

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

**AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF
THE CHILD(ACERWC)**

CONCEPT NOTE

**DISCUSSION ON ARTICLE XXI OF THE CHARTER ON THE RIGHTS AND
WELFARE OF THE CHILD ON “PROTECTION AGAINST HARMFUL SOCIAL
AND CULTURAL PRACTICES”**

**27-28TH MARCH 2012
ADDIS ABABA, ETHIOPIA**

INTRODUCTION

Over the past two decades, the AU has prioritized children's programmes and advocated for the adoption of the African Charter on the Rights and Welfare of the Child (ACRWC) (1990). The Charter reinforced and complemented the CRC to ensure better protection of the African child and is the first region specific child rights instrument.

Taking into account that the situation of most African children remains critical due to factors such as their socio-economic, cultural, traditional and developmental circumstances, the aims of the Charter include providing the normative framework necessary for taking appropriate measures to promote and protect the rights and welfare of the African child. The Charter promotes, among others, the right to health, prohibits violence against children as well as social and cultural harmful practices and attitudes which have a negative effect on the life of the child.

The implementation and monitoring of the ACRWC is supervised by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) established in 2001. The ACERWC has the mandate to receive State Party Reports and the power to receive Communications. The Committee can also undertake tasks such as collecting and documenting information, organising meetings, and perform such other tasks as may be entrusted to it by the AU and the UN. The Committee has the mandate to interpret the provisions of the Charter and set rules, principles and standards governing children's rights and welfare in Africa through General Comments, Resolutions and Declarations.

To this end, the ACERWC, with support from Plan International and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) on behalf of the German Government, intends to have two (2) days discussion during its 19th session in March 2012 on Article 21 of the Charter on "Protection Against Harmful Social and Cultural Practices". This Discussion is a follow up of the African Union Commission's (AUC) Pan-African Conference on Celebrating Courage and Overcoming Harmful Traditions Practices (HTPs) in Africa held in Addis Ababa, Ethiopia from 5 to 7 October 2011. One of the Recommendations from this conference was that the African Union should urge Governments to domesticate key Legislative Instruments for combating HTP that they have ratified.

States Parties that have ratified the Charter, are obliged to adhere to promotion and protection of children's rights in their respective countries. Especially Article 1 of the Charter which requires them to adopt such Legislative or other Measures as may be necessary to give effect to the provision of the Charter is of crucial

importance. To quote the Charter “any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the Charter shall to the extent of such inconsistency be discouraged”. States Parties should therefore take necessary measures to protect children against Harmful Social and Cultural Practices. Harmful Traditional Practices are an infinite amount of actions which have the potential to cause pain or harm and many of those are not necessarily intentional. They are mostly forms of violence that have been committed against children in certain Communities and Societies.

Following this discussion, the ACERWC will, according to Article 42 of the Charter, give its views and make Recommendations to States Parties and Partners on Article 21 of the Charter.

LEGAL AND POLICY INSTRUMENTS.

The AU has adopted various legal and policy frameworks which include the following :

- The African Charter on Human and Peoples’ Rights ;
- The African Charter on the Rights and Welfare of the Child ;
- The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa ;
- The Charter on the African Cultural Renaissance ;
- The Solemn Declaration on Gender Equality in Africa ;
- The Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children ;
- The Plan of Action on the Family in Africa ; and
- The Maputo Plan of Action on Sexual and Reproductive Health and Rights.

GENERAL OBJECTIVE

The General Objective of this Discussion, is to raise awareness on the Obligations of State parties to protect children against Harmful Social and Cultural Practices through the implementation of Article 21 of the Charter

SPECIFIC OBJECTIVES

- Assess the state of HTP on the continent, highlighting issues such as countries with high prevalence, context in which HTP occurs, etc ;

- Identify challenges faced by State Parties in preventing or minimising HTP;
- Sharing practices and experiences on HTP and children and document good practice and progress made ;
- Make Recommendations on a strategy for the implementation of Article 21 of the Charter.

EXPECTED OUTCOMES

Following this Discussion, the ACERWC will discuss and consider various options within its mandate (including but not limited to Article 42 of the Charter), by which it can strengthen its role and air its views to Governments and other Stakeholders in interpreting and implementing issues pertaining to harmful practices in line with the Charter.

FORMAT OF THE CONFERENCE

The Discussion will be conducted in plenary during two (2) days encouraging interactive discussions.

There will be approximately 60 participants.

DRAFT PROGRAMME

1st Day

- I. Introduction to the Objectives and Format of the Discussion ;
- II. Presentation and Discussion on Article 21 of the Charter: “Protection against Harmful Social and Cultural Practices” ;
- III. Presentation and Discussion on the Article 42 of the Charter: ACERWC mandate on issuing General Comment;
- IV. Overview on Harmful Traditional Practices in Africa ;
- V. Presentation and Discussion Research into Child Mutilation and Trafficking body parts in “Southern Africa”.

2nd Day

- I. Presentation and Discussion on ‘Legal and Policy Instruments related to HTP, Weaknesses and Challenges in their Application’;
- II. Presentation and Discussion on ‘Good Practices and Experiences in the Reduction of Harmful Traditional Practices in Africa’;
- III. Presentation and Discussion on “Data on HTP in Africa”;
- IV. Recommendation on the Implementation of Article 21 of the Charter.

PARTICIPANTS

Participants will include Members of the ACERWC, others AU Organs, and Experts from selected Member States affected by HTP, Parliamentarians, and Representatives of International Organisations, UN Agencies, Civil Society Organisations and individuals.

It is further expected that participants from outside of Africa will be invited to attend the discussion.

DATE AND VENUE

The discussion will take place from 27-28 March 2012 in Addis Ababa, Ethiopia, at the AUC Headquarters

LANGUAGES

Simultaneous interpretation will be provided in English and French.

CONTACT PERSONS

Mrs. Agnès KABORE
Chairperson of the ACERWC
01 BP 5607 Ouagadougou 01 BurkinaFaso
Tel: +226 50 35 82 65// 50 31 6896
GSM : +226 70 25 47 67
Office: +226 50 31 68 96
E-mail: agneskabore@hotmail.com,

Ms Catherine Wanjiru Maina
Secretariat of the ACERWC
Tel: +251 924828473
Email: Mainac@africa-union.org