

The first meeting of the African Committee of Experts on the Rights and Welfare of the Child

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1 Introduction

Despite being the youngest of all the regional mechanisms, the African regional human rights system has become the most forward-thinking in the area of child rights and welfare. Following the adoption of the African Charter on the Rights and Welfare of the Child (African Children's Charter or Children's Charter) at the 26th ordinary session of the Assembly of Heads of State and Government (OAU Assembly) on 11 July 1990 in Addis Ababa, Ethiopia, and its subsequent entry into force on 29 November 1999,¹ the African Committee of Experts on the Rights and Welfare of the Child (African Children's Committee) met for the first time between 29 April 2002 and 2 May 2002 at the OAU headquarters in Addis Ababa, Ethiopia, bringing the African Children's Charter to life. Currently 27 states have ratified this treaty.

Article 37(3) of the Children's Charter provides that the first meeting be convened within six months of the election of the African Children's Committee and take place at the OAU/AU headquarters in Addis Ababa, Ethiopia. Article 36(1) requires state parties to nominate candidates at least six months before the elections. During the first year since the Children's Charter entered into force only five names were proposed by

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¹ After receiving the requisite 15 state signatures, as required by art 47(3) of the Children's Charter.

the relevant ministries and put forward to take on the role of the African Children's Committee. This has added to the complications of the African Children's Committee's first meeting. The 37th OAU Assembly on 10 July 2001 in Lusaka, Zambia, nominated 12 candidates and eleven were thereafter elected by secret ballot. The African Children's Committee comprises seven francophone and four anglophone members, of which five are male and six are female.² Thus, according to article 37(3) of the Children's Charter, the first meeting should have taken place in January 2002, six months before the elections. Therefore, the first meeting was almost four months late.

The tardiness of the meeting was due to the number of other meetings taking place within the OAU/AU and problems relating to scheduling the meeting.³ This is evidenced through the numerous occasions on which the proposed date was changed. In addition, the requirements for the translation and preparation of documents, the work associated with the transition of the OAU to the African Union, the summit in Lusaka and the preparation of the Statutes of the Commission were further explanations for the delay. The actual scheduling of the first meeting was also unfortunate, as it overlapped with the African Commission on Human and Peoples' Rights' 31st session taking place from 2 May 2002 in South Africa, preventing full participation of observers and other representatives and causing no senior OAU personnel to formally open the first meeting.

It may be assumed that the workload of the AU, the African Children's Committee members and the other AU organs will not significantly change in the future. These could potentially prove fatal for the African Children's Committee and the work of this newly formed body. The planned grand opening ceremony of the African Children's Committee was cancelled, as those required to participate were involved with other, and one can only assume more 'important', meetings. Due to the impromptu nature of the first meeting, there was no media presence. If the perceived lack of interest continues, this may endanger the credibility of the African Children's Committee and the work of its members.

Additional problems associated with the African Children's Committee's first meeting included a severe lack of communication between the

² Cameroon: Rodolphe Soh, four year term of office; Guinea: Dirus Dialé Dore, two year term of office; Kenya: Justice Joyce Aluoch, four year term of office; Lesotho: Karabou K Mohau, two year term of office; Rwanda: Straton Nsanzabaganwa, four year term of office; Senegal: Dior Fall Sow, five year term of office; South Africa: Prof Lulu Juliet Tshiwula, four year term of office; Chad: Nanitom Motoyam, four year term of office; Togo: Suzanne Aho, two year term of office; Uganda: Dr Rebecca M Nyonyintono, two year term of office; and Mauritius: Louis Pierre Robert Ahnee, four year term of office.

³ These reasons were elaborated at the first meeting during the opening speech to the African Children's Committee by the Director of Community Affairs on 29 April 2002.

OAU Secretariat and the African Children's Committee members. The date of the meeting was poorly communicated and was changed at a very late stage. Documents were either not sent out or were sent out late, or in the wrong language. Incorrect air tickets were sent. Agendas and other documentation were only sent a couple of days before the commencement of the meeting. Fortunately, the various African embassies stepped in to improve the channel of communication between members of the African Children's Committee and the OAU. In order to prevent these logistical problems in the future, it is imperative that the Secretariat to the African Children's Committee be established as quickly as possible.

2 Contents and format of the first meeting

2.1 General observations

Naturally, the first meeting was inaugural and commenced with the African Children's Committee members taking their oaths of office. Officers were elected, as required by article 38(2) of the Children's Charter. Ten of the 11 members were present for the first meeting,⁴ as well as representatives of the United Nations agencies,⁵ NGOs⁶ and other organisations.⁷

Ambassador Habib Doutoum, the OAU Assistant Secretary-General in charge of Policy and Programme Co-ordination, opened the meeting by welcoming the African Children's Committee members and conveying the greetings of the OAU to them. He stressed the special place of the child within the African family and reiterated the sentiments contained in the Preamble of the Children's Charter. He also assured the African Children's Committee of the full support and collaboration of the OAU Secretariat in discharging its duties.

2.2 Collaboration

The Head of Population, Health, Labour and Social Affairs of the OAU expressed the Secretariat's appreciation to the collaborating partners, such as the International Labour Organisation (ILO), who assisted in one way or another in the implementation of the various activities on children and in particular those who assisted in the establishment of the African Children's Committee and the convening of the first meeting. She

⁴ Louis Pierre Robert Ahnee, the member from Mauritius, was absent. According to Rule 38 of the Rules of Procedure, at least seven members of the African Children's Committee must be present in order for there to be a quorum.

⁵ UNICEF, UNHCR, UNAIDS, UNFPA, WHO and ILO.

⁶ Save the Children (Sweden), Amnesty International and the ICRC.

⁷ Eg University of the West of England.

briefed the African Children's Committee members on the activities undertaken by the OAU Secretariat regarding children's matters.

2.3 Report by the Special Committee on Children in Situations of Armed Conflict

The Chairperson of the Special Committee on Children in Situations of Armed Conflict, Hajat Mukwaya, was unable to attend the meeting, so the Rapporteur of the African Children's Committee briefed the Committee on the work of the Special Committee. The Special Committee was established to follow up the recommendations emanating from the Conference on Children in Situations of Armed Conflict, held in June 1997 in Addis Ababa, on the understanding that once the African Children's Committee was elected and inaugurated, the Special Committee would cease to exist. The Special Committee was constituted in 1997, comprised of five OAU member states,⁸ and worked in co-operation with Save the Children (Sweden), Save the Children (UK), the African Network for the Protection Against Child Abuse and Neglect (ANPACAN) Regional Office and ANPACAN's Ugandan Chapter. The Committee achieved good results, such as successfully lobbying OAU member states to ratify the Children's Charter,⁹ producing and distributing copies of the Children's Charter in English and French, producing a databank, handbook and child-friendly copies of the Children's Charter, to enable children to become advocates for their own cause.

However, the Special Committee was unable to complete all of its work, and handed over the pending issues to the African Children's Committee. The African Children's Committee needs to continue to lobby OAU member states to ensure that ministries handling children's issues are visible and are adequately funded and to ensure that the Children's Charter is ratified by the remaining 26 OAU member states. The African Children's Committee members should also ensure that reservations to provisions of the Children's Charter are not entertained, especially those impacting on its fundamental provisions.¹⁰ The African Children's Committee also has the responsibility of ensuring that the theme of the Day of the African Child¹¹ is communicated to member states in good time. Furthermore, it was recommended that member states implement the provisions of the various instruments on children at the national level and harmonise their legislation accordingly.

⁸ Burkina Faso, South Africa, Togo, Uganda and Zimbabwe.

⁹ At the time of the 1997 Conference, only seven OAU member states had ratified the Children's Charter.

¹⁰ See the reservations made by Egypt.

¹¹ Held annually on 16 June, Resolution CM/RES 1 290.

2.4 Consideration of the Draft Rules of Procedure

The OAU Acting Legal Counsel presented the Draft Rules of Procedure and stated that the OAU Secretariat had taken advantage of the existing Rules of Procedure of the African Commission as well as those of the United Nations Committee on the Rights of the Child. The African Children's Committee reviewed and revised the Draft Rules and they were adopted as amended on 2 May 2002. The Rules of Procedure will be reviewed again at the second session of the African Children's Committee.

2.5 Consideration of the Draft Guidelines for the initial reports of state parties

The OAU Acting Legal Counsel presented the Draft Guidelines and explicitly referred to article 43 of the Children's Charter, calling on member states to implement the provisions of the Children's Charter. The Draft Guidelines were considered chapter by chapter and subsequently adopted as amended on 2 May 2002, with a view to reconsideration at the second session.

2.6 Elaboration of the African Children's Committee's programme of work

The OAU Acting Legal Counsel proposed that the African Children's Committee consider activities to be carried out until its next meeting, as well as the frequency and periodicity of meetings and designate focal points for each of the OAU five regions. The African Children's Committee members collectively identified the following issues as requiring priority attention. The list is neither exhaustive nor hierarchical, but includes the following:

- children in armed conflicts
- child labour
- child trafficking
- sexual abuse and exploitation of children
- orphans affected and infected by HIV/AIDS
- children's right to education
- the formulation of a National Plan for Children
- resource mobilisation.

2.7 Programme of work until the year-end

The Children's Committee's first year ends in July 2002. It was decided that immediate action should be taken to appoint a temporary Secretary for the Committee.

It was decided that the OAU Secretariat should write to all member states informing them that the African Children's Committee has met

and informing them of the outcome of the meeting. Member states which have not yet done so, should be urged to ratify the Children's Charter.

The Day of the African Child will be the primary focus of the African Children's Committee. The theme for the day is 'Popularisation of the African Charter on the Rights and Welfare of the Child'. Members should ensure that this day is celebrated at the national level in collaboration with governments and other partners.

Each member agreed to inform the relevant ministries about the meeting and to hold press conferences to popularise the existence and contents of the Children's Charter. They further agreed to participate at the local and national levels in all activities affecting children, acting as the eyes and ears of the Committee.

2.8 Programme of work for the African Children's Committee's second year

A programme of work to be achieved by July 2003 was established. The Rules of Procedure and the Guidelines are tabled for a second reading. The exercise of mobilising extra-budgetary resources will be carried out to enable the African Children's Committee to implement its activities. The African Children's Committee decided to establish links with the United Nations Committee on the Rights of the Child and the African Commission on Human and Peoples' Rights.

3 Budgetary considerations

The AU will allocate budgetary provisions for the Secretariat and the meetings of the African Children's Committee. The headquarters of the African Children's Committee is to be based at the AU. Consequently this is where the meetings will ordinarily be held. If a member state would like to host the meeting at any time, that member state must bear the excess cost and financial implications.

In addition it was proposed that the African Children's Committee should have its own website in order to facilitate its work. Save the Children (Sweden) pledged to finance the design and initial set-up costs of the website, but the OAU will cover the maintenance and upkeep of the website.

4 Collaboration with other partners

The African Children's Committee agreed to establish co-operation with United Nations Agencies, NGOs, community-based organisations and other relevant organisations. The Chairperson of the African Children's

Committee is to write to the executive directors of all the agencies and heads of other institutions and organisations with whom the African Children's Committee will collaborate. At the second session the African Children's Committee will discuss the need to collaborate with the African Commission on Human and Peoples' Rights.

Furthermore, the AU regional offices will more closely collaborate with the African Children's Committee to prevent problems affecting the second session and to enhance communication.

5 The date and venue of the second meeting

No firm date was set for the second session, yet it was agreed that the session would take place between September and October 2002, in accordance with Rule 2(1) of the Rules of Procedure. The second session should convene at the OAU/AU headquarters in Addis Ababa. However, there was an intervention by the member from Kenya who is keen for her government to host the next session. No formal decision was taken during the meeting, but the session is expected to take place in Addis Ababa.