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# **CHILD RIGHTS GOVERNANCE IN EAST AND CENTRAL AFRICA**



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## **Inside this Issue...**

- Domesticating International Instruments in a New Nation, South Sudan.
- CLAN: Working towards Child Rights in Kenya.
- Child Rights Governance Initiatives in Ethiopia.
- Committee of Experts Renders its first decision by Re-asserting the rights of Kenyan Nubian Children.
- Highlights from the 17<sup>th</sup> Session of the African Committee of Experts on the Rights and Welfare of the Child
- Civil Society Strengthening.
- Child Rights in Somaliland.
- Preparation for UNCRC Reporting: The Kenyan Experience.
- CRI: Monitoring Child Rights and Strengthening NCPS in North Sudan.
- The Fourth CSO Forum on the African Charter on the Rights and Welfare of the Child.

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## Editor's Note

Welcome to the 2<sup>nd</sup> issue of the Child Rights Governance (CRG) Bulletin for Eastern and Central Africa. This newsletter provides a platform for learning and information sharing between the Save the Children Sweden Child Rights Governance Programme and other Stakeholders in the children's sector.

Child Rights Governance initiatives in the region are aimed at ensuring that human rights and child rights instruments are being utilized by civil society organizations and children to monitor the implementation of child rights in the region. Further, they are aimed at ensuring that civil society organizations in East and Central have the capacity to advocate for child rights and hold governments accountable. To this end, Save the Children Sweden in collaboration with its partners is undertaking a number of projects.

This issue of the CRG bulletin has introduced a new segment that gives special focus to some SCS regional partners. The partner portrait in this issue focuses on the Children's Legal Action Network (CLAN) and Child Rights Institute (CRI). In addition, this issue of the CRG bulleting provides insight into the 17<sup>th</sup> Session of the ACERWC and the CSO Forum that preceded it. Finally, it gives country-specific information ranging from UNCRC reporting and the plight of Nubian children in Kenya, Child rights in south Sudan following the referendum and the situation of child rights in Somaliland.

The Editorial Team wishes to thank all those who made contributions to the development of this issue and wishes to encourage feedback and more contributions to this newsletter from stakeholders in the children's sector. We wish you a most rewarding and enjoyable reading.

Regards,  
Nana Ndeda



## DOMESTICATING INTERNATIONAL INSTRUMENTS IN A NEW NATION, SOUTH SUDAN.

By Joseph Geng Akech (Child Rights Governance Advisor, SCiSS)

Since the southern Sudan referendum concluded successfully with over 90% of votes for the country's separation, challenges of a new nation are increasingly apparent. The new nation of South Sudan will finally be created on 9<sup>th</sup> July 2011 when the transition period expires according to a comprehensive peace agreement which gave the south the right to self determination. South Sudan has huge challenges ahead that are coupled by high expectations from southern Sudanese for the delivery of services such as education, water, food, health, roads and other services.

Save the children is proud to be part of the historic changes affecting the lives of the people and most importantly children in southern Sudan. As this new nation faces and deals with its various challenges, strong advocacy initiatives will be required to lobby government to include children in their priority planning.

In the past, the government of southern Sudan has had a very positive working relationship with humanitarian partners, particularly Save the Children. As a result of this partnership, the government of southern Sudan has made tremendous progress on issues of children. The enactment of southern Sudan Child Act 2008 was a milestone achieved by the government of southern Sudan. This was achieved partly through technical and material support from Save the Children. Save the Children's Child Rights Governance work has fostered greater collaboration with the government through strategic advocacy on issues of child rights and by influencing legislative processes in southern Sudan.

**9<sup>th</sup> July 2011**

– The day southern Sudan is expected to become an independent country.



In preparing for the new nation, the regional government has formed a committee to review the current interim constitution of southern Sudan and amend it to reflect issues of the new state.

This constitutional review process is a cornerstone for any legislative framework in southern Sudan since all laws to be enacted must conform to the new constitution. Save the Children is seeking opportunities to ensure the constitutional reform does not jeopardize the already existing laws on children such as Child Act 2008.

In 2011, Save the Children in South Sudan (SCiSS) seeks to use the constitutional review process as an opportunity to ensure the government places children high on its agenda. In this regard, SCiSS has started to lobby the south Sudan government to ratify international human rights instruments such as the United Nations Convention on the rights of the Child and its Optional Protocols, the African Charter on the Rights and Welfare of the Child, and other relevant international and regional instruments that protect the rights of children. The government will need technical support to better understand what it means to sign up to these instruments and also on actions such as domestication, harmonization and budgeting to ensure they create relevant institutional capacity for implementation, monitoring and reporting of the instruments.

Specific advocacy plans will be designed to ensure advocacy activities are coordinated. Save the Children is already seeking to support the Ministry of Gender, Child and Social Welfare in the development of their three year strategic plan which will encompass all the above mentioned advocacy initiatives. Various advocacy groups will be mobilized to support the cause including a child rights parliamentary lobby group that is currently being established with support from Save the Children.

### **Partner Portrait.**

## CLAN: WORKING TOWARDS THE ACHIEVEMENT OF CHILD RIGHTS IN KENYA

By Farida Bascha (Programmes Director, CLAN)

The Children's Legal Action Network (CLAN) was formed in 1998 as an initiative of the Coalition on Child Rights and Child Protection (CCRCP), a network of government and non-government child-protection agencies. CLAN's core mandate is to provide legal aid to children and families who have been abused, and in need of care and protection, as well as child offenders.

In May 2000, CLAN became a registered charitable trust. Initially focused on Kenya's capital Nairobi and its environs, CLAN continued its primary objective of pro-bono courtroom representation. But with support from donors and partners, its projects were scaled up to address legal reform, the establishment of free legal aid clinics for the community, and large-scale public outreach initiatives to heighten awareness of the law and

complementary child protection issues.

In 2008, CLAN initiated programming towards Child Rights Governance in six target areas in Kenya including Nairobi, Nakuru, Molo, Mombasa, Garissa, and Dadaab. With focus on children from marginalized groups and communities that have low access to their rights; activities in these target areas have successfully aided children with disabilities, street children, refugee children, internally displaced children and children from impoverished backgrounds who today increasingly have better access to their rights.

Child right governance at CLAN has had a two pronged approach targeting both the community and the Government of Kenya for legal reform and child rights monitoring. To enhance child rights and child participation,

a crucial element of child rights governance at CLAN has been to support the setting up of child led initiatives in the six target areas.

School going children and those out of school have been targeted in programming. These initiatives are aimed at creating a National Child Led Network that would allow children to have a greater influence at a National level and contribute to reporting to the African Children's Committee.



The second approach has specifically targeted building the capacity of Kenyan Civil Society Organizations (CSOs).

This includes legal education to help CSOs put the Government to task in the implementation of child rights in the Country. This has led to successful lobbying for the domestication of the 2<sup>nd</sup> Optional Protocol of the United Nations Convention on the Rights of the Child, Section 53 of the New Constitution, and comments towards the Amendment of the Children's Act. In 2011 and towards 2012, we hope that the Coalition will influence policy and assist the Government in implementation of rights and privileges in international legal instruments.

Furthermore, CLAN has emphasized the importance of utilizing communication and complaints mechanisms at the regional level and formed a Working Group on Communication to the African Children's Committee. The Working Group's main objective is to educate other CSOs on reporting obligations and the communications mechanism on child rights. It is also envisaged to make one communication to the Committee of Experts before the end of 2011.

In 2011, through a Child Rights Coalition consisting of Kenyan CSOs, CLAN visualizes increased lobbying to better allocation of resources for children in the Kenyan budget and policies on the rights of the child. This would enhance the child rights legislative framework in the Country.

### **CHILD RIGHTS GOVERNANCE INITIATIVES IN ETHIOPIA By Awwaris Alemayehu (CRG Programme Officer, SCS Ethiopia.**

Save the Children Sweden (SCS) Ethiopia country office through its Child Rights Governance programme works to empower children to participate actively in matters that affect them in their schools and communities. It has also established partnerships with in civil society networks in Ethiopia in order to ensure that child rights are taken up by a larger audience.

The programme specifically focuses on building capacity and awareness among children and adults by providing information on child development and wellbeing through different events within the framework of child participation, non-discrimination, child survival and development. Since 2009, SCS Ethiopia Country Office has been working in partnership with local NGOs namely ANPPCAN Ethiopia, Hiwot Ethiopia and HANDICAP International.

Hiwot Ethiopia (a Local NGO), with support from SCS Ethiopia is establishing and strengthening Child Led Initiatives (CLIs) to enable children to get organized and be involved in matters that affect them within Addis Ababa. Two model CLIs have so far been established, strengthened and are working among themselves and other children in their vicinities. These in turn convey the issues raised to the communities they are living in and institutions affecting them.

The problem of "Working space" was one of the many issues raised by the children. As a result of advocacy activities spearheaded by one of the CLIs, the issue was communicated to the local government and the CLI obtained a piece of land. Using this land Hiwot Ethiopia has constructed a temporary office and gathering place for the children in the CLI and others in the area.

Similarly, ANPPCAN Ethiopia is working with children in schools particularly through school clubs to

ensure their participation in school management and communities in Addis Ababa. School clubs are supported through trainings and stationery with needy students being supported with school materials. As a result children are demonstrating their ability to convey their issues and are participating in different aspects of school and family life. \

HANDICAP International works with Children with Disabilities (CWDs) with a focus on the capital of Southern Nation and Nationalities Regional Government, Hawassa. The organization promotes the issue of CWDs among children, their parents, health professionals, religious leaders and local government bodies to encourage and enable them to mainstream the issue of the rights of CWDs in their structures and systems.

Currently, SCS Ethiopia office is also directly working with one of the FM radios (FM98), which has a nationwide reach, to promote issues of alternative disciplining, male involvement with particular focus on fathers within the framework of the importance of child

participation and non discrimination.

The CRG programme being undertaken by SCS Ethiopia generally focuses on Building Capacity and Awareness of partners and stakeholders as opposed to using higher level advocacy and campaign. So far, the project has led to a positive change in public attitude on various aspects of child rights including parenting styles and child participation in the issues that affect them. Most importantly, there is now increased and improved communication, interaction and collaboration with government institutions and other stakeholders.



## COMMITTEE OF EXPERTS RENDERS ITS FIRST DECISION BY RE-ASSERTING THE RIGHTS OF KENYAN NUBIAN CHILDREN By Ibrahim Alubala (Programme Officer, SCS Kenya).

The African Charter on the Rights and Welfare of the Child (the African Children's Charter) has been hailed as the most important instrument in so far as the protection of children in Africa is concerned. Broadly, the African Children's Charter is a collection of rights and duties of the child. It has an in-built mechanism for monitoring the implementation of the instrument. The protection mechanism envisaged by the African Children's Charter is the African Committee of Experts on the Rights and Welfare of the Child (African Children's Committee), which is a team of eleven independent experts nominated by State Parties to the African Children's Charter.

Civil Society has an opportunity under the instrument to make complaints to the African Children's Committee in cases where there are violations of one or more rights under the African Children's Charter. This mechanism is popularly referred to as the Communications Procedure. In the ten years of the Committee's existence only two communications have been submitted to the Committee, one relating to the situation of children in the endemic conflict zone of Northern Uganda and the other relates to the nationality rights for the Nubian children in Kenya. The former was instituted by Professor Hansungule of the Center for Human Rights, University of Pretoria, whilst the latter is courtesy of the Institute for Human Rights and Development in Africa (IHRDA) and the Open Society Justice Initiative.

During the 17<sup>th</sup> Session of the African Children's Committee, held in March 2011 in Addis Ababa, history was re-written after the institutional mechanism decided, for the very first time in its 10 year existence, to consider the two Communications. The case of children in Northern Uganda was declared admissible, thus, offering an opportunity for the Government of Uganda and the authors of the case to canvass on its merits possibly in the next Session. The Kenyan case, which is the subject of this article, was also deliberated upon and the African Children's Committee made a finding against the Kenyan government shortly thereafter.

The finding is a culmination of a long journey that began in April 2009, when the authors of the Communication wrote a letter to the Committee expressing their desire to institute a complaint on behalf of Nubian children in Kenya. In their introductory letter, the authors were of the view that the Government of Kenya had systematically discriminated against Nubian children living in the country thus compromising their right to a nationality and other essential rights captured in the African Children's Charter.

Kenyan Nubians have a long history in the country. They trace their ancestry to Southern Sudan and were brought to the then Kenyan colony by the British Government as part of the Kings African Rifles (KAR). The regiment was actively involved in the Second World War fighting as part of

KAR. After the World War, the British colonial Government allocated most Nubians land in a settlement known as Kibera, within the outskirts of Nairobi city. The colonial Government, however, declined to grant the Nubians Kenyan citizenship preferring to treat them as British subjects in the colony. It is imperative to point out however, that no proper title was conferred in respect to the land allotted and as such, the Nubians were left to squat on the land as British subjects under colonial rule.

The situation of Nubians was further compounded after independence as the new Kenyan Government refused to recognize the community's claim to land and denied the community automatic recognition as Kenyan citizens.

The Government subsequently put in place a vetting process as a pre-condition for Nubians, Kenyan Somalis and Kenyan Arabs seeking to obtain a national identity card, which is largely deemed to be proof of citizenship. Many Nubians have complained of the bureaucratic vetting process which besides being expensive is bedeviled with corruption. The net effect has rendered many Nubians and their children Stateless thus exposing them to various rights abuses considering that nationality is essential to the enjoyment of their protected rights.

According to the Communication presented to the African Children's Committee, Nubian children have been subjected to discrimination contrary to the express provisions of Article 3 of the African Children's Charter. Furthermore, children's right to a name and nationality under article 6 of the instrument has been violated based on the fact that citizenship by birth in Kenya can only be conferred if one of the parents is a Kenyan citizen. The denial of citizenship directly threatens the enjoyment of other rights in the African Children's Charter including the right to education and access to health care services. The community's stake to land in Kibera has been further compromised by the Kenyan Government's constant declaration that Kibera is government land, and as such it cannot be regarded as a residential area. This has resulted in a situation where the Government is extremely slow in rendering basic public services such as housing, health, education, security, infrastructure and water.

It is for this reason that the authors of the Communication urged the Committee to find the Kenyan Government in violation of the stated rights and further urge the Kenyan Government to take all legislative and other measures to ensure that the rights are not violated, including ensuring that the rights of Nubians to the land in Kibera are guaranteed.

Noteworthy, the Government of Kenya was not represented in the hearing of the Communication, and as such the finding by the African Children's Committee was made in the absence of Government representatives. The African Children's Committee went ahead with the hearing of the Communication after it became apparent that the Kenyan



***After Consideration, the Committee adopted the decision where it found the Government of Kenya in violation of the alleged rights.***

Government had failed and/ or ignored to respond to the claims in the complaint besides failing to send a representative.

Consequently, the Committee found the Kenyan Government in violation of the alleged rights. It is now incumbent upon the Kenyan Government to ensure that it complies with the decision of the Committee that is to be formally given a month after the African Children's Committee's session. Failure to which the Committee reserves the right to file a case against the Kenyan Government at the African Court on Human and Peoples Rights which has been

in operation since 2006. The decision by the African Children's Committee presents a landmark decision where children's rights have been guaranteed by a regional mechanism where national processes have failed to protect the rights of children. It highlights the important role these regional mechanisms have in protecting the rights and wellbeing of children on the continent.

### **HIGHLIGHTS FROM THE 17<sup>TH</sup> SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (THE COMMITTEE) By Susan Mbugua (pan-African Child Rights Advocacy Advisor, SCS)**

The African Committee of Experts on the Rights and Welfare of the Child, (the African Children's Committee) held its 17<sup>th</sup> Session from the 22 to 25 March 2011 at the African Union Commission (AUC) Conference Centre in Addis Ababa, Ethiopia. The Committee is responsible for monitoring the implementation of the rights laid out in the African Charter on the Rights and Welfare of the Child (African Children's Charter) and ensuring their protection. The 17<sup>th</sup> Session was attended by a number of key stakeholders including government officials from Togo and Cameroon, representatives from different departments of the AUC, UN agencies and various members of civil society.

As is custom in sessions of the African Children's Committee, various stakeholders were afforded an opportunity to make their opening comments. Key amongst these was the statement made on behalf of the Commissioner of Social Affairs of the AUC and the Chairperson of the Committee. In her statement, the Commissioner expressed concern on the diminutive number of State Parties (14 out of 45) that have fulfilled their reporting obligations under the African Children's Charter in order to present progress made towards the implementation of the African Children's Charter. She reiterated the AUC's commitment to addressing children's rights in Africa and highlighted key activities by the AUC geared to realizing children's rights on the continent.

The Chairperson of the African Children's Committee, Mrs. Agnes Kabore, in her opening statement expressed concern on the various constraints that have hampered the Committee from effectively carrying out their mandate including, its status and capacity and the absence of financial autonomy. The Chairperson elaborated on the theme of the Day of the African Child for 2011 *"All Together for Urgent Action in Favor of Street Children"*. She emphasized that the theme was selected due to the gravity of the impact on children living on the street, the role of providing positive influence upon children living and working on the street and ensuring they enjoy the rights provided in the African Children's Charter.

The CSO Forum made a number of key recommendations emanating from its 4<sup>th</sup> meeting held between 18 and 20 March 2011. The recommendations focused on the Forum's theme, on *"Children without Appropriate Care"*. A Communiqué was also presented on

the situation of children in Libya requesting all members involved in ongoing conflict to ensure children's rights are being respected. After the presentation and discussions, it was agreed that the situation where the rights of children are

being violated in other countries such as Cote d'Ivoire and in ongoing conflict was of major importance and should also be considered by the African Children's Committee. During a closed session, the Committee

expressed deep concern with the violations of children's rights in Libya and Cote d'Ivoire and issued a declaration on the above.

At this session, Professor Julia Sloth-Nielsen was appointed the eleventh member of the Committee. The Committee examined two Communications alleging violations of children's rights on the continent. The first concerned the alleged violation of the right to nationality of Nubian children in Kenya. The Committee subsequently considered the merit of the Communication and found the Kenyan Government in violation of the alleged rights but reserved the presentation of a detailed decision to a month's time where the Committee will expound on the exhaustive reasoning of the decision in addition to the recommendations it would make to the Government of Kenya to rectify the situation.

The African Children's Committee also declared admissible a Communication dealing with alleged violations of children's rights in Northern Uganda.

The Committee reviewed Togo's State report and deferred the consideration of Cameroon's report to the 18<sup>th</sup> Session. After the presentation by the Togolese Government delegation, the Committee raised several concerns and gave an opportunity to the Togolese Government delegation to make further clarifications.

The Committee discussed and adopted *"The Rights of Children with Disabilities: The Duty to protect, Respect, Promote and Fulfill"* as the theme of Day of the African Child for 2012. Save the Children Sweden was granted unconditional Observer Status by the Committee, which will solidify and formalize the working methods between the

two institutions.

As a follow up to a decision by the Committee to appoint thematic responsibilities to each member during its 12<sup>th</sup> Session, specific responsibilities were assigned to members on the 11 themes

#### **2011 Day of the African Child.**

##### **Theme:**

**"All Together for Urgent Action in Favor of Street Children"**

#### **2012 Day of the African Child.**

##### **Theme:**

**"The Rights of Children with Disabilities: The duty to Protect, Respect, Promote and Fulfill."**

## **CIVIL SOCIETY STRENGTHENING. By Ruth Koshal (Child Rights Governance Manager, SCS ECAf)**

For Save the Children to make strides in realising its vision of “a world in which every child attains the right to survival, protection, development and participation” it is important for it to strengthen and work with local, national and regional civil society partners. This is at the heart of realising child rights because local and national civil society can both mobilise citizens and keep governments accountable to their commitments to children. A stronger civil society means a stronger voice for children.

Civil society (CS) strengthening is crucial in order to ensure meaningful participation of citizens, transparency and accountability of governments, institutions and donors as well as non discrimination of marginalized children and the rule of law. A vibrant and sustainable CS ensures that human rights, especially child rights, and development are universal, indivisible and result in citizen empowerment and an accountable government responsible for the delivery of social services (health, education, WASH) and adherence to child rights instruments including the Convention on the Rights of the Child (CRC) and African Charter on the Rights and Welfare of the Child (African Children’s Charter).

This begs the question, how is civil society defined? For SC Sweden, Norway and Denmark “civil society is a group of people joining together for a common objective. It includes non-governmental organisations (NGOs), community based organisations (CBOs), professional associations, churches, trade unions etc.”

In Eastern Africa, the situation of civil society is not all rosy. The 2009 NGO Sustainability Index conducted by USAID showed that NGOs in Africa face a number of challenges including restrictive laws, political interference, a lack of tax benefits such as tax exemptions on earned income, corruption, media censorship, and underdeveloped corporate philanthropy and public funding mechanisms.

Within Eastern Africa the countries covered were Ethiopia, Kenya, Rwanda, Tanzania and Uganda. The index examined the legal environment, organization capacity, financial viability, advocacy, service provision, infrastructure and public image. Unfortunately Sudan and Somalia were not included in the study.

**Civil Society: A Group of people joined together for a Common objective.**

Across Eastern Africa the main two challenges identified by the Index were the lack of a supportive legal framework and the struggle to survive financially. Usually, NGOs that deal with human rights and governance have a challenge in obtaining funding locally and recognition in comparison to NGOs that focus on service delivery. Hence, CS organizations that focus on child rights have to contend with a difficult legal and funding environment and in some cases are unable to operate. (We should have a reference for the index so others can refer to it for further information).

In March 2011, SC Sweden and SC Finland collaborated on hosting a workshop on civil society strengthening and organization capacity development within East and Central Africa. Great ideas were generated by CS partners and SC staff from Ethiopia, Tanzania, Kenya, Somalia, Rwanda, north Sudan, south Sudan, and Uganda on the importance of strengthening CS in order to ensure the realization of child rights.

There were several advantages outlined by the participants on CS strengthening. These included effective networking and greater coordination; advocating for child rights; meaningful child participation; monitoring and evaluation of the status of child rights; empowering citizens to hold duty-bearers to account; and creating a more inclusive environment.

It is tempting for International NGOs to implement projects and programmes on their own rather than work either through CS partners or strengthen existing CS organisations, networks and coalitions. The argument has always been that self implantation is easier in terms of monitoring and reporting of outcomes, quality assurance and financial compliance.

Yet in terms of sustainability, building partnerships and achieving results at scale it is imperative that organisations like SC strengthen CS partners. It’s a great way to get groups actively involved in and participating in the realisation of child rights at the local, national and regional/ international levels. This is true for all SC thematic areas – child rights governance, child protection, education, health, emergencies and hunger reduction.

## **CHILD RIGHTS IN SOMALILAND. By Kirsi Peltola (Child Rights Governance Advisor, SCF)**

Somaliland is in a unique situation in terms of child rights. As an unrecognized state it has not been able to ratify the UNCRC and other international treaties. Somaliland self-declared independence from Somalia in 1991, but internationally it is still considered part of Somalia (which has signed but not ratified the UNCRC).

The paradox that this presents is how can one claim for children’s rights and hold duty bearers accountable in a country that has not signed and ratified the UNCRC or the African Children’s Charter? Is it the case that as the UNCRC and African Children’s Charter are so widely accepted and approved, they can be considered part of customary law in Somaliland as elsewhere? And can national legal framework on children’s rights be strong without the “Big Brother” UNCRC watching and holding accountable the non-compliant states?

Children in Somaliland are in a situation of rights “limbo” as they lack access to an international system that can promote

and protect their rights and hold their state to account; to a system that will fulfill and uphold their rights. Nevertheless, children in Somaliland already do realize many of their rights and many more now have access to education and health care than was the case a decade ago.

A very significant proportion, often more than 50% however do not have this access because they live in places that are difficult to reach, live in families with a mobile lifestyle or distant from centers of administration. Many aspects of Somaliland tradition and culture establish or embrace rights that are comparable with international standards, and the Government of Republic of Somaliland has done much to align its laws and policies to the international standards established in the UNCRC.

Somaliland children live in a country with strong social structures organized around traditional and religious laws, now being complemented with increased awareness and alignment

with International Human Rights Law. The trend towards harmonizing traditional, religious and international law has also been positive. However the three different sets of laws, each of which can be misinterpreted, can lead to severe violations of children's rights

There is still quite a long way to go translating new laws into practical policies, but the progress is steady. Implementation of the policies is also a challenge, but then again, is there a single country in Africa where it is not?

Child Rights Situational Analysis (CRSA) should be the starting point for any strategic planning, particularly for Child Rights Governance. Save the Children Somalia/Somaliland programme (SCiSom) is a unified SC programme, bringing together Save the Children Denmark, Finland and UK. Child Rights Governance is one of the thematic areas.



Whereas Somaliland is now fairly peaceful and stable and changing fast, Puntland is more unpredictable, and Central South Somalia is still considered a risky environment for staff and the local population. Thus the three geographic areas pose very different challenges. Poverty and underdevelopment still characterize the whole country: UNICEF estimates that 18 % of children die before the age of five.

In Somaliland CRSA was successfully conducted in 2003 and again in 2010, in partnership with many agencies. The

2010 CRSA process was facilitated and led by an external consultant and coordinated by Save the Children in Somalia. It is encouraging to see the willingness of the new government of Somaliland to work with civil society to gather and analyze information, make new policies and implement them, and to learn from one another.

The CRSA indicated that all systems and institutions described in UNCRC "General Measures of Implementation" need to be put in place, which demands strong coordination and a long term perspective from the agencies working with children. Somaliland has been at a significant disadvantage by not being a state party to the UNCRC. In particular missing the interaction with the Committee on the Rights of the Child through periodic reports is a loss. In other countries it provides a regular opportunity for the state to engage with civil society, media and international community about the challenges facing children in the realization of their rights.

*The main recommendation of the CRSA is commissioning of a working group of government, civil society and International/UN agencies, to develop a plan of action to progressively achieve fulfillment of child rights. Somaliland has the opportunity to develop much faster and much more sustainably than its neighbors have, but that can only happen in good collaboration.*

*Another key recommendation is "institutionalizing" child rights into the working of state and society, so that children are heard in local governance structures, best interest of the child is automatically considered, state officials implement the good policies and laws etc. This is also a long term vision, which can be achieved through many small steps.*

CRG is a new thematic area for Save the Children in Somalia/Somaliland. There is a lot to do, but at least there is "new state" momentum and a strongly rights-based CRSA as a starting point. "Institutionalization" of child rights will not happen overnight - it will be the grandchildren of this generation of children that will really reap the harvests of the CRG work undertaken now.

### **PREPERATION FOR UNCRC REPORTING - THE KENYAN EXPERIENCE. By Mathenge Munene (Regional Technical Advisor, SCC).**

Kenya is scheduled to submit its 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> state reports to the UNCRC in September 2012. In preparation for this, the country through the National Council for Children Services (NCCS) and other stakeholders in the children's sector has been undertaking a process of receiving and consolidating the views of both children and adults to be inputted into the report.

In partnership with various partners the NCCS is organizing regional forums in what is referred to as the Regional Interagency (Adult) UNCRC reporting consultative process that commenced in October 2010. The process entails participation of representatives categories of stake holders in the children sector working in the regions and operational on the ground.

Each of the forums takes three days of intensive work with foundation training on UNCRC, African Children's Charter, Children Act 2001, Children and the New Constitution, an induction on the reporting guidelines and discussions on concluding observations of the 2<sup>nd</sup> state party report. Finally, the forums involve plenary work on the regional issues, priority setting for the region and where possible in line with the proposed counties and recommendations from the groups and the proposed way forward.

The ongoing reporting process is also an in-country child sector peer review on how the state and none state actors have performed in the past 5 years. In each region the partners identify priority project and issues that need to be addressed through programs, projects, activities and advocacy in the short, medium and long term. Immediate issues of concern need to be addressed before September 2012 and reported in the state report as positive outcomes of the reporting process.

The Regional Interagency (Adult) UNCRC reporting consultative process has brought to light a number of challenges Kenya is facing in UNCRC reporting. These include; weakness in the national cluster coordination and leadership, lack of a process consultant as earlier planned, and absence of CSO partners committed to support forums in some regions.

The National Council of Children's service recognizes that Child Participation is an integral part of societal development, guided by the best interest of the child Article 3 of the UNCRC. The council plans to involve children in Kenya's UNCRC reporting processes. It intends to ensure that the views and voice of the child are heard and respected (Art 12) and especially in the country's 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> periodic reports.



The proposed production and dissemination of the child participation guidelines in Kenya by the Council is intended to guide the involvement of children in the UNCRC reporting. NCCS has developed a framework to engage children in the reporting process. This will involve the training of child moderators and the organization of children's forums.

The regional child forums are intended to; seek children views /opinions to inform the reporting process and propose future priority plans of the state and counties for children, dialogue with children in a constructive manner as right holders informing duty bearers, to be a learning processes for the children on UNCRC, African Children's Charter, 2001 Child Act, and the constitution, to facilitate children to respond to the concluding remarks of the previous report (unpacked and made in child friendly language) and to provide opportunities for children to express their feelings, thoughts and ideas about their daily lives and how their right are being realized or devised in line with the eight clusters.

To ensure that children remain part of the processes, NCCS and other stakeholders will ensure that children participate in the validation processes to ensure their opinions/suggestions gain consensus in the final report. Children are also engaged in the NGO alternative reporting processes, and the pre-sessional hearing in Geneva at a later date. In addition, children participate in the dissemination of the out-come of sessional hearing including remarks from the UNCRC experts and monitor the implementation of concluding observations by the State.

the children on UNCRC, ACRWC, 2001 Child Act, and the constitution, to facilitate children to respond to the concluding remarks of the previous report (unpacked and made in child friendly language) and to provide opportunities for children to express their feelings, thoughts and ideas about their daily lives and how their right are being realized or devised in line with the eight clusters.

To ensure that children remain part of the processes to ensure their rights are respected, NCCS and other stakeholders will ensure that children participate in the validation processes to ensure their opinions/suggestions gain consensus in the final report, children are also engaged in the NGO alternative reporting processes, and the pre-sessional hearing at Geneva at a later date, children participate in the dissemination of the out-come of sessional hearing including remarks from the UNCRC experts and that the State is held accountable in future on the UNCRC by children assemblies including implementation of committee recommendations

#### Kenya ratified the UNCRC in 1990.

**In accordance with article 44 of the Convention, states parties undertake to submit to the Committee, through the Secretary -General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:**

- (a) **Within two years of entry into force of the Convention for the state party concerned;**
- (b) **Thereafter every five years.**

#### Partner Portrait.

#### **CRI: MONITORING CHILDREN'S RIGHTS AND STRENGTHENING NCPS IN NORTH SUDAN. By Yasir Saleim (Executive Director, CRI)**

Child Rights Institute (CRI) is a Sudanese non-profit and non-governmental organization (NGO) working in the field of Child Rights. CRI was formed as a response to the need for awareness raising, prevention, protection and capacity building on children rights. Since 2002, Child Rights Institute (CRI) has been working in promoting child rights governance, through strengthening National Child Protection System and Child Rights reporting and monitoring.

Sudan submitted its first alternative report to the CRC Committee in 2002. The process leading to the submission of the report revealed that there exists a number of weaknesses in its preparation. First, there is need for more NGOs to be involved in order to reflect the real situation of children in Sudan. Moreover, children did not participate in the process.

In 2010, CRI spearheaded and coordinated the process of writing the second report with the support of Save the Children Sweden. This time, the process was characterized by

high level NGO involvement as well as the participation of children to get their views on the issues that concern them. Different groups of children including street children, displaced children, refugee children, children with disabilities and youth at the universities were consulted. The consultation meetings consisted of an orientation on the CRC for those who don't know it and discussions around issues related to child rights and protection.

The process of preparing the alternative report proved the importance of networking and allied work in the promotion of children rights. In addition to discussing the state report and preparing the alternative report, the meetings resulted in the creation of a coalition of NGOs which provided a forum for the different NGOs to share experiences and discuss issues of concern. It was suggested that CRI should organize regular forums enable NGO's working on child rights

s to reflect on their work, share best practices, and raise and discuss issues of concern related to children rights in Sudan.

Hence, the Child Rights Forum (CRF) was born out of the process of reporting to the CRC Committee. The objectives of this Forum are to: provide a forum for NGOs to share experiences and exchange information; to advocate for the promotion of child rights in Sudan; to discuss emerging issues and challenges facing children in Sudan; to document and disseminate information shared in the forums; to encourage and maintain NGO involvement in follow-up of the Concluding Observations of the UN Committee on the Rights of the Child and to advocate for the ratification, monitoring and reporting of African Children's Charter.

The CRF has been very active in advocacy on children rights through its regular meetings which are organized to discuss different issues related to children and target different sectors of the society. Currently, it is working in preparing the alternative report of the African Children's Charter. In an effort to strengthen North Sudan's national child protection systems, CRI in cooperation with Save the Children

Sweden (SCS) initiated a right based campaign to harmonize Sudanese National legislation with the UNCRC and the African Children's Charter. The Campaign was launched in November 2004 through a workshop focusing on the Sudan Child Act 2004 and how it could be harmonized to be in line with the UNCRC. Participants at this workshop included NGOs, media personnel and relevant government authorities.

This workshop was considered as the first of its kind in that it dealt with the 2004 Child Act in an analytical manner. There was intensive media coverage of the event and wide dissemination of papers collected in the form of booklets. Following this workshop, CRI carried out a series of orientation sessions and workshops for media staff on the importance of amending the 2004 - Child's Act, to ensure the provision of better protection for the Sudanese child. As a result numerous newspaper articles were published with radio and TV programs on the subject.

#### **FOURTH CIVIL SOCIETY FORUM ON THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD. By Edmund Amarkwei Foley and Susan Wambui Mbugua**

Among the factors that have accounted for the successful development of human rights in Africa, the coalition of non-governmental institutions and civil society organizations focused around thematic issues of mutual interest and African Union human rights mechanisms as a springboard for action have played a major role.

The conception, drafting, adoption and implementation of human rights instruments and standards on the continent have come to being through the continued efforts of NGOs and CSO's to finding avenues for engagement among themselves and uniting to urge the continental human rights mechanisms and States to promote, protect, respect and fulfill universal human rights.

The African Children's Charter (ACRWC), the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (PRWA) and the Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court of Human and People's Rights are examples of African human rights instruments that have been conceptualized through the united consistent and focused engagement of NGO and CSO action. The benefits of developing a platform for NGOs and CSO's to share information, engage in capacity building and take action on key human rights issues cannot be understated and it was, as a product of this background that the CSO Forum on the African Children's Charter was created.

The CSO Forum has grown to include a myriad of participants and expertise, and there has been a shift in its definition of terms from the 'CSO Forum' to the 'Forum' reflecting the diversity of all its actors yet, it still maintains a focus on the African Children's Charter. This article will therefore accommodate these developments and reflect the change from the title of 'CSO Forum' to the 'Forum'.

The Forum can be summed up as a framework for strategic partnership to improve child rights in Africa. The impetus for developing a framework for engagement was presented in the hand of friendship with the hope that the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) would further extend the gesture, to child-focused organizations by making them active participants in its Sessions. Met with a Committee that had opened its doors, it was necessary for child-focused organizations engaging with the African Children's Charter to come together and design a mechanism for sustaining this engagement. In this light, the Forum was born to institutionalize collaboration and cooperation with the ACERWC in the performance of the latter's mandate.

The Forum is additionally a blueprint for strategic partnership providing a meeting point for child-focused organizations in Africa, working on diverse child rights issues to find a common understanding on selected thematic issues from their varying perspectives and capacities. The Forum brings together international and national child rights organizations and coalitions to develop recommendations and communiqués which are then presented to the ACERWC during its Sessions for consideration, adoption and implementation. To maintain this synergy between the AU, the ACERWC and civil society on child rights issues, the Forum has developed most of its themes around those of the AU and ACERWC exemplified in its work on maternal, infant and child mortality, along with budgeting for children.

Given that child-focused organizations work on diverse issues at distinct expertise levels, the Forum provides an opportunity for capacity-building. Consequently, both regular and first-time participants continuously look forward to accessing new information and skills from this platform in addition to making use of the opportunity for networking and collaboration among other child-focused organizations.

**4<sup>th</sup> CSO Forum Theme:**

**CHILDREN WITHOUT APPROPRIATE CARE.**

The Forum is ultimately fashioned to improve the state of child rights in Africa and, as a unified voice - continuously engages with the ACERWC and other AU human rights institutions on key issues affecting children in Africa and advocates for them to act to yield positive results. As the barometer of progress, the Forum constantly monitors and evaluates the state of implementation of the recommendations and communiqués adopted each year during its meetings. These recommendations and communiqués are the milestones that mark the implementation of the African Children's Charter and the Call for Accelerated Action for an Africa Fit for Children and so, there is the need to determine how many objectives we tally and how fast we move from one to the other.

It can be gleaned from the above description of the Forum that its primary purpose is to be a rallying point for child-focused organizations with an objective to first strengthen collaboration and then launch out as a united partner to engage with the African Union institutions responsible for child rights in particular and, human rights in general. The Forum is in addition an active voice on the wellbeing of children in Africa. The overall objectives of the Forum can, as a result, be summed up as follows:

To contribute to the appropriate implementation of the African Children's Charter and Call for Accelerated Action for an Africa Fit For Children; to foster closer collaboration and cooperation among civil society organizations, the ACERWC, the African Union Commission, its structures and organs and other stakeholders for the promotion and protection of children's rights and wellbeing in Africa; to educate, to network and share experiences on child rights ; to provide recommendations to the ACERWC on various key child rights topics.

The 4th Forum was held between 18 and 20 March 2011 in Addis Ababa, Ethiopia and attracted ninety-seven activists from 23 countries 19 of which hailed from Africa. The theme of the 4<sup>th</sup> Forum was 'Children without Appropriate Care' a topic selected to coincide with the 2011 theme on the Day of

the African Child which focuses on street children. Among this group, the Forum deliberated on the plight of refugee and street children, acknowledging that children end up on the street because of inadequate protective systems and lack of appropriate care, the Forum probed into the issues that drive children to the street and how we are collectively trying to tackle this impasse. Consequently, a major discussion point arose amongst the participants on the protective rights of internally displaced people and children with disabilities inter-country adoption as well as street children.

The Forum was privileged to have three members of the African Committee of Experts attending the meeting. They presented their mandate, plans, objectives and challenges to the CSO Forum. The participants were able to engage with the Committee and get to know them personally as well as understand how civil society can support these mandates.

The meeting generated heated debate and discussion on thematic topics as well as on the structure of the Forum itself. Some of the major outcomes of the meeting included:

A comprehensive list of recommendations to the ACERWC which were then presented to them at their 17th ordinary session, a list of suggestions for civil society to incorporate into their every day work to ensure the spirit and focus of the Forum is shared and implemented, a communiqué, which was presented to the ACERWC, asking that all those involved in the conflict in Libya ensure children's rights are being respected, a firm commitment to ensure children are involved in future Forums as well as commitments to explore how to link children further with the work of the ACERWC, a decision that the Management Committee, established at the 3rd Forum, should forge on and ensure that a Liaison Unit (serving to better connect civil society and the ACERWC) is quickly established, a decision that a website of the Forum will be developed by the end of April 2010.

As in each Forum, the participants developed a list of recommendations they shared to the African Committee of Experts as well as a set of recommendations to civil society. Because of the situation in Libya, the participants felt it was





## UPCOMING EVENTS AND NEW PUBLICATIONS

### Events.

9th to 13<sup>th</sup> May 2011  
Child Rights training  
MS TCDC, Arusha Tanzania  
[www.mstcdc.or.tz/](http://www.mstcdc.or.tz/).

June 16<sup>th</sup> 2011  
Day of the African Child  
Theme: All Together for urgent Action in favor of Street Children.

23<sup>rd</sup> - 30<sup>th</sup> June 2011  
AU Summit (Accelerating Youth Empowerment for Sustainable Development)  
Malabo, Equatorial Guinea

22<sup>nd</sup> August - 2<sup>nd</sup> September  
Policy Analysis and Advocacy Training  
MS TCDC, Arusha Tanzania.  
[www.mstcdc.or.tz/](http://www.mstcdc.or.tz/).

10<sup>th</sup> - 12<sup>th</sup> September  
CIVICUS 10<sup>th</sup> World Assembly  
(World Alliance for Citizen Participation)  
Montreal, Canada

### Publications

**Advancing Children's Rights - A Guide for Civil Society Organisations on how to engage with the African Committee of Experts on the Rights and Welfare of the Child. 2<sup>nd</sup> Edition.**  
*Save the Children Sweden and Plan International*

This Guide aims to be a resource for civil society organisations who are interested in finding out more about the ACRWC and the Committee. It contains practical advice and information on how civil society can engage with the Committee to advance children's rights in Africa. The second edition reflects important developments relating to the Committee's work, civil society organisations' engagement with the Committee and the functioning of the CSO Forum on the ACRWC.

Download the pdf version of the guide on link: <http://plan-international.org/where-we-work/africa/publications/advancing-childrens-rights>



**Save the Children**

Save the Children Fights for Children's Rights.  
We deliver Immediate and lasting  
Improvements to children's live Worldwide.

For any Suggestions, comments, questions or contributions to this or other newsletter issues, contact Nana Ndeda on [nanan@ecaf.savethechildren.se](mailto:nanan@ecaf.savethechildren.se).