

THE FORUM ON THE PARTICIPATION OF NGOS AT THE 44TH ORDINARY
SESSION OF THE AFRICAN COMMISSION FOR HUMAN AND PEOPLE'S
RIGHTS AND THE 18TH HUMAN RIGHTS BOOK FAIR
7-9 NOVEMBER 2008 IN ABUJA- NIGERIA

Thematic Resolution

RESOLUTION ON THE SITUATION OF CHILDREN'S RIGHTS IN AFRICA

Considering the African Charter on the Rights and Welfare of the Child, the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa, the UN Convention on the Rights of the Child (CRC), the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Global UN Study on Violence against Children (2006), and the AU Declaration on an Africa fit for Children;

Considering the Resolution on the Right to a Remedy & Reparation for Women & Girls Victims of Sexual Violence made during the 42nd Ordinary Session of the Commission;

Considering the Resolution on the situation of Women and Children in Africa (source: Seventeenth Annual Activity Report of ACHPR 2003 – 2004);

Considering the consultative meeting related to the necessary collaboration of AU organs (28-30 September, 2008 in Ouagadougou, Burkina Faso);

Considering that a Child is every human being under the age of 18 years (article 2 ACRWC);

Considering the challenges still at stake for the survival and development of children in today's Africa which were emphasized in the Call for Accelerated Action on the implementation of the Plan of Action towards Africa Fit for Children 2008-2012: that the situation of children in Africa remains critical due to socio-economic, cultural, political challenges including poverty, conflicts, harmful traditional practices, violence, abuse, neglect, exploitation, trafficking, natural disasters and generally preventable diseases including HIV and AIDS, tuberculosis and malaria;

Concerned about the increasing vulnerability of millions of children on the African continent due to poverty and its acute impact on the children, their families and society as a whole and the insufficient political will to protect them;

Concerned with the deepening spiral of social exclusion – especially with regards to particularly vulnerable groups of children, including children with disabilities, girls, refugee and IDP children, children belonging to minority, autochthones and nomadic groups, street children, children used as slaves and children victims of armed conflict -

creating problems in access to rights and services, including to education and other social services;

Concerned with the gaps in the registration of children in Africa which affect their right to an official identity and nationality and their access to and enjoyment of many of the other rights they are entitled to and noting the particular challenge of registration of children born in the context of displacement, whether due to armed conflicts or to other reasons;

Concerned about widespread violence against children on the continent, which occurs in private and public settings and takes the form of physical, psychological, sexual and verbal abuse and neglect;

Noting with concern the persistent impunity of perpetrators of child rights violations;

Noting with concern that many member states of the African Union have still not ratified the African Charter on the Rights and Welfare of the Child and the Protocol on the Rights of Women and Girls in Africa.

Concerned that several State Parties to the African Charter on Human and Peoples' Rights and to the African Charter on the Rights and Welfare of the Child are not fulfilling their implementation and reporting obligations under these human rights protection instruments;

Noting that to effectively address children's rights issues on the continent, diverse, wide-reaching and strong partnerships are required;

Noting further that the exchanges and collaboration between the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child require to be further enhanced to realize children's rights in Africa;

Recommendation:

We, the participants at the Forum for the Participation of NGOs' at the 44th Ordinary Session on the African Commission on Human and Peoples' Rights, recommend the Commission to:

1. Multiply its collaborative efforts with the African Committee of Experts on the Rights and Welfare of the Child by :
 - Establishing a formal relationship with the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)
 - Designating a Focal Point on the Rights of Children in Africa, who would be the main contact point between the two treaty bodies;
 - Attending the Committee's sessions;

2. Address the issue of children's rights in a cross-cutting manner through its own mechanisms by:
 - Carrying out joint missions with ACERWC members in the implementation of the mandates of Special Rapporteurs, during promotional and investigative missions;
 - Sharing information on children's rights stemming from the consideration of state party reports, with the ACERWC;
 - Taking into account progress of State implementation of other child rights/human rights treaties while examining state reports;
 - Making children's rights a cross-cutting theme in the special mechanisms of the Commission;
3. Accord high priority to the Call for Accelerated Action and the Plan of Action on Africa Fit for Children on its agenda and work in collaboration with the African Committee of Experts on the Rights and Welfare of the Child and the Department of Social Affairs in implementing these commitments.