

Webinar #DAC2020 Commemoration

16 June 2020



Access to a
child-friendly
justice system
in Africa

A WEBINAR ON “ACCESS TO CHILD-FRIENDLY JUSTICE IN AFRICA” COMMEMORATING THE DAY OF THE AFRICAN CHILD JUNE 2020

INTRODUCTION AND BACKGROUND

The Day of the African Child (DAC) is commemorated every year on 16 June by Member States of the African Union (AU), Partner Organisations and stakeholders across the continent. The occasion was first conceptualised by the Heads of State and Governments of the then OAU as a commemoration of the 16th June 1976 student uprising in Soweto, South Africa. At that time, students marched in protest against apartheid-inspired education. The march resulted in the public killing of many unarmed young protesters by the police. The DAC serves to commemorate these children and the brave action they took to claim their right. The DAC thus celebrates the children of Africa and calls for serious introspection and commitment towards addressing the numerous challenges facing children across the continent.

Since its operation in 2002, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) has been designated to identify an annual theme and coordinate the celebration of DAC in Member States of the AU. Accordingly, in the past 18 years, DAC has been commemorated with the following themes:

- 2002- Popularizing the African Charter on the Rights and Welfare of the Child;**
- 2003- Birth registration;**
- 2004- Child and the family;**
- 2005- Africa’s orphans and vulnerable children: Our collective Responsibility;**
- 2006- Right to protection: Stop violence against children;**
- 2007- Combat child trafficking;**
- 2008- Child participation;**
- 2009- Africa fit for children: A Call for accelerated action towards child survival;**

- 2010- Planning and budgeting for the rights of the child: A collective responsibility;**
- 2011- All together for urgent actions in favour of street children;**
- 2012- The rights of children with disabilities: The duty to protect, respect, promote and fulfil;**
- 2013- Eliminating harmful social and cultural practices affecting children: our collective responsibility;**
- 2014- A Child friendly, quality ,free and compulsory education for all children in Africa**
- 2015- 25 Years after the adoption of the African Children's Charter: Accelerating our collective efforts to end child marriage in Africa;**
- 2016- Conflict and crisis in Africa: Protecting all children's rights;**
- 2017- The 2030 Agenda for Sustainable Development for Children in Africa: Accelerating protection, empowerment and equal opportunity;**
- 2018- Leave no child behind for Africa's development; and**
- 2019- Humanitarian action in Africa: Children's rights first.**

Following on the practice and on the basis of the ACERWC's recommendation, the AU Executive Council, during the 34th Ordinary Session, held on 07 - 08 February 2019, adopted 'Access to a Child Friendly Justice System in Africa' to be the theme of DAC for the year 2020. In its Decision, the Council also requested Member States to commemorate the DAC and report on the implementation of the recommendations of the ACERWC (See EX.CL/Dec.1043(XXXIV)).

The ACERWC and its partner organisations would organise the commemoration of the DAC ideally in one or more Member States by conducting various activities. However, considering the challenges resulted from the current global pandemic, Covid-19, it would be impossible to continue undertaking continental activities which require physical proximities. In this regard, with a view to ensure continued engagement and stimulate policy dialogue at the continental level on the matter, the ACERWC, in collaboration with its partner organisations, will be organizing a webinar on access to child friendly justice system in Africa.



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OBJECTIVE OF THE WEBINAR

The webinar aims at examining the elements of a child friendly justice system, including the application of a child rights based approach and use the four principles of children's rights as a tool for realising access to a child-friendly justice system in Africa. It also aims at creating a platform for dialogue among children, policy makers, organisations working on children's rights, and the academics on the major challenges in ensuring an equal access to child friendly justice to all groups of children in Africa. It further serves as an experience sharing forum where positive trends, mechanisms and structures in Member States are identified.

SCOPE OF THE WEBINAR

For the purpose of the webinar, child friendly justice system refers to all procedures of judicial or administrative nature, whether formal or informal, where children are brought into contact with, or are involved in, civil, criminal or administrative law matters. The webinar also recognises the fact that children could be involved in these procedures in different capacities, whether as victims, witnesses, alleged offenders, persons who have been convicted or admitted responsibility for an offence, or as subjects in protection proceedings, and family law or succession and inheritance disputes.

With regard to implementation of the standards within the African Charter on the Rights and Welfare of the Child and other relevant instruments, the Committee notes that there is an evidence of increasing implementation by Member States, for instance through the establishment of child-friendly structures such as courts and dedicated law enforcement units. However, in a majority of countries these trends are only at an early stage, and in some cases the practices lack comprehensive legislative backing. States also follow different approaches in relation to child justice. Some States have legislation that provides mechanisms for dealing with children in conflict with the law- from arrest to consideration of diversion, the



A child friendly justice system requires that special consideration is accorded to vulnerable children who come into contact with the law. As children in conflict with the law, they should first be treated as victims.

trial system, and disposition of the cases. Other States have vested the 'juvenile' systems with both civil and criminal jurisdiction, while others have different regimes to deal with the various kinds of cases involving children. This shows the inconsistent legal approaches in dealing with children in domestic child justice systems.

The ACERWC further notes that some of the child justice reforms that have been undertaken by Member States of the AU remain hinged on inherited legislation. In this regard, the

webinar will reflect on the normative and institutional frameworks, and the state of child friendly justice system in Africa, including whether countries are taking legislative, administrative and other measures to implement their obligations under the African Children's Charter and other relevant instruments.

The webinar will further examine whether the attributes, attitudes and behaviours of domestic justice systems are in line with the fundamental elements of a child-friendly justice which include, inter alia: (a) the principle of the best interest of the child, (b) the principle of participation, (c) the principle of non-discrimination, (d) the right to life, survival and development, (e) dignity, and (f) the rule of law.

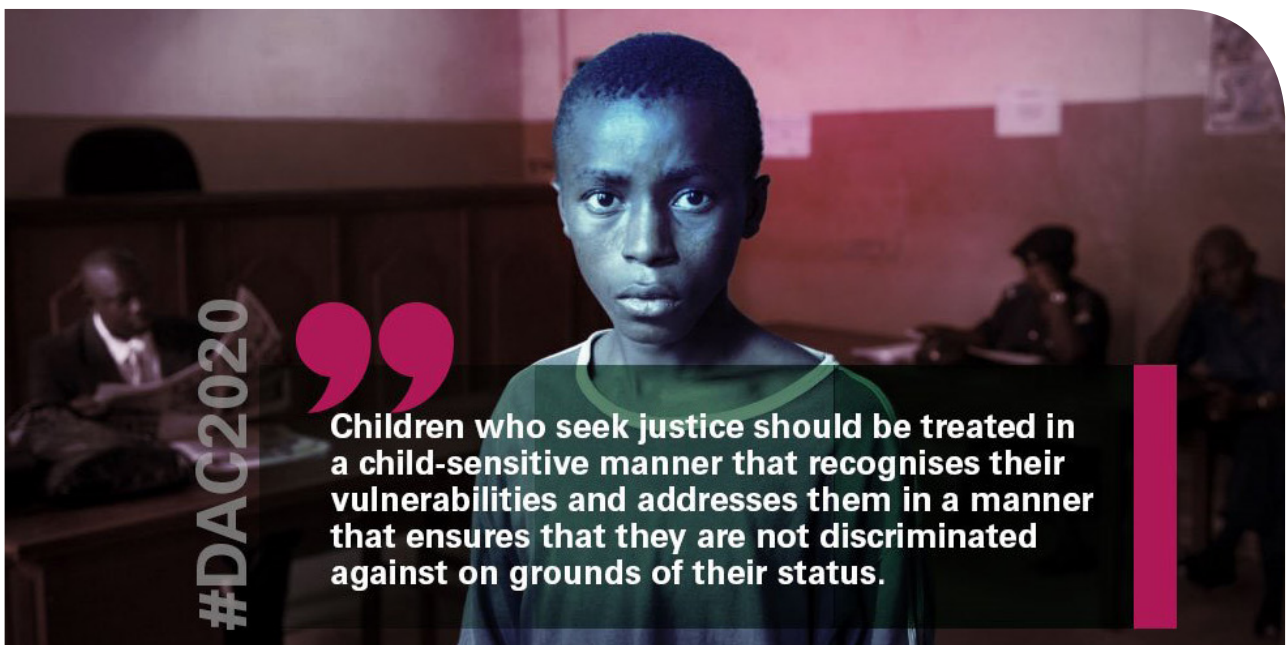
Moreover, as certain groups of children encounter greater barriers to access to justice than others, the webinar will assess the responses of African countries in addressing the particular vulnerabilities of these children. Reports show that in most African countries, the mechanisms of justice as well as the applicable normative standards tend to be blind to these particular vulnerabilities, hence these groups of children are not provided with the support which is necessary to

ensure their right to access to justice (ACPF and DCI, 2018). These groups include girls, children with disabilities, children accused of witchcraft, children in street situation, child victims of sexual offences, children with albinism, children in rural areas, refugee, migrant and asylum-seeking children, unaccompanied children, stateless children, children in conflict and humanitarian situation, trafficked children, and orphans.

PRESENTATIONS AND DISCUSSIONS

In view of the above, the webinar will host five panels. Each of the panels will consist of 2-3 presenters, who will be speaking on the following major topics. The presenters will speak for not more than 8 minutes, and each panel will be followed by a ten minutes discussion. The topics of the Panels are:

PANEL I- INTERNATIONAL AND REGIONAL NORMS AND STANDARDS ON ACCESS TO CHILD FRIENDLY JUSTICE APPLICABLE IN AFRICA



Description of the panel- With a view setting the context, the presentations outline the major norms and standards, both legally binding and non-binding, relevant to ensuring access to justice for children, with specific reference to the

African Children's Charter and [Aspiration 8 of Agenda 2040](#). Besides, the major disparities between the standards at regional and international levels and those at the national level are also presented and discussed.

Presenters	Title
ACERWC	Laws, standards and jurisprudence on access to child friendly justice system- an over view of the international and regional instruments and Mechanisms
ACPF	Legislative responses by African Countries- harmonisation and major discrepancies

PANEL II- ACCESS TO CHILD FRIENDLY COURTS AND JUDICIAL PROCEEDINGS-GOOD PRACTICES AND LIMITATIONS IN AFRICAN COUNTRIES

Description of the panel- The presentations include examination of the laws and practices in African countries concerning establishment of children's courts; participation of children as victims and witnesses in judicial proceedings; custody decision considering the right of children to express their views in proceedings concerning them. Moreover, in cases of children as alleged offenders, access to child friendly legal aid and other appropriate assistance; and children's right to protection in juvenile justice proceedings. The presentations will also examine the laws and practices within African Countries in relation to primary consideration of the best interests of the child in all matters concerning his/her rights including adapting the judicial process to enable children to provide evidence and participate in the proceedings as far as possible.



ASPIRATION 8 OF AGENDA 2040:

CHILDREN BENEFIT FROM A CHILD-SENSITIVE CRIMINAL SYSTEM

Presenters	Title
A representative of the Government of Kenya	Children's Courts in Kenya-Ensuring child participation- Country's Experience
A representative of the Government of the Republic of Guinea	Child protection measures in juvenile proceedings- Country's Experience
Partner Organisation	Ensuring access to child friendly justice through establishment of children's courts in Africa-challenges and way forward

PANEL III- CHILDREN DEPRIVED OF LIBERTY- NORMS AND PRACTICES IN AFRICA

Description of the panel- The presentations will address the laws and practices of African States in relation to children in the justice administration procedures including detention as last resort; establishment of specialized child justice systems; the adoption of non-custodial solutions; diversion programs with a focus on restorative justice; conditions of detention and its impact on the rights and basic services for children. Moreover, the presentations will also address the need for separate detention centers and whether detention centers have duly trained staff who can respond to legal, psychological, social, emotional, physical and cognitive needs of children; and the cases of children incarcerated with their parents and care givers.

Presenters	Title
A representative of the Government of Zimbabwe	Protection of children in the justice administration system with a focus on the Pre-Trial Diversion Programme- Country's Experience
A representative of the Government of Cameroon	Protection measures for children deprived of liberty- Country's Experience
Partner Organisation	Child protection and detention centers in Africa



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PANEL IV- ACCESS TO JUSTICE FOR CHILDREN IN VULNERABLE SITUATION- NORMATIVE STANDARDS AND PRACTICES IN AFRICA

Description of the Panel- This Panel presents the barriers to access to justice for children in vulnerable situation focusing on the groups mentioned above; it will also analyse the laws and practices on the principles of the rule of law, including providing the necessary support to facilitate the participation of children in particularly vulnerable situation; the particular challenges of the girl child; the case of children in conflict situation; children humanitarian emergencies and public pandemic (with a particular focus on Covid-19); children on the move including migrants, IDPs, refugees and Asylum seekers. The presentations examines the responses in African countries to reduce the factors that disproportionately affect and prevent children in vulnerable situation from accessing justice.

Presenters	Title
A representative of the Government of Tunisia	Ensuring access to justice to all children including those in vulnerable situation (including girls and children with disabilities)- Country's experience
Partner Organisation	Barriers to access to justice for the girl child- norms and practices in Africa
Partner Organisation	Access to justice to children on the move (migrants, IDPs, refugees and Asylum seekers)- the experience in Africa

PANEL V- THE ROLE OF CSOS AND CHILDREN IN IMPROVING ACCESS TO CHILD FRIENDLY JUSTICE SYSTEM IN AFRICA

Description of the Panel- The presentations outline the role CSOs and children's organisations could play in ensuring child rights education and legal awareness for all children, as well as for families and communities; drawing on child participation projects; supporting community-based legal and paralegal services for children; providing services at the community level such as legal information centers, legal aid clinics, and socio-legal defense centers to provide legal information and representation to children; raising awareness on non-state

justice mechanisms among the population, train justice providers in human rights issues, monitor the activities of non-state mechanisms, report on human rights abuses and help ensure fair outcomes; and designing and raising awareness on the rights of children going through justice systems as victims, witnesses and offenders.

Presenters	Title
Children's Representative	Lack of access to child friendly justice and its impact on the rights and welfare of children
Partner Organisation/CSO Forum	TBC

PARTICIPATION

The ACERWC envisages participation of representatives of Member States from the relevant Ministries and Offices, Representatives of the AUC, National Human Rights Institutions, RECs, UN Agencies, Partner Organisations, CSOs, the academia and other stakeholders. A link to access the Webinar on Zoom will be share on due course, please kindly ensure to register before the deadline.

OUTCOME STATEMENT



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On the joint initiative of the Government of the Republic of Chad and the African Union, the 29th edition of the Day of the African Child Celebration under the theme: "Humanitarian Action in Africa: Children's Rights First," is celebrated in Chad from 14 to 16 June 2019.

On this commemorative occasion, African children from the Republic of Chad, the Central African Republic, the Democratic Republic of Congo, the Republic of Congo, and the Republic of Sudan, received training on various topics related to the African Charter on the Rights and Welfare of the Child, the issue of the rights of the child in humanitarian contexts, and the participation of the child.

At the end of this training:

- Taking into account the different forms of violations of the rights of the child, particularly in situations of humanitarian crises of human and natural origin where rape, and child trafficking are frequent,
- Taking into account the challenges that characterize the special situation of children in Africa,
- Given the need for the different actors to strengthen the means of protecting children in humanitarian interventions,
- Appraising the will of the African Union and the Member States,

The webinar will be concluded by highlighting the main elements of the outcome statement which will be realised after the forum. The outcome statement will highlight the progress that African Countries have achieved and the challenges they are facing in ensuring access to child friendly system. The outcome statement will also provide recommendations which will be circulated to Member States and other stakeholders for better implementation of the right

DATE AND TIME

16 June 2020

VENUE

The virtual commemoration will be held on Zoom (access link and password will be sent in due course) and Livestreamed on the Committee's [Facebook Page](https://www.facebook.com/acerwc/) <https://www.facebook.com/acerwc/>

Stay tuned on our Social Media channels for more updates:

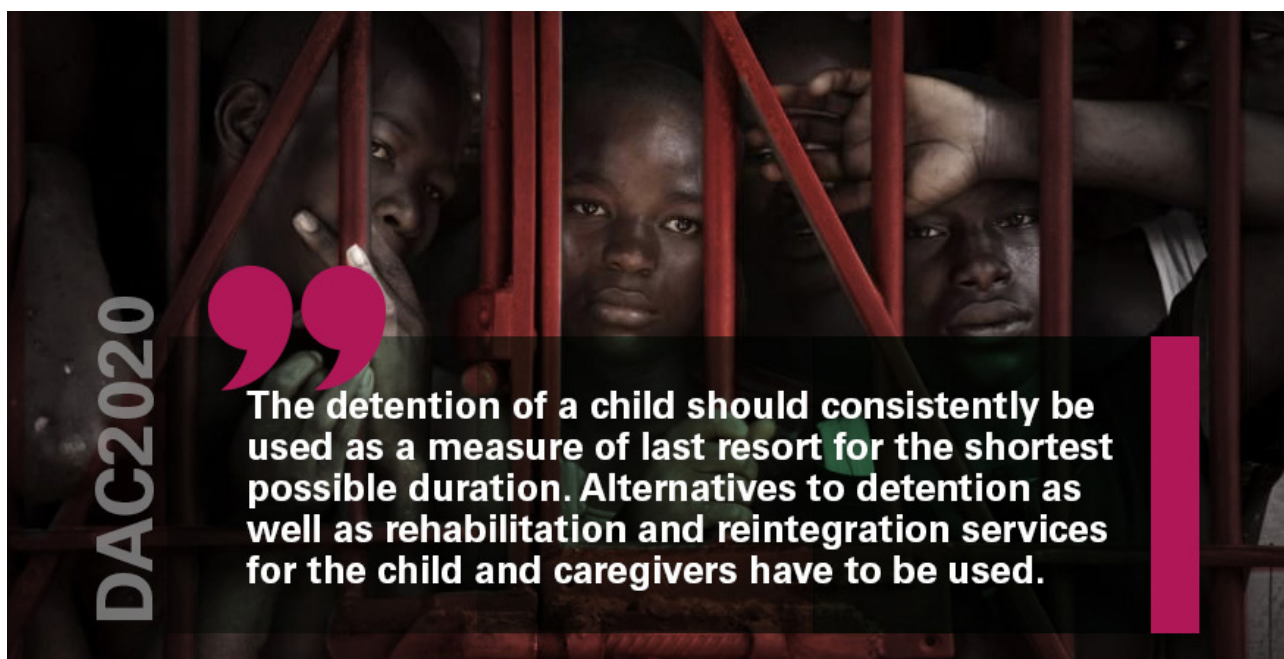
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