

**THE HAGUE PROJECT FOR INTERNATIONAL CO-OPERATION AND
THE PROTECTION OF CHILDREN IN
THE SOUTHERN AND EASTERN AFRICAN REGION**

**CONCLUSIONS AND RECOMMENDATIONS OF THE JUDICIAL SEMINAR
ON THE ROLE OF THE HAGUE CHILD PROTECTION CONVENTIONS
IN THE PRACTICAL IMPLEMENTATION OF
THE UN CONVENTION ON THE RIGHTS OF THE CHILD AND THE
AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**

3-6 SEPTEMBER 2006, THE HAGUE

From 3-6 September 2006, Judges and Experts from Cameroon, Ethiopia, Kenya, Lesotho, Malawi, Mauritius, The Netherlands, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia, Zimbabwe, the African Union and from UNICEF, as well as the Hague Conference on Private International Law, met in The Hague, The Netherlands, to discuss the role of the Hague Child Protection Conventions¹ in relation to the practical implementation of the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

The participating Judges and Experts agreed the following:

1. There is a need to develop among African countries effective inter-State structures which focus on the needs and the protection of children who are at-risk across borders – especially those who are the subject of abduction, sale, trafficking, including those who become vulnerable as a result of poverty and the HIV/AIDS pandemic, and those who are displaced as a result of conflict or natural disaster. The development of an Africa-wide structure to facilitate inter-State co-operation for this purpose is fully in accord with, and should be inspired by, the principles set out in the African Charter on the Rights and Welfare of the Child and the UN Convention on the Rights of the Child.

Judicial Co-operation

2. It is of fundamental importance to develop inter-State co-operation at the judicial level through, among other measures:

- introducing practical legal structures to support such co-operation including in particular those established by the Hague Child Protection Conventions;

¹ *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction; Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption; and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.*

- developing a Judicial Network on the African continent focusing on the international protection of children;
- offering opportunities for training and sensitisation of Judges and Magistrates in international child protection law;
- holding regular international and regional meetings involving Judges and Magistrates concerned with cross border child protection cases; and
- promoting collaboration between the judicial, social, health and education services.

3. It is recommended that States give consideration to the advantages that flow from the establishment of Family or Children's Courts where they do not already exist.

4. It is affirmed that this meeting in The Hague has provided a valuable forum for the exchange of information and ideas amongst Judges, Magistrates and other child protection Experts, and for the development of the mutual trust, confidence and solidarity amongst Judges and Magistrates necessary for effective cross-border judicial co-operation.

Administrative Co-operation

5. Attention is drawn to the potential value of using the 'Central Authority' model, as developed in the Hague Child Protection Conventions, as a focal point for inter-State co-operation in child protection, and it is recommended that further work be done to consider how best to (1) adapt this model to the needs of African countries and (2) establish a database of Central Authorities in Africa.

Effective Implementation of Instruments

6. Measures should be taken to ensure that national, regional and international instruments concerning child protection are fully and effectively implemented in African countries and that every effort is made to find the resources needed to provide individual States with the technical assistance and training facilities necessary for this purpose.

Inter-Disciplinary Approach

7. The effective implementation of Hague Conventions and other international and regional instruments requires an inter-disciplinary approach involving all of the actors including Judges, Magistrates, Lawyers, Academics, Social, Health and Education Workers, Parliamentarians, Law Enforcement Officers, the Media, Non-Governmental Organisations and other court users.

Monitoring and Review

8. The importance of monitoring and of reviewing the practical operation of the international instruments is recognised.

Regional and International Co-operation

9. There is a need to develop policy in this area in close co-operation with international and regional actors including the African Committee on the Rights and Welfare of the Child, the UN Committee on the Rights of the Child, and UNICEF.

The Participants present

Recommend that the African Union should raise and promote awareness among Member States of the African Charter on the Rights and Welfare of the Child, the Hague Child Protection Conventions, and the UN Convention on the Rights of the Child. It is also recognised that the African Union can mobilise regional and international efforts for child protection.

Call upon the Hague Conference to ensure that a similar meeting be held in two-years time to follow-up on these conclusions and recommendations.

Fully support the plans of the Hague Conference for a major conference to be held in Africa in 2007 to discuss and develop the themes and ideas raised at this Judicial Seminar.

THE HAGUE, 6 September 2006