

# 4<sup>th</sup> Forum on the ACRWC

The Roles of the OAU Refugee  
Convention and the AU IDP  
Convention in protecting children  
without appropriate care

# Background

- Forced displacement - conflicts, natural and man made disasters
- Concluded Conflicts – Liberia, Sierra Leone, Angola, South Sudan, Northern Uganda etc.
- Protracted case load – Somalia, DRC, SADR, Chad/Darfur
- Recurrent cases – Cote d' Ivoire
- New cases – Kenya, Revolution in the North - Tunisia, Egypt, Libya
- Climate Change, drought, floods
- Urbanization
- 10 M IDPs and 5 M Refugees

# Problems that children face

- Separated and unaccompanied children
- Recruitment to military activities –child soldier
- Lack of basic needs i.e. shelter, food, clothing, education, leads to child labor, child abuse, street children etc. with girls being more vulnerable
- Health, psychosocial needs and development

# AU IDP Convention

- Adopted 22 October 2009, Kampala, Uganda
- It is specific to IDPs in Africa & only one so far
- Has a generalist approach but conscious of the different categories of persons in the community
- It has a Rights based approach (preamble), directly linked to the ACRWC
- Article 1(h) definition of a child from the Charter – “Child” means every human being below the age of 18 years.
- IDP – forced/obliged to leave; as a result of/in order to avoid (armed conflicts/situation of generalized violence/violation of human rights/disasters); not crossed borders

- Article 2- Objectives is for Prevention, Protection, Assistance and Durable Solutions
- Provides for the obligations, responsibilities and roles of States Parties, armed groups, non-state actors and other relevant actors, including African Union, United Nations, INGOs, NGOs and CSO's in prevention, protection, assistance (before/during/after displacement) and durable solutions

# Protection and Assistance

- Article 5 Para 5 – assessments of the needs and vulnerabilities of IDPs and host communities
- Article 5 para 6, 7, 9, 10, – **Obligation of the State** Parties relating to Protection and Assistance
- Article 6 – Obligations relating to International Organizations and Humanitarian Agencies
- Article 7 – **Protection and Assistance** to IDPs in situations of Armed Conflicts – governed by International Law and in particular IHL

- Article 8 - **The role of the African Union** – collaboration, coordination and cooperate with humanitarian actors
- Article 9 – Obligation of State Parties relating to Protection and Assistance during displacement – Para 2 (c) .... Including **separated** and **unaccompanied** children ...
- Article 13 – Registration and personal documentation para 2 – states shall ensure that IDPs shall be issued with relevant documents ..... eg passports, IDs, **birth certificates** ... Para 4 women and Men as well as **unaccompanied children** shall have equal rights to obtain such necessary documents issues in their names.

## Article 17 - Entry into Force

- 30 days after the instrument has been deposited
- By 15 Member States
- Currently have 31 signatures and 3 ratifications (Sierra Leone, Uganda & Zambia)



# What needs to be done

- Promote Convention's speedy signature & ratification
- Assessment of the existing normative frameworks and legal and institutional arrangements made or required by MS to ratify, domesticate and implement the convention eg.
- Review of ratification processes and the role of Institutions: Parliaments, Executive and the Judiciary
- **Reviews steps/processes** undertaken in the **domestication** of the IDP Convention eg. Development of Model Law and /or Legislative Guidelines
- Provide technical support to MS where required

# Other Situations

- Refugees - 1969 OAU Convention Governing the Specific aspects of Refugee Problems in Africa
- AU Policy on Access to Post Primary Education
- Post Conflict – AU Policy on PCRD
- Asylum seekers
- Mixed Migration – AU Migration Policy
- Statelessness

# What needs to be done

- Dissemination, popularization & implementation
- Addressing root causes and preventive measures including early warning
- Measures for protection and assistance to forcibly displaced children
- Review 1969 OAU Refugee Convention (soft laws)
- Search for durable solutions including in peace negotiations and agreements
- In Post conflict reconstructions
- Monitoring and reporting compliance

**I THANK YOU!**

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