



AFRICAN UNION

Taking Harmonization Forward: What can the AU Commit to?

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Outline

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***Instruments of the AU:
Charters, Common Positions, and POAs***

Children Rights and Welfare

The African Charter on the Rights and Welfare of the Child

- The Charter was adopted by the Heads of State and Government of the OAU on 11th July 1990 and came into force on 29th November 1999.
- The Charter provides a comprehensive framework outlining the basic rights of the child (defined as under 18 years of age), protection to be provided to children against various forms of social, economic, cultural, and political abuse and exploitation, and mechanisms of implementation.
- Total number of AU member states who ratified the Charter are 39.
- The Charter identifies the reporting procedure of the Committee, communications, and investigations by the Committee. The Charter states that the Committee establish its own rules of procedure.

Children Rights and Welfare

Africa Fit For Children: Cairo Declaration and Plan of Action 2001

- The Africa Fit for Children was developed as the Africa Common Position on Children during the Pan-African Forum on the Future of Children held in Cairo in May 2001.
- The Africa Common Position on Children recognizes the various Declarations, Decisions and Recommendations relating to Children. It also reaffirms Africa's full commitment to the CRC, and ACRWC. The Basic Principles of the Africa Fit for Children is a recognition of the challenges facing the Continent's children and youth in terms of poverty, HIV/AIDS, malaria and other pandemics, war and conflict.
- The Declaration and POA sets achievable goals in the areas of HIV/AIDS prevention, universal education including addressing gender-based disparities in education, maternal and infant care, protection against violence, and the revision of legal codes and procedures to enable children to give evidence in an appropriate way, and development of child friendly police and courts.
- The Common Position (Africa Fit for Children) also addresses other issues of Child protection, including adoptions, abductions, and children in conflict.
- Like the Charter, the Common Position calls for action to address Child Protection issues at National, Regional, and International Levels.

Children Rights and Welfare

African Common Position And Plan Of Action On Child Labour In Africa - 1998

- The African Common Position and Plan of Action was adopted by the 21st session of the OAU Labour and Social Affairs Commission in April 1998 and endorsed by the 66th session of the OAU Council of Ministers. The Common Position and POA recognizes the various regional and international legislation related to child labour including various ILO conventions, ACRWC, and CRC. The thematic recommendations of the Common Position and POA on Child Labour are:
 - normative and legal protection and implementation
 - National programmes of action for poverty reduction
 - Political, Cultural and Religious Factors of exploitation
 - Broad Social Alliance to prevent and combat child labour
 - Interministerial, intersectoral and interagency coordination and cooperation
- The Common Position and POA call on member states to ratify existing conventions on child rights, particularly those related to child labour, adopt international standards relating to minimum working age, and elimination of all forms of child labour, adoption of time-bound goals for the achievement of provision of and ensuring access to education services.

Children Rights and Welfare

Common Position and Plan of Action on strategies to support HIV/AIDS orphans - 2000

- Adopted in 2000 in an attempt to address the AIDS pandemic which is the biggest threat to children's lives and recognizing that concerted actions were needed to resolve the magnitude of the problem and its impact on children, in particular the most vulnerable. The challenge was to find the will and commitment to coordinate and accelerate efforts to stop the increase in rates of infection; break the silence on HIV/AIDS and how it affects children; ensure that traditional values that are not harmful to the child rights are respected; enable communities and families to provide care and protection to children; and to scale up the response to achieve the required impact on the population as a whole.
- A meeting on "Strategies to Support Orphans and Vulnerable Children affected by HIV/AIDS", organized in collaboration with UNICEF, took place in Algiers in 2000. The meeting adopted a Common Position and Plan of Action on strategies to support children infected and affected by HIV/AIDS. In the Plan of Action recommendations were made on a number of thematic themes such as: breaking silence through denial and inaction; strengthening legal and policy protection for affected families; strengthening the capacities of vulnerable children and families; building capacity of Governments and Communities; and establishing a broad social alliance to slow the rate of infection and provide care and protection to affected communities. The Common Position was endorsed by the July 2000 Summit, and Member States were requested to utilize it when formulating their national policies to protect children affected and infected by HIV/AIDS.

Youth and Development

Dakar Declaration and the Plan of Action - 1998

- Africa is a continent of young people who aspire to play a more meaningful role in the political, economic and social development of the continent. However, the experience of African youth is one of instability and uncertainty; and they have been living on the margins of society, with no education, work skills, financial resources or opportunities to find a meaningful place in the mainstream world. Youth has thus remained a marginalised group which has been left out in all development policies
- The youth Agenda gathered momentum at the continental level after the adoption of the World Programme for Youth in 1995. In 1996, the then OAU organised the First Pan-African Conference on Youth and Development. Africa's contribution to the First World Conference of Ministers responsible for Youth was the Dakar Declaration and the Plan of Action which emanated from a Regional Meeting on Youth held in Dakar, Senegal in 1998. The Regional Meeting focused on two main themes, namely, National Policies on youth; and Social Development and Priorities. The Plan of Action focuses on a number of important development issues of interest to the youth such as: education, poverty, employment, reproductive health, drug abuse, skill training as well as sub-regional, regional and international cooperation. The Declaration and Plan of Action was endorsed by the 34th Session of the Assembly of Heads of State and Government.

Youth and Development

The African Youth Charter – 2006

- The most recent event on youth, organised by the African Union, was the holding of the First Conference of AU Ministers in charge of Youth in Addis Ababa, Ethiopia in May 2006. The outcome of the Conference was the adoption of a Declaration and an African Youth Charter which were endorsed by the Assembly of Heads of State and Government in Banjul, the Gambia in July 2006. The African Youth Charter provides a legal framework to facilitate accelerated implementation of comprehensive and effective youth policies and strategies at national level. It is also an instrument to be utilized by the youth to empower themselves, fulfil their potential; enhance their development capacity; and promote their rights to get the recognition they deserve in society and at national level.

Social Development

African Charter for Social Action – 1989

- The African Charter for Social Action was adopted by the Fifth Conference of African Ministers of Social Affairs jointly organised by the then OAU and ECA in 1989 and endorsed by the Heads of State and Government. The Charter defines social action as a means of raising the standard of human life to ensuring social justice and equity as well as the opportunity for people to develop to their highest capacities as healthy, educated and productive citizens. The Charter also gives due attention to the specific conditions, requirements, needs and capabilities of the various groups, notably, women, youth, children and any disadvantaged groups.
- The Charter identifies the following needed social actions: basic and functional education; accessibility of resources to all citizens; food security for all citizens; promotion of adequate health, social services, housing facilities and social security systems for all citizens; rehabilitation of disabled persons; life education for the family; rural and urban development; and safeguard of human rights of all citizens, in particular, the vulnerable group. The AU Commission is in the process of up-dating the Charter to make it more relevant to the challenges of the 21st century.

Social Development

African Common Position on Human and Social Development in Africa - 1994

- The African Common Position on Human and Social Development in Africa adopted by the 30th Session of the Assembly of Heads of State and Government in 1994 was Africa's contribution to the Copenhagen World Summit for Social Development held in March 1995. It afforded Africa an opportunity to put its human and social situation high on the global agenda. Member States took note of the overwhelming state of human and social development in Africa whereby a majority of the population, in particular, the most vulnerable group.
- The Common Position articulates an agenda for action for human and social development in the 1990s and beyond, which underscores the urgent need to reverse Africa's unfavourable human and social conditions by reorienting the whole basis of development in the region. Commitments were made: to empower the people, particularly women and youth; to develop an integrated strategy of development and structural transformation focussing on human development; and to redirect resources to human development at national, sub-regional and regional levels. The Common Position also provides modalities for implementing the Action Agenda at national and regional levels as well as ways of monitoring, evaluating and reporting the progress of implementation.

Social Development

Social Policy Framework for Africa

- In implementation of a recommendation by the 25th Session of the Labour and Social Affairs Commission and endorsed by the 38th Session of the Assembly of Heads of State and Government in 2002, the AU Commission is in the process of finalising a Social Policy Framework for Africa.
- The objectives of the Social Policy Framework are to: promote the rights and welfare of the vulnerable groups; overcome poverty and social exclusions by integrating various components; reduce unemployment; satisfy the people with basic needs and essential services; and ensure sustainable and equitable human and social development. Once finalized and adopted, the document would be the instrument to guide Member States in improving the social life of their people.

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

The ACRWC

- The ACRWC was first established when its first 11 members were elected in July 2001 during the 37th Session of the Assembly of Heads of State and Government in Lusaka Zambia.
- As stated in the Charter, Committee members must be nationals of a State Party to the African Charter on the Rights and Welfare of the Child. Members are nominated by State Parties to the Charter and elected by the Assembly of Heads of State of the African Union. Members are elected for a term of five years and serve on the Committee in their individual capacity. In selection of members of the ACRWC regional representation is maintained.
- The Committee is required to submit a report on its activities and on any communication received by the Committee to each Ordinary Session of the Assembly of Heads of State and Government every two years.

The ACRWC

The ACRWC has the following functions:

- Promote and protection of the rights of the Child as outlined in the Charter through;
 - Collection, documentation and analysis of information from Member States. This is done when a Member State first signs and ratifies the Charter, and on a periodic basis (every three years) on the implementation of the Charter.
 - Formulation and identify necessary principles and rules that aim to protect children and their well-being;
 - Cooperation with other partners for the promotion of the welfare of children.
- Monitor the implementation of the Charter, and investigation;
- Interpretation of the provisions of the Charter when so requested by Member States or by other organizations;
- May perform other tasks as may be entrusted to it by the Assembly of Heads of State and Government.

The ACRWC

The ACRWC has been mandated with oversight, monitoring, and investigatory functions. Nevertheless, the Committee confronts major challenges:

- The members come from different countries and meet twice a year only;
- To date there is no secretariat for the Committee;
- There is a need for Coordination among members of the Committee and States Parties;
- Limited financial resources,

The ACRWC

- **Recommendations to support the Committee:**
- There was need to strengthen the Secretariat as well as the capacity of the Committee;
- more visibility to the Committee is needed and providing more information on good practices, etc. The important documents, good experiences and the value of the Charter should be publicized and put on the AU Website. The AU should also establish a data base on children issues which could be easily accessible;
- There was need to prepare a briefing kit on the African Charter and the work of the Committee which would be distributed to Governments and other partners. This would make the Charter known and ensure the visibility of the Committee;
- Advocacy missions to critical areas should be undertaken by Committee Members. Joint missions with other partners such as UNICEF, Save the Children, Plan International, could also be envisaged

The ACRWC

During last session of the Committee in November 2006, the following guidelines were discussed and adopted:

- **Guidelines for Considering Communication received (Article 44 of the African Charter)**
- **Guidelines on Investigation (Article 45 of the African Charter)**
- **Criteria for granting observer status to Organisations dealing with children issues**

Furthermore, procedure for analyzing country reports received from State Parties was discussed

***Mid-Term Review on
the Africa Fit for Children Agenda***

Mid-Term Review on the Africa Fit for Children Agenda

- The AU is of the belief that the year 2007 is an opportunity to take stock of what African governments have achieved, and challenges facing them regarding children's welfare and rights almost mid-point for both the initial MDG commitments undertaken in 2000 (as almost all MDGs relate to children), and the Cairo Declaration of 2001 and the Assembly Decision on Child Survival and Development. Taking the assessment as a starting point, the **Second** Pan African Forum or MTR aims to:
 - identify and promote measures needed to accelerate the attainment of longer, healthier, and better lives for the Continent's Children;
 - support the strengthening of national systems for child care and protection;
 - promote coalitions between national governments and civil society organizations in securing the rights of the child in African countries.

Mid-Term Review on the Africa Fit for Children Agenda

- The main objectives of the MTR are:
 - To review and assess progress made by Member States in implementing commitments made in the Declaration and Plan of Action which constitute the African Common Position on Children. This includes including identifying any gaps and constraints in the implementation process of the African Common Position;
 - To review and adopt the Child survival roadmap,
 - To review and adopt a Call for Accelerated Action for Child Survival, Protection, and Development and Participation which will to also and constitute Africa's contribution to the UN Special Session on Children in November 2007.
 - To forge partnership with development partners and CSOs in supporting AU Member States to implement the PoA at national level;
- The other objectives of the MTR will also include:
 - Popularize the African Charter on the Rights and Welfare of the Child and the African Common Position on Children – Africa Fit for Children;
 - Share and exchange good practices in relation to mechanisms put in place for implementing the Plan of Action;
 - Develop strategies for the implementation of the 'Plan of Action on Trafficking in Human Beings especially particularly Women and Children' as it relates to children.

Mid-Term Review on the Africa Fit for Children Agenda

- A questionnaire has been developed that aims to take stock of what member states have achieved in meeting the commitments of the Africa Fit for Children Agenda
- The questionnaire is in three parts:
 - Initiatives taken in safeguarding the best interest of the child in all development matters
 - Contextualization of the Africa Fit for Children in member states
 - Report on achievements with regard to the African Common Position with detailed indicators

Conclusion

- Data
- Follow-up mechanisms
- Role of RECs
- Integration of child rights and welfare into broader development strategy
- Capacity building

Thank You