the Court Protocol particularly refers to the role of the African Court as to enhance the efficiency of the African Commission on Human and Peoples' Rights, it is the Committee's stance that the Court is established to strengthen the whole African human rights system and complement the protective mandate of the treaty bodies. The Committee qualifies as one of these treaty bodies and its mandate is to be reinforced by the Court. Indeed, implementation of the African Commission's mandate over the years has proven to be a major challenge. The African Commission's protective mandate was limited in terms of non-compliance because



of non-binding findings and absence of effective remedies. The Committee has also been experiencing similar challenges. As the African Commission and the Committee are the existing treaty bodies for human rights supervision in the AU framework, the Court should act as a 'remedy to the shortcomings of these bodies'. In the application, it was thus argued that the Court could play a complementary and reinforcing role with the functions of the Committee as in the case with the Commission. A purposive interpretation of article 5(1) (e) of the Protocol of the Court also implies that the Committee, in pursuing the best interests of the child, should have access to the Court.

Responding to the Committee's request, in its Advisory Opinion written on December 2014, the Court, in principle, projected a position that the ACERWC does not have standing before the Court pursuant to Article 5(1) of the establishment Protocol of the Court. Despite the legal barrier, however, the Court expressed its view as it is highly desirable that the ACERWC is given direct access to the Court under Article 5(1) of the Protocol of the Court.

Reading into the opinion of the Court, it is clear that the Court takes as the overarching goal of the Protocol is of course to create an institutional framework for complementarity between the Court and the African Commission

and the Committee. One can also infer that, had it not been for the legal barrier, the Court would have taken a clear position as the Committee should be given a standing the access the Court on contentious matters.

This leads to the conclusion that the ACERWC could only directly access the Court on contentions matters only if the existing legal instrument on the establishment of the Court is amended. The relevant provisions regarding the amendment of the Protocol of the Court are prescribed under article 35 of the same. Pursuant to Article 35 (2) of the Protocol the Court shall also be entitled to propose such amendments to the present Protocol as it may deem necessary, through the Secretary-General of the OAU'. Therefore, with a view of according locus standi for the ACERWC and facilitates its access to the Court, the African Court on Human and Peoples' Rights should initiate the amendment of Article 5(1) of Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court in accordance with Article 35 (2) of the same.

Having a direct access to the Court does not only increase the efficiency of the ACERWC as a mechanism mandated to protect children's rights across the Continent, it also serve to strengthen the collective regional human rights system, and contribute to the creation of a strong, multi-layered, complementary, joined-up and united human rights front in Africa ■

*Tales from the field*

by Merga Yadessa  
ACERWC Secretariat

## Shedding lights on the plight of children living with albinism in Tanzania



Credit Photo:© acerwc

*A child with albinism in a THS, Tanzania*

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) undertakes a number of activities with a view to promoting and protecting the rights and welfare of the child in Africa.

In November 2013, Under the Same Sun (UTSS), a non-governmental organisation based in Dar es Salaam, Tanzania, approached the ACERWC, calling upon the Committee to investigate the situation of children with albinism hosted in Temporary Holding Shelters (THS) in the Lake Zone of Tanzania. At its 24<sup>th</sup> Ordinary Session held on 01-06 December 2014, the Committee considered the application. The Committee noted that the request falls within its mandate, and it is also in line with the aims of investigation missions as stated in article 2 of the ACERWC's Investigation Guidelines. The Committee then decided to undertake an investigative mission to the State Party pursuant to Article 45 of the African Children's Charter. From 10 to 14 August 2015, the Committee undertook investigative mission to Tanzania.

The objectives of the mission were to investigate the situation of children with albinism in Tanzania and assess the alleged rights

violations and challenges they encounter. It was also important for the Committee to identify the causes leading to the reported curtailing of or violation of the rights of children with albinism; and to engage with various stakeholders, in particular the Government of Tanzania, United Nations, African Union, UN Agencies International and Local Non-Governmental, for a better understanding of challenges and protection of children with albinism in Tanzania. In addition to visiting government bodies, during investigative mission the Committee visited organisations such as Under the Same Sun, Tanzania Albinism Society, UNICEF and UN Office. It also visited Buhangija center in Shinyanga region.

During its investigative mission, the Committee found that children with albinism are facing many challenges to enjoy the right to physical safety and the right to life in Tanzania.

The Committee noted that regular and structural attacks are so rampant to the extent that children with albinism cannot live their daily lives in their areas of origin. Various organisations and individuals have also brought to the Committee's attention that there is



widespread practice of ritual attacks; i.e., the killing of and attacks on children with albinism with a view to using their body parts for ritual purposes. Moreover, the Committee witnessed the deteriorating health conditions of the children to the extent that some are developing skin cancer at various stages, mainly due to the lack of sunscreens and basic health facilities.

The Committee also found that due to very limited resources, teaching and learning materials are not available in the Center. Contrary to what is aspired to under the Charter, children with albinism in Tanzania are failing to fully enjoy the fruits of their right to education. The Committee stated that visually impaired children are not assisted with provision of assistive devices which could facilitate the learning process. This in turn hinders children from enjoying their right to education.

The Committee noted that life in the Buhangija Center continues to be hard. There are not adequate beds, 405 children are living in a compound which was supposed to accommodate only 50 children; there is not enough budget for food, and the children usually eat common carbohydrate foods with very low nutritional content. Furthermore, only 14 caretakers are available in the Center to serve 405 children. Generally, the Committee underscored that the Centers do not meet the minimum standard to be habitable for the children.

Having appreciated challenges faced by the government, families of children and children with albinism, the Committee concluded that the children with albinism in Tanzania are in an extremely vulnerable position, which makes them easy targets for witchcrafts and the consumers of witchcraft. Having concluded that holding centers are no more temporary and are not serving the best interest of children, the Committee recommended that mechanisms and plans must be devised to reunite the affected children with a family environment and to end the permanent nature of the Temporary Holding Centers.

Considering the fact that the stigma and discrimination against children with albinism are structurally embedded, the Committee concluded that it is only when the challenge is

considered as a national problem emanating from deeply entrenched societal prejudices against persons with albinism, that a functional and effective solution can be devised to permanently stop the violations.

Finally, the Committee recommended short-term, mid-term and long-term measures to be taken. a plan and strategy has to be in place for the Government to immediately stop institutionalization of children with albinism and instead assist them in reconnecting and reuniting the children in the centers with their parents, or close relatives; an integration plan back to the community should also be in place; the Government should sensitize its enforcement officials regarding the plight of the children with albinism; with a view of preventing further complicated health problems, including skin cancer, the Government should come up with a short term plan to enhance the health facilities such as by providing of affordable sunscreen and other sun protective gear to children with albinism are mid-term measures to be taken ■

## ACERWC Report on the Investigation Mission

*The Committee has released a report on its findings on March 2015. The Report is available on its website.*

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



(ACERWC)



REPORT ON INVESTIGATIVE MISSION  
ON THE SITUATION OF CHILDREN  
WITH ALBINISM IN TEMPORARY  
HOLDING SHELTERS - TANZANIA

March 2016

## Recap'

by Catherine Maina  
ACERWC Secretariat

## DAC 2015: Children of Africa meet in Soweto to End Child Marriage

The Day of the African Child (DAC) 2015 under the theme “25 years after the adoption of the African Children’s Charter: Accelerating our Collective Efforts to End Child Marriage in Africa” was commemorated in Soweto, South Africa. The DAC is commemorated annually to recall the 1976 uprisings in Soweto, when a protest by school children in South Africa against apartheid –inspired education resulted in the public killing of these unarmed young protesters by police officials. This Day also presents an opportunity to focus on the work of all actors committed to the rights of children on the continent and provide an occasion for Governments, International Institutions and Communities to renew their on-going commitments towards improving the plight of children by organizing activities aimed at including them.

DAC 2015 was commemorated across Africa within a unique context. Firstly, the DAC was commemorated within the context of the marking of the 25<sup>th</sup> Anniversary of the African Charter on the Rights and Welfare of the Child (ACRWC). Secondly, 2015 DAC was the twenty-fifth (25<sup>th</sup>) since it was first adopted in 1991 by an OAU Assembly resolution designating 16 June as a Day for the celebration of the African child. This was in commemoration of the 1976 protests by school children in Soweto, South Africa. The students protested against an education designed to further the purposes of the apartheid regime. The brutal response of the apartheid security agencies to the unarmed students’ protests resulted in the death of a number of them. And consequently the Department of Social Affairs –AUC decided that the commemoration of the DAC in Soweto (the genesis of the Day) would be an auspicious moment.

The Commemoration was a two day event on 14<sup>th</sup> and 15<sup>th</sup> June 2015. The event could not be held on 16<sup>th</sup> June as this is a national holiday in the Republic of South Africa, the National Youth Day.

14<sup>th</sup> June 2015 was a one Day Workshop for 100 Children; the children represented were

from South Africa, Lesotho, Namibia, Zambia, Zimbabwe and Malawi. The objectives of the workshop were to develop a joint statement to be presented by the children at the beginning of the program, to develop clear questions to guide the children during the Inter-Generational Dialogue and finally develop the Declaration for the Day of the African Child 2015. The Workshop was facilitated by DSA-AUC, ACERWC, UNICEF, PLAN and UNFPA. During the workshop the children were introduced to the agenda and objectives of the meeting, the principles of child participation, objectives of the DAC, after which they developed a statement and Declaration on Ending Child marriage in Africa. During the workshop, the children also selected duty bearers for the event scheduled for the following day.

On the 15<sup>th</sup> of June, the commemoration started in Soweto at 9:00am with a march from the Mandela House to the Hector Peterson Memorial Museum. The march included children, RSA Government officials, AUC, Partners from UN and CSOs and the Community around Soweto. At the museum, Ms Faith Mazibuko from the Department of Social Development, Gauteng Province, RSA gave some welcoming remarks while Ms Nomsa Mtshweni of the Department of Social Affairs Mpumalanga Province, RSA gave the background and context to June 16. After that there was the laying of wreaths by Minister Bathabile Dlamini and 39 children to mark 39 years for June 16.

Afterwards, all the participants headed to the Soweto Hotel where the official program was to take place. Those present included RSA Government delegation headed by Minister Bathabile Dlamini, African Union Commission delegation headed by Amb. Olawale Maiyegun, Director of Social Affairs, Mrs. Sidikou Aissatou Allassane - The Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, Ms. Fatima-Zohra SEBAA-DELLADJ - The AU Special Rapporteur on Ending Child Marriage, Ms Nyaradzayi Gumbonzvanda - The AU Goodwill Ambassador on Ending Child Marriage, Government Officials from Lesotho,







Credit Photo: © acerwc

*Children in Soweto marching to remember Hector Peterson*

UNICEF, UNFPA, Plan International, YWCA, Save the Children, ChildFund International, ICRC, ONE, AFRIMA and many others.

The program started with a statement delivered by a child representative, thereafter the Chairperson of the ACERWC gave a presentation on the State of Children on the Continent. Amb Maiyegun and the Minister of Social Development, RSA Ms Bathabile Dlamini, also delivered statements all recommitting to ending child marriage in Africa. In the next session, 3 girls who had been affected by child marriage gave their testimonials and a representative of traditional leaders in RSA afterwards re committed to ending child marriage in Africa. These testimonials paved way to the Inter-Generational Dialogue between six children and 6 panellists who included Amb Maiyegun, Director Social Affairs, AUC, Ms Nyaradzayi Gumbonzvanda - The AU Goodwill Ambassador on Ending Child Marriage, RSA Minister of Social Development, Ms Bathabile Dlamini among others.

During the Inter-Generational Dialogue the children asked questions on the following issues. The activities that UN bodies are undertaking to sensitize rural communities on ending child marriage, taking children affected by child marriage back to school, programmes for children with disabilities, the steps the AUC is taking against countries that have ratified the Charter but fail to implement policies, the role of the media in ending child marriage, the role of the Goodwill Ambassador in working with relevant stakeholders to fight child marriage and the steps that Plan International is taking to equip males with information and engage them in ending child marriage.

Lastly Afrima and ONE later hosted a cocktail to conclude the event. After the Inter-Generational Dialogue the children presented a Declaration that they had prepared the day before on Ending Child Marriage in Africa. The Declaration had clear and specific requests from the children to the Governments, parents and the Community, the African Union and United Nations as regards ending child marriage in Africa ■





*Dr. Olawale Maiyegun, Director of Social Affairs, addressing the youth at the DAC Commemoration in Soweto.*



*Children paying tribute to Hector Pietersen, the first victim of the Soweto uprisings that led the adoption of the Day of the African Child on June 16 every year.*



Day of the African Child 2015



Participants at the DAC 2015 Workshop



Credit Photo:© acerwc

Inter-generational dialogue during the DAC 2015 Commemoration

## *ECM Campaign*

*by Kenneth Oliko  
and Catherine Maina*

# *A Call to End Child Marriage*

**C**hild marriage in many African countries remains an issue that unfairly militate against the wellbeing and rights of the African Child. In line with Article 1 of the UN Convention on the Right of the Child (CRC) and Article 2 of the African Charter on the Rights and Welfare of the Child (ACRWC), marriage of a person, either male or female, younger than 18 years of age is considered as child marriage.

Child marriage is a reality for millions of children – predominantly girls – across Africa. 39% of girls in sub-Saharan Africa are married before their 18th birthday; 13% are married by their 15th birthday. Sadly, 15 out of the 20 countries with the highest rates of child marriage are in Africa. It is in consideration of this fact and in an effort to provide a bright future for millions of women and girls, that the African Union Commission, under the initiative of the Chairperson launched the first-ever Campaign to End Child Marriage in Africa. The campaign focuses on accelerating change across the continent by encouraging African governments to develop strategies to raise awareness and address the harmful impact of child marriage. Many advocates of child marriage easily associate child marriage to specific religions, but a recent study by the African Union Commission clarified that no particular religion is affiliated to child marriage; rather multiple religions are associated with child marriage worldwide.

Regarding the underlying causes of child marriage, religion, poverty and lack of education actually play critical roles in advancing child marriage. Girls living in low income households are more exposed to being married off early than girls in higher income households. Taking a close look at countries like Mali and Niger where over 75 % of the citizens live on less than \$2 per day for example, more than half of the girls in these

countries get married before 18.

In Mozambique, 60 % of uneducated girls get married by 18, comparing that figure with 10 % who get married at the same age who have secondary school education, and less than 1 % of girls with higher education, it shows that educating adolescent girls is a major step in reducing child marriage in African countries. Education stops child marriage just like child marriage stops education, by reducing the chances that an adolescent will become educated; hence reducing the chances of adolescents maximizing their potentials.

In a response to reduce Child marriage amongst other challenges of the African Child, the African Union birthed the African Charter on the Rights and Welfare of the Child in 1990, and celebrated its 25th anniversary in 2015.

The ACRWC encompasses a wide range of rights and obligations for a better advancement of children's rights in Africa. The four 'pillars' of the CRC, namely, the principles of non-discrimination, the best interest of the child, life survival and development, and participation, are also incorporated with the same status in the African Children's Charter. In addition, it also consists of provisions which are articulated in an innovative and progressive manner for the advancement of children's rights in Africa. This enables the Charter to accord a greater degree of protection for African Children.

Particularly, the progressive nature of the African Children's Charter relates to its non-qualified definition of a child. Article 2 defines a child as all human beings below the age of 18, without attaching any claw-back clause that allows a situation where a child below the age of 18 could attain majority earlier under applicable law. This may give countries a lee way to take actions which contravenes the





interest of children. For instance, countries might employ such qualification to justify acts such as the recruiting of child soldiers during armed conflict and allowing child marriages. Trying to address the plight of the girl child in Africa, article 11(3)(e) of the ACRWC obliges Member States to take affirmative action and measures with regard to female, disadvantaged and gifted children. This in turn addresses social imbalances, which can be corrected by states actions.

To monitor the implementation of this instrument, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established in 2001 in accordance with article 32 of the African Children's Charter, The Committee comprises of 11 independent experts who are elected by the Assembly of the African Union. Drawing its mandate from article 42 of the Charter, the Committee undertakes a number of activities with a view of promoting and protecting the rights and welfare of the child in Africa.

In 2015, the ACERWC celebrated the 25th year anniversary of the adoption of the Charter. There was much to celebrate as Africa marked the 25th anniversary of the African Charter on the Rights and Welfare of the Child. Currently, 47 Member States of the African Union have ratified the Charter and there is an encouraging pace with regard to State Party's compliance on their reporting obligation on the implementation of the Charter. State Parties to this instrument are taking legal and practical measures to harmonize their national laws and policies on children with international and regional standards, the Constitutions of many African countries cover the rights of the child in considerable detail, which evidently help to ensure the full realisation of the rights and well-being of children in Africa. Moreover, tangible progress was witnessed towards the achievement of the Millennium

Development Goals (MDGs) and the fulfilment of children's rights to survival, development and protection.

However, with all the progress towards the protection of children's rights, grave child rights violations remain an urgent and serious concern in many African countries. While many children in Africa are able to grow, learn and thrive as part of loving families and communities, others suffer due to issues like poverty, conflict, natural disasters, and harmful practices such as child marriage. Many children in Africa are still affected by different types of abuse, including economic and sexual exploitation, gender discrimination in education, child labour, child marriage, and their association in armed conflict.

Particularly, Child marriage is a topic of primary concern to the African Committee of Experts on the Rights and Welfare of the Child. It was in consideration of this fact that the Committee dedicated a Day of General Discussion at its 23rd Session (April, 2014) on child marriage which impedes on the full development of the girl child in Africa. The Committee also decided to appoint one of its members as a Special Rapporteur for the AU Campaign to End Child Marriage in Africa, to create synergies and a constructive dialogue with Governments, civil society and other relevant actors with a view to identify solutions for the elimination of child marriage. The Day of the African Child (DAC) 2015 reflects the Committee's commitment to make child marriage an issue of the past, and was celebrated on the theme "25 Years of the Adoption of the African Children's Charter: Accelerating our collective efforts to End Child Marriage in Africa".

The commemoration of the 25<sup>th</sup> anniversary of the African Charter on the Rights and Welfare of the Child is an urgent reminder that we have still a long way to go and much remains to be done to create an Africa fit for children ■

## ACERWC Inside

### AU Assembly appoints new members of the ACERWC



The term of six members came to an end in May 2015, while the term of one member was ending in January 2016. Having served a five-year term, the members could seek re-election as provided by article 37(1) of the Charter. Out of the 6 out-going members, only 2 were nominated by their respective countries and were re-elected for a second term.

The 27<sup>th</sup> Session of the African Union Executive Council has witnessed the election of six members of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). The new members were then appointed by the AU Assembly during the 25<sup>th</sup> African Union Assembly in Johannesburg, in June 2015, in the decision contained in Doc. EX.CL/918 (XXVII).

Five members were sworn in during the ACERWC 26<sup>th</sup> Ordinary Session in April 2015, in Addis Ababa.

Another member was appointed during the 26<sup>th</sup> AU Assembly in Addis Ababa, in January 2016. The decision Doc. EX.CL/955(XXVIII) of January 2016, appoints Mr Mohamed Ould Ahmedoudit as an expert of the Committee.

### Current Members

Name	Position	Country	Term
Prof. Benyam Dawit Mezmur	Chairperson	(Ethiopia)	July 2015 - July 2020
Ms. Maria Mapani-Kawimbe	1st Vice-Chairperson	(Zambia)	July 2015 - July 2020
Mr. Joseph Ndayisenga -	2nd Vice-Chairperson	(Burundi)	May 2013 - May 2018
Dr. Azza Ashmawy -	3rd Vice-Chairperson	(Egypt)	May 2013 -May 2018
Mrs. Dikere B. Marie Christine	Rapporteur	(Côte d'Ivoire)	July 2015 - July 2020
Mrs. Goitseone Nanikie Nkwe	Deputy- Rapporteur	(Botswana)	July 2015 - July 2020
Dr. Clement Julius Mashamba	Member	(Tanzania)	July 2015 - July 2020
Mrs. Sidikou Aissatou A. Moulaye	Member	(Niger)	May 2013 - May 2018
Mrs. Suzanne Aho-Assouma	Member	(Togo)	May 2013 - May 2018
Ms. Aver Gavar	Member	(Nigeria)	July 2015 - July 2020
Mr. Mohamed Ould Ahmedoudit H.	Member	(Mauritania)	Jan 2016 - Jan 2021



# New Members sworn-in at the ACERWC 26<sup>th</sup> Ordinary Session

Newly elected members have been invested as Committee’s Experts at the ACERWC 26<sup>th</sup> Ordinary Session, by the Office of the Legal Council of the African Union.



Mrs. Dikere Bocoum Marie Christine



Mrs. Aver Gavar



Ms. Maria Mapani Kawimbe



Mrs. Goitseone Nanikie Nkwe

## Farewell to former members

Four members have left their seats after successfully served their terms, with dedication and commitment. The Committee thanks them for their service and wish them well in their respective new missions.



Prof. Julia Sloth-Nielsen



Justice Alfas Chitakunye



Mrs. Felicité Muhimpundu



Mrs. Fatima Sebaa Delladj



## Partner's Corner

by Martha Bedane  
World Vision International AU Liaison Office

# World Vision International continued support for the work of the Committee

**W**orld Vision International is a global Christian relief, development and advocacy organisation dedicated to working with children, families and communities to overcome poverty and injustice in order to reach a sustained well-being of children, especially the most vulnerable. Our specific aim is to contribute measurably to help children enjoy good health, be educated for life, be cared for and protected and to participate fully in decisions that affect their lives.

World Vision is present in 27 African countries both at national and community level working with CBOs at grassroots level. More specifically, World Vision is serving millions of

alongside long-term community development and emergency responses. Our approach is focused on challenging and changing the policies, systems, structures, practices and attitudes that make it difficult for vulnerable children and their families to escape living in poverty. World Vision therefore advocates at the local, national, regional and global levels based on our experience working with communities.

As another part of its strategic focus, World Vision supports the African Union, specifically the African Committee of Experts on the Rights and Welfare of the Child towards securing the rights, protection and welfare of children. In this regard, World Vision's African



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children and their families throughout Africa in 600 projects in 151 long-term programs of these countries. Our grassroots presence and closeness to issues at community level puts us in a unique position to address community issues from their root causes.

Advocacy in World Vision, on the other hand, is an essential element of our work,

Union Liaison Office acts as a bridge to connect the community to the continent so that children, youth, and communities can move freely and express their voices at all levels.

In addition to the above, World Vision works within conflict affected countries in Africa. One of these countries is the Republic of South Sudan where we have different programs that reach the most vulnerable children affected by

armed conflict. For instance, in the past year, World Vision reached 8462 children of three to seventeen years with psychosocial support services in three Child Friendly Spaces in Malakal's Protection of Civilian (PoC) Site and in Wau Shilluk. Currently, about 664 children who have been registered and are attending the Education in Emergency program in Malakal PoC.

World Vision is also implementing the Education in Emergencies program in Melut County. According to the South Sudan Education Cluster, there are over 1.7 million children and adolescents in dire need of emergency education support since the start of the conflict in December 2013. Many of those are still unable to access learning due to displacement while others are out of school due to the impact of conflict on their communities. Some are also living in host communities where educational resources are non-existent or overstretched. In response to these challenges, World Vision supported the enrollment of 3,470 children for primary education and ensured that 1,214 children aged between three and six years attended Early Childhood and Development. However, there is need for enhanced effort to reach all children in the country and World Vision realizes the need for a strengthened effort at all levels by every stakeholder.

In an effort to address peace and security challenges in Africa, World Vision appreciates the African Committee of Experts on the Rights and Welfare of the child for taking the initiative to undertake the Continental Study on the Impact of Conflicts and Crises on Children in Africa. World Vision is disposed to support the process financially and technically with the aim of elevating the child protection agenda in conflict situations and to ensure the protection of the sanctity of childhood for African children.

While the Committee has made major strides in shaping the study conducted in 14 African countries, World Vision International, through its technical experts, contributed

meaningfully in enriching the study at various stages.

World Vision is further keen to support the Committee when the findings of the study are taken to the attention of the AU and its Policy Organs. World Vision is of the view that it is critical that the recommendations of the study are passed to Member States in order to address the challenges faced by the most vulnerable children in conflict and humanitarian settings.

"Looking back to look ahead" was the theme for the 25th anniversary of the adoption of the African Children's Charter held in November 2015 in Addis Ababa, Ethiopia. World Vision commits to working with the committee in contributing to the end of violence against children. During this celebration, the World Vision Regional Leader for East Africa added her voice. "Violence against children cannot be tolerated. It has the potential to undermine or reverse the great strides that have been made towards improving child well-being outcomes over the years".

This is evidence by 9,106 children supported in WAU and Malakal PoC area of South Sudan alone and reintegrated back to school in 2015. In addition to celebrating the progress, we welcomed the Committee of Experts on the African Charter on the Rights and Welfare of the Child, sought to set an Agenda for children for the next 25 years. World Vision is again standing by the side of the Committee once again in supporting this process both through our technical expert areas as well as financially.

World Vision is further looking at supporting the Committee in popularizing this Agenda and continues to partner with the Committee on the next steps of this process so that we can have a strong and implementable Agenda which will change the lives of millions African children ■



Launch of the General Comment on Article 6 of the Charter,  
10 February 2015, Yamoussoukrou, Côte d'Ivoire



Launch of the General Comment on Article 6 of the Charter,  
10 February 2015, Yamoussoukrou, Côte d'Ivoire



Open Session with the AU PSC on Children in armed conflicts  
AU Headqugrters, 21st May 2015, Addis Ababa, Ethiopia



Investigation Mission in Tanzania



ACERWC 26<sup>th</sup> Ordinary Session Addis Ababa, Ethiopia





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Open Session with the AU PSC on Children in armed conflicts  
AU Headquqrters, 21<sup>st</sup> May 2015, Addis-Ababa, Ethiopia



Advocacy Messages Exhibition during the Commemoration of the 25<sup>th</sup> Anniversary of the Charter, Addis Ababa, Ethiopia



Ethiopia

Exhibition during the Commemoration of the 25<sup>th</sup> Anniversary of the Charter, Addis Ababa, Ethiopia



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**Africa's Agenda for Children Rights**  
.....

Coming Up



10

**Aspirations for**  
the full implementation of the

**ACRWC**

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