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**34<sup>th</sup> SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
25 NOVEMBER – 05 DECEMBER 2019  
CAIRO, EGYPT**

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**REPORT**

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

### I. INTRODUCTION

1. The 34<sup>th</sup> Session of the African Committee of Experts on the Rights and Welfare of the Child was held at Holiday Inn Maadi, in Cairo, Egypt, from November 25 to December 05, 2019.

### II. ATTENDANCE

2. The Session was attended by the Commissioner of Social Affairs, Chairperson of the African Commission on Human and Peoples' Rights, the representatives from Member States, Members of the ACERWC, the Government of Egypt, RECs, Commissioner of Social UNICEF, Civil Society Organisations, Children's Representatives, International and Local Non-Governmental Organisations and the Media.

### ITEM 1: OPENING CEREMONY

3. The Opening Ceremony of the 34th Session of the ACERWC, moderated by the Secretariat of the ACERWC, commenced with the singing of the AU and Egyptian anthems.

**i. Welcoming Remarks by H.E Ambassador Ahmed Ihab Gamaleldin, Assistant Foreign Minister for Human Rights, and International Social and Humanitarian Affairs**

4. Speaking on behalf of the Government of Egypt, H.E Ambassador Ahmed Ihab Gamaleldin welcomed the participants to Egypt. He underlined that the adoption of the African Children's Charter, which can be seen as a culmination of all previous African efforts to promote the rights and wellbeing of African children, changed the basis on and the way in which we should deal with children. He specifically stated that children are no longer regarded as objects of concern and sympathy, but are accepted as rights-holders. In addition, the Ambassador recalled that the 2040 Agenda for Children elaborates on the vision of Agenda 2063, which provides under paragraph 53 that 'African children shall be empowered through the full implementation of the African Charter on the Rights of the Child'. However, he also stated that although the charter changed the way children are viewed and treated there is still a long way to go. He underlined that poverty, natural disasters, armed conflicts, childhood diseases, harmful cultural practices, exploitation, hunger and inadequate education continue to pose problems.

5. Furthermore, the Representative stressed the important role played by the African family in promoting the rights and well-being of children recalling that the family

is the fundamental unit of human society and as such should be strengthened. It was also reiterated that Egypt is committed to strengthening family to ensure that children grow up in a family environment where they experience love, protection and security. The Ambassador underscored that Egypt was among the first few countries to ratify the CRC, and this shows its firm commitment to the promotion of child rights and welfare. It was also stated that Egypt has taken different measures to bring its domestic laws into line with the provisions and standards of the CRC and the African Children's Charter. Moreover, the Ambassador stated that children are our future, so that investing in them is an investment in Africa's future.

**ii. Remarks by the Secretary General of the National Council of Childhood and Motherhood of the Government of Egypt**

6. Dr. Azza El Ashmawy, Secretary General of the National Council of Childhood and Motherhood (NCCM), delivering her remarks, expressed Egyptian Government's commitment to implement Agenda 2063; saying that the National Strategy for Childhood and Motherhood (2030-2018) has derived many of its objectives and priorities from this Agenda. These objectives include improving the health and nutritional status of children without gender based discrimination; ensuring equal access to quality education; protecting children from all forms of physical and psychological violence; eradicating child labor and trafficking; protecting children in situation of armed conflict; and safeguarding child girls from harmful practices such as female genital mutilation and child marriage.

7. Dr. Azza El Ashmawy noted that the NCCM, as the supreme body responsible for childhood in Egypt, seeks to strengthen the enforcement of children's rights through the formulation of strategies and action plans as well as policy papers that guide decision-makers and enable them to make evidence-based decisions. She recalled that several policy papers on child marriage and circumcision were launched last year. In this regard, she also noted that the Cairo Declaration (2019), as adopted by the African High-Level Conference on the Elimination of Child Marriage and Female Genital Mutilation, is a pivotal step in the cooperation between the Arab Republic of Egypt and the African Union.

8. In concluding her statements, Dr. Azza El Ashmawy invited the ACERWC's Members and other participants to visit the headquarters of the Child Helpline at the NCCM with a view to enhance the exchange of experiences.

**iii. Remarks by the UNICEF Representative in Egypt**

9. Mr. Burno Maes started his statement by congratulating the Committee for holding its 18<sup>th</sup> pre-session and 34<sup>th</sup> ordinary session in Cairo. He also went on to express his belief that the ongoing Session will be a great opportunity to have fruitful discussions to addresses existing and emerging challenges against child rights on the African continent.

10. While noting that the session coincided with the 30<sup>th</sup> anniversary of the CRC, as it is being celebrated all over the world, Mr. Burno Maes recalled that thirty years ago world leaders made a historic commitment to children around the world by adopting the CRC, to protect children and provide them with rights. It was also underscored that the African Union Commission has been initiating different measures to ensure the realization of children rights. These include the initiative to end Female Genital Mutilation, the initiative to tackle malnutrition, and the campaign on ending child marriage.

11. He also underlined that UNICEF has been serving children all over the world, including Egyptian children, for the past 70 years. In Egypt, UNICEF engages with the Government, the African Union and its organs, National Partners and Communities to advocate for every child's rights, said Mr. Burno Maes.

12. He further noted that the challenges Africa faces in education, employment and health care are most acutely felt by its youth. Accordingly, UNICEF is working with the African Union Commission to design the strategy on youth development, which is an initiative globally known as 'generation unlimited,' said Mr. Burno Maes. In this regard, he underlined that the Egyptian government has done so much to empower youth and women in recent years.

13. In concluding his statement, Mr Burno Maes reiterated UNICEF;s commitment to work with the African Union through high level support and technical engagement, as well as in responding to emerging challenges, and ensuring that no child is left behind.

#### **iv. Remarks by the Chairperson of the ACHPR**

14. Hon. Solomon Ayele Derso, Chairperson of the African Commission on Human and Peoples' Rights, expressed his gratitude for the warm hospitality afforded by Egyptian government. The Chairperson also thanked the ACERWC for the invitation to attend the session. Mr. Solomon underlined the mutually reinforcing relationship between the ACERWC and the African Commission; stating that the relationship between the African Commission and the ACERWC, and their work, is a complementary one. He particularly recalled the adoption of the Joint General Comment on child marriage; marking the first time the two institutions have

collaborated to provide normative elaboration on an issue of mutual concern to both institutions.

15. Further, the Chairperson underlined that 25 November 2019 is the beginning of the 16 Days of Activism Campaign Against Gender-Based Violence, which is an international Campaign to end violence against women and to advocate for the promotion and protection of women's rights, and he called for reinforced measures to end gender based violence in the continent; saying that a society that fails to prevent gender based violence can't claim to be a descent society.

### **Remarks by the Commissioner for Social Affairs**

16. Ms. Amira El Fadil, Commissioner of Social Affairs of the African Union, welcomed all participants to the 18th Pre-session and 34th Ordinary Session of the ACERWC. The Commissioner commended the Government of Egypt for hosting the session. She also congratulated the ACERWC for its work and commitment for the betterment of Africa's Children by engaging States who are the main stakeholders in the implementation of the rights and welfare of the child. As for the 30<sup>th</sup> Anniversary of the CRC, the Commissioner noted that while remarkable progress has been achieved in the past three decades there are still challenges ahead.

17. The Commissioner informed that the Department of Social Affairs of the African Union undertakes various initiatives and activities on child rights issues, including the AU Campaign to End Child Marriage. Launched in 2014, the campaign garnered support from 28 countries that have shown their commitment to end child marriage by launching the campaign and also by developing national strategies to end child marriage. She said as a result of the campaign, child marriage is on the decline in the continent even though the desire is to eliminate it, hence the campaign continues. The commissioner also highlighted about the Saleema Campaign to fight FGM and noted that the impact of the campaign on child rights will be discussed during this session.

18. With respect to other measures, the Commissioner stressed that the Department of Social Affairs is also working on different issues of children, including nutrition, access to health services, child labour, and protection of children on the move. It was also noted that children's issues are integrated in each of the Department of Social Affairs divisions' mandate. However, she noted the existence of challenges regarding health, migration, employment, and other issues that disproportionately affect children. The Commissioner also recalled and appreciated the ACERWC ongoing involvement on one of the Department of Social Affairs big projects on Online Child Sexual Exploitation in Africa.

19. While noting the progress on children's rights, the Commissioner underlined that there is still a long way to go towards achieving the objective of Agenda 2063 and

Agenda 2040 and urged stakeholders to work hand in hand ever than before to ensure the sustainability of progress regarding children rights across the continent.

### **Opening Statement by the Chairperson of the ACERWC**

20. Hon Goitseone Nanikie Nkwe, Chairperson of the ACERWC, welcomed participants to the 18<sup>th</sup> Pre-session and 34<sup>th</sup> Ordinary Session of the ACERWC. The Chair appreciated and thanked the Government of Egypt for hosting the Session. She stated that the Committee's work in delivering its multifaceted mandate has grown through time including in the State Party reporting mechanism. She informed that during this Session, the Committee will be considering the initial State Party reports of Guinea Bissau and Mauritania. The Committee will also undertake preliminary review of the periodic report of Kenya in preparation for the consideration of the report in the next upcoming Session.

21. She also informed that the Committee will undertake an implementation hearing to assess the extent of implementation of its decision and recommendation in the case of *Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem against the Republic of Mauritania*. She also added that the Committee will undertake deliberations on the following pending Communications; *Legal and Human Rights Centre and Centre of Reproductive Rights (on behalf of Tanzania girls) Vs Republic of Tanzania*; amicable settlement on Communication by *Institute for Human Rights and Development in Africa (IHRDA) Vs the Republic of Malawi*; and *Project Expedite Justice et Vs the Government of the Republic of the Sudan*.

22. Hon Nkwe also highlighted that the Session will offer an opportunity to deliberate on various thematic areas with implications on the rights and welfare of the Child in Africa. These include a Day of General Discussion on Children and Armed Conflict; noting that the African continent has been experiencing frequent protracted conflicts and crises situations. She said that the Day of General Discussion will, among other things, reflect on the role and added value of the ACERWC as a key player for the AU in addressing CAAC and interrogate the Executive Council Decision to establish a Special Envoy on CAAC, exploring ways in which the ACERWC can be involved in the processes as well as working modalities with this new office.

23. She informed participants that in the inter-session period, the Committee has undertaken various actives including its follow-up mission to Guinea, Zimbabwe and Liberia to assess the implementation of its concluding observations and recommendations. She also informed that the Committee had undertaken workshop on popularization of Agenda2040 and the findings of the Study on mapping children on the move within Africa, in Central, North and Horn of Africa regions, in which ECCAS, IGAD and UMA played instrumental roles. It was also informed that the

Session features in-depth discussion with RECs on establishment of a harmonized child protection structures in RECs; the role of CSOs in enhancing child protection in RECs and Experience sharing on existing structures within RECs. Furthermore, the Chair noted that the Committee is in the process of undertaking a study on the Status of Harmonization of laws on Children in Africa with International and Regional Child Rights Standards; and added that the draft will be interrogated during this session.

24. With respect to other measures, the Chair said that the Committee is working to improve its online presence by upgrading its website. It was also noted that the committee is also in the process of developing a database on the state party reporting mechanism, to enhance transparency and improve follow up on implementation of its recommendations, among other things. According to the Chair, the provisional database will be presented to the plenary for inputs and comments. In addition, she stated that the Committee engaged with the task of revising its working documents, which are expected to be adopted during this Session. Noting the continuing and emerging challenges to the protection of the rights and welfare of children in Africa, the Chair also urged partners and all relevant stakeholders to work in coordination and collaboration with the Committee in finding innovative solutions for the plights of children in Africa.

25. In conclusion, Hon Nkwe expressed her gratitude for those who have supported the ACERWC in convening this Session particularly the government of Egypt and partners, including UNICEF, Save the Children International, Plan International and Italian Cooperation and declared the 18th pre-session and 34th ordinary session of the ACERWC officially open.

## **ITEM 2: PROCEDURAL MATTERS**

26. The Committee considered the program for the session and adopted the same as amended.

27. The Committee has also assigned Members of the Committee to review the applications by Civil Society Organisation for an Observer Status.

## **ITEM 3: BRIEF PRESENTATIONS BY PARTNERS**

28. The following organisations with Observer Status before the ACERWC made statements on their work as it relates to the Committee: Terre des Hommes Netherlands; African Child Policy Forum (ACPF), Zambia National Council for Welfare of Children (ZNCWC); Save the Children International; Centre for Human Rights; Campaign on the Migration; Plan International; Equality Now; Initiative for Social and Economic Rights; UNICEF; East African Centre for Human Rights; and Centre for Reproductive Health. Their presentations addressed achievements in the recent past,

activities in progress and pledges for future support in the realization of the ACERWC's objectives.

#### **ITEM 4: BRIEFING BY CSO FORUM**

29. Mrs Felistus Motimedi, Representative of the CSO Forum, briefed the Committee regarding the 15th CSO Forum on the African Charter on the Rights and Welfare of the Child that took place from 20 – 24 November 2019 in Cairo, Egypt. She noted that the CSO Forum witnessed 95 participants from civil society organizations, children and young people, donors and the UN agencies. The Forum met and discussed under the theme 'Reflecting on 30 Years of Child Rights Movement in Africa.' She noted that the Forum commends the Committee for the progressive work in making child rights in Africa a reality, including the ratification of the Charter by 49 countries, submission of reports by 42 State Parties, development of 5 General Comments, holding several monitoring missions and conducting a number of studies on the state of African children.

30. Felistus Motimedi also informed the Committee on the various issues raised by the Forum regarding child rights protection in the Continent. Although the committee has made great strides in promoting and interpreting the Charter across Africa, it was stated that a lot is yet to be done in monitoring and protecting children's rights and holding states accountable for violations. The Forum further expressed its concern that there is limited African driven content on children both in mainstream and digital media. Furthermore, Felistus Motimedi stated that the Forum discussed and made its observation and recommendation regarding the implementation of the four general principles of child rights and other fundamental issues.

31. On child participation, despite the provisions of the Charter on the rights of children to express themselves and have their voices be heard, African children are yet to fully enjoy their right to participate and where it is happening it is very decorative, restrictive or tokenistic and children's voices are rarely taken seriously or altogether suppressed. In this regard the Forum urged the Committee to adopt the Child Participation Guidelines which is being developed by Save the Children International as a comprehensive resource for the Committee, State Parties and CSOs on how to meaningfully engage children; allocate a standing slot for children to present their views of key issues affecting them at every Committee session; consider having a standalone alternative report by children and further include this in the reporting guidelines; and consider children's views during their monitoring missions and hold special forums with children, youth and CSOs at the national level.

32. Regarding child development, while the Forum stated that the African Children's Charter has very progressive provision to ensure holistic child development, there are still some points of concern. To addresses the anomalies, Felistus Motimedi

stated that the Forum recommends the Committee to encourage State Parties to provide free, compulsory and quality education at all levels and develops guidelines for states to regulate private education providers; to consider holding a special campaign on climate change and its impact on children; to encourage State Parties to focus on family strengthening which is the first line of defense in protecting children and ensure reinforcement of values; and to encourage state parties to address teenage pregnancies by ensuring adolescents access to sexual and reproductive health information and services and re-visit their policies on access to inclusive and quality education with specific focus on girls.

33. On child protection, the representative noted the gaps in implementation of the relevant provisions within the Charter. To rectify these gaps, she said the Forum requests the Committee to encourage State Parties to ensure full harmonisation of laws on children across Africa, to ensure availability of structures, laws and policies that uphold protection of children in conflict and humanitarian crises, to develop guidelines on investment for children in Africa, including financing child protection systems at the community level, and to encourage state parties to ensure laws and policies consider the double marginalization and exclusion of girls and prohibit all forms of violence and exploitation against girls.

34. As for child survival, she said that the Forum had expressed its concern that more than 30% of children in Africa have stunted growth, and many children fail to celebrate their 5th birthday as a result of preventable diseases such as pneumonia, diarrhoea, malaria and meningitis. It was also stated that the Forum had stressed the fact that non-communicable diseases are on the rise in the continent. In this regard, Mrs. Felistus Motimedi noted that the Forum had recommended the Committee to urge state parties to provide access to universal health care for children as a minimum core obligation including for children living in rural areas; and to promote evidence-based and domestic alternative care reform for children deprived of parental care within the overall national child protection priorities.

35. Further, the Forum stated that the Committee and the RECs should continue to collaborate and ensure a structured, coordinated and harmonised way of engagement in advancing the ACRWC, Agenda 2040 and Agenda 2063. It was also stated that the Forum urged the Committee to have strong collaboration with civil societies.

36. Mrs. Felistus Motimedi in conclusion noted that the Forum reaffirmed its commitment to work with the Committee in the implementation of its mandate to promote, monitor, protect and interpret the Charter.

## **ITEM 5: PRESENTATIONS ON THE ROLE OF THE RECS IN ENHANCING CHILD PROTECTION**

**i. Towards establishing a harmonised child protection structure in RECs**

37. The session commenced with a brief introduction from the Secretariat of the ACERWC where the main objectives of the presentations were highlighted. The remarks of the Secretariat informed that the collaboration with RECs started in 2011 when the Committee developed a collaboration plan which aimed at formalizing and systematizing the Committee's relation with RECs through the liaison offices of the RECs in the AU. Following various discussions, the Committee decided to take its partnership with RECs at the level of their secretariats and particularly in 2013, the Committee approached EAC and developed a collaboration plan. Through its various engagements, the Committee has identified various opportunities and strengths within RECs for child protection including strong normative legal and policy frameworks as well as institutional setups. Moreover, the presentation highlighted that between 2018 and 2019, the Committee engaged the East African Community (EAC), Southern African Development Community (SADC), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), Intergovernmental Authority on Development (IGAD) and Arab Maghreb Union (AMU) along with representatives of their partner states to discuss about further collaboration; and through these meetings, a proposal came out for the ACERWC to coordinate child protection issues within RECs. It was indicated that not all RECs are at the same level of child protection in terms of normative, institutional and structural mechanisms. Therefore, the Committee is of the view that there is a need to have a harmonized child rights mechanism in all RECs.

**ii. Experience sharing on existing structures within RECs**

38. The Session continued with experience sharing from the RECs that were present namely EAC, ECCAS and IGAD. Mr Morris Tayebwa, from EAC, highlighted the normative and institutional structures within EAC for child protection matters. After introducing the general normative and institutional framework of EAC, Mr Tayebwa alluded that there is a child rights cluster within the Council of Ministers of the EAC and that the East African Court of Justice is tasked with interpretation of the provisions of the EAC Treaty including the human rights provisions. EAC also has vision 2050 which further has 5 years devolvement strategies from which regional policies are derived including the Child Policy that was passed in 2016. Mr Tayebwa informed that the policy is developed to ensure implementation of the UN Convention on the Rights of the Child and the African Children's Charter. Additionally, EAC adopted a plan on child protection systems in 2018. In his presentation Mr Tayebwa identified challenges on child protection issues in EAC including lack of implementation of regional policies at domestic level, financial and human resources, and collaboration with the work of the Committee. He underlined that RECs are not active in engaging with the works of the Committee in identifying pertinent child rights issues in their sub-regions as well as following on the concluding observations of the Committee with Partner States. He further stressed that RECs can bridge the work of the Committee as they are close to Partner States. Mr Tayebwa concluded by highlighting some of the opportunities that can be utilized within RECs for better child protection such as strengthening capacity of States, advocacy through EAC Ministries, partnerships, and consultative dialogue among the various RECs.

39. Representatives of IGAD, Mr Moges Ali and Dr Girum Hailu, introduced the structures and memberships to IGAD. It was indicated that among the various divisions of the IGAD Secretariat, the divisions on peace and security as well as health and social development, deal with human rights and child rights issues. The representatives indicated that the political affairs program within the peace and security division works on human rights issues focusing on capacity building programs to NHRIs, sensitization workshops on the African human rights systems, and establishment of regional mechanisms including governance forums. Under the health and social development division, IGAD focuses on health, education and migration matters particularly on child mortality, response mechanism for diseases, immunization, strengthening of health systems, education for migrants and refugees. IGAD has a regional migration program and a coordination committee. The representatives underlined some of the challenges IGAD faces in ensuring child rights protection, among others, lack of coordination to align the regionally and continentally adopted commitments, lack of resources, and capacity of Member States. The presentation of IGAD suggested that advocacy and partnership should be given priority and that doors should be open for CSOs to operate. The representatives stressed that harmonized child protection architecture is possible if there is collaboration with the responsible organs and departments in the RECs, and they reassured that IGAD is ready to collaborate with the Committee.

40. Ms Glorieuse NZINAHORA, on behalf of the Commission of ECCAS, introduced the institutional reform ECCAS went through in 2015 as well as the various departments therein. The social and cultural integration department which soon will be renamed as human and social development deals with child protection issues. ECCAS is developing a child rights strategy under the new department. Ms NZINAHORA mentioned that there is some success in ECCAS in terms of collaboration by giving an example where ECCAS collaborated with ECOWAS on human trafficking issues. She provided that the geographic location of ECCAS brings opportunities for collaboration but also poses challenges by bringing various challenges from other countries to the region. Delays in implementation of children's rights and lack of resources were also highlighted as challenges. Ms NZINAHORA stated that the new institutional reform of the secretariat of ECCAS, and instruments favourable to children within ECCAS are opportunities that can be utilized to ensure child protection. She stressed the need for cooperation and recommended that the status of RECs with regards to the Charter should be revisited; formal integration of RECs in continental mechanisms should be explored; efficiency of RECs should be promoted; collaboration and synergy among RECs should be established; and the Committee's dialogue with RECs should be institutionalized.

### **iii. Enhancing child protection in RECs: the role of CSOs**

41. Subsequent to the presentations of the representatives of the RECs, Ms Yvonne Tagwireyi from Save the Children International and Ms Saba Lishan from the African Child Policy Forum (ACPF) jointly took participants through the role the Committee and CSOs can play to enhance child protection mechanisms in RECs considering the role RECs play in creating accountability mechanisms for the implementation of children's rights. In their presentations, Save the Children and ACPF underscored that governments are keen to work with RECs as 49 countries

have subscribed to at least one REC and highlighted that they have a strengths in that they regularly convene meetings, they are influential in the regions and have a clear understanding of the political environment; offer strong sense of ownership and belongingness; provide platforms for regional legal and regulatory reforms; ensure enhanced participation in international negotiations; are placed to assess cross border protection issues; and promote replication of best practices among others. The presentation further introduced some of the positive milestones in various RECs in terms of child protection including the normative and institutional frameworks in ECOWAS and SADC such as the Child Policy Framework and Procedures and Standards for Protection Reintegration or vulnerable children on the move in ECOWAS and the draft Child Protocol, Minimum Packages for Orphans and Other Vulnerable Children, and the Framework and Plan of Action for Comprehensive Care and Support for Orphans and Vulnerable Children, and the Model law on Child Marriage in SADC. The presentation also highlighted the possible role the Committee can play to reinforce the work of RECs on child protection including:

- Creating a platform for intra and inter RECs dialogue and collaboration;
- Playing a coordinating role for harmonized regional child protection systems; and
- Supporting progress tracking by RECs on AU agenda 2063, 2040 and MDGs for integrated implementation of the three agendas; and
- Organizing annual experience sharing workshop where all RECs and partner states come together.

42. Save the Children and ACPF stressed that intra and inter RECs collaboration is essential as it creates an opportunity to learn from one another on promoting compliance of regional and international standards and promoting technical cooperation and coordination particularly on transnational issues. The two organizations finally underlined the roles CSOs can play to facilitate and support such initiatives by, among others:

- Knowledge sharing and provision of technical support to ensure that there is a focal person in each RECs that works with the ACERWC;
- Supporting the Committee to play a coordination role for harmonized implementation of the global and continental agenda are RECs level;
- Documentation and scaling up best practices in RECs; and
- Strengthening advocacy and accountability mechanisms of RECs.

43. Following the presentations, discussions among participants brought some issues forward including harmonization of laws for countries that belong to more than one RECs; the need to use already existing frameworks such as the African Governance Architecture; utilizing this initiative to highlight the role of human rights organs in the continent; and positioning child rights issues in various regional agreements such as the African Common Free Trade Agreement in such conversations to ensure that safeguarding principles are adopted to avert the negative impact of such agreements on children. During the discussions, it was highlighted that this initiative benefits from the ongoing reform as much focus is placed on RECs at AU level including dedicating the June/July summit for RECs. It was further agreed that overlapping membership to RECs does not disrupt commitments as all RECs operate within continental and global principles. Moreover, it was agreed that inter-RECs

collaboration can change the overlapping membership to be advantageous by creating the space for experience sharing.

## **ITEM 6: DAY OF GENERAL DISCUSSION ON CHILDREN IN CONFLICT SITUATION**

### **I. Remarks by the Rapporteur on CAAC**

44. The Rapporteur on CAAC, Hon Benyam Dawit Mezmur, introduced the objectives of the Day of the General Discussions, panel discussion and noted that among the many roles of the DGD, enhancing coordination between various stakeholders in addressing CAAC is key. He further noted that the discussion will enable the various stakeholders to be better informed in order to effectively address the issue of CAAC in the continent.

### **Panel I: The AU Institutional response to CAAC**

#### **i. Creating Synergies in addressing the socio-economic impacts of children affected by armed conflict**

45. H.E Amira Elfadil reiterated that when conflict takes place, women and children are among the most affected groups. Their rights to life, housing, clean water, public health services including education and other basic rights are violated. Children often face forced displacement and end up in dire movement situations. It is for this reason that efforts have to be made to solve ongoing conflicts and prevent future conflicts from occurring. She noted that there is a need to push for implementation of recommended solutions, when there are clear and actionable recommendations available.

46. H.E emphasized on the need for the AUC to assess the existence of adequate mechanism that can address the issue of CAAC. She noted that there is a need to ensure that children are prioritized in actions and decisions addressing conflict situations. There is also a need to assess whether or not there are adequate legal frameworks to protect children in the situation of armed conflict. There are various legal frameworks, including the ACRWC, that address the issue of CAAC, however their adequacy needs to be assessed. Furthermore, the implementation of the existing legal frameworks is a glaring challenge that requires agile response. Implementation requires synergy among the various stakeholders that are tasked with child rights protection.

47. H.E noted that the African Union has various initiatives related to conflict resolution; one of them is the AU Peace and Security Department's campaign to silence the guns by 2020. It was noted that, unfortunately, the 2020 target will not be met, however various strides have been made in this regard. Another initiative that is in discussion is the appointment of AU special envoy on Children and Armed Conflict.

The Department of Social Affairs and the Peace and Security Department are working closely to this end. She noted that going forward it is paramount that the various recommendations of the study of the Committee on the situation of children affected by conflict and crisis, be given due recognition by the various AU organs for implementation.

**ii. Taking stock of the AU's response on children in conflict situation**

48. H.E Amb. Bankole Adeoye recapped the need to take action beyond the current programs and initiatives in order to effectively address CAAC. He noted that there is a lot of evidence and knowledge implicating various African countries in violations related to CAAC and there are recommendations made that need to be implemented. H.E reiterated that some of the worst places for children to live in, are in Africa; there is a need to change this unfortunate fact.

49. It was noted that it is important for children to go back to school, hence there need to better protect schools in times of conflict. Hospitals and schools are under continues threat of attack and are often victims. There is a need for improved protection of public services such as education and hospitals in times of conflict. It was noted that there are various standards, frameworks, laws and polices addressing the issue of CAAC, however they remain in paper. The Group of Friends of CAAC is one of the advocacy platforms that was created to bridge the gap between norms and realities on the ground.

50. H.E noted that the impact of all the actions taken so far to address CAAC can be summarized in three words; grossly inadequate, uncoordinated and un-impactful. Members States have primary responsibility to address the gaps; moreover, RECs can also play a significant role. The AU Peace and Security Architecture has a large role to play and it needs to galvanize response from Member States. He added that the capacity of the AU peace support operation needs to be enhanced. The peace support operations need to be trained on respecting and protecting the rights of children in armed conflict. Furthermore, there is a need to improve accountability for violations of the rights of children.

51. H.E reiterated that the African Union has done a lot in coming up with normative frameworks for the rights of the child. For Agenda 2063 aspiration 3, 4 and 6, to be achieved the issue of CAAC needs to be addressed. Having discussions like this is important but there needs to be more action in going forward. The African Union needs to institutionalize these discussions to convert them in to action.

iii. **Towards a collaborative response on violations of children's rights in conflict situations: the role of the African Commission on Human and Peoples' Right**

52. Hon. Solomon Ayele Derso noted that the collaboration between the African Commission and the Committee is increasing with time. The issue of CAAC is an important topic that needs improved collaboration between these two sister organs. Since 2016, the Commission has been working on comprehensive analysis and research on human rights in conflict situations, in accordance with its resolution 332 of 2016. The outcome of the study has been launched in the last Session of the Commission. It uncovered that conflict poses the most formidable challenge to the protection and promotion of human rights, especially the rights of children and women. The gravest violations of the rights of children are perpetuated in conflict situations. The African Union Commission of inquiry in South Sudan presented a report to the AU Executive Council, encapsulating the grave situations such as reports of people being burnt, women and girls of all ages gang raped, beatings and killings, captured people being forced to eat human flesh and drink human blood and many more degrading and horrendous acts of inhumane treatment and killings.

53. It is also crucial to note that the rights of children and women cannot be protected unless there is a holistic approach to the way that conflict situations are addressed. Article 23 of the ACHPR provides for the right to national and international peace, it is on this basis that the Commission undertook the study, Moreover the study drew from the rich provisions of the ACRWC and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, on the rights of children and women in armed conflict, respectively. This highlights the complementarity between the various norms and institutions forming the African human rights system. The study has identified that human rights violations can be the root cause of conflict. This specially is the case where ethnic or religious inequality prevails. On the other hand, conflicts themselves create violations of human rights.

54. He added that the Commission is working on enhancing its collaboration with the PSC, in accordance with Article 19 of the PSC Protocol, the first consultative meeting of the Commission and the PSC was conducted this year, in which the Commission presented the outcome of the above-mentioned study. The outcome of the consultative meeting was a comprehensive communiqué as an outcome of the Session of the PSC. The discussion highlighted how human rights issues can be integrated in to the conflict prevention and resolution spectrum. This provides context for the special protection of children and women in the conflict prevention and response process.

55. He noted that it is important to underscore that human rights expect the State to be at the centre of protection, unfortunately the human rights system is under pressure globally and in the continent as well. In conclusion, he called for the PSC to systematically include the Committee and the Commission in its deliberation and to incorporate the two organs when it undertakes field mission to various places affected by conflict.

**iv. Assessing the normative and institutional frameworks of the AU on its response to CAAC**

56. Dr Musavengana Chibwana, from the Secretariat of the ACERWC, reiterated that creating an African fit for children implies silencing the guns. He started his presentation by referring to Article 22 of the African Children's Charter which, he said, is the most relevant provision when it comes to CAAC. The Charter provides that state parties shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts, which affect the child. State parties should also undertake all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting a child. The provision further adds that States Parties shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts and that such rules shall also apply to children in situations of internal armed conflicts, tension and strife. He added that the draft General Comment of the Committee on article 22 will elucidate this provision further and highlight the higher threshold of protection for children, among other things, through explaining internal armed conflict, tension and strife.

57. He further explained the AU framework in relation to CAAC as prescribed in Agenda 2063 and agenda 2040. On the other hand, the African Peace and Security Architecture (APSA) envelopes important frameworks and institutions relevant to CAAC which include the Peace and Security Council, Common African Defence and Security Policy, African Standby Force, Panel of the Wise, Peace Fund and Continental Early Warning System. There is a need to undertake a critical evaluation of incorporation of children affected by conflict in the APSA structure. It was added that the PSC has made several decisions on CAAC, one of them is the 2014 decision for a regular open session to discuss the issue of CAAC in collaboration with the Committee.

58. He highlighted four pillars of the AU child protection work in CAAC, in line with the PSC resolutions. The first one is political visibility, which speaks to, among other things, suggestions for appointing a special envoy on CAAC and silencing the guns campaign. The second one is capacity, which relates to the lack of capacity in the

APSA structure in addressing CAAC. The third one is coordination; in line with this pillar there are discussions for the creation of a child protection architecture. Currently, there is an AU working group on CAAC, which incorporates various actors in the AU, partners and the UNSRSG's office. This is to ensure that there is coordination within the AU and with the AU and its partners. The last pillar is accountability, it was noted that there is a need to establish an AU monitoring, evaluating and accountability framework.

59. Dr. Musavengana noted that there are various ongoing initiatives to address the issue of CAAC in the AU. These include training of child protection advisors and enlisting them on the AU roster; the development of an AU coordination group on children in situation of conflict, establishment of an AU working group on CAAC, process for appointment of AU special envoy on CAAC and ongoing assessment of the resource requirement of establishment of child protection architecture and operationalizing it.

60. He concluded by noting that the Charter does not make children's rights subject to progressive realization hence conflict should not be an excuse for non-realization of children's rights. Whether in situation of conflict or not, children's rights should be realized with priority.

61. Following the presentations by the panel, Members of the Committee and participants of the Session posed questions and made comments. It was noted that RECs such as IGAD have good structures when it comes to conflict prevention and response. Hence, there is an opportunity to incorporate children's rights in the existing structure of RECs. Questions were raised regarding children who have lost parental care in the context of conflict, children on the move, coordination, overlap in budget and mandate, post conflict reconstruction, issues of de-radicalization, implementation of the various laws and policies as well as successes and lessons learnt. It was suggested that as part of 30th anniversary of the Charter, the Committee should push for universal registration of children, to address certain CAAC issues among other things. It was noted with concern that an AU roadmap on silencing the guns is under development, however there is no provision on the six grave violations against children. It was suggested that the Committee should ensure their incorporation in the indicators of the roadmap.

62. In response and reflection on the various questions posed and comments made, members of the panel noted that the African Union has had success in addressing CAAC issues, however it is not adequate, there is need for better coordination within the AU. It was noted that the AU special envoy on CAAC is expected to be appointed in the upcoming AU Summit. It was further suggested that the ongoing reform process of the AU needs to incorporate some of the recommendations coming from the Day of General Discussion. There is need to

understand the different types of conflict in order to tailor responses to fit the specific situations. It was noted that the ACRWC incorporates provisions addressing the situation of children without parental care under article 25, it further addresses extraterritorial nature of conflict in article 22, the duty of states to protect and ensure protection speaks to the various actors that extend beyond the state party such as other states and RECs. It was alluded that in addition to legal instruments and treaty bodies, political engagement is critical for responding to conflict situation. The adequacy of state institutions is a pre-requisite in addressing the situation of CAAC.

63. In conclusion, it was noted that the cost of inaction is more than the cost of action, when it comes to CAAC issues. It was suggested that the issue of CAAC should be a standing item on the Session of the Committee.

### **Panel II- Responding to the plights of children affected by terrorism**

64. The panel was chaired by the Vice-Rapporteur of the ACERWC, Hon Maria Mapani-Kawimbe. The panel was composed Ms; Jo Becker, Director of Advocacy of the division of child rights of Human Rights Watch; Ms Saba Lishan, Program Officer of African Child Policy Forum (ACPF); and Dr Musavengana Chibwana, in charge of the legal protection of children affected by armed conflict.

65. She stressed that the objective of the discussion was to obtain inputs and ideas to complement and strengthen the substantive content of the draft policy analysis of the fight against terrorism, extremism and radicalization of children.

#### **i. Military detention of children in armed conflict**

66. Ms Jo Becker from Human Rights Watch began her presentation by highlighting the alarming increase in the number of children subjected to detention for actual or perceived involvement in armed groups. She referred to data from the United Nations Secretary-General which estimates that 4,471 children were detained for suspected association with armed groups in 2017, a 500% increase from the amount published in 2012. This number reduced to 2,500 in 2018. However, the prevalence of this practice remains a cause for concern.

67. Becker notes with concern, that states are more likely to detain children, than they are to provide alternatives to detention, rehabilitation and reintegration. She mentioned a study conducted by the United Nations Secretary -General. The study identifies 15 countries where children involved in armed conflict are detained, the list contains nine African states, namely: Cameroon, Democratic Republic of Congo, Libya, Mali, Niger, Nigeria, Somalia and Sudan. Becker referenced a Human Rights Watch study conducted in Nigeria and Somalia where former child detainees were interviewed.

68. Becker concluded with a plea for the Committee to make the following recommendations to state parties affected by armed conflict:

- i. First and foremost, states must end the military detention of children;
- ii. Secondly, states should adopt and effectively implement a formal handover protocol that ensures the timeous transfer of children from military custody to civilian child protection authorities;
- iii. Thirdly, states must adopt measures to provide alternatives to detention for minors, which sets aside detention as a last resort in accordance with internationally and continentally accepted juvenile justice standards.

**ii. Policy Brief on combating terrorism, extremism and radicalisation of children**

69. The second panelist, Madam Saba Lishan of the ACPF, introduced the Draft Policy Brief on Combatting Terrorism, Extremism and Radicalization of Children. She clarified that she sought input from the audience members drawing from their vast experience in children's rights advocacy in their respective countries at various levels to cast a wider net of protection for children involved in terrorist and extremist organizations.

70. Lishan cited that the radicalization of children is an important policy matter as it has a direct effect on the child's survival, development and protection, she notes that the radicalization of children threatens to reverse the gains of the child rights movement. Lishan outlined the existing legal and policy framework for the Draft Policy Brief as follows: the 2002 OAU Convention on the Prevention and Combatting of Terrorism and its protocol, the 2014 AU Peace and Security Council Decision (PSC/AHG/COMM.(CDLV)) which emphasizes the coordination and harmonization of continental efforts to prevent and combat violent extremism and terrorism and the 2019 UN key legal ,policy and Operational Principles on the Prevention of Terrorism, Violent Extremism and Radicalism.

71. Lishan concluded by stipulating the key considerations of the Draft Policy Brief as the following:

- i. There must be a rebuttable presumption that radicalized children are victims in their own right;
- ii. The best interest of the child is the primary consideration in all activities, policies and other measures pertaining to the child;
- iii. To address the underlying causes of radicalization in children;
- iv. To proactively engage to implement preventative actions to ensure the principle of the right to life, survival and development for all children;
- v. To develop and implement educational materials to counter narratives that foster radical and extreme views.

### iii. Inception report on children affected by terrorism in Africa

72. The last panelist, Dr Musa Chibwana' s presentation was on the inception report on children affected by terrorism in Africa, Dr Chibwana disclaimed that he had been tasked to make the presentation on behalf of colleagues from the Dullah Omar Institute in the University of Western Cape (South Africa) who were unable to attend the Session. Dr Chibwana broadly stated that civil society organizations should synergize efforts to collaborate with African Committee of Experts on the Rights and Welfare of the Child and the African Union's Peace and Security Council, as these bodies are strategically positioned to ameliorate the situation of children in the context of terrorism, violent extremism and radicalization. He highlighted this initiative as a vital element within the broader vision of the African Union Campaign to Silence the Guns by 2020.

73. Dr Chibwana stipulated that a comprehensive document would require a clear definition of 'terrorism', as the notion of 'terrorism' is contested, because a terrorist organization from the perspective of one party may be considered a liberation movement by another. Dr. Chibwana further noted that research on terrorism, extremism and radicalization tends to be homogenized and oversimplified in so far as the African context is concerned. In concluding his statement, Dr Chibwana underscored that the research to be undertaken for the inception report on children affected by armed conflict in Africa is a deliberate concerted effort to develop knowledge in this field. The research questions in this regard are as follows:

- i. What are the definitional elements of 'terrorism'?
- ii. How does terrorism, extremism and radicalization manifest?
- iii. What are the drivers of terrorism, extremism and radicalization?
- iv. To what extent do the existing policy frameworks at various levels (national, regional or continental) address child involvement in terrorism, extremism and radicalization?
- v. What national, regional and continental institutions exist to address child involvement in terrorism, extremism and radicalization?

74. During the discussion, interventions were made, and the panelists were advised to consider the following inputs to ensure an effective Draft Policy Brief:

- i. To ensure adequate solutions, there must be adequate disaggregated data on the children in detention. To ensure adequate data collection strategies, State parties must be brought to the table to ameliorate the current situation where state parties are reluctant to grant access to the researchers to conduct investigations and collect data;
- ii. The kind of data collection methods adopted must protect the children from reprisal attacks and social stigma in conformity with the best interest of the child standard;

- iii. The communities and families of the children involved in conflict are peripheralized. A study in Sudan revealed that families and communities are complicit in involving children in armed groups, this aspect should not be neglected in the research;
- iv. The African Union's peace support operations must be strengthened to close any lacunae that undermine and weaken African Union peace support interventions;
- v. The stigma attached to children involved in armed conflict may exclude children from society, this renders it difficult to provide adequate protection, rehabilitation and reintegration into the community. As such, communities must be sensitized on the situation and experiences of these children and, equipped on how to best support such children;
- vi. The research must look closer into the various involvements of children in conflict as well as the disparities or commonalities in the experiences between male and female children;
- vii. The age determination policies and approaches must be clear to prevent any claims that officials did not know that they had been dealing with a child.
  
- viii. The modalities to be considered in drafting handover agreements must be synchronized and harmonized, taking into consideration the operational modalities and respect for human rights in general, and rights of the child in particular.

### **Panel III: Country Experiences**

#### **i. Young women from South Sudan: girls experience in the protracted conflict situation, in relation to their rights and protection.**

75. Ms Evaline Atto Nathaniel Oyet young girl from South Sudan, commenced the presentation and shared girls experience in the South Sudan conflict. She stated that adolescent girl, especially those in rural areas, experienced worst form of gender-based violence, including rape, primarily during their movements outside the host community; and noted the impact the conflict has had on their rights to access education and health. She added that they could not go to schools for fear of being attacked and raped, abducted or killed. It was also noted that insecurity, attacks on schools and lack of transportation to and from school have also severely affected their right to access education - along with malnutrition and displacement. Furthermore, she recalled that the conflict has led to South Sudanese fleeing into neighboring Uganda, Kenya and Ethiopia.

76. She requested NGOs based in South Sudan to promote girls' education, including through scholarships, school feeding program and community-based

support for improving learning outcomes; noting that the conflict and its associated challenges in the country, coupled with harmful traditional practices, have hampered access to educational opportunities, especially for girls. She further called the government to adopt sensitization program that aimed to educate, empower and enable adolescent girls, so that they can be trained and capacitated to be assertive of their rights. It was further asked that the government should establish a number of polytechnics institutions in the future; recalling the challenges to pursue higher education for girls and women in South Sudan.

**ii. Findings and recommendations from the study on girls on crisis from Lake Chad Basin and South Sudan**

77. Amina I. Oumarou, Plan International Lake Chad Programme Advocacy Specialist, continued the presentation by shed lightning the findings and recommendations from two studies on girls on crisis from Lake Chad Basin and South Sudan. She said that the study on the crisis in the Lake Chad Basin was focused on certain regions of Cameroon, Niger and Nigeria (Far North Cameroon, South East Niger and North East Nigeria). As for the geographical coverage of the research on South Sudan crisis, it was noted that the study was conducted only on the regions of southern South Sudan and North Uganda.

78. Mrs. Amina I. Oumarou noted that the purpose of these studies is to explore the ways in which adolescent girls (within two age brackets, that is, aged 10 – 14 and 15 – 19) understand the unique impact crises have upon them. It was said that interconnected hypotheses were advanced based on existing desk research and comparable case studies. These were: adolescent girls experience crises in unique ways; adolescent girls develop coping mechanisms, strategies and capacities that can positively shape their own security and contribute to their communities; and adolescent girls not only have a rational and demonstrated understanding of the context in which they live but are also well-placed to influence the understanding and priorities of the humanitarian sector. The main questions of the studies were designed to know how adolescent girls understand and experience insecurity and how do they navigate insecurity. The inquiries were also aimed at unveiling their needs, and the opportunities exist to support adolescent girls in protracted crisis situations.

79. On finding of these studies, Mrs. Amina averred that the lingering crisis in Lake Chad Basin and South Sudan presents adolescent girls with numerous challenges. Not least among these are the different and wide-ranging forms of physical, psychological and sexual violence they are subject to in all areas of their life, within and outside the home, as well as heightened levels of harassment and other forms of insecurity. It was informed that the food and water crises have aggravated the further insecurities that girls face, including sexual violence, health risks associated with early pregnancy, being forced to withdraw from school, and the burden of additional household chores. Mrs. Amina also noted that certain categories of adolescent girls,

such as girls separated from their parents, are predominantly exposed to these threats. However, she recalled that despite the many faceted security challenges facing adolescent girls, they have developed coping mechanisms, strategies and capacities to help them navigate the on-going crisis, and potentially benefit the lives of their families and communities.

80. On the way forward, she said that recommendations were forwarded in accordance with the findings of these studies. It was called to: amplify voices and perceptions of adolescent girls in crisis and their priorities; bring to the AU agenda on the protection concerns of the CAAC; urge donors to support age and gender programming through the nexus humanitarian, development and social cohesion. She also called the ACERWC to support and implement specific recommendations regarding girls in the Continental study on the impact of conflict and crises on children in Africa, and to provide guidance to State Parties and other Stakeholders in addressing the rights of CAAC, in particular girls, on the Continent. Further, she noted that the findings of these studies call for ratification of the Kampala convention for the protection and assistance of Internally Displaced Persons in Africa, as well as for observation of Kampala Convention obligations by State Parties having ratified the Convention.

### **iii. The case of Lake Chad Basin**

81. Mamane Laouali Magagi, Minister for Niger Ministry of Humanitarian Affairs and Disaster Management, continued the presentation highlighting the impact of the Lake Chad Basin Crisis on Girls. The Minister noted that the Chad basin is home to over 30 million people, of whom 52.81% are under 15. He said that since 2009, Boko Haram has been committing widespread human rights abuses. For instance, Boko Haram insurgency has displaced over 2 million people, the majority of whom are women and children. It was also noted that over 200 hundred women and girls were abducted for sexual exploitation, forced marriages and forced labour. The Minister also stressed that the crisis in the region has disproportionately affected women and girls than adult women. He was also reiterated the restrictions on girls's freedom of movement, as well as the declaration of state of emergency, whereby the Government has closed markets and restricted traffic.

82. Furthermore, the Minister recalled the UN Security Council resolution 2349 (2017) addressing Boko Haram's presence in the Lake Chad Basin. He also highlighted the significant measures so far taken to protect children, including in the field of education, where laws and policy had been adopted to protect and support the schooling of girls, education until the age of 16 had been made compulsory and free. With respect to other measures, he noted the adoption of the Child Protection Framework Document in 2013, as well as the adoption of decree establishing the Child

Protection Committees that aims to fight harmful practices in Niger. Moreover, the Minister stated that the National Assembly has adopted a national law for the protection and assistance of IDPs in Niger, in line with the Kampala Convention which was ratified by Niger in 2012.

83. Mr. Mamane Laouali Magagi, in his concluding remarks, assured that Niger, as a non-permanent member of the UN Security Council starting from 2020, is committed to support the AU's initiatives on the rights and well-being of children, especially adolescent girls.

#### **iv. The Case South Sudan**

84. Esther Ikere Eluzai Ladu, Undersecretary, Ministry of Gender and Child social welfare, South Sudan, started her presentation by congratulating the committee for holding its 18th pre-session and 34th ordinary session in Cairo. Mrs. Ikere Eluzai Ladu thanked the ACERWC and Plan International for the invitation to attend the session. She also acknowledged with thanks the presence of South Sudanese civil society organizations in the session.

85. She reiterated that children living in countries affected by armed conflict have been victims of widespread violations. She particularly recalled the six grave violations against children, which continue to be committed in South Sudan. These are the recruitment and use of children; the killing and maiming of children; rape and other forms of sexual violence; abduction of children; attack on schools and hospitals; and the denial of humanitarian access. The Undersecretary further stated that adolescent girls in South Sudan suffer through a living hell, and they continue to pay the heaviest price compared to boys and adult women. It was said that early and forced marriages are the most common form of gender based violence in South Sudan. It is almost common to use Child, early and forced marriage as a coping mechanism for crisis, including as a response to economic and food insecurity. In addition, the Undersecretary noted that adolescent girls make significant contribution of time, resources and emotional labour to the household's coping capacity.

86. Moreover, Esther Ikere Eluzai Ladu stressed that AU initiatives, including treaties, policies and strategies, play a significant role in helping all States to fulfill their duty to protect the rights and welfare of the child. She specifically recalled that the adoption of a common position on ending child marriage in Africa signals AU's commitment to work for the betterment of adolescent girls rights across member states. She also noted that the AU Campaign to End Child Marriage encourages AU member states, including South Sudan, to develop strategies to raise awareness of and address the harmful impact of child marriage; noting that the South Sudanese government adopted a strategic national action plan on ending child marriage by 2030.

87. The undersecretary, in her concluding remarks, called the African Union to strengthen its support for member states in their efforts to ensure the rights of children,

especially adolescent girls. She also called states to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

#### **Panel IV- Conflict and Children on the move**

88. M. Ibrahima Kane, representative of Open Society Foundation West Africa Regional Office, introduced the purpose of the panel discussion and stressed that the discussion should look at conflicts that may not be conventional but are pertinent to Africa such as the conflict in Nigeria among the pastoralist and indigenous communities that has left many to be displaced, the conflict between south western and North-Eastern Cameroon. Mr Kane, indicated that such conflicts are not recognized by African organs and no mechanisms have been established to craft solutions. The Panel focused on issues in Cameroon, Uganda, and South Sudan. Mr Kane mentioned that the children used for the fight in gaining independence have dropped out from schools in South Sudan, and following independence, the cold war continues to affect them. He highlighted that with regards to the legal framework that the Committee may use to intervene in conflict situation, the Committee can rely on the Charter and further look into other treaties ratified by African countries pursuant to article 46 of the Charter, and also utilize article 45 of the Charter which gives the committee the mandate to undertake investigation on such matters. Mr Kane stated that the Kampala Convention is also paramount importance as it imposes obligations on states to provide assistance to displaced persons, and recommended that the Kampala convention should be included in the draft General Comment on article 22 of the Charter that is being developed. He also underlined that the role of the AU through the PSC should further be explored.

##### **i. The Legacy of the LRA conflict: Impact on children in post-conflict Northern Uganda**

89. Afterwards, Mr Isaac Odiya from Justice and Reconciliation Project from Uganda spoke about the legacy of the Lord Rescue Army (LRA) conflict and its impact on children in post conflict Northern Uganda. He underlined that Northern Uganda witnessed a 20 years long cold war between the government and LRA which resulted in devastating effect on children the impact of which extends to date. During the conflict, many children have been abducted, recruited into hostilities, enslaved, and a good number of children have been born in captivity due to the sexual slavery. Between 2006 and late 2015, there has been a massive return of children under the amnesty program, however, they face challenges of rejection by their family due to what they have been undertaken during captivity. Children also face challenges to register and obtain ID as they do not fulfil the requirements to get IDs by presenting their parents which has further led to denial of access to government services. Mr Odiya highlighted that returned children sometimes dropout of school due to the psychosocial trauma they have suffered; some do not afford to go to schools; they have no access to health services, and are denied of their right to land. He underlined

that the amnesty program provided for reintegration without rehabilitation and without making sure that the community is ready to accept them. Furthermore, Mr Odiya mentioned that the transnational justice policy which was drafted in 2008 was not adopted until September 2019; and the policy is not victim centered as it does not provide for what the children need to be reintegrated. Mr Odiya recommended for the Committee to popularize the international child protection day; double check country based governance programs such as amnesty and pardon and its impact on children; and urge the government of Uganda to align its transitional justice policy with the Charter.

## **ii. Impact of the 'Anglophone Crisis' on Children in Cameroon**

90. Ms Catherine Taku, from Cameroon Women's Peace Movement (CAWOPEM), presented on what she calls the impact of 'Anglophone crisis' on children. She started by mentioning that Cameroon has been facing different security issues including Boko Harm and 'Anglophone' Conflict. The conflict in Cameroon started when lawyers and teachers protested against the marginalization of the 'Anglophone' and the crisis directly affects children in northwest and southwest regions. The response of the military to the protest has resulted in the abuse and abduction of school children, maiming of teachers, and has left many children out of school. Ms Taku highlighted that a report from UNICEF provides that 855,000 children are out of school up to November 2019; and 150,000 children have been displaced due to school dropout. She further stressed that school dropout pushes children to pick arms, engage in commercial sexual activities, results in unwanted pregnancy, child trafficking, killing of children, and displacement to central places which exposes them to exploitation. Moreover, 415 public schools were functional in 2016 while by September 2019 only 90 of the schools are functional. Ms Taku mentioned that in total 744 schools have been shut down due to the crisis and that school shutdowns have increased due to abduction of students. In concluding her presentation, she urged the Committee, the African Commission on Human and Peoples' Commission and PSC of the AU to intervene in the situation of Cameroon.

## **iii. Impact of the continued South Sudan Conflict on Children**

91. Representative of Confident Children out of Conflict in South Sudan, Ms Helen Murshali, took participants through the impact of continued conflict in South Sudan on children. The presentation indicated that the nature of conflict in South Sudan has changed and created a huge crisis of internal displacement where many children are separated from their families. The conflict and its changing nature has exposed children to rape, forced marriages, street situations, child labour, exploitation, food insecurity, and sickness. Despite such challenges, children do not get the means to access basic services. Ms Murshail shared that children in street situation are further exposed to commercial sex, drug abuse, sexual exploitation, criminal activities which

often result in detention. She also highlighted that children do not get the opportunity to test for HIV while the rate of HIV transmission remains high and even if treatment is free, lack of food and shelter negatively impacts their survival capacity. Moreover, Ms Murshail stressed that many boys have been recruited where, they not only get trained on fire arms, but are forced to abuse drug, and are sexually abused. This is further exacerbated by the fact that there is no rehabilitation centre in South Sudan for such children. She finally recommends that African Union and IGAD to intervene to restore peace; and to increase efforts to disseminate information about the rights of children affected by conflict.

92. The brief discussion that followed the presentations of the panellists suggested that the Committee has tools that can be utilized to address the abovementioned challenges and it has to navigate ways in which it can engage States and ensure their accountability. It was suggested that human rights mechanisms alone cannot address the issues but they can look at ways in which they effectively can push their mandates from which other actors' pickup to ensure that States have the capacity to implement the recommendations of the Committee and other human rights mechanisms as well as their human rights obligations. The involvement of non-state actors in the violations during conflict also poses a challenge for human rights mechanisms to intervene in all issues as they only deals with States. It was also highlighted that the possibility of invoking the AU constitutive act for grave violation should be explored.

#### **v. Outcome document**

93. The Day of the General Discussion ended with a presentation of a draft outcome document on which participants commented on and transferred for possible adoption by the ACERWC.

### **ITEM 7: CONSIDERATION OF STATE PARTY REPORT: GUINEA BISSAU**

94. The Committee decided to differ and consider the State Party report at the next Session where the Government is required to officially designate delegates composed of representatives from all relevant Ministries at the highest level.

### **ITEM 8 PRESENTATION OF ACERWC'S DATABASE ON STATE PARTY REPORTING PROCEDURE**

95. The 34th session of the ACERWC was also an occasion to discuss progress in the preparation of ACERWC's Database on State Party Reporting Procedure. Experts from AMBAND Kenya, Plan International and the ACERWC's Secretary presented the progresses regarding the development of ACERWC's database, followed by questions and comments highlighted progress achieved and way forward regarding the development of the database.

## **ITEMS 9: PRESENTATION OF THE FINAL DRAFT REPORT ON THE STUDY OF HARMONIZATION OF LAWS**

96. Ms. Adiam Zemenfes, legal researcher at the Secretariat of the ACERWC, commenced the presentation by introducing the objective of the study on harmonization of laws on children in Africa, which is to assess the alignment of laws of African countries with the ACRWC and UNCRC. She recalled that during the 33rd Session of the Committee an inception report of the study was presented. The study covers all regions of the AU; it was conducted through review of national laws, policies, documents on children complemented by a questionnaire, which was sent to States Parties.

97. Ms. Adiam noted that the obligation of State Parties to the ACRWC, to take legislative measures, it's enveloped in article 1 of the Charter and further explicated in General Comment 5 of the Committee. Accordingly, it was noted that legislative measures have to be comprehensive, continuous, compatible with relevant norms and related standards, efficient and expeditious and holistic, recognizing the interdependence and indivisibility of human rights. Furthermore, legislation must not be inconsistent with the rights contained in the ACRWC, must influence a rights-based approach to cultural practices and must be subjected to penal sanctions for violations of the ACRWC.

98. It was noted that the findings of the study indicate the Status of Ratification of AU instruments related to children; child related UN instruments and child related ILO instruments and Hague Conventions related to Children, by African States. The study further assesses the rate and frequency of reporting to the ACERWC and the UN Committee, as well as the differences in reporting in the 5 regions of the AU. It indicates that African Countries report more frequency to the UN Committee rather than the ACERWC, it further shows that certain countries that have ratified both instruments, have only reported to the UN Committee. With regards to the definition of the Child, the study finds that there is good progress in harmonising minimum ages of marriage, criminal responsibility, and admission to employment in line with regional and international standards, albeit certain drawbacks. One of the drawbacks is with regards to lower and/or discriminatory minimum age of marriage. Twelve countries have been identified for having minimum ages of marriage below the age of 18 years, the lowest recorded being 10 years. With regards to minimum age of criminal responsibility, 38 countries set it below the internationally accepted 14 years of age, some putting it as low as 7 years of age.

99. Dr. Violet Odala, from ACPF, continued the presentation by noting that when it comes to education, in 23 countries there is legislation or policy providing for free,

compulsory and inclusive education. It was noted that there are discrepancies between minimum age of employment and the age of compulsory education in 8 countries. With regards to adolescent health rights, the study unveils that sexual and reproductive health needs and rights of adolescents are mostly unmet and this often stems from the significant discrimination and barriers they encounter, both in law and practice. Key issues covered in the study in this regard include retention of pregnant girls in schools, prevention of maternal mortality and morbidity, comprehensive sexuality education, access to safe and legal abortion services and access to contraceptives.

100. With regards to special measures of protection, it was noted that the study covers violence against children including corporal punishment, sexual abuse and exploitation, FGM, child trafficking and children in emergency situations such as refugee and internally displaced children. It was noted that certain groups of children are particularly vulnerable to violence, for example girls have higher risk of being trafficked and exposed to harmful practices such as child marriage and female genital mutilation (FGM). The study indicates that corporal punishment is outlawed in all settings in only 6 African countries, while in 5 countries the practise is not prohibited in any setting. On the other hand, while sexual exploitation and abuse is prohibited in all African countries, in some countries the offense rape is defined as a violation against a girl, thus excluding protection of boys from rape. It was added that while the practise of FGM is prevalent in 30 countries in Africa, it has been outlawed in 28 of them. Sanctions for FGM range from fines to imprisonment, and, where FGM results in the death of the victim, life imprisonment, or the death penalty. The study notes that there has been little progress when it comes to legislation for internally displaced children.

101. In conclusion, it was noted that the study envelopes good cases practices of the role of national courts and utilization of communication procedure of treaty bodies in harmonization laws.

102. Following the presentation, Members of the Committee and participants of the Session posed questions and made comments on the study. It was noted that even though some provisions the Charter can be related to sexual and reproductive health rights, they are not specific enough to address the plights of adolescents in that regard. It was suggested that the Committee should set standards on issues such as age of sexual consent, consensual sex among children of close age and access to reproductive services such as abortion. Concerns were raised about the prolonged process of harmonization of laws in certain countries despite clear call by the Committee, implementation after harmonization and harmonization of minimum age of marriage and sexual consent. It was suggested that the Committee should work in close collaboration with UNICEF and INGOs to enhance reporting on the charter. It

was also suggested that Guidelines should be developed in accordance with the findings of the study to assist State Parties in the process of harmonization.

103. In response to questions and comments, the presenters noted that the scope of the study is to assess harmonization of laws; it does not get in to implementation of laws or taking of any other measures aside from legislative measure. The Charter defines the child and has specific ages only for minimum age of marriage. When it comes to other minimum ages, there are international and regional standards that the committee takes inspiration from to give recommendation to State Parties. It was indicated that comprehensive sexuality education is included in the study. The study does not list harmful practices, but focuses on protection from all harmful practices and focuses on child marriage and FGM as they are specifically mentioned in the Charter.

#### **ITEM 10: ELECTION OF BUREAU**

104. The Committee elected its new bureau for a term of two years from November 2019 to November 2021. The new bureau of the Committee is composed of the following Members

- i. Hon. Joseph Ndayisenga- Chairperson
- ii. Hon. Azza El Ashamawy- 1<sup>st</sup> Vice - Deputy Chairperson
- iii. Hon Sidikou Aissatou Allassane Moulaye-2<sup>nd</sup> Vice Chairperson
- iv. Hon. Hermine Kembo Takam Gatsing- Rapporteur
- v. Hon. Maria Mapani Kawimbe - Deputy Rapporteur

#### **ITEM 11: PRESENTATION AND DISCUSSION ON THE ACCP (SIDA PROJECT) (CLOSED SESSION)**

105. The Committee deliberated on activities conducted and key milestones under African Children Charter Project Phase II (ACCP II), during 2019. The deliberation highlighted progress achieved and way forward for the project.

#### **ITEM 12: CONSIDERATION OF STATE PARTY REPORT: MAURITANIA**

106. The Delegation of the Islamic Republic of Mauritania led by his Excellency Mohamed El Hassen Boukhreiss, Commissioner for Human Rights briefly presented the measures the Government has taken to implement and domesticate the African Children's Charter to the ACERWC. The Delegation further shared that the Government had ratified the United Nations Convention on the Rights of Persons with Disabilities, Arab Charter on Human Rights and the International Covenant on Economic, Social and Cultural Rights to demonstrate its commitment to the betterment

of then quality of life of all Mauritians. The various laws and policies adopted by the Government of Mauritania were briefly shared, these included laws on the establishment of a court on slavery, the legal entrenchment of the right to basic education for all children and the ordinance on the criminal protection of the child, among others. The Commissioner made specific mention of support grants provided by the government for the families and caregivers of children with disabilities to ensure adequate provision and accommodation of the special needs of children with disabilities. He further outlined plans to develop national strategies to prevent child labour, to increase sexual reproductive health, eliminate HIV/AIDS and to protect children from all forms of violence as well as the new draft law to address gender based violence, the latter forms part of a greater strategy to end gender based violence ,child marriage and female genital mutilation. The Commissioner noted the importance of empowering women and spoke of the introduction of policies to empower women and girls in the Sahel region.

107. Following the presentation by Delegation of Mauritania. The Committee Members congratulated the Government of the Islamic Republic of Mauritania for its efforts to implement the African Children's Charter and its submission of its initial report. The Committee Members, however, raised several concerns on which they engaged the Mauritanian Delegation. Some key concerns included the pervasive issue of slavery and its continued prevalence in Mauritania, the lack of disaggregated data and the government's unwillingness to research on the matter and publish the required data on this issue. The ongoing harmful practice of female genital mutilation and child marriage were interrogated, owing to the discrepancy between the various legislative steps and other measures vis-à-vis the continued prevalence of these harmful cultural practices. The Committee further voiced its concern over the lack of information on the manner in which children in conflict with the law are dealt with in the criminal justice system in Mauritania. as to seriousness of the matter. The Committee raised several concerns on the provision and access of maternal and infant health care owing to the high infant, juvenile and maternal mortality rate. The Committee noted the increase of private schools in Mauritania and sought clarity on whether education is standardized in Mauritania, and whether such standardization is enforced within by the government. The issue of child trafficking is a growing issue in Mauritania, the Committee sought clarity as to the measures adopted by the government to remedy the matter. The Committee further sought to understand the issue of corporal punishment in Mauritania and whether the government had taken any measures to abolish corporal punishment at school and at home. The Committee sought to understand what measures were being taken to provide adequate access to education for children with disabilities as well as the existing affirmative action measures to ensure that children with disabilities are able to access higher education institutions and the workplace.

108. In response to the Committee's questions, the Delegation of the Government of then Islamic Republic of Mauritania offered clarifications as well as admission of

shortfalls, citing that the implementation of laws does not necessarily abolish certain practices and that time is needed for the laws and measures to bear fruit. The Delegation states that on the issue of Female Genital Mutilation and Child Marriage, a draft law on gender based violence had been tabled and should be adopted within the first half of 2020. With regards to the abolition of corporal punishment at schools and in the home, a Fatwa had been issued against corporal punishment in all settings. The Delegation further cited that data collection on the number of children in slavery would undermine the right to dignity of the child as such the state government is reluctant to undertake such a task. The Delegation stipulated that a number of health care centres in Mauritania has been given more resources to test for and expeditiously treat various communicable diseases and other diseases that disproportionately affect mothers and children in an attempt to curb the infant, juvenile and maternal mortality rate. The Delegation further noted difficulties in providing services for their largely nomadic rural population, as well as the scarcity of water as contributing factors that exacerbate access to health care services and birth registration among others.

109. In conclusion, the Delegation of the Islamic Republic of Mauritania was ready to receive the recommendations from the Committee and to use these recommendation to strengthen the promotion, protection and fulfilment of children's rights. The Committee thanked the Delegation and announced that the concluding observations and recommendations would be prepared and communicated to the state party in due course.

### **ITEM 13: IMPLEMENTATION HEARING ON THE DECISION OF THE COMMUNICATION AGAINST MAURITANIA**

110. The Delegation of Mauritania led by S.E.M. Boukhreiss Mohamed El Hassen, provided an update on the implementation of Decision No 003/2017 of the Committee on Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem V. The Republic of Mauritania. The Delegation informed that the Government has adopted the necessary measures to implementation the decision of the Committee by holding the perpetrators responsible, providing identity cards for the victims, paying the guardians of the victims a compensation of 3 million Mauritanian Ouguiya. The Delegation also indicated that the sentence is being reviewed through the appeal in the interest of law procedure to make sure that the sentence is in line with the objective of the law against slavery. Moreover, the Delegation informed that Said and Yard have been reintegrated into the community and are attending schools for free in line with the education Policy. It was stated that the Government of Mauritania is committed to providing education including preschool education in all parts of the Country to allow rural families to send their children to schools.

111. In addressing the recommendation of the Committee regarding the prosecution of perpetrators, the Delegation mentioned that 6 trials have been taken among which only one reached the high courts while the others are in specialized courts. It was further mentioned that the sentence for the trials goes up to 20 years and the fine is between 1 and 2 million. The Delegation highlighted that, in collaboration with CSOs, Mauritania has established a road map to end slavery which also has an action plan; provided training to police, lawyers and teachers to inform about the protection of the child; ensure the social integration of children; and established centers of training for children with special needs. The Delegation stressed that the Government of Mauritania is committed to implement the decision of the Committee as well as protect children's rights; that all government actors including judiciary, probation service, and police are committed to protect children in vulnerable situations and that the National Human Rights Commission has programs on slavery, education, health and social protection of children.

112. Subsequent to the update provided by the Delegation, Members of the Committee thanked the Government of Mauritania for the measures it has undertaken to implement the decision of the Committee and further inquired if the training and capacity building includes law enforcement and the judiciary; if the minimum sentence provided in the slavery law is being implemented; if Tadamun directly addresses the specific situation of children in contemporary slavery; if there is improvement on the rate of prosecution of cases of slavery and on sentences passed; whether or not the compensation has been transferred to the victims with a proof; which grades and schools Yarg and Siad are attending as well as what accompanying measures are taken to compensate their delay in their studies; and what the impact of the new appeal is on the sentence and execution of the perpetrators is. Members of the Committee further flagged issues of psychological and social support provided to the victims as well as the implication of the distinction between victims of contemporary slavery and remnants of slavery on judgments on cases of slavery.

113. In response to the issues raised, the Delegation indicated the names of the schools Said and Yarg are attending and that both are at the last year of high school. In relation to the minimum sentence, the Delegation alluded to the criminal law which gives an appreciation to judges to go below the minimum sentence prescribed in the slavery law. However, it was mentioned that since 2016 the slavery cases adjudicated were subject to appropriate sentences or in conformity with the law ranging between 5 and 20 years. The Delegation further explained that there is a process of appeal in the interest of the law under article 563 of the Criminal Code where prosecutors can appeal, either to the Supreme Court or the Ministry of Justice, lower sentences to be aligned with the minimum sentence provided in the law if they are convinced that the sentence pronounced by the court is low without sufficient reason. The Delegation assured that the payment of compensation has been transferred to the guardians of the victims on 02 July 2018 and there is proof of deposition of the money. The

Delegation confirmed that the trainings and capacity building programs includes the judiciary, public prosecutors, and the police from all parts of the Country. The Delegation highlighted that the slavery law of 2015 under article 4 prohibits all forms of slavery including acts in relation to slavery, and hence there is no distinction in decisions in cases of contemporary slavery and remnants of slavery. Concerning psychosocial support, the Delegation stated that a social assessment was carried out on the victims and the assessment revealed that the victims do not have any psychosocial needs which requires support.

114. In conclusion, the Chairperson of the Committee encouraged the Government of Mauritania to continue its efforts to ensure that victims of slavery are rehabilitated, reintegrated, empowered to complete their studies, and provided with social protection services. The Chairperson concluded by expressing the wish of the Committee to see the positive outcome of the appeal in the law of interest concerning the perpetrators of slavery against Said and Yard.

#### **ITEM 14: PRESENTATION AND PANEL DISCUSSION ON THE SALEEMA INITIATIVE ON FEMALE GENITAL MUTILATION**

115. The panel discussion mainly focused on accountability mechanism to end FGM and brought together representatives from the African Union, UNICEF, Save the Children, Niger and the Sudan.

116. Mr Robert Kasenene, form the Department of Social Affairs in the African Union, started his presentation by highlighting the historic development on the issues which dates back to 2011 when the AU Committed to end FGM which was then translated into a UN Resolution to Ban FGM. Mr Kasenene indicated that Africa has strong legislative framework on FGM under the African Charter on Human and Peoples' Rights, Maputo Protocol, African Charter on the Rights and Welfare of the Child, Agenda 2063 under Aspiration 6 as well as Agenda 2030 at the global level. He informed that the initiative was adopted at the 32nd Summit of the Assembly of Heads of States under Decision No 737 following a wide and numerous consultations and that the designated champion is the President of Burkina Faso. The initiative, among others, requests States to provide for an accountability mechanism to end FGM. Mr Kasenene accentuated that the Saleema initiative is about protecting girls and women; creating supportive environment; empowerment; community engagement and partnership, and sharing good practices as well as evidence, research and data. He underlined that the initiative requests for targeted and strategic communication and advocacy campaign to mobilize action to address social norms and cultural dynamics; resource allocation for sustainable funding; strengthened policy and legislative frameworks; improved data and evidence; and institutionalizing an AU accountability mechanism. Among the countries where there is prevalence of FGM, 22 of them have adopted laws banning FGM. The presentation informed that the high rate of

prevalence of FGM is concentrated in east and western part of the continent. In explaining why accountability mechanism is given a priority, Mr Kasenene stressed that despite the normative commitments, over 125 million have been subjected to FGM in Africa while the number is 200 million at the global level which makes Africa to for 65%. Moreover, there is an increasing number of FGM by health workers and enforcement of the law is the main challenge. Mr Kasenene further indicated that the initiative aims at utilizing the existing accountability mechanisms such as the Committee, the African Commission on Human and Peoples' Rights (ACHPR), the African Court on Human and Peoples' Rights, and Pan African Parliament by ensuring that these organs make sure that States are taking measures in this regard. He stressed that the cost of inaction in terms of health issues, child and maternal mortality is too great that we have to address FGM urgently. During the presentation, it was informed that the initiative at continental level strives to convene, provide technical support, capacity building, and advocacy and at national level to generate evidence, share data, engage community, traditional and religious leaders. Mr Kasenene concluded his presentation by requesting the Committee to revise the State Party reporting guideline to give adequate guidance on reporting on FGM and harmful practices; to undertake visits in selected countries through the responsible Special Rapporteur on harmful practices in collaboration with the Saleema team; and to consider collaborating with other organs on the issue by adopting joint general comment and other activities on FGM.

117. Ms Noha Fouad, representing the National Council for Childhood and Motherhood (NCCM) in Egypt, highlighted that breaking the FGM taboo was never easy and that through various efforts rate of FGM in Egypt decreased from 74% in 2008 to 61% in 2014. Ms Fouad stated that Egypt has shown its political commitment to end FGM by signing various international and regional instruments including the African Children's Charter, the Ouagadougou and Cairo Declarations. NCCM takes FGM as a priority policy issue and it adopts multi-sectorial approach policy; and Egypt has various laws including provisions in the Constitution, the Child Law, and Penal Code which criminalizes FGM. Ms Fouad further informed that the NCCM has adopted strategic framework to end violence against children and adopted policies to end FGM and empower girls. Furthermore, she stated that NCCM provides support to child protection committees to enhance the accountability mechanisms; launched standard case management for victims of FGM; established a child helpline; and in 2019 it established a Committee on FGM. Ms Fouad further highlighted that the NCCM carries out national awareness campaign which has reached 4 million beneficiaries and 835 villages to address misconceptions on FGM including medicalization of FGM. The presentation also covered the Dawwie Initiative which aims at stimulating dialogue as Dawwie means voice with an echo signifying the voice of girls.

118. The representative of Niger, Mr Mounkaila Yacouba, alluded to the 65th session of the ACHPR which forwarded specific recommendations for accountability mechanisms to end harmful practices. In highlighting the measures undertaken by

Niger, Mr Yacouba provided that Niger has ratified most instruments that deal with FGM; established committee on harmful practices; adopted a law against FGM; and promotes engagement with all stakeholders to end harmful practices including CSOs, academia and practitioners. Mr Yacouba stressed that there should be clear cut commitment to end FGM by all stakeholders which can then be translated to comprehensive national commitment. Niger has strategy to inform young girls about their rights and provide them with equal opportunity for education so that they can better reject FGM; provides health care services; and provides training in reproductive health, finance, and law given the fact that literacy contributes significantly to fight FGM. Mr Yacouba highlighted that following the various sensitizations undertaken, the attitude of parents' has changed.

119. Ms Samira Amin, representative from National Council on Child Welfare in Sudan highlighted that accountability signifies to be answerable to our actions. She expressed how honoring it is to see the Saleema initiative being taken to the continental level using the Sudan experience. Ms Amin provided that Sudan has a national strategy to abandon FGM for generation adopted in 2008. Saleema means uncut/untouched and the initiative aims at accepting new norms instead of focusing on FGM. She underlined that accountability has various aspects. In terms of data, Sudan aims to create accountability by including FGM as one indicator in the national health surveys. Sudan also focused on creating conducive environment through legislation that is respected by the community; and hence Sudan has state laws that come from communities while the national law now is being discussed for adoption. Noting that improved education is one component of accountability, Ms Amin stated that the Ministry of Education is accountable for equal education. In addition, she underlined that partnership is essential for accountability and there is a national task force which reaches community level that is responsible for reporting. Moreover, Ambassadors for Saleema should be used to enhance accountability. Ms Amin highlighted that public services such as prenatal and antenatal care are used to raise awareness and stressed that accountability should be mainstreamed in all sectors to ensure that services are saleema friendly. Finally, Ms Amin mentioned that the current change of government in Sudan creates a more conducive environment for enhanced accountability.

120. Ms Doris Mpoumou, from Save the Children Pan African Office, started her presentation by stressing that accountability mechanisms are needed because the numbers on harmful practices are not acceptable. She alluded that accountability mechanism should be comprehensive and should include both political and technical components. Ms Mpoumou explained that the technical component includes having a dedicated platform where States report and regularity of reporting should be accentuated. She suggested that even if states are not reporting in full, they can report on selected issues like FGM. Ms Mpoumou further highlighted that at political level, the AU Champions can be supported to convene high level meetings where other Member States and other actors come together for experience sharing and strengthen

the reporting of the champions to the AU summit. She also suggested that the same accountability mechanism can be used for the child marriage and the Saleema campaign. The need to empower the community in addition to empowering girls and the need to allocate funding at continental level for accountability were also underscored.

121. Ms Rahel Seife, from UNICEF AU Liaison Office, underlined that FGM is a global issue that affects 30 countries globally and that 3 million girls worldwide are at risk of undergoing FGM, with most girls cut before the age of 15. Ms Rahel introduced participants to the UNFPA and UNICEF joint global programme to accelerate the abandonment of FGM which harnesses the complementary expertise of the two agencies, with governments and often in close collaboration with grass-roots community organizations. The program has achieved progress in areas of provision of appropriate and quality services, increased community led engagement, legal and policy frameworks, and government ownership. Ms Rahel highlighted that while global efforts have accelerated progress to eliminate FGM as a girl is about one third less likely to be cut than she was 30 years ago, statistics shows that an estimated 68 million girls will be cut between 2015 and 2030 unless concerted and accelerated action is taken and therefore UNICEF and UNFPA continue their joint effort. In order to enhance accountability mechanisms, Ms Rahel shared some exemplary practices such as the use of existing human rights frameworks including the UPR; utilizing mutual accountability frameworks; using high level profiles in an innovative manner; and inclusion of youth groups, traditional and religious leaders to elevate the quality of information shared. Ms Rahel finalized her presentation by highlighting recommendations that the Committee should be used as an accountability framework to avoid duplication of frameworks which burden member states with reporting; a joint accountability framework for the child marriage campaign and the Saleema Initiative is developed; and a mutual accountability mechanisms including INGOs, UN agencies, CSOs and youth advocacy groups is established.

122. Following the presentations from the panelists, Members of the Committee and participants raised issues pertaining to assessments of existing initiatives to inform better implementation of the Saleema initiative; mechanisms of coordination to ensure non-duplication; other avenues of accountability such as the complaints procedure; regionalizing the issue as FGM has become a cross border issue; accountability of family members; accountability at domestic level; and victim focused actions and redresses including psychosocial and health support.

123. In response to the issues raised, the panelists informed that assessments can be undertaken through SGDs monitoring for Africa that tracks implementation, the monitoring for Agenda 2063 through the sub-committee of Permanent Representatives Committee, and data from State Parties shared to the AU in various platforms. It was highlighted that family members with decision making powers should be engaged in issues of FGM and that one has to be mindful of the patriarchal society that pushes mothers to subject girls to FGM in attempting to hold mothers accountable. Moreover, it was agreed that awareness should be raised about accountability to

signify its positive aspect among States and CSOs should also take part in accountability mechanisms. It was confirmed that the AU Saleema initiative has components for grassroots level as well as sub-regional level.

#### **ITEM 15: PRESENTATION ON CHILDREN WITHOUT PARENTAL CARE (CWPC)**

124. Mr. Daniel Ihansekhiem, from SOS Children's Villages International made a presentation about the normative fireworks regarding children without parental care in Africa. He noted that the term children without parental care includes the following group of children: child-headed households, in kinship, foster & residential care, in detention and correction centers, on the street & who are trafficked, associated with armed groups, unaccompanied children seeking asylum, separated from their families as a result of poverty and that lost their parental care as a result of death, disease, disability, discrimination, substance abuse, violence, neglect, abuse, conflict, disaster, or migration. He added that in 2019 the UNGA adopted Guidelines for Alternative Care of Children whose purpose was to enhance the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so. After 2012 key stakeholders working with UNICEF developed the Moving forward document for implementing the Guidelines. In Nov 2019 the UNGC issued a resolution on the rights of the child with a focus on children without parental care, the UN General Assembly Resolution on the Rights of the Child (A/C.3/74/L.21/Rev.1). In the resolution, UN member states expressed concern about vulnerability of millions of children around the globe. The resolution outlines steps needed to be undertaken to improve the situation and fulfill the rights of this group of children.

125. Rahel Seife from UNICEF continued the presentation by outlining the key elements in the UN resolution on CWPC. She noted that the resolution bases its normative framework on the Convention on the Rights of the Child and key child rights principles such as the best interest of the child, among others. It further identifies groups of children whose rights are particularly in danger such as girls, migrant and refugee children, children with disabilities or children without parental care. The resolution includes affirmation from Member States about the importance and primacy of the family environment for the full development of personality of the child. It was noted that, Member States should ensure better coordination and financing of systems and mechanisms based on multi-sectorial collaboration, they should further ensure that the principle of necessity is upheld, i.e., that the removal of a child from his or her family is a measure of last resort and to strive for swift reintegration should the reasons for separation be addressed or solved, and when in their best interest. The resolution also places special focus on CWPC who experience intersecting forms of discrimination such as unaccompanied and separated migrant and refugee children,

children with disabilities, girls, street children or victims of child trafficking. It was noted that children and adolescents in alternative care should receive support in preparing for the transition into independent living.

126. Following that Dr. Violet Odala, from ACPF, outlined the Pan Africa Policy frameworks on child's rights and protection. She noted that the following key policy and normative documents envelope the issue of CWPC. The ACRWC, General Comment of ACERWC on Article 30 of ACRWC on children of incarcerated and imprisoned parents and primary caregivers, Agenda 2040, Agenda 2063: Aspiration 6, the ACERWC Strategic Plan (2015-2019), the AUC (Department of Political Affairs) Human Rights Strategy for Africa, the African Union's Social Policy Framework for Africa (2008), Concluding Observations of the ACERWC and the Monitoring and Evaluation Framework to Assess Progress towards Africa Fit for Children of AUC (Department of Social Affairs). Moreover, it was noted that these documents do not provide comprehensive framework with regards to CWPC in Africa.

127. Accordingly, it was suggested that the Committee considers the following measures in order to address the normative gap. Review the UN Resolution on the rights of the Child with an African lens and provide guidance on contextualizing it in African countries; conduct a continental study on the situation of children without parental care; host a conference on the situation without parental care; undertake a day of general discussion on the situation of children without parental care; develop General Comment on Children without parental care to provide a guidance on range of alternative care options, among others; and include policy recommendations for state parties' reflection and consideration in Concluding observations and recommendations.

128. Following the presentation Members of the Committee and participants further reflected on the issue. Members of the Committee reiterated the relevance and importance of the UN resolutions to children without parental care in Africa. It was noted that there should be prioritization of the actions to be taken by the Committee and that the Committee may start by assessing the situation of children without parental care in Africa, including challenges and good case practices, and move to the other necessary measures based on its findings.

#### **ITEM 16: COMMEMORATION OF DAY OF THE AFRICAN CHILD 2019**

129. Ms. Rahel Siefe from UNICEF presented on the commemoration of the Day of the African Child (DAC) 2019. She recalled that DAC 2019 was commemorated under the theme 'humanitarian action in Africa; putting children first' from 14 -16 June in Ndjamena, Chad. It was noted that UNICEF undertook a survey in which it contacted its country offices in African countries regarding commemoration of DAC. Following that, UNICEF offices in 22 countries reported back to the UNICEF AU Liaison office

giving details of the commemoration of DAC 2019. According to the data gathered through these reports, it was noted that 1652 adults and 1373 children participated in the commemoration. The level of child participation varies from country to country, where the number of children participating in the commemoration was recorded as low as 9 in some countries. Thus indicating the need for enhancing child participation in DAC commemorations.

130. It was further noted that the primary conveners of the DAC 2019 were UN Agencies and Government Ministries both at 36% followed by Government Agencies and others. International agency participation was also led by participation of UN Agencies, followed by international NGOs, humanitarian organizations and others. While national participation was led by Ministries, followed by specialized government agencies, community/religious leaders, CSOs and National Human Rights Institutions. It was indicated that there was 4% head of State participation and 2% participation of first ladies in the Commemoration events.

131. Ms. Rahel added that DAC remains to be an important advocacy moment in Member States, it is gaining more space and importance in countries. Each year DAC celebrations bring together a wide range of child rights actors to interact with the children themselves. The level of attention, participation and implementation however varies among member states. The feedback from the 2019 DAC survey includes the following issues; early preparation for better implementation, enhance Government ownership and improve coordination among various stakeholders, improve child participation, improve inclusive community and partner engagement, institute DAC communication strategy, enhance reporting on the themes and practical initiatives and support countries by providing advocacy materials and mobilization of high level political commitment.

132. Following the presentation Members of the Committee noted that there should be better coordination between the Committee, UNICEF and Member States to ensure that all countries report on commemoration. It was further noted that the visibility of the Committee needs to increase in DAC Commemoration as the custodian of the day. Participants also stressed on the need to improve child participation in DAC to ensure that it is truly representative of its name and meets its objectives. Suggestions were made for the report to go beyond the activities on the day and include its impact of on the lives of children.

#### **ITEM 17: PRESENTATION ON DAC 2020 CONCEPT NOTE**

133. Ms. Catherine Maina, Ag Secretary of the Secretariat of ACERWC presented the concept note of the DAC 2020 commemoration. She indicated that the theme for DAC 2020 is 'Access to Child Friendly Justice in Africa'. In her presentation, she discussed the context of the DAC 2020 theme, expected outcomes, methodology, key messages

and use of synergies on SDG 16.3 on access to justice. She noted that the theme of the year was chosen for various reasons. It was indicated that, among other things, there are inconsistent legal approaches to dispense juvenile justice. From legislation that provide mechanisms for dealing with children in conflict with the law, to juvenile systems vested with both civil and criminal jurisdiction, while others have different regimes to deal with the various kinds of cases involving children. Some of the child justice reforms by States Parties are hinged on inherited legislation, leading to child justice laws that do not adequately deal with children. Furthermore, there are different definitions of a child under different circumstances. This has led to lack of uniformity with regards to the effective use of these mechanisms to offer justice to a child in both civil and criminal cases. It was noted that State Parties have to evaluate the appropriateness of their child justice systems to establish whether they speak to the needs of the children in their jurisdictions.

134. She noted that a child friendly justice system requires that children who come into contact with the law are treated in a child-sensitive manner and are offered free legal aid. There should be a sensitization of stakeholders in the child justice systems such as, police officers, prosecutors, defence lawyers, and judicial officers to the needs of the child in the justice system. A child friendly justice system requires that special consideration is accorded to vulnerable children who come into contact with the law.

135. Ms. Maina added the following as expected outcomes of the DAC 2020. Continental commemoration of the DAC hosted by an AU Member State, African governments publically reaffirm commitments, DAC celebration events are held in two-thirds of AU Member States, the mass sensitisation and dissemination of DAC messages in national and regional media and children at all levels and from various backgrounds play a major role in the planning and implementation of DAC 2020 activities.

136. It was noted that the ACERWC, in collaboration with a Member State of the African Union, will hold a Continental Commemoration of the DAC on June 16, 2020. She concluded by reaffirming the need to improve child participation and learn from previous lessons including DAC 2019 to continuously improve commemoration of the day.

#### **ITEM 18: PRESENTATION ON MAPPING CHILD PARTICIPATION IN AFRICA**

137. Ms. Maryline Njoroge from Save the Children, presented on mapping of the situation of child participation in Africa. She noted that child participation is vital to the work of the ACERWC as it is the body responsible for the implementation, promotion, and interpretation of the African Charter. The right to children's participation is part of the body of rights contained in the African Charter; therefore, the best interests of the

child and the right to express their views should be at the center of the work of the ACERWC, State Parties and other stakeholders. For child participation to become a reality in Africa, the ACERWC and States Parties need to ensure the effective implementation of this right. However, child participation has not been systematized in Africa and there is lack of consistent framework for capturing the views of children on various issues. When it comes to child participation at the Committee, only 4% of countries that have reported included presentation of separate child led report. There is lack of clarity on how children should engage with ACERWC in State and CSO reporting processes. Additionally, there is limited capacity amongst adults to promote and engage on child participation, and ensure it is mainstreamed.

138. It was further noted that there is a lack of child participation structures and processes at grassroots level. Child participation is not made to be truly representative. Children who are eloquent from urban areas, skilled, wealthy, English/French speaking are cherry picked to attend and engage in high-level events. Children also have limited understanding of what participating meaningfully means. There is limited opportunity for children who are stigmatized and marginalized to participate. In order to bridge the gap of child participation from family level up to regional level, there is a need to undertake assessment and take appropriate measures.

139. Yvonne Tagwireyi, from Save the Children, continued the presentation by noting that due to the above-mentioned reasons, save the children, in coordination with partners undertook a mapping of the situation of child participation in Africa. It was noted that the mapping process was consultative of various stakeholders including the ACERWC and children. The process started in September 2018 and after various levels of consultation and review the following proposal are suggested for the Committee's decision and action. The first proposal is for the ACERWC to develop child participation guidelines that informs the work of the Committee in engaging with children in the execution of its mandate. This includes its mandate to consider state party reports and communications as well as to undertake various consultations including in the day of general discussions. The second proposal is for the ACERWC to develop a General Comment on child participation, as a policy directive for state parties, CSOs and other stakeholders, to implement child participation from family level to regional level. She concluded by noting that once the Committee has taken a decision, save the children is ready to support the process in coordination with other stakeholders.

140. Members of the Committee and participants appreciated the efforts of Save the Children in undertaking the mapping assessment. In going forward, it was suggested to incorporate the idea of African Children's parliament to enable children continually and systematically participate in many issues concerning them at the continental level.

It was also stressed that there is need to undertake capacity building of stakeholders in order to ensure effective participation of children.

#### **ITEM 19: PRESENTATION ON THE 2019 STATE OF THE WORLD CHILDREN REPORT**

141. Kudakwashe Chimanya, Nutrition Specialist, UNICEF Eastern & Southern Africa Regional Office, noted that each year, UNICEF's flagship publication, the State of the World's Children, scrutinizes issues affecting children across the world; noting that the 2019 edition of the State of the World's Children examines the issue of children, food and nutrition. Mrs. Kudakwashe Chimanya recalled the relevant policy documents and instruments including the UN SDG, the African Regional Nutritional Strategy, the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods, and the African Children's Charter. She also highlighted how the triple burden of malnutrition – undernutrition, hidden hunger and overweight treats children, adolescents and women. She noted that at least 1 in 3 children under 5 are undernourished or overweight and 1 in 2 suffers from hidden hunger. It was also stated that the number of stunted children has declined in all continents, except in Africa while the number of overweight children has increased in all continents, including in Africa. In 2018, 59 million African children under 5 were stunted and 14 million were wasted, said Mrs. Kudakwashe Chimanya. While commended that Africa region has made many gains in breastfeeding, she recalled with concern that only 1 in 10 children in Africa are being fed a minimum acceptable diet.

142. On the way forward, she requested all stakeholders to: empower families, children and young people to demand nutritious food; drive food suppliers to do the right thing for children; build healthy food environments for all children; mobilize supportive systems to scale up nutrition results for every child; and collect, analyse and use good-quality data and evidence regularly to guide action and track progress. She also urged the Committee to advocate for Member states to institutionalize child sensitive social safety nets, like child grants and cash transfers, for vulnerable households. It was also noted that the committee should advocate for member states to increase domestic financing for multi-sectoral actions in health, agriculture, social protection and WASH aimed at improving quality of diets. Furthermore, the Committee was requested to Support annual data tracking and reporting against AU continental nutrition accountability scorecard.

#### **ITEM 20: Discussion with partner organization on States' compliance in submitting State Party Reports**

143. A closed session discussion was made with invited partner organisations, namely, UNICEF, Save the Children, Plan International and ACPF on enhancing

States' compliance in submitting State Party Reports. To address the declining rate in submission of state party reports it is noted that there is a need to have sensitization and advocacy programs that aim to initiate state parties to comply with their reporting obligation to the Committee. It was also noted that it would be important to organise workshop that brings together countries that have never reported and countries whose periodic report has been due for more than five years. In addition, it was noted that there is a need to engage with UN Agencies particularly UNICEF to ensure that their activities for 2020 includes support for States to develop their reports to the Committee. During the discussion, the representatives of the above-mentioned organisations, pleaded to work closely with the Committee to enhanced the submission of State Party Reports. Proposals are also made for the partner organisations to consider aligning their programs and support in line with the main mandate of the Committee, establish dedicated funds around the state party reporting procedure and create a network of organisations which will be working with Governments and the ACERWC to support the State Party reporting procedure.

**ITEM 21: Consideration of communication by Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) against the Republic of Tanzania**

144. The Committee deliberated on preliminary and procedural matters concerning communication No: 0012/Com/001/2019 *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) against the United Republic of Tanzania*, and decided on the way forward.

**ITEM 22: Update on amicable settlement on Communication by Institute for Human Rights and Development in Africa (IHRDA) against the Republic of Malawi**

145. The Committee considered a report on implementation of the amicable settlement in the Communication No. 004/Com/001/2014 *Institute for Human Rights and Development in Africa (IHRDA) against the Republic of Malawi*. The Committee called on the Government of Malawi to submit the written report on implementation of the terms of the settlement in the official channel, and noted that it will be forwarded to the applicants before any decision on the matter.

**ITEM 23: UPDATE ON PROJECT EXPEDITE JUSTICE ET AL AGAINST THE GOVERNMENT OF THE REPUBLIC OF THE SUDAN**

146. The Committee deliberated on procedural matters of Communication No:0011/Com/001/2018 *Project Expedite Justice et al against the Republic of the Sudan*. The Committee decided to conditionally extend the deadline for submission of arguments on the merits of the Communication by the Respondent State.

**ITEM 24: APPLICATIONS FOR INVESTIGATIONS/FACT FINDING MISSION**

147. The Committee considered applications for investigative/fact finding missions on alleged violations of children's rights in Democratic Republic of Congo and the State of Eritrea, from Amnesty International and Human Rights Watch respectively. The Committee decided to undertake the investigative mission in DRC and to undertake a follow up on implementation concluding observations and recommendations issued to Eritrea, flagging issues of concern in the request made, after seeking authorization from both Governments.

**ITEM 25: UPDATE ON GENERAL COMMENT ON ARTICLE 27 OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**

148. The Committee discussed the procedure for the procurement of consultant to develop a General Comment on Article 27 of the Charter, sexual abuse and exploitation and assigned the Special Rapporteur of the Committee on Violence against Children Hon. Aver Gavar to be the focal person of the process supported by Hon. Nanikie Nkwe.

**ITEM 26: UPDATE ON RELOCATION OF THE SECRETARIAT**

149. The Committee deliberated on the ongoing process and challenges associated with the relocation of the Secretariat to the Kingdom of Lesotho. The Committee reiterated the need to work with the Department of Social Affairs and the Chairperson of the AUC, to expedite the relocation process.

**ITEM 27: PRESENTATION ON THE CHARTER @30 ACTIVITIES**

150. The Committee deliberated on various planned activities for the commemoration of the 30<sup>th</sup> anniversary of adoption of the ACRWC. It was noted that the commemoration will commence in January and will include various activities through the year, while the day of celebration will be on 29 November 2019, on the day of the entry in to force of the Charter. The Committee adopted the following core activities to be undertaken in the context of the 30<sup>th</sup> years of anniversary of the Charter. The major activities are:

- Engaging Member States on Reporting and ratification
- stakeholder consultative forum to monitor the implementation of Agenda 2040
- Child Rights Summit
- Assessment of AU's response on CAAC
- Assessment of status of children's right in Africa in 2020
- High Level Conferences with RECs
- CSO experience sharing forum

- Booklet on ACERWC activities
- Communication and branding activities

#### **ITEM 28: UPDATE ON EU PHASE**

151. The Committee deliberated on the next phase on the EU AGA Human Rights project.

#### **ITEM 29: CONSIDERATION OF REVISION OF DOCUMENTS**

152. The Committee considered the revisions of its documents and decided to finalize the comments by Members of the Committee by January 2020 after which share the revised Rules of Procedures to the Legal Counsel for clearance and the other documents with relevant stakeholders for additional comments. The Committee further adopted a new outline for the revision of its working methods.

#### **ITEM 30: SELECTION OF THEME FOR DAC 2021**

153. The Committee discussed and adopted the theme for DAC 2021 to be '30 years after the adoption of the Charter: accelerate implementation of Agenda 2040 for an Africa fit for children'.

#### **ITEM 31: PRESENTATION OF 2019 ABSORPTION RATE AND 2020 APPROVED BUDGET**

154. The Committee discussed about the absorption rate for 2019 for the operational and program budget as well as the approved budget for 2020 along with the activities for the year and proposed ways in which absorption rate can be improved. With regards to the areas of priorities for 2021, the Committee decided that Secretariat should develop some proposals and submit for the Committee's consideration and that the priorities should be ready before the end of 2019.

#### **ITEM 32: OBSERVER STATUS APPLICATION DECISION**

155. The Committee considered observer status application from Halley Movement and Association des Femmes Chefs de Famille (AFCF), from Mauritius and Mauritania respectively. The Committee decided to grant observer status to Halley Movement, and to request for further documentation from AFCF.

#### **ITEM 33: ADOPTION OF DECISIONS**

156. The Committee decided to develop a joint General Comment with the African Commission on Human and Peoples' Rights on Female Genital Mutilation and request the African Commission on Human and Peoples' Rights to join the ACERWC in this regard. Addressing the various requests to adopt general comments on various

themes, the Committee decided to consider adopting themes for the next three years during its next session considering pertinent issues of children's rights that arise from its engagement with State Parties.

157. Concerning the request that was submitted for the Committee to pronounce itself on age of sexual consent, the Committee decided to request a brief note from Center for Reproductive Rights, which is the organization that forwarded the request, to send a brief note about the issue including the practice in African States and the issues that arise therein. Furthermore, the Committee decided to address the issue in its other activities such as its General Comment on Sexual Violence that is being developed.

158. With regards to the request by Save the Children to adopt child participation guidelines, the Committee decided to develop child participation guidelines in a process led by itself and taking into consideration the Mapping on Child Participation in Africa developed by Save the Children. The Committee also decided to address the issue of separate reports by children in the Guidelines that are going to be developed.

159. Moreover, the Committee decided to give slot to children in all of its upcoming sessions to ensure child participation.

160. The Committee assigned two focal persons for its engagement with the CSO Forum among its members namely, Hon Aissatou Sidikou and Hon Maria Mapani Kawimbe.

161. The Committee decided to adopt the Joint Study on Harmonization of Laws in Africa with the African Charter on the Rights and Welfare of the Child and Convention on the Rights of the Child after the Comments are incorporated and the final revised version is submitted to the Committee for its approval. The Committee also approved, as amended, the State Reporting data base after considering the revised versions taking into account the recommendations forwarded during the respective presentations.

162. The Committee adopted as amended the Concept Note for DAC 2020 and decided that the final version be sent out to Member States by early January 2020.

163. The Committee decided that its 35<sup>th</sup> Ordinary Session will be held in Addis Ababa on 23 March- 02 April 2020.

164. Following the requests from SOS, which requested the Committee to undertake activities around the theme 'children without parental care', the Committee decided to commission a continental study on the rights of children in need of parental care. The Committee also decided to consider developing a General Comment on children in need of care and organizing a continental conference on situation of children without parental care once the study is finalised.

165. The Committee adopted the outcome document of the Day of General Discussion on Children Affected by Armed Conflict.

**ITEM 34: REPORT OF THE ACERWC TO THE EXECUTIVE COUNCIL**

166. The Committee adopted its activity report for 2019 to be submitted to the Executive Council in the upcoming AU summit.

**ITEM 35-CLOSING REMARKS**

167. Hon Ndayisenga expressed gratitude to God for allowing the safe travel to Egypt of participants of the 34<sup>th</sup> Session and Members of the Committee. He expressed sincere gratitude to the Government of Egypt, specifically to the Ministry of Foreign Affairs and the National Council for Childhood and Motherhood for their invaluable assistance and contribution to the success of the Session. He further noted with appreciation the efforts of the civil society in working closely with the Committee in the implementation of the Charter for best interest of the child and thanked the partners who contributed financially and technically for the realization of the Session.

168. Hon Ndayisenga congratulated the new Members of the bureau of ACERWC and thanked the outgoing bureau chaired by Hon Nanikie Nkwe for the outstanding work done in implementing the mandate of the Committee. He noted that the objective of the program of the Session has been achieved with success; various decisions were taken pertaining to the presentations and deliberations made in the open and closed sessions. Some of them include decisions regarding request for observer status; request for development of General Comments, request for on-site investigation of alleged violations of the Charter, adoption of theme for DAC 2021 and activities for the 30<sup>th</sup> anniversary Commemoration of the Charter. It was further noted that one day of the Session was devoted to the children affected by armed conflict; as a result a declaration has been adopted as an outcome of the day. He concluded by reiterating the appreciation of the Committee to the various stakeholders who made the realization of Session possible. Hon Ndayisenga declared the 34<sup>th</sup> Session and the 18<sup>th</sup> Pre-session of the ACERWC officially closed.