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**31stSESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
24th– 4th MAY 2018
BAMAKO, MALI**

**ACERWC/RPT (XXXI)
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REPORT

THIRTY-FIRST ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

I. INTRODUCTION

1. The 15th Pre Session and the 31st Session of the African Committee of Experts on the Rights and Welfare of the Child were held at Radisson Blu Hotel in Bamako, Mali, from 24th April to 4th May 2018.

II. ATTENDANCE

2. The meeting was attended by nine members of the ACERWC, Representatives of the African Union Commission, Representatives of the Governments of Burkina Faso, Burundi, Malawi, Niger, Senegal and Sudan, Members of the diplomatic corps, Representatives of CSOs from Benin, Malawi, Niger, Nigeria, Representatives of United Nations Children's Fund (UNICEF), Save the Children, Plan International, World Vision International (WVI), Coalition of Burkina Faso for the Rights of Children (COBUFADE), Enfants Solidaires d'Afrique et du Monde (ESAM), Burundi Child Rights Coalition, Sudan Child Rights Forum, Child Helpline SEMA Tanzania, Cellule D'Appui a la Protection de l'Enfance (CAPE), Association of African Women for Research Development, Institute for Human Rights Abo Akademi University, Graca Machel Trust, Centre for Youth and Centre for Child Affairs Malawi, Child Rights Network Southern Africa (CRNSA), Ghana Institute of Management and Public Administration (GIMPA), Egyptian Coalition for Child Rights (ECCR), Kenya Alliance for Advancement of Children (KAAR), Centre for Reproductive Rights, Réseau Ivoirien pour la défense des droits de l'enfant et de la femme (RIDDEF), FENADEB Child Protection Network, Justice for Girls Equality Now, SOS Children's Village, Conseil Consultatif National des Enfants et Jeunes (CCNEJ), Centre for Community Health and Development International (CHAD), Coalition pour les droits de l'Enfant, RADDHO Senegal, The African Child Policy Forum (ACPF), Open Society Initiative, AfricaWide Movement for Children (AMC), Young Strong Mothers Foundation (YSMF), ChildFund International, Media Network on Child Rights and Development (MNCRD), World Council of Churches (WCC), EDUCO Benin, COCODE, DRGST, RADDHO Senegal, CONIDE, CONAFE, International Committee of the Red Cross (ICRC), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), African Movement of Working Children and Youth (AMWCY), Child Helpline International, Child Rights Network for Southern Africa, East African Centre for Human Rights (EACHRights), Baha'i International Community (BIC), Centre for Child Law (University of Pretoria), Centre for Human Rights (University of Pretoria), Rwanda Child Rights Coalition, Institute for Human Rights Development in Africa (IHRDA), Mentoring and Empowering Programme for Young Women (MEMPROW),

Forum for African Women Educationalists (FAWE), Youth Network for Sustainable Development, Gender Center for Empowering Development, Peace Relief Organization, End Sex Trafficking, Zimbabwe National Council for the Welfare of Children (ZNCWC), Global Initiative to End All Corporal Punishment of Children, Eastern Africa Child Rights Network (EACRN), and the Initiative for Social and Economic Rights (ISER).

ITEM 1: OPENING CEREMONY

Welcome address by the Mayor of Commune IV of Bamako District

3. The Mayor of Commune IV of Bamako district Mr Adama Bereté commenced his statement by recognizing and welcoming all dignitaries and participants of the opening ceremony to the district of Bamako. He stated that the Commune is honoured to host the 31st Session of the African Committee of Experts on the Rights and Welfare of the Child. He further expressed his gratitude to the organizers of the Session, stressing on its relevance to the welfare of children. He concluded by thanking the Ministry of Human Rights of Mali and the African Committee of Experts on the Rights and Welfare of the Child.

Welcome address by H.E President Pierre Buyoya Representative of the African Union for the Sahel

4. H.E President Pierre Buyoya addressed the meeting on behalf of the Commissioner of Social Affairs H.E Amira Al Fadil. He welcomed representatives of the Government of Mali and all participants to the 31st session of the ACERWC and expressed his sincere appreciation to the Government of Mali for hosting this important session.

5. He recalled that the AU had observed that in previous years, the Committee has conducted various successful activities. He appreciated efforts by the Committee to ensure ratification of the African Charter on the Rights and Welfare of the Child by Member States and to ensure its implementation in those Member States that already ratified. H.E noted the various challenges faced by children in Africa such as the high prevalence of child marriage. He noted with regret that, of the top 20 countries with high prevalence rate of child marriage globally, 15 are African countries. H.E further stated that according to the report of the continental study on the impact of conflict and crisis on children in Africa, children are facing serious human rights violations such as mutilation, recruitment, kidnapping, attack against schools and hospitals, and the like. He noted that these violations and challenges linked to health and nutrition require appropriate and coordinated global response. He mentioned that the campaign to end child marriage, which was launched by the AU in 2014, has been conducting various activities in Member States. He noted with appreciation that Mali is among countries that have launched the campaign. He concluded his statement by indicating that combined effort should be conducted between Member States and other stakeholders

to improve the protection of child rights in the continent and the implementation of the African Charter on the Rights and Welfare of the Child.

Welcome address by Hon Mrs. Goitseone Nanikie Nkwe, Chairperson of the ACERWC

6. Hon Mrs. Goitseone Nanikie Nkwe commenced her statement by welcoming the participants to the 15th Pre-Session and 31st Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child and expressed her deepest gratitude to the Government of Mali for hosting the session. She further commended the continuous positive response received by the ACERWC from the Government of Mali on child rights issues including receiving the Delegation of the Committee to follow-up the concluding observations and recommendations it issued, and welcoming the Special Rapporteur on Ending Child Marriage for her evaluation mission in 2017. Mrs. Nkwe indicated the growth of the work of the Committee, which is evidenced, among other things, by the significant increase of State Party report submissions in the recent years. She further mentioned the expansion of the work of the Committee in various areas. These include undertaking continental study on children on the move in Africa, adoption of a Joint General Comment on ending child marriage with the African Commission on Human and Peoples' Rights and increasing the accessibility and visibility of the Committee. Mrs. Nkwe expressed the keenness of the Committee to receive the valuable contributions of the participants of the Session on the various documents to be presented at the Session. She concluded her statement by acknowledging the support of Norwegian Refugee Council (NRC), Plan International, and Save the Children in the organization of the session and called upon other partners to join hands in mobilizing resources for the work of the Committee.

Welcome Statement by the Minister of Human Rights, Maitre Kadida Sangare Coulibaly

7. H.E Maitre Kadida Sangare Coulibaly, the Minister of Human Rights of Mali, welcomed all dignitaries and participants to the 31st Session of the African Committee of Experts on the Rights and Welfare of the Child. She stated the fact that the session being held in Mali gives a sense of deep pride to the people of Mali. She further stated that the protection of the rights and welfare of the child is a shared responsibility that urges all stakeholders to work together.

8. H.E stressed that the rights of children need to be prioritized and their voices should be taken in to account in decision-making. She stated that child rights goes beyond social affairs, it also tackles government accountability. By ratifying the African Charter on the Rights and Welfare of the Child, Mali has committed to ensure the protection of the rights of children and to improve governance and accountability mechanisms in the interest of the child.

9. H.E shared some of the achievements of the Government of Mali in the sphere of child's rights, including progress in decreasing child mortality and increasing the level of school enrolment by investing in children. Furthermore, she stated that the Government of Mali was aware of the various challenges faced in the protection of the rights of children in response to this the ministry for human rights has been established. She urged Africans to consolidate efforts in taking measures to find solutions for obstacles of implementation of children's rights. H.E finally concluded her statement by indicated that the ACERWC is playing an instrumental role in ensuring that the rights and welfare of the child are promoted and protected and thanked the Committee for choosing Mali to conduct the Session; and declared the 15th Pre Session and the ACERWC open.

ITEM 2: PROCEDURAL MATTERS

- **Adoption of the Agenda and the Program of Work**

10. The Agenda and Program of Work were adopted as amended.

- **Organization of work**

11. The Committee agreed to carry out its deliberations in open, semi closed and closed sessions according to the Agenda.

ITEM 3: BRIEF PRESENTATIONS BY PARTNERS

12. **Mrs Lucia Elmi, the representative of UNICEF Mali Country Office**, presented on the activities undertaken by the organization to complement the mandate of the ACERWC. It was stated that since the last Committee session, UNICEF has engaged with several State Parties to support the submission of their report on the African Charter on the Rights and Welfare of the Child, and UNICEF has also assisted some State Parties to respond to the Committee's Concluding Observations. She stated that in Mali, a 2017 study conducted by the National Directorate of Civil Status with UNICEF support in Mali identified as many as 123,112 children who had missed birth registration due to the crisis and insecurity. In July 2017, a comprehensive draft law against gender-based violence including legislation against female genital mutilation/cutting (FGM/C) and child marriage was completed by the Ministry responsible for the promotion of Women, Children and Family. She assured the Committee that UNICEF and Partners will continue to encourage the government of Mali to move the law forward.

13. **Ms. Yodit Zenebe Mekuria, the representative of Plan International**, stated that Plan is happy to support the Committee with the launching of the Joint General Comment on ending child marriage in Africa. The launch was said to be timely and a demonstration by the Committee to lead the continent in ending child marriage. Plan will further continue to work with the ACERWC and other key actors to popularize the JGC and use special platforms like the Commission on the Status of Women and the African Girls' Summit to promote the rights of girls and young women. In accordance with the AU 2018 theme, Plan together with other stakeholders will be happy to work

with the Committee to assess the impact of corruption on children and how to effectively address them. She stated that, Plan recognizes the need for the development of guidelines to enable States, CSOs and other actors to monitor the implementation of those concluding observations. Plan commits to support the Committee to develop such guidelines to monitor and track progress made by Member States in implementing the recommendations from the Concluding Observations. Over the next 5 years, Plan in Africa will focus its advocacy effort on the following (i) ending child marriage, (ii) providing and securing spaces for girls' activism and (iii) ensuring protective and supportive mechanisms for girls in crisis. In order to achieve these, Plan will work collaboratively and constructively with key actors and stakeholders. Ms. Yodit concluded her statement by reiterating the Commitment of plan international in its support to the Committee on the promotion, protection and defense of women and girls' rights in Africa.

14. **Mr. Aimexe Amoussou, on behalf of Save the Children** congratulated the Committee on the appointment of nine new thematic/special rapporteurs and informed his organisation looks forward to working with these thematic/special rapporteurs within their respective mandates to accelerate the effective implementation of specific provisions of the African Children's Charter by States Parties. Mr. Amoussou highlighted that Save the Children has played a leadership role at the AU in promoting the protection of education from attacks and military use as their contribution to protecting children's rights to education. He announced that a group of friends of CAAC will be established on 30th April 2018 among African ambassadors to the AU, UN agencies and CSOs. He reiterated that they remain committed to supporting additional human resources capacity of the Committee Secretariat under the African Children's Charter Project to help respond to the growing demands to the Committee. He ended his statement by mentioning the priority areas in which they intend to collaborate with the Committee in 2018, including among others the operationalization of a high-level monitoring mechanism on ending child marriage in accordance with the 2017 Social Development Ministerial Declaration; the Study on Children on the Move; the General comment on CAAC and advocating for a year dedicated to children rights at the AU in 2019 or 2020.

15. **Mr. Yehualashet Mekonen, head of the African Child Observatory Program of the African Child Policy Forum (ACPF)**, stated that the focus of ACPF's work in the coming months are on three main areas. The first relates to promoting child justice and ACPF informed the Committee that it is collaborating with Defence for Children International (DCI) to organise a continental conference on child justice in Africa to be held from 8 to 10 May 2018 in Addis Ababa and extended its invitation to the Committee to take part in the Conference. In this regard, ACPF called the attention of the Committee to the Guidelines on Action for Children in the Justice System in Africa which the Committee endorsed in 2012 and urged for reinvigorating its use in engaging States Parties during the reporting process and requested the audience of the Committee to engage on how to push this agenda forward. The second area of work

highlighted was combating violence against children. ACPF brought to the attention of the Committee that it has initiated and coordinated the multi-stakeholder consensus building process that led to the establishment of the African Partnership to End Violence against Children. Mention was also made of its preparations to launch a pan-African campaign to end crimes against children and the Committee was urged to dedicate a day of general discussion on crimes and extreme violence to create the necessary political visibility of this urgent and grave issue. The third area of work highlighted was promotion of state accountability to children and ACPF informed the Committee that it is in the process of reviewing the Child-friendliness Index (CFI) to effectively assess the performance of states and that the forthcoming African Report on Child Wellbeing 2018 planned to be launched in November this year will be based on this revised framework. Finally, ACPF reiterated its commitment to continue supporting the work of the Committee in effectively exercising its mandate.

16. Mr. Michael Nyarko, the representative of the Centre for Human Rights conveyed the gratitude of the centre to the Committee for granting it an observer status during the 30th Ordinary Session in Khartoum, Sudan in December 2017. The Centre is pleased that the observer status will further facilitate its engagement with the Committee for the promotion and protection of children's rights on the continent, especially through the full, effective and efficient implementation of the provisions of African Children's Charter. Mr. Nyarko commended the Committee for holding an implementation hearing at the 29th Ordinary Session in Lesotho last year and urge the government of Senegal to hasten the implementation of the Committee's decision in the Talibe's case to ensure that the affected children are afforded the remedies ordered by the Committee.

17. Ms. Angella Nabwowe, representative of Initiative for Social and Economic Rights (ISER) stated that ISER is a Non-Governmental Organization (NGO) which seeks to promote the effective understanding, monitoring, implementation, accountability, and full realization of Economic and Social Rights (ESRs) in Uganda and the region. She introduced the research ISER conducted on the Right to Health in hard to reach areas including the Amudat District in Karamoja region and the Sigulu Islands situated in Lake Victoria and published a report in January 2018 entitled "Here when you are poor, you die: Healthcare on Sigulu Islands" where they found that infant mortality in the hard to reach areas is higher due to lack of health facilities and emergency referral services. Ms. Angella brought to the Committee's attention that there is urgent need to address barriers to access to healthcare for children living in hard to reach areas in Uganda. She also highlighted that in the course of the Organisation's monitoring of ESRs of children, it was found that child labour in business activities is on the rise with minimal intervention from the State and there is notable increase in non-compliance by the private sector with national laws and regulations, resulting in negative impacts on the rights of children to education and health. Ms. Angella concluded her presentation by calling upon the Committee to

develop a strong regulatory framework on Business and Child Rights and encourage its implementation by State parties to ensure that private actors respect child rights.

18. **Ms. Amere Truphosa, On behalf of SOS Children's Villages International**, reaffirmed SOS's continued commitment to work in partnership with governments, civil society and community based organizations, the private sector, parents and children to provide an environment in which all children can enjoy their full rights and freedoms, and support them to become active and contributing members of their communities. She acknowledged that Africa continues to experience a myriad of challenges including violence against children, child labour, forced migration, HIV and AIDS, poverty, alcohol and substance abuse, conflict, and food and nutrition insecurity that are continually weakening the basic unit of our society, the family. As a result, children are unable to fully enjoy their fundamental rights and freedoms. Ms. Amere therefore called on African states to increase investment in child welfare and in particular, to ensure that alternative care options and systems that offer protection to children without risk of losing parental care are readily available. Ms. Amere concluded his/her statement by emphasizing that the care investment we make for our children now will lay a good foundation for the 1 billion children the African continent is projected to have in 2055 whereas our failure now to offer necessary care solutions will perpetuate the susceptibilities of African children.

19. **Dr. Solomon Belay Faris**, made a pronouncement on behalf of **Baha'i International Community Addis Ababa Office (BIC AAO)** by quoting the Baha'i Writings that "Every child is potentially the light of the world as well as its darkness". He then stated that the BIC's challenge is to identify how society can be reorganized and how they can help children realize their potential in being light of the world. He explained that with the objective of putting this principle into action, there are a number of social and economic projects all across Africa undertaken by BIC. The idea of these projects as stated by Dr. Solomon is to test and develop contents and methods that ultimately will help protect and promote the rights and welfare of all with particular importance attached to children. Dr. Solomon asked AU's representatives and all partners to support the efforts the BIC are making all over Africa and described their openness to learn from everyone as much as they would like to share some of the insights that might have been generated from their community driven social transformation projects. He also underlined that however limited their resources, the BIC is ready to engage in all matters related to promoting and protecting the welfare and rights of children.

20. **Dr. Musa Chibwana, representative of Child Rights Network for Southern Africa (CRNSA)**, presented a statement that is a product of the 3rd CRNSA Annual General Meeting made up of national child rights networks from ten SADC countries as well as other child rights partners, collectively representing 2000 child rights organizations in southern Africa whose common interest is to see the rights of children respected, protected and fulfilled. He stated that CRNSA recognizes SADC is a "young" region, hence the need for public investment in this demographic bulge to

transform it into a dividend. This will increase this cohort's productive capacity subsequently actualizing inclusive economic development as embodied in the AU Agenda 2063. CRNSA recommended that the Committee recognize the important role that regional blocs such as SADC are now expected to play in the realization of children's rights. It is based on this realization that CRNSA is lobbying member states in SADC to come up with a region specific Children's Protocol that addresses transnational child rights violations in the context of regional integration as epitomized by the African Continental Free Trade Area (AfCFTA) Agreement. Furthermore, CRNSA is conscious of the fact that 67% of the world's children population is living with HIV are in Eastern and Southern Africa and has resolved that HIV and AIDS issues need to feature prominently in the impending protocol on children. Lastly, concerns were reflected about recent rhetoric by the President of Tanzania indicating his intention to stop girls from going to school who would have fallen pregnant. The remarks contradict provisions of children's rights instruments, which Tanzania has ratified at regional and global level. Dr. Musa concluded his statement by urging the committee to write communication that will remind the state party of their commitments to the Charter so that no girl child in the country will be left behind.

21. Mr. Cleophas Maragia, the representative of the Eastern Africa Child Rights Network, expressed concern on the number of girls affected by child marriage on the continent, and welcomed the launch of the general comment on ending child marriage in Africa by the Committee. He stated that the EACRN wishes to urge all stakeholders to work towards universal ratification of the children's charter and improved civil society space in the region.

22. The representative of the CSO Forum, Mr. Desmond Mhango, updated the ACERWC on the 12th CSO Forum, which was attended by 60 CSO representatives and 9 National Human Rights Institutions (NHRIs), from all the five African regions, namely, East, West, South, Central and North Africa, met under the theme "Leave no child behind for Africa's development." He noted with concern that in spite of African States having ratified the African Children's Charter, children are still being affected by: the negative effects of social practices such as early and forced child marriages; and development-related consequences including the negative impact of technology, business practices and climate change.

23. The CSO Forum therefore, recommended the following to the Committee

- ✓ Meaningful and deliberate engagement with children in decision-making processes, including having at least one annual Pre-Session for children, as well as a child representative in the Committee.
- ✓ To urge AU Member States to adopt and domesticate the Joint General Comment on ending child marriage.
- ✓ Develop a General Comment on the use of technology and children with great emphasis on protection, access to information, privacy and freedom of expression. As

well as establish a special mechanism and adoption of a resolution on technology and children.

- ✓ Consider the 2019 or 2020 theme for the Day of the African Child to be “Children and Technology.”
- ✓ Develop an Africa-specific Protocol or General Comment on child rights and business, as well as initiating forums where children, CSOs, NHRIs, businesses and State actors can meet to discuss common key issues connected to children’s rights and business.
- ✓ Conduct research and develop guidelines on climate change and the African child.
- ✓ Due to deep concern about the plight of children in Tanzania, Burundi, Northern Nigeria, South Sudan and Southern Ethiopia, CSO Forum recommend the Committee to send a Delegation to these countries to monitor the situation of children.
- ✓ Recognise the invaluable contribution and potential of NHRIs in Africa. CSO Forum recommend the Committee to grant them Affiliate Status, actively involve them in the execution of the Committee’s mandate, as well as support their child right’s work on the continent.

ITEM 4: PRESENTATION OF THE INCEPTION REPORT OF THE CONTINENTAL STUDY ON CHILDREN ON THE MOVE

24. Mr. George Mukundi and Edmund Foley from the Maendeleo Group presented the inception report on the continental study on mapping of children on the move in Africa. The Maendeleo Group was commissioned by the ACERWC to undertake the Mapping of children on the move in Africa. Mr. Mukundi commenced by giving a background of the process of selection of consultant by the ACERWC to undertake the research, highlighting that the Maendeleo Group brings diversity of actors and geographical representation.

25. He continued by explaining the objective, scope and expected outcome of the study. It was stated that the study is informed by the plight of African children who are most vulnerable and the need to respond to their challenges. The scope of the study is informed by available statistics, which brings to light the gaps thereof. It was stated that, according to the IOM, there were 244 million international migrants and 740 million internal migrants in 2015. Even though it is noted that 80% of African migrants migrate within Africa; there is a lack of detailed data on Inter-country and Intra-country migration within Africa. It was also highlighted that the significant number of migrants that move within Africa are children. Mr. Mukundi also gave a definition of children on the move for which he sought inputs from participants. The presentation included identification of certain factors of movement. It was stated that migration is not necessarily a problem; it is a positive phenomenon that can contribute to the development of society. However, within migration there are various challenges.

26. Mr. Mukundi indicated that the style of the study will be an explanatory research design. The methodology will include desktop study, literature review, and interview

with key informants and illustrative case from the five geographical regions. The expected outcomes of the study include; identification of drivers, overview of migration routes, patterns and means, analysis of challenges faced by children on the move, analysis of the adequacy of existing legal and institutional framework to protect children on the move, and policy interventions and recommendations to AU, ACERWC, MS and other actors. Mr. Edmund Foley added that Children face various violation of human right at different stages of movement. Such as the right to name and nationality, the right to education, the right to health, protection from violence and abuse and the like. Additionally, there is a lack of adequate response to the plight of children on the move, nationally, regionally and internationally. Finally the presenters indicated that the aim of the presentation is get feedback and guidance from the committee on the inception report. Further, it is to get comments and guidance from the participants.

27. Following the presentation various comments, suggestions and questions were forwarded to the presenters. Members of the Committee inquired if the study will address issues such as statelessness, trafficking for ritual purposes transiting countries and societal perceptions as a factor movement. Members of the Committee further suggested the various factors of movement to be identified should be specific to the different geographical areas and a stronger link should be made with Agenda 2040 and SDGs. Participants of the session also posed questions and made suggestions. Among the questions include; whether the study will be used to inform the global impact on migration and the AU common position on migration, the extent to which children will participate in the study, whether there will be a distinction between accompanied and unaccompanied children on the move and if the study will take in to account shortcut routes that do not pass through official borders. Among the various suggestions made by participants, some of them are; to include Burkina Faso as a transit point in West Africa and Malawi in Southern Africa, to include child trafficking on the internet as a factor, to consult the AU migration protocol and the protocol on statelessness should be looked, to form a technical working group that assists the Committee and the consultants, to explore the nexus between RECs the committee and to use the rights violated and the obligation of states as a prism through which the facts of the study are analysed. Concerns were raised about the possibility of implying movement of children to be a negative phenomenon and thereby moving towards restricting it.

28. The presenters explained that the approach of the study does not suggest that there is anything wrong with migration on its own; in fact, it highlights the positive contributions of migration to society. The study will identify child rights violations at various stages of movement and will try to address them. The presenters reassured the Committee that the study will primarily use the Charter as a framework to analyze the facts of the study. However, it was stated that as the scope of the study is limited; it cannot give raw statistical data. The presenters concluded by appreciating the inputs from the Committee Member and the participants and underlining that all the

suggestions, comments and concerns are duly noted and will inform the following steps of the research.

ITEM 5: PRESENTATION OF THE GENERAL COMMENT ON ARTICLE 1 OF THE ACRWC

29. The consideration of the draft General Comment on Article 1 of the ACRWC was presented by the Consultant Prof Julia Sloth-Nielsen who gave a brief background on the draft General Comment and the process of its development as an introduction.

30. Prof Julia started her presentation by explaining what the original draft (concept note) of the General Comment consisted of and highlighted that its background focused on identifying the differences of the ACRWC with Article 4 of the CRC as well as giving practical guidance to State Parties in implementing ACRWC.

31. With regards to developments in the process of the General Comment, Prof Julia mentioned that the document has been reduced from 40 to 35 pages after consultation with the Chairperson of the Committee. She also noted that it was decided not to place too much emphasis on Article 1 (3) as it is closely linked to harmful traditional practices provided for under Article 21 of ACRWC and could be covered in a future General Comment specific to that topic.

32. Prof Julia explained that the General Comment will be focusing on existing jurisprudence of the ACERWC whenever possible while trying to minimise reliance on UNCRC Committee. She also shortly stated the elements incorporated in the first part of the General Comment such as the contextualisation of the General Comment within the ACERWC mandate, discussion on the concept of implementation and who stakeholders are, the core legal obligations undertaken upon ratification of ACRWC (duty to promote, respect, protect and fulfil) and the need to note that civil and political rights (such as the right to birth registration and right to participate in elections) require resources same as social and economic rights.

33. Prof Julia also pointed out that the General Comment in its first part looks into the dissipation/diversion of funds by member states which is adversely commented on by the Committee and that it highlights the Committee's interest in identifying ways through which member states' economic progress can be used to benefit children. She also stated that the General Comment makes mention of the Committee's intention to carefully scrutinize member states' claims of insufficient money for implementation.

34. With regards to the content of Article 1(1) of ACRWC, Prof Julia stated that the General Comment explains "recognizing the rights, freedoms and duties" as a phrase implying formal recognition by law and also an inclusion of all ACRWC rights that follow. She further explained that the General Comment regards "undertaking necessary steps in accordance with Constitutional processes" mentioned in Article 1(1) as a duty imposed on all states irrespective of their constitutional order. She also pointed out that the General Comment underscores this as the need for making

children's rights justiciable through constitutional means so that courts can be approached on behalf of children; the desirability of child friendly judges are also addressed by the general comment.

35. With regards to "legislative measures" referred to under Article 1(1) of ACRWC, Prof Julia explained that the General Comment highlights the need to link child protection to other Articles in the Charter such as provisions on abuse and torture, the importance of having laws that clearly specify the requirements for declaring a child to be in need of alternative care, and the need to have legislation outlawing corporal punishment and criminalising child trafficking, sexual offenses and so on. She explained that the General Comment also calls for the dedication of further legislation and an array of guidelines with regards to laws relating to children in conflict with the law, provided under Article 17 of ACRWC. Although the General Comment briefly looks into legislative measures on child education and health, Prof Julia explained that there might be future general comments specifically dedicated to these themes.

36. Regarding "other measures" mentioned in Article 1(1), Prof Julia elaborated that nine major areas are underlined by the General Comment which are Systems strengthening for CP; Coordination among stakeholders; Budgeting, efficient resource use and domestic revenue mobilisation; Data collection; Training, capacity building and awareness raising, Policy development; Collaboration with CSOs, CBOs and the private sector; Child participation and the role of the State and Independent monitoring. These major themes look into various measures such as the need to elevate accountability of businesses that conduct activities threatening children's rights and the need to ensure that service delivery by the private sector does not create inequality among children in accessing services such as education and health.

37. Prof Julia also briefly explained that in relation to Article 1(3) of ACRWC, the General Comment mentions there is a need for mapping at grassroots level to identify which practices are inconsistent with the Charter's rights and duties and to distinguish which practices should be fostered as positive. Finally, she concluded the presentation by reminding that states have the obligation to disseminate the General Comment in all forms and through all accessible means.

38. Following the presentation, comments and observations were made by the Committee and participants present. The Chairperson commended the General Comment for paying attention to ensuring that service delivery by private entities would not result in unequal systems. Among the concerns raised by participants were; how governments' steady increase in budget allocation for child protection mentioned in the general comment might negatively affect progressive realisation of rights and whether the General Comment considers the obligation to protect children from business sector as part of states' duty.

39. Prof Julia appreciated all comments and agreed that the concerns raised should be considered further by the Committee. The presentation was then concluded by the

Chairperson's remarks that the General Comment will be further considered under a closed session before deciding on its adoption.

ITEM 6: PRESENTATION OF BEST PRACTICES ON CHILD RIGHTS ISSUES BY THE GOVERNMENT OF MALI

40. Following the Chairperson's introduction, the representative from the Ministry for Advancement of Women, Children and Family of the Government of the Republic of Mali, Mr. Mohamed Attaher MAIGA made a brief presentation on the best practices on child rights issues in Mali.

41. He started by introducing the Ministry and noting its continued independent existence as well as its mandate in the protection of women's, children and family rights. He noted that for a year, the ministry has been implementing a plan for women's empowerment. He affirmed the commitment of the ministry to achieve the goals of 2063 and noted the ministry's commitment to continue working towards achieving the goals of access to health, education and other services for women and children and the protection of the family as a unit. He stressed on the interrelation between women empowerment and the promotion of children rights and explained how within this framework, the ministry undertakes various programmes such as the campaign against FGM which can be regarded as one of the best practices of the Ministry and the Government of Mali.

42. Mr. MAIGA further stated that the Ministry's work towards forming a parliament for children is another notable best practice. He also made mention of the already existing children's museums targeting children that do not have access to other recreational activities and the Ministry's centre for children in rural areas aimed at allowing interaction among children themselves and with others in society. Mr. MAIGA explained that children on the street and children victimised by violence gain ample access to these centres. In addition, Mr. MAIGA underlined that the Ministry's endeavours to make internet more accessible to women and children is a noteworthy best practice.

43. As challenges faced by the Ministry, Mr. MAIGA listed some issues such as the exclusion of women from access to means of production and other key roles which in turn impacts children's rights negatively. He stressed that in light of lack of decision making power of women, it is difficult to ensure rights of children are fully respected and explained that as a measure to battle this, the Ministry has undertaken to bring more women to decision making roles. For example, the amount of women elected to parliament has now increased from 9% in 2009 to 25.62% which according to Mr. MAIGA will assist in having better legislation in favour of children rights.

44. Mr. MAIGA also pointed out that the Ministry has put in place an action plan for battling Mali's intercommunity conflicts and notes that taking into account the issue of poor birth registration practice in the country, the Ministry has put in place a programme that could ensure registration of children at birth in conflict zones.

45. Following Mr. MAIGA's presentation, Members of the Committee, representatives of the Governments and participating CSOs congratulated the Government of Mali of children's rights before raising some questions and making few comments. In particular, concern was raised on whether there is sufficient focus in the intrinsic rights of the child incorporated in the ACRWC since the Ministry's works seem to be more oriented towards improving the wellbeing of the child through involvement of the family and through protection of women's rights. In that regard, Mr. Mohamed responded that the spirit and nature of the ACRWC and the African Charter are well incorporated within legislations of Mali.

ITEM 7: CONSIDERATION OF THE STATE PARTY REPORT: BENIN REPORT

46. The consideration of the State party report on the implementation of the Charter was postponed to a future Session.

ITEM 8: CONSIDERATION OF THE STATE PARTY REPORT: BURKINA FASO REPORT

47. The Delegation of the Government of Burkina Faso led by Madam Fatoumata Ouattara, Technical Advisor to the Minister of Women, National Solidarity and Family Affairs briefly introduced the report and highlighted the significant progress and challenges documented therein. Madam Ouattara highlighted some of the main legislative measures taken by Burkina Faso to ensure child protection.

48. She also mentioned the various other initiatives including the evaluation of the National Action Plan to Combat Trafficking and Violence against Children in Burkina Faso 2008-2011, the zero tolerance action plan on female genital mutilation 2009-2013, the pilot project on "Combating child labour in artisanal mines and quarries - Understanding and taking action" in five regions and the study on the mapping out and evaluation of the child protection system in Burkina Faso carried out by the Ministry in charge of social action with the support of UNICEF in September 2014. She further emphasised that in addition to these action plans and strategies, the State has taken into account other mechanisms aimed at strengthening the National Child Protection System.

49. With regards to education, Madam Ouattara elaborated how the management of children's education through sensitisation of teachers and trainings has been incorporated in the strategies and action plans. She further explained that in the area of education, measures have been taken focusing on girls' education including subsidisation of funds for parents who register their girl children as well as provision of scholarships for girl students. Concerning health, she stated that strong measures have been taken to improve maternal and child health such as; free preventive and curative health care for children under 5 and free emergency neonatal obstetric care for pregnant women and new-borns among others. Madam Ouattara wrapped up the brief presentation by stressing that the Ministry of Women, National Solidarity and

Family Affairs has demonstrated a clear political will to implement the rights incorporated in ACRWC despite challenges faced mainly due to shortage of funds.

50. Following the presentation, the Committee Members raised questions and highlighted a range of issues including the predicted timeline to harmonise Burkina Faso's definition of the child with that of the provisions of the Charter; the legislative approach taken to sensitise communities to stop child marriage; the need to incorporate the exclusion of children from mining activities in the country's Mining Act; the translation of the Charter into national languages of Burkina Faso and its accessibility to children; the budget allocated to child clubs and children's parliament mentioned in the report; and the accessibility of education to pregnant girls as well as children with disabilities. Members of the Committee also raised issues on the position of the Country's laws on abortion; the level of sensitisation campaigns with regards to the importance of birth registration and the existence of data on the number of unregistered children as well as the existence of measures taken to protect children born out of wedlock; and efforts being made to breach the gap in coordination among the different agencies and ministries involved in the implementation of child rights. The Committee Members also underlined that they need to be provided with more information on what exactly constitutes of the informal approach of implementation mentioned in Burkina Faso's report of general measures of implementation and they highlighted further concerns in the areas of inclusive education provided for children with disabilities, the existence of programmes addressing access to reproductive health and whether a legislation addressing corporal punishment is put into place, and on the approaches to change the mind set of society regarding customary practices that conflict with legislation against child marriage.

51. In their response, the Burkina Faso Delegation highlighted that the State has adopted various provisions addressing child protection concerns within the criminal code and the family law. The Delegation elaborated that regarding children involved in mining activities, there is a clear prohibition in the labour code. Moreover, there is a law protecting children from exposure to hazardous substances and much sensitisation has been done to battle the involvement of children in such activities.

52. On the issue of abortion, the Delegation stated that in principle, the criminal code prohibits the act but it provides for the possibility of abortion in certain circumstances to be carried out at the medical institutions.

53. With respect to corporal punishment, the Delegation informed that there is a clear legal prohibition under the criminal code so whenever a case of corporal punishment is reported, it will be brought before courts and measures will be taken against it.

54. The Delegation also admitted that the Government of Burkina Faso is well aware of the condition of *talibes children* and has taken measures to reduce the effects including the adoption of 24 recommendations on how to confront this problem.

55. The Delegation further explained that in relation to the expertise of implementers of child protection laws and policies, the action plans that have a direct nexus with

child protection are implemented by social workers who have experience in the field of child protection. Moreover, in response to some challenges faced with respect to data collection and timely implementation of the action plans, the Government has undertaken recent training of stakeholders.

56. Concerning children with disabilities, the Government has taken measures to make education inclusive through sensitisation of teachers and making classes in some areas inclusive in order to assist them gain access to education. The Delegation also highlighted that parents are being sensitised by social workers on developing parent to child communication. All schools now review pedagogical aspects and access to physical materials for children with disabilities.

57. With respect to child marriage, the Delegation explained that such practices detrimental to children are propagated by attitudes that encourage child marriage to avoid social condemning. The head of the Delegation also pointed out that in promoting girl education, the previous boarding schools that were headed by religious ideology are now replaced by the Manga schools that promote girl education and accommodate pregnant girls.

58. The Delegation also mentioned that in relation to birth registration, there has been a review of the strategy in 2016 and an action plan was developed in 2017 to make birth registration free of charge and to put the timeframe for the declaration of birth to be within 2 months of the birth of a child. Regarding children who are not recognised by the father, the Delegation responded that the law recommends a paternity test so that birth certificate can be issued based on the results. Also, the national development plan considers birth registration as a major component that requires a separate budget. Regarding registration of children on the move, UNHCR along with the government provides the platform for the registration of children in displacement or those in refugee camps. With respect to school clubs mentioned in the report, the Delegation highlighted that they are set up by CSOs in collaboration with the heads of schools.

59. Following the response by the Burkina Faso Delegation, Committee Members raised further questions relating to the progress of the project undertaken by the Government in collaboration with UNICEF to end violence against Children; the existing procedures for reporting violence against children perpetrated at home; the existing framework for supporting and managing school dropouts; the budget allocated for health of children; existence of data on the number of people using impregnated malaria nets; management of child diseases and children living with HIV; the percentage of breastfeeding and awareness raising with respect to the benefits of exclusive breastfeeding; the Government's participation in contributing to health facilities and water sanitation; programmes put in place to ensure justice for minors and mechanisms used to address street children.

60. In addition, the Members raised points for clarification regarding the existence of systems aimed at training child delinquents; follow up and special statistics on young

girls that are victims of unsafe abortion; juvenile justice; and adoption of children. The extent of results observed from the zero tolerance campaign against FGM was also among the questions raised by the Committee Members. It was also brought to the Delegation's attention to explain the practise of confiage (children being taken from rural areas to urban areas), and to elaborate if any measures are being taken to reintegrate these children and if there are strategies developed to discourage it.

61. Responding to the second set of questions, the Delegation affirmed that with respect to education, free education in Burkina Faso is effective from primary to secondary level. Apart from the urban areas, in rural areas free education is ensured as private schools are scarce. With post primary education, there is a formula for continuity to enable access to education

62. With a view to addressing the high level of school dropout, the Delegation mentioned the Government has put mechanisms in place, which allows for examination of the annual documents, which enables school officials to monitor and provide an explanation that should help in understanding the cause. With respect to other measures taken for the promotion of education, a study on children out of school was done and recommendation was made for the development of a strategy to absorb those children. That strategy is being drafted and when it is adopted, children who are out of school will be readmitted.... In addition, a lot of private schools are taking in children with disabilities.

63. On inclusive education, the Delegation explained that it is being implemented, the promotion of girl child education starting from 2004, with the reorganization of the education system, dynamism is introduced and journalists are trained to sensitize communities about inclusive education. National strategy for inclusive education is also in the process of adoption at the cabinet.

64. The Delegation explained that regarding children living on the street, there are host homes and strategies which aims at providing the children with alternative cares and monitor and control the subsidies to these homes,.

65. On the issue of mosquito nets, the Delegation informed the Committee that they are being used in farms and gardens despite communities receiving them yearly and being aware of their use. In addition, on IMCI (Integrated Management of Child Illness) the issue of services for women has been dealt with and regarding exclusive breastfeeding, the Delegation assured that Burkina Faso continues to sensitize people on the topic.

66. On drug addiction, the existence of the phenomenon was acknowledged by the Delegation who explained that the Government has put in place sensitization programs in schools. They also affirmed that in relation to the issue of child labour, there are labour inspectors involved in the fight against child labour especially in cotton farms.

67. Regarding the results obtained from the zero tolerance campaign against FGM, the Delegation stated that there are positive changes and exact figures could be communicated after the session.

68. Concerning mobility, the Delegation expressed that the Government does not have control as people from other countries move to Burkina Faso.

69. In relation to the issue of entrusting children, the Delegation assured that the Government is trying to analyse the problem and reverse the negative consequences. It was explained that the problem is very complex since some children who are entrusted to people get sent to work on cotton plantations while those learning the Quran are found begging on the streets.

70. Concerning justice for children and juvenile courts, the Delegation stated that the judges appointed to juvenile courts are trained and recruited every year and that although the law says there is a juvenile division in every court, in reality there are only two. The Delegation explained that with 45 provinces in Burkina Faso, it is difficult to cover all areas as resources are limited. Specific to children in conflict with the law, closed door and in camera trials are conducted and legal aid is provided for children who cannot afford it.

71. With respect to children of incarcerated mothers, the Delegation explained that the State has taken measures to improve their situation through suspension of penalty for a duration of 6 months. For pregnant women who are imprisoned, the Government ensures that they are monitored by health personnel and transferred to special centres for delivery. In addition, there is a social service in each prison that monitors the situation of the child and the parent.

72. The Delegation also underlined that there are on-going actions on the reintegration project for street children and that there will be a midterm evaluation which can provide a tangible data to be communicated to the Committee.

73. On the amount of the budget allocated for birth registration from the national development plan, the Delegation explained that an exact figure can't be stated now but can be communicated shortly. The Delegation however disclosed that the budget for the implementation of the national strategy is 36 billion CFA for the five years.

74. Regarding the situation of children in camps, the Delegation explained that displaced children from other countries, mostly from Mali come into the country. And the solution resorted to by the Government is voluntary repatriation.

75. In conclusion, the Delegation pointed out that as far as challenges go, the coordination system at the level of the Ministry of Women, National Solidarity and Family Affairs is facing some issues on data collection which has created some delays in the preparation of the report. They also assured that information will be sent to the Committee within two weeks with regards to unaddressed questions and concerns.

ITEM 9: CONSIDERATION OF THE STATE PARTY REPORT: BURUNDI REPORT

76. The Delegation of the Government of the Republic of Burundi, headed by H.E Nivyabandi Martin, Minister for Human Rights, Social Affairs and Gender, presented the initial report of Burundi on the measures taken for the implementation of the African Charter on the Rights and Welfare of the Child. It was stated that the initial report of Burundi covers the period of 2004 -2016 and was prepared in line with the guidelines of the ACERWC with the participation of civil society organizations, representatives of children and other stakeholders. H.E Nivyabandi expressed the Commitment of the Government of Burundi to put in place legal frameworks and structures that enhance the rights of the child. As such, it was stated that the Constitution of Burundi contains measures to improve the well-being, health and development of the child and protect the child from various kinds of abuse. Measures have been taken to promote the rights of various groups of children, these include; improving detention centers of children, putting in place special police to protect children and establishment of a project to cater for victims of sexual and gender based violence. It was stated that significant progress has been achieved in the areas of; increasing accessibility of health services, decreasing child mortality, increasing school enrollment and ensuring gender parity in secondary schools and higher education institutions.

77. Following the presentation, comments and questions were posed by the Members of the Committee. After having congratulated the Republic of Burundi for submitting its initial report, Members of the Committee raised concerns on various issues including; availability of coordinated efforts in the protection of the rights of children under different thematic areas, the inclusion of children in the national strategy for people affected by conflict ,percentage of the national budget allocated for issues pertaining to children, availability of age appropriate access to reproductive health services and information to adolescents, challenges faced by children on the move as well as the mode of operation and selection criteria of the national forum for children. Members of the Committee further inquired on; whether structures are established towards the implementation of the various policies, prioritization of children's affairs in the Ministry of Human Rights, Social Affairs and Gender, strategies to reduce child marriage incidences, the level of compliance with national laws that target deeply held traditions and beliefs, whether a national data collection mechanism exists and the national rate of birth registration.

78. Members of the Committee further inquired on; the rate of retention of girls in school, assistance given to child headed households, the availability and distribution of schools for children with disabilities, efforts to combat child labor, measures taken to eliminate corporal punishment, the existence of family courts, measures taken to lessen the impact of divorce on children, mode of acquisition of Burundian nationality and the distribution of treated mosquito nets.

79. Following the questions, the Delegation of the Government of Burundi gave insightful explanations. It was indicated that as Burundi is a small country, the system of government is unitary and the laws that are adopted by parliament are applicable nationally. The Delegation stated that the impact of war in the country is still visible and affect the rights of the child. To rehabilitate victims of war various rehabilitation and reintegration initiatives have taken place, and their main focus was promotion of education. The Delegation reassured the Committee that despite the Ministry of Human Rights, Social Affairs and Gender having a wide mandate, priority is given to children. To this end a center has been set up to cater for children's issues and family responsibilities. As regards the national budgetary allocation, the ministry of education and the ministry of health are the major beneficiaries. It was stated that social cash transfer programs are launched as pilot initiatives with priority for children. It was further stated that the age of criminal responsibility was increased from 13 to 15 years after detailed analysis of the issues, and the minimum age of employment is set at 16 years. On birth registration, the Government gives 15 days for declaration of a child and if this is not respected sanction applies. Moreover, the government has undertaken a campaign to ensure birth registration. Efforts that have been put in place to combat child marriage were also discussed, such as legal prohibition of marriage under the age of 18 and age verification process during marriage. Regarding compliance to various laws regarding children, the Delegation admitted that there is a need for grassroots education to change mindsets to ensure compliance. The Delegation further reflected on challenges faced by the Government in the implementation of the Charter. It was stated that there are efforts to give legal assistance to children in conflict with the law, however there is a shortage of resources to this end. Poverty, high population growth and the impact of conflict have been recognized as factors affecting implementation. Furthermore, it was stated that there are challenges in collecting statistics such as lack of technology for data collection and processing, and lack of departments in ministries in charge of data collection.

80. The Delegation further explained that educational reform has been undertaken nationally with a focus on vocational education and also acknowledged that the retention rate of schoolgirls has reduced at secondary level because of unjustifiable distribution of daily chores in the home setting. The high number of street children has been said to be as a result of the migration of people from Tanzania and DRC and high levels of poverty and conflict. To curb this the Government recently launched an operation where 1000 children were removed from the street within one year. With regards to special schools for children with disabilities, they are inadequate due to the high cost attached and hence the Government has resorted to inclusive education as a solution. Sexual and reproductive health education is being undertaken in youth education centers. In relation to the fight against malaria, it was stated that 2 million free mosquito nets were distributed during the epidemic period. With regards to the protection of children during divorce, the Family Code of Burundi states that the interest of the child should be taken in to consideration in divorce proceedings. The

Delegation welcomed the suggestion of the establishment of family courts and concluded the presentation by extending sincere appreciation to the ACERWC for the constructive dialogue.

ITEM 10: CONSIDERATION OF THE STATE PARTY REPORT: MALAWI REPORT

81. The Delegation of the Government of Malawi was led by H.E. Samuel Timbenu, Minister of Justice and Constitutional Affairs, who introduced the report by underlining that Malawi grants constitutional recognition for the rights of children both as enforceable rights and as a matter of national policy. He highlighted the progress that has been obtained with regards to the implementation of the provisions of the Charter starting with the definition of a child under the proposed Marriage, Divorce and Family Relations Bill which rises the minimum age for marriage to 18 years. In this regard, he noted that the recent Joint General Comment against Child Marriage launched at the 31st session of the Committee will assist in the efforts being made to end child marriage in Malawi. The broad engagement of civil societies and the community in the enhancement of children's rights and implementation of the Charter particularly through influencing various policies, action plans and strategies was also mentioned by the Minister as a notable progress attained by Malawi. He also underlined the decrease of infant mortality and the decline of under-5 mortality rates over the reporting period. He also assured that strict measures are being taken against atrocities committed against people with albinism and also highlighted that issues of abuse and neglect of children are addressed through the Penal Code as well as the Prevention of Domestic Violence Act. Regarding child trafficking, he stated that the government is working to eliminate the problem and has criminalised the act under the Child Care, Protection and Justice Act. With regards to child focused justice, he explained that Child Justice Courts have been established under the Child Care, Protection and Justice Act and there are currently 18 courts working in this system and 8 more that are child friendly. He also elaborated that Child participation has been enhanced through the development of child corners which are run by trained facilitators.

82. Following the presentation of the report by Malawi Delegation, Committee Members raised various concerns and forwarded questions. Issues regarding the extent of political will demonstrated by Malawi; the relegation of children rights to directives that are not implementable; lack of sufficient reflection on the implementation of the best interest of the child principle; insufficient emphasis on non-discrimination principle in a child specific manner; inadequate information about children with disabilities; the lack of harmonisation of the constitution with the Charter on the definition of a child; the fate of children infected by HIV; stiff penalty prescribed under the penal code in light of age of criminal liability; lack of express prohibition of child marriage; lack of constitutional reflection on the minimum age of marriage; recruitment of children above the age of 14 in labour; registration and issue of birth certificate for children born out of wedlock and those born outside of places with DNA

testing; types of penalties against juvenile offenders and the availability of legal aid; the government's measures taken against FGM; access to and adequacy of education facilities; registration of alternative care systems for children; freedom of expression of children and their right to participation; children imprisoned with their mothers; prohibition of corporal punishment; availability of condoms and contraceptives as well as trainings for adolescents on the dangers of unsafe sex; measures taken to resolve conflict between the law and custom/religious; and the extent of participation of CSOs, partners and children parliaments in the implementation of the Charter as well as the preparation of the report were raised.

83. In response to the issues raised by Committee Members, the Delegation informed that Malawi's political will is demonstrated through the constitutional amendments undergone in order to sufficiently address children rights incorporated in the Charter such as the definition of a child under section 23 of the constitution. On conflict between the constitution and other laws, the Delegation indicated that the government is trying to amend its laws so as to bring compliance with the constitution and assured that all laws that require amendment have been identified and submitted to the parliament. The Delegation also affirmed that the constitution grants rights to all children equally regardless of the conditions of their birth alluding to the fact that legitimacy is not a ground for discrimination.

84. Regarding the age of criminal liability, the Delegation affirmed that the position of the government is likely to remain the same since the law is aimed at fighting extreme mischievous activities found to have high prevalence in the country.

85. With respect to birth registration, it was submitted by the Delegation that there is registration of births both at hospitals and registration stations where people can go and have births registered.

86. On the issue of corporal punishment, the Delegation informed that the criminal code under section 19 clearly prohibits corporal punishment and measures are taken at schools to prohibit whipping and similar punishments.

87. Regarding FGM, it was indicated by the Delegation that although the practice is not widespread in Malawi, there is a law prohibiting the act. In addition, Malawi's law addressing gender equality attempts to address FGM as a practice impeding gender equality.

88. On the issue of disability, the Delegation confirmed the existence of good policies and assured that through strategies on mainstreaming and integration, implementation of these acts and policies is being ensured. It was mentioned that in terms of education, the ministry of education is taking responsibility for budgeting that takes the needs of children with disabilities into account.

89. Regarding the concerns mentioned in relation to child marriage and girl education, the Delegation ascertained that there is a policy put in place to encourage the readmission of girls to schools and there are also mother groups monitoring how many

children are going back to school after marriage. In addition, sanitary pads and transportation services are made available to encourage girl students to attend school. Moreover, women chiefs are creating bylaws that encourage parents to take girls back to school and penalising those parents that fail to do so.

90. With regards to juvenile offenders, the provision of legal aid services was affirmed by the Delegation and further elaboration was made on the existence of safety homes and reformative centres to accommodate children that require care and attention and children that are in conflict with the law respectively. As for victims of sexual offences, it was submitted that there are one stop centres providing various services in addition to support groups established to assist victims.

91. Regarding child labour, admitting that the employment law allows employment starting from the age of 14 years, the Delegation explained the rationale behind this law is Malawi's intention to promote hard work and underlined that there is however prosecution of those who engage children in illegal works.

92. With respect to children parliament, it was indicated by the Delegation that Malawi started children parliaments in 2001 establishing office at the district level to ensure their functionality and developed guidelines that were distributed at the district level to govern these parliaments. The Delegation also pointed out that principles are developed to include children with disabilities in these parliaments.

93. It was also highlighted by the Delegation that regarding budget allocation for the implementation of children's rights, there is an inter-ministerial approach of budgeting for children that considers their various and integrated needs and there has also been an increase on the budget for child affairs.

94. The Delegation finally concluded by informing that it is ready to receive recommendations from the ACERWC and assuring future communication of unaddressed issues.

ITEM 11: CONSIDERATION OF THE STATE PARTY REPORT: NIGER REPORT

95. The Delegation of the Government of Niger, headed by H.E Ibrahim Jean Etienne, Deputy Secretary General of the Ministry of Justice, presented the second periodic report of the Republic of Niger on the measures taken for the implementation of the African Charter on the Rights and Welfare of the Child. It was stated that the report was a result of the work of an inter-ministerial inter-disciplinary committee and involved the participation of children, school unions and the national youth council. H.E commenced the presentation of the report by reminding the context of insecurity under which Niger strives to implement the Charter. However, he stated that various milestones have been achieved in the protection of the rights and welfare of the child including; the adoption and amendment of laws, the establishment of institutional mechanisms, ratification of international instruments, the expansion of primary education, decreased rates of child mortality and morbidity, reduction of maternal

mortality, the reduction of gender disparity in schools, the adoption of a decree to ensure the retention of girls in school, the criminalization of harmful practices such as FGM, the reduction of the rate of child marriage through sensitization efforts, increased access to drinking water, the adoption of initiatives and projects to fight trafficking in children and a shift from detention of children involved in terrorism activities to freeing them and providing rehabilitative services with the aim of reintegrating them in to society.

96. Following the presentation by the Delegation, Members of the Committee congratulated the Government of Niger for submitting its second Periodic Report, and posed questions and comments. The Committee Members inquired on the timeline of adoption of the child rights code, the action plan of the Inter-Ministerial Committee for Children, the proportion of national budget allocated to the protection and promotion of the rights and welfare of the child, the harmonization of national laws with the definition of the child under the Charter, especially on the minimum marriageable age, measures taken to eliminate child marriage and other harmful practices, measures taken after launching of the AU campaign on ending child marriage, the discrimination of children born outside wedlock, measures taken to combat corruption, national data collection and the popularization of the Charter.

97. Further questions were posed on the process of ratification of the Hague convention on Inter-country adoption, the setting of the minimum age of criminal liability at 13 years, matters affecting children in conflict with the law, children imprisoned with caregivers, cooperation with civil society organizations, the process of birth registration and certification, the situation of child trafficking, the manner of acquisition of nationality, accountability for corporal punishment, access to contraceptives and information on sexual and reproductive health for adolescents, education and health services for children with disabilities, urban rural disparity in the provision of educational service, challenges of plural legal system, the status of the fight against malaria, HIV/AIDS and Pneumonia, the involvement of community leaders in birth registration and plans for the fund granted by President Emanuel Macron for the fight against child marriage.

98. The Delegation of the government of Niger provided detailed explanation to the questions and concerns raised by the Members of the Committee. The Delegation recognized the discrepancy of the definition of the child in the national law with the relevant provision of the Charter and expressed the commitment of the Government to harmonize national laws with the Charter. Accordingly, a study was conducted for the identification of legislations that are contrary to the definition of the child under the Charter. It was stated that Nigerienne nationality is acquired by blood and there is a nationality code to regulate matters of nationality, furthermore there are efforts towards the elimination of statelessness in Niger. It was affirmed that the national human rights institution is independent and has a department for children's rights. There is a national strategy and an agency to fight against corruption as well as a system for sectorial data collection. The Delegation explained that due to the delicate security situation in

Niger, 70% of the national budget is spent on security while 18.9 % is devoted to education. It was stated that various initiatives are in place to ensure the equality of boys and girls and ensure the retention of girls in schools. In order to ensure the right to education of children with disabilities, the Government adopted three approaches; the specialized approach, the integrated approach and the inclusive approach. Furthermore, teacher-training modules have been designed to cater for the need of disabled children. Additionally, initiatives such as school feeding program are in place to increase school enrolment in rural areas and among nomadic communities.

99. Moreover, it was stated that there is a national policy for the protection of vulnerable children. The government is undertaking sensitization to eliminate Corporal punishment in Quranic schools. It was explained that there is no conflict between formal law and customary law. The application of customary law is optional and there are no religious laws in place. The Delegation acknowledged the existence of discrimination of children born out of wedlock; measures are being taken to sensitize communities. With respect to protection of children in conflict with the law, it was stated that there are 41 juvenile judges in the country, 39 juvenile prisons and 2 rehabilitative centers. It was indicated that the ratification of the Hague convention is awaiting the approval of the national assembly. The Delegation shared success in the fight against trafficking in children; it was stated that 211 people have been arrested for child trafficking, 178 prosecuted and most of them have been sentenced. The Delegation assured the Committee that the grant by President Macron will be used for the schooling of the young girls and the implementation of the decree on school retention.

Moreover, the Delegation expressed various challenges faced in the implementation of the Charter. Among the challenges faced, the prominent one pertains to shortage of budget in the area of healthcare. It was stated that Niger has not yet reached the minimum proportional of budgetary allocation set by WHO which is 10%. The Delegation assured the Committee that the Government is working hard to increase the budgetary allocation of health from 5% to 10% by 2020. Furthermore, it was stated that there is a disparity between rural and urban areas in the allocation of teachers. This has been said to result from the unwillingness of teachers to work in rural areas. In response to this, redeployment of teachers from urban to rural areas is being undertaken. Another challenge stated was the lack of a legal framework to cater for children of imprisoned caregivers. It was stated that the Government is undertaking measures to ensure that children whose caregivers are imprisoned are kept with relatives. The Delegation further explained the existing challenge with the quality of education and affirmed that the Government is directing focus towards ensuring quality education. Finally the Delegation concluded the presentation by expressing readiness to receive the concluding observations and recommendations of the Committee.

ITEM 12: CONSIDERATION OF THE STATE PARTY REPORT: SOUTH AFRICA REPORT

100. The consideration of the State party report on the implementation of the Charter was postponed to a further Session.

ITEM 13: CONSIDERATION OF ELEMENTS OF CONCLUDING OBSERVATIONS

101. The Committee Members discussed the elements of concluding observations and recommendations in relation to the State Parties, which presented reports.

ITEM 14: PRESENTATION ON FINDINGS OF THE CONTINENTAL SURVEY OF CHILDREN'S VIEWS ON THE AU THEME 2018 ON TACKLING CORRUPTION

102. On behalf of a group of child-focused agencies (CFA), UNICEF made a presentation to the Committee on the findings of a survey of children's views on the AU's Theme for 2018: 'Winning the Fight Against Corruption'. The full realisation of children's rights depends on states investing adequately in their children and corruption prevents governments from doing this. Children are disproportionately affected by corruption since they rely heavily on public services. Using a social messaging tool called U-Report more than 34,000 children responded to four questions about corruption. The key findings of the survey were: (1) 63% of children said they have experienced corruption in their daily lives; (2) 94% of children are concerned about the negative impact of corruption; (3) children want to see the African Union and African governments taking further action to stop corruption. UNICEF sought the views and guidance of the Committee on how to use the existing State Party reporting process, Agenda 2040 and the upcoming General Comment on Article 1 to increase transparency and accountability around investment in children. UNICEF also invited the Committee to collaborate with the group of CFAs in leveraging the 2018 Theme to share the views and ideas of children, and to advocate for greater investment in children's rights.

103. Following the presentation, the Committee Members, Government Delegations and civil society representatives highlighted some points on the topic. Among these were the importance of a more representative survey; age of children participating in the survey; their understanding of the concept and definition of corruption; promotion of rights of young children through all AU organs' agendas; mechanisms of ensuring implementation by governments; participation of national anti-corruption organs in the survey; and the need to reflect on how corruption impacts birth registration. It was also mentioned that government's sensitivity on the topic of corruption could be curbed if the Committee includes corruption among its list of issues.

104. The presenter agreed that a more representative survey was preferable and informed that although around 20 countries covering the five regional areas of the continent were selected to conduct the survey only three of these countries were willing to have it carried out. In terms of the ages and who participated, she clarified

that children ages 14 and above took part in the survey and explained that the children were given one definition of corruption. The presenter also expressed that the information recorded from the survey is neither recorded nor specific to countries for the reason of political sensitivity.

105. In conclusion, the Committee informed that one day shall be committed to further take up on the issues raised and expressed the need to conduct further investigation considering the serious nature of corruption. The Committee also advised that UNICEF should strengthen their survey and develop a questionnaire for children to respond about concerns in the area of corruption so that a more evidence based survey is obtained.

ITEM 15: PRESENTATION ON THE ROLE OF STATE PARTIES & OTHER ACTORS IN PROVIDING QUALITY ALTERNATIVE CARE FOR CHILDREN DEPRIVED OF PARENTAL CARE IN AFRICA

106. Ms Truphosa Amere and Ms Barbra Aber on behalf of SOS Children's Village International made a presentation that addressed the history of alternative care, the key principles of alternative care for children, its context in Africa, and the key issues of implementation. Explaining that the number of children who are vulnerable to separation or who are in alternative care arrangements is difficult to quantify, they indicated that estimations show more than 153 million children globally have lost one or both parents; 16.6 million of those deaths are due to AIDS. They informed that despite the widespread recognition that African families and communities are remarkably resilient in ensuring adequate care and protection of their children, the loss of a parent can result in a child becoming uncared for and pointed out that many children within families can be exposed to violence, abuse, exploitation or neglect.

107. They underlined that although national laws and policies in Africa contain some provisions related to family support services and alternative care, there are many gaps and inconsistencies. Majority of children in alternative care are still looked after through informal care options although formal care services are better reflected in the legal and policy frameworks consuming more resources available for child protection. They underlined that despite its existence, informal care is not properly dealt with under legal and regulatory frameworks. Incorporating formal and informal alternative care options into child protection systems was also pointed out as a challenge faced in child protection programming.

108. Finally, the presenters stressed the need for Africa to rejuvenate the dialogue on care and more specifically on alternative care of children who have permanently or temporarily been deprived of their biological parental care. They recommended that governments should play a better role in taking accountability and in developing strategic plans as well as providing support to families instead of institutions that target only a few categories of children. In particular, they proposed that the Committee adopts a general comment on article 25 of the ACRWC to guide countries on the implementation of the rights of children separated from their parents.

109. Following the presentation, comments and questions were forwarded from Committee Members, Government Delegations and representatives of civil society organisations. Emphasis was placed on the importance of looking at the placement of children with families from where they can be assisted without being institutionalised as a better option, particularly in light of profit oriented private structures that manipulate children as a means of generating income. In addition, concerns were raised with regards to adequacy of funds for institutions hosting children with disabilities; accommodation of children with mental disabilities; occurrences of sexual relations among adolescents in institutions leading to unwanted pregnancies; lack of consistent budgeting in this area by African governments; the need to properly identify children who are separated from their parents from those that are left at institutions by parents who are avoiding their responsibilities; abuse and harassment of children at the hands of private institutions in whose care they are placed; social monitoring system for children placed in private homes; understanding the paradigm shift from institutionalisation to family care system; considering placement of children below the age of 3 years at institutions; and the need to place more focus on the institutionalisation of children impacted by conflicts.

110. In response to the concerns raised, Ms Amere and Ms Aber explained that SOS is in agreement that there should be reduced reliance on institutionalisation as compared to assisting children within family care systems. They expressed that there should be a shift towards a more prevention oriented system that can tackle the problem of separation of children and highlighted that the proposal of SOS is with regards to those children who unfortunately end up separated due to various reasons. They also underlined the importance of ultimately holding governments responsible for the fate of these children and indicated that it is the state that should ensure abuse and harassment of separated children at private institutions is prevented. The presenters also informed that there is a programme designed by SOS for the reintegration of children into the community and reunification with their family through a process of consent review.

111. The Committee in conclusion thanked the presenters for their contribution and agreed that there is need to improve institutional care for children separated due to various reasons while keeping in mind the value of family care.

ITEM 16: FINDINGS ON CHURCHES COMMITMENTS TO CHILDREN

112. Mr. Kuchera on behalf of the organisation of World Council of Churches introduced the organisation as an institution that promotes Churches' promotion of child protection, child-safe church environments, ending violence against children, in society at large birth registration of refugee and migrant children and meaningful participation by children and adolescents. He further underscored that World Council of Churches raise their voices for intergenerational climate justice for and with children/youth and supports non-violent discipline of children and adolescents as a

key strategy towards ending violence against children and adolescents. Mr. Kuchera then expressed the organisation's interest to engage with the Committee in its works.

113. The Committee Members, Government Delegations and civil society representatives responded to the presentation by commenting on the need to formalise the engagement of faith based institutions and making their interventions more coordinated; ensuring that religious institutions exercise their freedom of religion with the limitations in mind; and the importance of protecting children from exploitation and abuse perpetrated by church. The Committee Members also advised that a study on children assisted by churches and their exposure to abuse, harassment and exploitation as well as the church's reach to illegitimate and disowned children could be beneficial.

114. In response to all comments Mr Kuchera informed that the World Council of Churches acknowledges that churches are not immune to the issues of abuse, corruption and similar transgressions that could affect the rights of children. Notwithstanding this, he noted that the World Council of Churches does not regulate churches as they are regulated by national laws and regulations. He agreed that a study on the existence and extent of abuse of children's rights at churches particularly through gathering data from the churches is important.

115. The presentation was concluded by the Committee' thanking the World Council of Churches and mentioning the role of churches in eliminating ill practices against children. The Committee underlined that it is essential to have a framework within the churches to organise its efforts in this regard. It was also pointed out that as faith based institutions have a broad social acceptance, much work can be done with churches to increase implementation of the Charter.

ITEM 17:PRESENTATION ON THE PROJECT ON THE TRANSLATION OF THE ACRWC TO AFRICAN LANGUAGES

116. Dr Ojo, from the Department of Social Affairs of the African Union, briefly presented on the effects of language barriers in creating awareness of the Committee's initiatives. His presentation was mainly geared towards ensuring translation of the Charter into regional languages in order to obtain more awareness and gain acceptance from local communities. He underscored that the project is a response to the call to develop a package to assist in the dissemination of Charters and Rights documents in African Languages to the grass-roots in conjunction with the regional economic communities (RECs) and African Union Member States. He stressed that there is need to remove attitudes that regard English and French as the only languages of literacy on the continent and explained that the proposed project envisages two main outcomes; publication of materials for the masses, students of law and para-legal studies in various languages in Africa and development of training manuals for teachers, trainers, judges and institutions of learning in African languages to serve as reference points for their duties.

117. The Committee Members, Government Delegations and representatives of civil society organisations raised as a major concern the widespread illiteracy of African community even in their own languages. In addition, questions were raised with regards to feasibility of obtaining budget from governments to support the project; importance of considering stimulation of targeted population to read as reading is not frequented in Africa; addressing sign languages to accommodate both illiteracy and disability and making the Charter more child friendly; using oral literature and audio translations. The Committee also raised the particular issue around its lack of authority to request from States Parties the regionalisation the document through the same language. The Committee also underscored its concern with respect to obtaining consensus on a regional language for translation and reminded that since translation of the document into national/local languages of States Parties has already been requested proposing translation into a regional language might depict a varying of this prior request.

118. Responding to these concerns, Dr Ojo underlined that regionalising is basically aimed at bringing together the languages that are varied due to the spread of population. Regarding audio versions and the oral versions, he expressed that it's better to start with the translation first and gradually gravitate towards making these versions available. As far as illiteracy goes, he pointed out that first as far as people can read and write in their own languages they can't be considered as illiterate and assured that the number of people who cannot write and read in their own languages is being mapped out. Moreover, he explained that since the general public has a wide access to public media, making the document available in regional languages will at least enable them to access its translated form via such forum. He also emphasised that access of the document to visually impaired individuals is taken into account under the project.

119. The Committee thanked the presenter and brought the presentation to an end by advising that it is best to rethink the project in light of all the concerns raised and taking into account the suggestions made.

ITEM 18: PRESENTATION ON THE REVISED CHILD-FRIENDLINESS INDEX: STRENGTHENING ASSESSMENT AND MONITORING STATE ACCOUNTABILITY TO CHILDREN

120. Mr Yehualashet Mekonen, Head of the African Child Observatory of the African Child Policy Forum (ACPF) introduced the Child-friendliness Index (CFI) as a child-rights-based framework for measuring and monitoring the performance of governments in realizing the rights and wellbeing of children stipulated in the Charter and the CRC, to members of the Committee and other participants of the Session. He noted that the ACPF developed the CFI in 2008 to serve as an analytical and advocacy tool to promote greater commitment and effectiveness in the implementation of children's rights. The CFI is being revised to address some of the limitations observed over the years particularly in capturing efforts made to enforce laws and policies. The

revised CFI sought to address these limitations and included three indicators under the dimension for protection to capture governments' effort to implement domestic laws and policies pertaining to children. These included birth registration, child labour and child marriage. Public expenditure on social protection was the other indicator included to capture budgetary commitment of states to provide for the basic needs of children in disadvantaged families. Mr. Yehualashet highlighted the significance of the revised CFI in supporting the work of the Committee particularly in terms of providing evidence and useful inputs for reviewing state parties' reports and engaging with delegates and urged members to make effective use of it in their monitoring work. He also informed the Committee about ACPF's plan to adapt the CFI for use at national level and support CSOs effort to monitor and advocate state accountability to children. Finally, he thanked the Committee for taking part in the process through delegating one of its members Hon Justice Maria, in the roundtable meeting of experts held in Addis Ababa in March this year.

121. Members of the Committee expressed appreciation to the CFI and inquired on certain aspect the framework. Questions posed included whether the same indicators are used for all countries, the emphasis given on effort and not result in the CFI, the system for revising the indicators and whether the indicator for birth registration age can be reduced from 5 years as some countries require birth certificate for entry in to nursery schools and access to health care before the age of 5.

122. As a response and further explanation, Mr. Yehualashet stated that the CFI is an attempt to use data that is available in a meaningful way to assess efforts taken by the Government. He elaborated that even though the concept is very clear, data limitation has a negative impact. As an example he stated that there is no meaningful indicator on various forms of violence, in due course when there is better data, there will be improvement. Mr. Yehualashet indicated the same bar is applied to all countries under the 40 indicators. However, the technique used takes in to account the socio-economic differences between various countries, hence the comparison is relative. For instance, it does not look at the actual monetary allocation but percentage of the national budget allocated.

ITEM: 19 CRIMES AND EXTREME VIOLENCE AGAINST CHILDREN: AN OVERVIEW

123. Dr. Shimelis Tsegaye, Head of Child Protection and Development at the African Child Policy Forum focused his presentation on a particularly urgent and grave form of crimes against children that takes place in the context of occult-related practices leading to ritual killings, bodily mutilations and child sacrifices. He noted that such practices are driven by the practices among some traditional healers who use human body parts for 'medicine' and among witchdoctors who use human body parts in witchcraft. The presenter noted that children with albinism are the most affected and further noted that attacks against children with albinism are organized by an intricate

web of informers, attackers, witchdoctors and the clients. The media myth that there is a lucrative market for 'albino body parts' has also contributed to the situation. The presenter then underlined some of the commendable efforts that have been taken at various levels. He cited Uganda's National Plan of Action against Child Sacrifices; the measures taken by Tanzania to ban witchdoctors; and South Africa's effort to establish special police units for occult-related crime as commendable efforts. In terms of efforts by NGOs, the presenter drew attention to the dedication, for the first time, of an international conference to the issue by the African Child Policy Forum, which has not only broken the silence around the issue but also paved the way for a number of national level action.

124. Finally, Dr. Shimelis made suggestions to address this urgent concern at various levels: At the Pan-African level the presenter called upon the ACERWC to put the issue on its agenda, notably by dedicating a Day of General Discussion to the issue and the AU Social Affairs Commission to put the issue on the agenda of a future summit of African Heads of state and government. The presenter also called upon the Committee to join hands with the ACERWC in the campaign planned to be launched very soon by ACPF on ending crimes against children. He also called upon governments to develop stronger laws and ensure their enforcement; alleviate economic and social stress of communities fueling such practices; and promote social change through public dialogue, community mobilization and education, including through engaging the media more constructively; and facilitate cross-border cooperation for tackling trafficking in persons and body parts.

125. Following the presentation Members of the Committee commended the initiative and stated that it is a grave issue it is long overdue. Members of the Committee stated that the issue of ritual killings is becoming a common phenomenon and there is a need for an urgent response. The need to strengthen the response system at the national level was stressed. It was also indicated that there is a link between the movement of children and violence and crimes committed against children. Inquiries were posed on the possibility of bringing the issue to the agenda of the policy level of African Union and the availability of data to make appropriate interventions. Participants further raised the issue of strategies employed by ACPF to work in collaboration with other CSOs in the fight against extreme crimes against children.

126. Dr. Shimelis welcomed proposals by the Committee and participants of the Session. In response to questions raised, he stated that taking the issue to the level of the AU Heads of States requires a collective thinking. He suggested that the Committee should dedicate a day of general discussion on the issue. It was also indicated that grassroots engagement and sensitization of various groups of society and organs of governments are crucial. He stated that ACPF is currently working on creating visibility to the issue; accordingly the 7th international conference on the rights of the child was dedicated to extreme crimes against children.

127. The Chairperson of the Committee concluded the presentation by stating that the issue is urgent and the Committee will consider the recommendations tabled by ACPF,

such as dedicating a day of general discussion on extreme crimes against children. She expressed the eagerness of the Committee to join ACPF and other partners in the campaign to end extreme crimes against children.

ITEM 20:PRESENTATION ON AU ORGANS POLICY COHERENCE ISSUES AND OPTIONS

128. The AUC staff from the Bureau of the Chairperson Person together with a consultant have presented a draft Policy coherence study. The discussion is part of the AU reform process and aims at harmonizing the works and processes of the human rights organs of the Union. After the presentation, members of the ACERWC raised matters of their concern and deliberated on the way forward.

ITEM 21:DEVELOPMENT OF GUIDELINES ON THE ROLE OF CSOs TO MONITOR THE IMPLEMENTATION OF THE ACERWC CONCLUDING OBSERVATIONS

129. The representative of Plan International briefed the Committee on the possibility of development of Guidelines on the role of CSO on the implementation of ACERWC concluding observations. Deliberations were made on the way forward.

ITEM 22:PRESENTATION AND DISCUSSION OF THE ACCP PROJECT (SIDA PROJECT) ACCP

130. Presentation was made on the activities of the African Children's Charter Project Phase II (ACCP II). ACCP aims at strengthening the ACERWC to discharge its mandates and enhance collaboration with the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights. It also aims at strengthening the capacity of CSOs with a mandate to work on children's rights and welfare in Africa, and enhance their collaboration with the Committee. Having in consideration the positive impact of phase I of ACCP, agreement was reached to launch phase II of the same project. The Secretariat of the ACERWC presented on the details of ACCP II and the ACERWC deliberated on the way forward.

ITEM 23:DISCUSSION ON THE UPDATING OF THE REPORTING GUIDELINES OF THE ACRWC

131. A discussion was made on the possibility of conducting a comprehensive review of the existing reporting guidelines. The Committee then decided to review the current Guidelines with a view to include additional thematic areas. Two Members of the Committee were assigned to work together with the Secretariat in this regard.

ITEM 24: PROPOSED IDEAS FOR THE ACERWC STRATEGIC PLAN 2020-2024

132. Ideas for the strategic plan of 2020 to 2040 were presented and discussed and evaluation of the current strategic plan was deliberated upon.

ITEM 25: UPDATE ON AMICABLE SETTLEMENT ON COMMUNICATION: INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA (IHRDA) VS THE REPUBLIC OF MALAWI

133. A Delegation of the Government of the Republic of Malawi led by the Minister of Justice presented the progress made by the Government in implementing the terms of the amicable settlement reached on October 2016 between the Government of Malawi and the Institute for Human Rights and Development in Africa (IHRDA) under the above-mentioned communication. The procedure was attended by representatives of IHRDA who reflected on the process of implementation. Among other things, it was stated that the Government of Malawi has amended its constitution in accordance with the terms of the amicable settlement, a task force on harmonization has been established and the task force has identified 27 pieces of legislation to be amended in order to harmonize them with the Constitution and the Charter. The Delegation further stated that the Government has submitted four reports on the progress of implementation of the terms of the amicable settlement. Following this, Members of the Committee and representatives of IHRDA commended efforts by the Government and expressed certain concerns, which were addressed by the Government Delegation. In conclusion, the Members of the Committee extended deep appreciation to the Government of Malawi.

ITEM 26:PRESENTATIONOF EU-PANAF-PROJECT PHASE II AND TECHNICAL ASSISTANCE (TA) PROPOSED ACTIVITIES

134. The Committee deliberated on the PANAF project to access its current status, the timeline for its final audit, and the activities and challenges of the Secretariat in the implementation process.

ITEM 27:PRESENTATION OF THE 2018 BUDGET ABSORPTION RATE AND 2019 DRAFT BUDGET

135. The Secretariat of the ACERWC presented the four months' budget utilization in the year 2018 and the draft 2019 operational and program draft budget. After the presentation, the Committee discussed the 2017 budget, appreciated the absorption rate of the year 2018 and adopted the budget for the year 2019.

ITEM 28:PRESENTATIONS AND DISCUSSIONS ON THE NEW COMMITTEE WEBSITE AND REVISED COMMUNICATION STRATEGYTHE COMMITTEE

136. The Committee deliberated the ongoing reforms on the Committee's communication strategy and the process of revamping the website. The attention of the Committee was also drawn to developments within the AU Commission about possibility of revising/aligning the Committee's logo. The Committee underscored that the logos and other branding materials of the Committee were established following the Decisions of the Executive Council, which is in line with the autonomy of the ACERWC, hence there is a need to maintain them accordingly and they should not be affected by the ongoing reform processes, unless the Executive Council decides otherwise.

ITEM 29: CONSIDERATION OF GUIDELINES FOR IMPLEMENTATION OF DECISIONS ON COMMUNICATION

137. The Committee deliberated on draft Guidelines for the Implementation hearing of Decisions on Communication. After thorough deliberations, the Committee adopted the Guidelines as Annex I of the Revised Guidelines on the Consideration of Communications.

ITEM 30: SELECTION OF THE DAY OF THE AFRICAN CHILD (DAC) 2019 THEME

138. Taking the recommendations made by children on the theme of Day of African Children into consideration and after further deliberation, the Committee decided for the theme of DAC 2019 to be on "Humanitarian action in Africa – children's rights first".

ITEM 31: PRESENTATION OF THE TOR FOR THE GENERAL COMMENT ON ARTICLE 22

139. A presentation of the ToR for developing a General Comment on Article 22 of the ACRWC (Children in Armed conflict) was made and after a brief deliberation, the Committee approved the draft TOR of the General Comment. It was also agreed that the Special Rapporteur on children and armed conflict, Mr. Benyam Dawit Mezmur, will lead the process for the General Comment.

ITEM 32: DISCUSSION ON THE JOINT RETREAT WITH THE PRC PROPOSED BY THE CHAIR OF THE AFRICAN COURT

140. Underlining that the joint retreat is aimed at creating better understanding between the two organs and developing better knowledge at the PRC of the Committee's work, the Committee deliberated on the issue of retreat with PRC and agreed that the Committee joins the regular meeting of the PRC retreat as it is organised by the Department of Political Affairs.

ITEM 33: PRESENTATION ON THE OBJECTIVES AND SCOPE OF THE CONTINENTAL STUDY ON THE SITUATION OF CHILD LABOUR IN AFRICA: CLOSED SESSION

141. The Committee deliberated on the planned study on the situation of child labour and assigned Hon Aver Gavar and Hon Nanikie Nkwe to work with the Secretariat in preparing the ToR. .

ITEM 34: ADOPTION OF DECISIONS ON COMMUNICATIONS: SUDAN COMMUNICATION (IMAN HASSAN BENJAMIN REPRESENTED BY AFRICAN CENTRE FOR JUSTICE AND PEACE STUDIES AND PEOPLE'S LEGAL AID CENTRE V THE REPUBLIC OF SUDAN): CLOSED SESSION

142. The Committee deliberated on the above stated communication adopted the draft Decision.

ITEM 35: ADOPTION OF DECISIONS ON COMMUNICATIONS: CAMEROON COMMUNICATION (THE INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA AND FINDERS GROUP INITIATIVE ON BEHALF OF TFA (A CHILD) V THE GOVERNMENT OF THE REPUBLIC OF CAMEROON): CLOSED SESSION

143. The Committee deliberated on the above stated communication and adopted the draft Decision.

ITEM 36: CONSIDERATION OF DRAFT GUIDELINES ON GRANTING AFFILIATE STATUS TO NHRIS: CLOSED SESSION

144. The Committee deliberated on the draft guidelines on granting affiliate status to NHRIs, and agreed to postpone the matter to be considered at the upcoming Session of the Committee.

ITEM 37:INTERNAL MATTERS

145. The Committee deliberated and decided on internal matters.

ITEM 38:CONSIDERATION OF OBSERVER STATUS

146. The Committee considered applications and granted observer status to Equality Now. It was decided that African Child Foundation should reapply for observer status by attaching all the relevant documentation that are included in the Criteria for Granting Observer Status of the Committee.

ITEM 39:ADOPTION OF THE REPORT

147. The Committee adopted the report of the 31st Ordinary Session and 15th Pre-session, as amended.

ITEM 40:CLOSING CEREMONY

148. In her concluding remarks, the Chairperson of the Committee extended sincere appreciation and gratitude for the hospitality and assistance of the Government of Mali in hosting the 31st Ordinary Session and 15th Pre-session of the African Committee of Experts on the Rights and Welfare of the Child. She further highlighted the valuable contribution of the partners of the ACERWC, in undertaking its mandate by ensuring the promotion and protection of the rights of the Child through direct engagement with State Parties, and working on the ground with communities. She stated that the unwavering support of partners ensures the continuous progress in the protection and promotion of the rights of the Child.

149. The chairperson recapped the various measures of progress achieved during the Session. These include the launching of the Joint General Comment on Ending Child Marriage, the finalization of the General Comment on Article 1 (General measures of implementation) of the ACRWC and selection of the theme for the Commemoration of the Day of the African Child 2019 (humanitarian action in Africa- children's rights first). She further highlighted various initiatives discussed with partners such as the situation of alternative care for children in Africa, the view of children on corruption, age

appropriate access to reproductive health information and services to adolescents and the translation of the Charter in to African languages. The Chairperson congratulated the Governments of Burkina Faso, Burundi, Malawi and Niger, on presenting their State Party reports. She stated that it is an illustration of their commitment to the Charter that demonstrates how they are implementing various laws and policies that are in place to protect and promote the rights of the child. She concluded her statement by expressing gratitude to the Members of the Committee and appreciating the hard work of the secretariat in organizing the Session as well as preparing all the relevant documents of the Session.

150. She then declare closed the 31t Ordinary Session of the ACERWC.