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**35th SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
31 AUGUST – 08 SEPTEMBER 2020
VIRTUAL**

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REPORT

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

I. INTRODUCTION

1. The 35th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child was held virtually from 31 August to 08 September 2020.

II. ATTENDANCE

2. The Session was attended by the Commissioner of Social Affairs of the African Union Commission, the Chairperson of the Subcommittee of the Permanent Representative Committee on Democracy, Governance and Human Rights, Representatives of Member States, Children's Representatives, Representatives of the African Commission on Human and Peoples' Rights, the Office of Special Representative to the Secretary General on Violence Against Children, National Human Rights Institutions, Civil Society Organisations, International and Local Non-Governmental Organisations and the Media.

ITEM 1: OPENING CEREMONY

i. Remarks by Child Representative

3. Billy Omondi, 14, a child representative from Kenya, addressed the Committee and participants and indicated that child protection consists of reducing risks to children's holistic wellbeing and creating an enabling environment that supports children's positive development. In sharing the experience of his country on child protection and the role of various stakeholders, Billy highlighted that the Government is committed to child protection through implementation of various conventions and norms. He further stated that children do feel free to speak openly about issues that concern them and they are aware of their rights. Billy also mentioned that community structures and families also provide support for child protection through emotional support, provision of livelihood and basic needs as well as humanitarian and religious support. He also noted that the justice system should be empowered about child protection issues in order to be able to address violations against children. In concluding his statement, Billy stressed that all children should be provided with information and knowledge about child protection with a view to empower them.

ii. Remarks by CSO Representative

4. Ms Felistus Motimedi, representing the CSO Forum, represented by started by appreciating the ACERWC for appointing two of its Members as focal persons to follow up on matters involving the Committee's with the CSO Forum. Ms Motimedi stated that the CSO forum held its 16th CSO Forum virtually from 25 May to 3 June 2020 under the theme '*The African Children's Charter at 30: CSO's Contribution to Children's Rights*'. Highlighting some of the observations from the Forum, Ms Motimedi indicated that the Forum noted that Violence

Against Children (VAC) has increased as over 400 million children are forced to stay away from schools due to Covid-19 and cases of children becoming pregnant have also risen; the provision of other health services has been greatly compromised; and children are not involved in the decision making and dialogue on the COVID-19 response mechanisms. She mentioned that the CSO Forum welcomes the Committee's Guiding Note to Member States of the AU on COVID-19 and its implication on children's rights and welfare, issued on 8 April 2020 and further requested the Committee to prioritize the family, education and child safety at the core of its deliberations; urged States Parties to invest in the right infrastructure and establish transformational education systems focused on developing digital and entrepreneur skills for all children including those in rural areas; to promote physical, psychological and online safety of children in Africa; and to urge States Parties to develop child centred interventions and responses to COVID-19 and not to neglect other health issues such as non-communicable diseases as they work towards containing the spread of COVID-19. Ms Motimedi further forwarded the request of the CSO Forum for the Committee to conduct a research on the state of teenage pregnancies on the continent and develop guidelines on handling of child pregnancies at the State party level. She finalized her statement by indicating that the CSO Forum remains committed to support the Committee with its mandate on the African Charter on the Rights and Welfare of the Child as well as support the implementation of the Committee's new 2020-2024 Strategic Plan.

iii. Remarks by the Representative of NHRIs

5. In his remarks, Mr. Gilbert Sebihogo, Executive Director of Network of African National Human Rights Institutions (NANHRI), highlighted how that Covid-19 has made it difficult to monitor implementation of human rights and ensure accountability mainly because National Human Rights Institutions, and other human rights defenders are not classified as essential service providers. He indicated that with the closure of schools, across the Continent, more than 121 million children in Eastern, Southern and Central Africa were unable to access learning materials even with the introduction of online platforms; access to vaccination and other medical services has been severely impacted; the girl child in some parts of Africa have been turned into child brides, while others face genital mutilation as they stay home. He further stated that it is worrying that teenage girls are engaging in sex for food and other favours by highlighting the case of teenage pregnancies in Sierra Leone which is predicted to hit 23,000. He stressed that such situations are threats to the youth in Africa, who comprise 75 percent of the population. Mr Sebihogo alluded to NHRIs and CSOs joint virtual discussions held on June 15, 2020 which revealed that internally displaced, migrants, and refugee children remained in precarious conditions while movement restrictions take a toll. He informed that NANHRI, through its Working Group on Migration and its action plan adopted in 2019, strives to ensure that children on the move enjoy their rights and provide sustainable solutions to irregular migration and forced displacements. Mr Sebihogo welcomed the step taken by the Committee to grant affiliate status to NHRIs which can facilitate enhanced flow of information between the Committee and the NHRIs; submission

of alternative reports as well as monitor compliance with decisions and concluding observations of the Committee. Meanwhile, he called upon NHRIs of the States which have not ratified the Charter to push for ratification. While mentioning some of the steps taken by NANHRIs to collaborate with the African Union and its organs such as the establishment of a Memorandum of Understanding with the African Union Commission in March 2016 and setting up of an online information centre to collect decisions, observations, judgments and communications from the African human rights mechanisms, Mr Sebihogo concluded by restating NANHRI's commitment to work with the Committee for the African Child not to be left behind in the Africa We Want.

iv. Remarks by Chairperson of the African Union Advisory Board on Corruption and Chair of the African Governance Architecture (AGA) Platform

6. Hon. Begoto Miarom, Chairperson of the African Union Advisory Board on Corruption and the current Chair of the African Governance Architecture (AGA) Platform, mentioned that the Covid-19 pandemic affects children as they are the most vulnerable in any pandemic situation. In this regard, he applauded the Committee for having child protection issues, in light of and beyond the Covid-19 pandemic as an agenda item during the Session. Hon Miarom stated that the AGA platform noted during its meeting convened in May 2020, that the Covid-19 pandemic would raise a number of challenges that are directly relevant or intersect with the rights of children. He noted, of particular importance that require collective response are threats to justice, constitutionalism and rule of law, disproportionate effects to marginalized vulnerable social groups, the threat of corruption linked to resources earmarked to combat COVID-19, shrinking of civic space, institutional challenges for accountability, transparency and responsiveness and serious dilemmas relating to credible, inclusive and transparent elections. Hon Miarom further informed that the Platform agreed to consolidate approaches to the AU theme for 2020 '*Silencing the Guns and Creating Conducive Conditions for Africa's development*' and he expressed gratitude to the Committee for considering this item as part of its agenda for the Session. He also expressed his expectation that the recommendations from this portion of the session to feed into the development of the 9th High Level Dialogue on Human Rights, Democracy and Governance which will be dedicated to the theme of silencing the guns. Hon Miarom, while noting that the continent needs to adapt to Covid-19 pandemic and the challenges brought about by violent conflict, he stressed that there are many positive lessons that can learnt from examples of the past and through collective efforts, adopting an inclusive and participatory approach and sincere commitment. Africa can surmount these and many other challenges to ensure we develop a continent where all its children can live in prosperity.

v. Remarks by the Special Representative to the Secretary General on Violence Against Children

7. Hon Najat Maalla M'jid, the Special Representative to the Secretary-General of the United Nations on Violence against Children, highlighted that the year 2020 is

a milestone year for children's rights in Africa at various levels as it marks the Decade for Action to advance the Sustainable Development Goals linked to Agenda 2063; the 30th anniversary of the African Children's Charter; and the midterm review of Agenda 2040. She indicated that her mandate prioritizes three main areas of action namely: advocacy for accelerated implementation of SDG target 16.2 and other related SDGs; ensure that all forms of violence are included in the implementation of the SDGs; and amplifying the voices of children, with a particular attention to the most vulnerable. Hon Najat Maalla M'jid informed that her mandate prioritized support to countries that submitted Voluntary National Reports (VNRs) on SDGs in the year 2020, where she issued a briefing note on how to highlight promising practices on ending VAC. She also stressed that VAC is a global phenomenon as every year one billion children experience violence around the world; and every five minutes a child dies as a result of violence. Hon Najat Maalla M'jid stated that the majority of these children are in Africa, facing a multitude of challenges as poverty, social exclusion and violence are intertwined. Highlighting the immense physical, emotional, psychological and economic cost for victims, families and entire societies, Hon Najat Maalla M'jid further stated that the COVID 19 pandemic has exacerbated vulnerability and violence against children in Africa. She also stated that there are good practices and lessons learnt on eliminating VAC in Africa as 7 countries are pathfinder countries to end VAC; some countries have a legal framework prohibiting all forms of VAC; some have a national policy/strategy to end VAC, while others are developing a national child protection strategy. Hon Najat Maalla M'jid added that more work needs to be done in a coordinated and accountable way with a child-rights, multi-stakeholder and across sectors approach. She stressed that the best way of leaving no child behind is by putting them first, listening, involving and empowering them, bearing in mind that they are actors of positive change. She informed the Committee that her mandate offers support to the work the Committee.

vi. Remarks by the Representative of the African Commission on Human and Peoples' Rights

8. The Chairperson of the African Commission on Human and Peoples' Rights, Hon Solomon Ayele Dersso, started his remarks by noting how the Covid-19 pandemic has affected the whole of humanity and changing the social, economic and political lives of societies across the world. Hon Solomon indicated that most serious consequences on children arise not necessarily from Covid-19 itself but from the Covid-19 response measures which are designed without due regard to human rights standards and the needs of children. He indicated that, as a reveller of inequalities and vulnerabilities, Covid-19 and its response measures affect much more disproportionately children from vulnerable members of society such as children from poor families, minorities, indigenous groups, IDPS, migrants, asylum seekers and refugees, and children from communities with no access to water and sanitation who are living in congested homes and communities. Hon. Solomon noted that curfews, lockdowns and states of emergency have also disrupted the opportunities for socialization and co-learning which is critical for the social and psychological development of children, and it exposes children to conditions of stress and even in many circumstances domestic abuse or violence.

He further explained that patriarchal gender roles lead to more serious challenges and human rights issues to young girls ranging from increase in domestic responsibilities to exposure to harmful cultural practices including FGM and child marriages to lack of access to sexual and reproductive health services leading to early and untimely pregnancies.

9. Hon. Solomon alluded to the fact that closure of schools not only affect the right to education, but also exposes the right to education to inequality as most children do not have access to online and electronic platforms; results in lack of access to schools' meals, challenge to return to schools which can further lead to child labour and exploitation, and brings upon socioeconomic loss and social costs for society. He also stated that the socio-economic disruptions resulting from COVID19 subject children to deprivation of access to food and lock down and other restrictions of movement have led to disruption of access to health care, immunization and the care that newly born children need as pregnant women are unable to access pre-natal and post-natal care. Hon. Solomon also outlined that response measures to the pandemic have transgression effects on human rights such as excessive use of force, and arbitrary deprivation of the right to life and children have been victims of such abuse. He continued to highlight that the rights and safety of children can find protection only in conditions where there is respect for and protection of human and peoples' rights and stressed on the complementary role of the ACHPR and the ACERWC. Hon Dersso mentioned that the ACHPR, where is serving as Chairperson, has issued statements of 28 February and 28 March on human and peoples' rights in the context of COVID19. Further in May 2020, he, in capacity as Chairperson of the Commission, has released a joint statement with the High Commissioner for Human Rights on the socio-economic impact of COVID 19. Concluding his remarks, Hon Solomon, stressed that the pandemic has revealed that more work needs to be done on socio-economic rights, and that human rights organs need to shift the paradigm of their work accordingly.

vii. Remarks by Chair of the PRC sub-committee on Human rights, Democracy and Governance

10. H.E. Baye Moctar Diop, Ambassador of Senegal and Chairperson of the PRC Sub-Committee on Human Rights, Democracy and Governance addressed the participants. He first thanked the Committee for this invitation which allows him to participate for a second time in a statutory session after having been a member of the Delegation of Senegal for the consideration of the periodic report on the implementation of the Charter. He added that these immersions in the work of the Committee allowed him to realize how the members of the Committee take to heart the mission entrusted to them by the policy organs of the African Union for the promotion and protection of the Rights of the Child on the Continent.
11. The Chairperson of the Sub-Committee wished to strengthen collaboration with the Committee and the other African Union organs in charge of Human Rights because the synergy of action between the organs will facilitate the work and the

function of the Sub-Committee as well as the interaction with the Member States of the African Union.

12. Reflecting on the programme of work of the Session, H.E. Baye Moctar Diop congratulated the members of the Committee for their spirit of anticipation and pragmatism in their concern to save the children of Africa from new threats because the items on the agenda are topical. Finally, he wished every success to the Committee's work while inviting the Member States to implement the recommendations that will come out of this session.

viii. Remarks by the Commissioner of Social Affairs

13. In her remarks, H.E. Amira Elfadil, the AU Commissioner of Social Affairs of the African Union Commission, underlined the challenges out of COVID 19 pandemic, and the various activities and responses that the Department of Social Affairs is undertaking, mainly through the Africa CDC. The activities include, she stated, awareness creation, technical supporting in training physicians, distribution of COVID 19 testing kits and monitoring the spread of the outbreak in Member States. The Commissioner informed that her Department is undertaking various activities in relation to children's rights despite the challenge posed by COVID 19. She highlighted some of the activities such as carrying out high-level advocacy for the care of children against AIDS, tuberculosis, and malaria; partnering with REC's, stakeholders and partners to develop a proposal to re-strengthen the CARMMA campaign for the period 2020 to 2030, with the aim of ending all preventable maternal, new-born, child and adolescent deaths by 2030; tackling the challenge of online child sexual exploitation through a Project called '*Strengthening Regional and National Capacity and Action against Online Child Sexual Exploitation in Africa*'; and advocacy towards mitigation of online exploitation of children at the time of COVID 19. H.E. Elfadil indicated that a '*Free to Shine*' continental campaign has also been launched which is co-led by the African Union Commission and OAFLAD to reinforce political commitment of African nations to end childhood AIDS and keep mothers healthy. Moreover, she mentioned that the AU's Nutrition Champion, H.M. King Letsie the III, Head of State of the kingdom of Lesotho has released a position paper "*Embedding Nutrition within the COVID-19 Response and Recovery*" calling for prioritizing nutrition in national COVID-19 response plans and strategies in consideration of the various efforts undertaken by the African Union Commission on child nutrition. Amplifying the various achievements of the Committee, the Commissioner highlighted that there is increased commitment among States towards the implementation of the Charter as significant positive outcome has been recorded on the reduction of child and maternal mortality, increase in access to education and health services, reduction of child marriage and increased budget allocation for the rights of children. H.E. Amira Elfadil commended the work that is being carried out by the Committee and further called on all stakeholders to strengthen collective efforts to address remaining and emerging challenges against children in Africa.

ix. Opening Remarks by the Chairperson of the ACERWC

14. Hon Joseph Ndayisenga, Chairperson of the ACERWC, welcomed all participants and started by expressing the deep condolences of the Committee for losing one of its own, first Vice-Chairperson Hon. Dr. Azza Al Ashmaaweey. He also welcomed the new Committee Member, Hon. Aboubekrine El Jera, who replaced the late Hon Mohamed Hmeyada. The Chairperson highlighted that the year has been challenging for the work of the Committee due to COVID19 and further stressed that the pandemic has posed direct and indirect challenges against children. He underlined that children are directly affected by the pandemic and also indirectly affected by the measures taken to prevent the pandemic. The Chairperson stated that Children's education is being interrupted significantly and distance learning is difficult to implement as children are kept busy in the house front; the rate of violence against children in various forms has escalated due to home stay measures; children are being subjected to sexual violence, corporal punishment, child marriage, and child betrothal, among others. He continued to indicate that children's access to information on the Covid-19 situation is very limited since the messages are not child friendly in most cases. In this regard, Hon Joseph Ndayisenga informed that the Committee issued a guiding note to Member States on steps that may be taken to mitigate the impact of Covid-19 on Children as well as to ensure that children's rights are upheld during the pandemic. The Chairperson indicated that despite the challenge, 2020 has also brought an opportunity for child rights actors; as the year marks the 30th anniversary of the adoption of the African Charter on the Rights and Welfare of the Child, it calls for assessment of child rights situations in the continent and formulate strategies on how to better promote and protect children's rights at regional and domestic levels. In the context of the 30th anniversary, Hon Joseph Ndayisenga mentioned that the Committee has issued recommendations to State Parties on possible activities and measures that can be taken in commemorating the milestone including organizing domestic celebrations, ratifying the Charter, submitting pending State Party reports, implementing the decisions of the Committee, and undertaking legislative reforms.
15. The Chairperson further stated that the Day of the African Child, was commemorated by the Committee with a very successful webinar focusing on the theme: '*Access to a Child Friendly Justice System*' and announced that 2021 the Day of the African Child will be celebrated with a theme '30 years after the adoption of the Charter: accelerate implementation of Agenda 2040 for an Africa fit for children'. The Chairperson indicated that in 2020 the Committee received State Party reports from Ethiopia, Guinea, and Seychelles and during this Session it will consider State Party report from Kenya, some pending and new communications, deliberate on various studies as well as draft General Comments.
16. Despite the progress achieved, the Chairperson highlighted the challenges impeding the Committee from discharging its mandate and protect and promote children's rights on the Continent. He stated that there are still Six Member States which have not yet ratified the Charter; namely: Democratic Republic of Congo, Morocco, Republic of Tunisia, Saharawi Arab Democratic Republic, Republic of South Sudan, and Republic of Somalia, to expedite the ratification of the Charter- the Committee urges these Countries to ratify the Charter. He further stated the

State Parties which have not yet reported to the Committee, and the reservations made by some Countries and called on the respective Countries to fully adhere to their obligations under the Charter. Hon. Ndayisenga particularly noted the challenges of non-implementation of the Decisions and Recommendations of the Committee; and non-responsiveness and lack of cooperation from Member States as the major impediment that the Committee is facing. These challenges, he mentioned, are particularly visible in the communication procedure where Governments do not respond to the allegations made against them, and to the Letters of Urgent Appeals, where States fail to report on the measures they take to aver the situations. For instance, he informed, in recent times the Committee has sent letters of urgent appeals on various issues to Countries such as Cameroon, Mauritius, Sudan, South Sudan and Tanzania, where none of the Countries report on the measures they have undertaken. Hon Joseph Ndayisenga concluded by highlighting that the expansion of the scope of Committee's work calls for broadened partnership with various actors and assured that the Committee is ready to collaborate and work with various stakeholders more than ever.

ITEM 2: SWEARING IN OF NEW MEMBER OF THE ACERWC

17. Hon. Aboubekrine El Jera has sworn in as a new Member of the Committee in replacement of the late Hon Mohamed Hmeyada who passed away on 02 March 2019 after his designation for the Islamic Republic of Mauritania and appointed by the Executive Council of the African Union in February 2020.

ITEM 3: TRIBUTE TO LATE 1st VICE PRESIDENT OF THE ACERWC, HON DR AZZA AL ASHMAAWEY

18. Honoring the late Hon Dr Azza Al Ashmaaweeya who passed on 16 April 2020, the Committee dedicated a session to pay tribute to her. During the tribute remarks were made by H.E. Amira Elfadil, Commissioner for Social Affairs, a representative of the Government of Egypt, and Hon Sidikou Aissatou Alassane Moulaye, 2nd Vice Chairperson of the Committee. In their remarks, all the three speakers expressed their condolences and praised the notable work Hon Azza did within the Committee and in Egypt.
19. It was indicated that Hon [Dr Azza El Ashmawy](#) joined the African Committee of Experts on the Rights and Welfare of the Child in 2014 and she was serving as the First Vice President of the Committee since 2019 till the day she passed away. Dr Azza was very passionate about children's rights and she was serving the Committee for a second term. She was the Special Rapporteur on Education and the Country Rapporteur for Cape Verde, Equatorial Guinea, Eritrea, and Seychelles. Hon Dr Azza was very kin to issue of sexual violence against children and child trafficking. It was further stated that Hon Dr Azza's work in relation to children's rights was very impactful in her country, Egypt. She has played a key role in bringing change in Egypt on issues affecting children such as child marriage, Female Genital Mutilation, child mortality, child nutrition, children on the move, and children in emergency situations among others. She also ensured that the Government of Egypt launched the AU campaign on ending child marriage

and she led the celebration of the Day of the African Child in Egypt. Hon Dr Azza was also part of the drafting Committee of the 2014 Constitution of Egypt. The Speakers said that the passing of Hon [Dr Azza El Ashmawy](#) is a great loss for the continent and takes away an enormous child rights expertise and passion. The speakers were filled with memories of late Hon Dr Azza from the previous Session of the Committee remembering her initiation and hard work to take the Committee's 34th Session to Cairo, Egypt, which was also her last Session with the Committee and her kindness to make sure that all guest and Committee members enjoyed their stay in Cairo.

ITEM 4: CHILD PROTECTION ISSUES DURING AND BEYOND COVID-19- EXPERIENCE FROM MEMBER STATES (ANGOLA, EGYPT, ETHIOPIA, NIGERIA, AND SOUTH AFRICA)

i. Child protection issues during Covid-19- the Republic of Angola

20. Presenting on child protection issues during the Covid-19 pandemic, the representative of the Republic of Angola noted that until 28 August 2020, Angola had recorded 2,551 cases of Covid-19, of which 218 were children, among whom regrettably 4 have died due to the virus. The Representative stated that, in February 2020, an Inter-ministerial Commission for the Response to Covid-19 was established by the President of the Republic with a National Contingency Plan for the control of the Coronavirus Pandemic.

21. On the 25th of March, a State of Emergency was declared and the temporary exception measures aimed at preventing and controlling the spread of the pandemic were defined. He informed that under the State of Emergency, some fundamental rights were suspended. To mitigate the consequences of the confinement, according to the Representative of Angola, several economic impact relief measures were taken. The measures include, 315 million kwanzas were made available to the Ministry of Social Action, Family and Women Promotion (MASFAMU) aimed at ensuring the purchase of food from the basic basket for the most vulnerable families; free water distribution; Program for Strengthening Social Protection- Social Monetary Transfers, called "KWENDA", which aims to implement a temporary, broad social protection system. It was noted that as children are a group of special vulnerability and considering their best interests, the Government of Angola, through the National Children's Institute, carried out various activities, with emphasis on:

- ✓ The inauguration and entry into operation, on 16 June, African Children's Day, of the SOS- Criança Denunciation Line, which serves the telephone terminal 15015, a national service, which operates 24 hours a day, with characteristics of anonymity, free of charge and confidentiality. During a month of its operation, it had already registered a total of 40,000 calls, denouncing several situations of violation of the rights of the child; and
- ✓ The launching of the Valor Criança Project, the first Social Monetary Transfer program.

22. The representative of Angola concluded the presentation by noting the need for a strong regional and international cooperation in the fight against Covid-19.

ii. **Child protection issues during Covid-19- the Arab Republic of Egypt**

23. In her presentation, the representative of the Arab Republic Egypt, noted that Egypt has ratified various international treaties for the protection of children and had developed national strategies and action plans to ensure the protection of the rights and welfare of Children. She underscored three ways through which children in Egypt are affected by Covid-19: first- directly infected by the virus itself; second- socioeconomic impact due to the measures taken to suppress and control the transmission of the virus and its negative impact on children; and third- impacts on the implementation of the ambitious development agenda of Egypt- 'Egypt vision 2030'- and the Sustainable Development Goals.

24. It was noted that the total number of children that were infected by the Covid-19 virus in Egypt are 1,998 and all of them were cured either in hospitals or at home. The Pandemic has also resulted in the significant increase of cases of violence against children, which went from 368 in the period from 1 January- 17 March to 984 cases in the period from 18 March- 31 May.

25. The Representative stated that in addition to gathering data and information to measure the scale and nature of the impacts of the pandemic on children, the Government of Egypt is taking the following measures to minimize the risk and impact of the pandemic on children.

- ✓ Social assistance to families to shield children from extreme poverty.
- ✓ Secure local food supplies to protect children from future food security crisis.
- ✓ Prioritize child-centred services as schooling, health and psychological services.
- ✓ Protect children from abuse, exploitation and violence specifically domestic violence as our data showed that domestic violence increased during the Covid-19.
- ✓ Invest and support distance learning and enhance digital literacy skills among children. (Digital literacy camps for children).
- ✓ Provide support to parents and caregivers including how to deal with their children during the pandemic, how to manage their own mental health and the mental health of their children during the lockdown. (Positive Parenting awareness).

26. She further mentioned, the Government has ensured that Child Protection Committees and Units in all governorates are running actively and that child helpline service is operational 24/7. Another notable achievement is the development of a Standard Operating Procedures (SOP) on procedural steps to respond in emergency situations to children at risk during crisis, especially the 'Emerging Corona Virus Outbreak' and the preparation of a package of remote training in the field of specialized psychological support for children and adolescents.

iii. Child protection issues during Covid-19- the Republic of Senegal

27. The Representative of the Republic of Senegal informed the participants that following the outbreak of Covid-19, the President of the Republic called up on various stakeholders in the country to carry out adequate programs for social and economic resilience during the pandemic. In line with the President's call, various initiatives are in place to create awareness and to ensure the delivery of services during lockdown. Programs of capacity building are being disseminated on television. Education is being conducted via media outlets. There are efforts to ensure the protection of children in areas of security and health.
28. The Representative stated that the Government is implementing a special program to remove children from the street. This is done in inter-ministerial coordination and involvement of children both in urban and rural areas. During the lockdown period, around 500 children were sent to their families after having been rehabilitated. The second aspect of the program is for vulnerable children. 3 million children will be covered in various initiatives, including with food aid to children of 0-5 years.
29. The Government has also laid emphasis on information and communication. Hence, efforts were made to inform children and their families about the pandemic, it involved traditional and community leaders as well as the president of the republic and various media houses. It was noted that various Senegalese associations were involved in working against violence against children.
30. The Government is in the process of setting up a national team to deal with the impact of the pandemic on children. Furthermore, according to the Representative, there are efforts to revitalize the economy. The Representative of the Government reiterated Senegal's commitment to collaborate with the ACERWC to foster activities to protect children and commemorate the 30th anniversary of the Charter.

iv. Child protection issues during Covid-19- The Federal Democratic Republic of Ethiopia

31. The Representative of the Government of Ethiopia reiterated the multifaceted direct and indirect impact of the Covid-19 outbreak on the rights and welfare of children. It was noted that the Government of Ethiopia has taken various measures in the area information and communication to combat the pandemic. A hotline is being used by Ethiopian Public Health Institute (EPHI) to receive and respond to public calls and to monitor rumours and misinformation. There has been a distribution of key messages to targeted vulnerable populations, adolescents, and children through printed materials. More than 10,000 brochures have been distributed to vulnerable families under the Urban Productive Safety Net Program and the rest through the health system. The use of radio and television has enabled the Ministry of Health to reach millions of people for awareness creation.

32. It was added that child friendly quarantine centers are established under each quarantine centre and with the assistance of CSOs. The Government is also preparing Standard Operating Procedure (SOP) for registration and confidential data collection systems for when children or caregivers are admitted for quarantine, isolation or treatment.
33. It was noted that due to closure of schools, 26 million school children were no longer attending school. Following the closers, the Government has instituted distance learning to assist children to learn remotely through TV, radio and digital platforms. It was added that challenges exist around children not having adequate technology, internet connectivity, and electricity. Furthermore, according to the Representative, the closure of schools has also denied children of access to school meals, recreational programs, co-curricular activities, and pedagogical support by teachers. Moreover, distance education is not guaranteed throughout the country, especially for the most vulnerable due to lack of access to radio and television by a proportion of both urban and rural families.
34. Among gains made in terms of ensuring the continuity of essential services, the Representative noted that nearly 15 million children have been vaccinated against measles in Ethiopia in an effort by the health authorities to maintain essential health services. On the other hand, the pandemic is causing loss of livelihoods for millions of people especially in the informal sector, rise in levels of poverty and a rise in child malnutrition. One of the strategies by which the Government is trying to reach out to vulnerable families is through the rural safety net, known as the Productive Safety Net Programme (PSNP).
35. Concluding his presentation, the Representative noted the need to strengthening of public funding, ensuring that in the medium to long term, it leads to social protection systems that are prepared to absorb any future shocks such as Covid-19.

v. Child protection issues during Covid-19- the Republic South Africa

36. The Representative of the Republic of South Africa recalled that on 15 March 2020, the President of the Republic first addressed the nation on Covid-19, declaring a national state of disaster in terms of the Disaster Management Act. Following this declaration, a national lockdown was introduced, initially for 21 days, and outlined more stringent interventions in a comprehensive plan to limit transmission of the virus and to mitigate its economic and social impact. It was noted that to date there are 625,056 cases in South Africa (with 85% recovery), and 14,028 Covid-19 related deaths
37. In terms of providing child friendly information and communication procedures, it was noted that a child friendly guide has been developed and distributed to schools. The Guide contains booklets with information about Covid-19 (health related) and are published in 7 official languages out of the 11 official languages of the country. Short video clips (orientation for learners) have been distributed to

schools and are also downloadable from Department of Basic Education Website. Televisions adverts have been prepared with child friendly vision of videos.

38. In ensuring the right to education during Covid-19 outbreak, the Representative mentioned that the Government has introduced multimedia platforms to support learners during the lockdown period. These include CAPS-aligned learner APPS for Android, e-assessments, audio lessons (distributed via radio frequency & downloadable), video tutorials (distributed via TV and downloadable), interactive workbooks, lockdown digital school and Vodacom e-school (free for learners). Furthermore, it was noted that schools have re-opened under strict regulations (PPE, social distancing etc).
39. In an effort to ensure continued provision of services, the Government has proclaimed medical, social work and mental care as essential services. Protocol/Guidelines of engagement for social services professionals are being developed. Currently in place are the practice notes and departmental circulars to simplify the Government Regulations and alignment to the legislation and Policy. The Representative further stated that Regulations on placement of children has been established to support kinship care. And a special subsidy has been put in place for early childhood development programme and/or partial care facility.
40. With regards to parental care and protection there has been an expansion of Child Support Grant (CSG) with once off top-up grant to recipients, a value of USD40. Twelve million children on CSG received an extra USD20 each, taking their grants to USD46, and the 350,000 children in foster care and 155,000 children with severe disabilities, received a USD15 top-up – taking their grants to USD80 and USD130 respectively.

ITEM 5: CHILD PROTECTION AND COVID-19- PRESENTATION BY THE OFFICE OF THE SPECIAL REPRESENTATIVE TO THE UN SECRETARY GENERAL ON VIOLENCE AGAINST CHILDREN

41. Dr Najat Maalla M'jid, the Special Representative to the UN Secretary General on VAC, made a presentation on major child protection issues during the pandemic focusing on the trend in Africa. She noted that Covid-19 pandemic is a humanitarian and socio-economic crisis that is exacerbating inequalities, discrimination, social disparities and children's vulnerability. The pandemic has increased the risk of children experiencing or being exposed to violence at home, child abuse is less likely to be detected during the Covid-19 crisis and increased unsupervised on-line internet use has magnified issues around sexual exploitation and cyber-bullying. It was noted that children who are already vulnerable are more at risk to be victims of violence and exploitation. Furthermore, she noted, the global post Covid-19 socio-economic crisis will increase child poverty and vulnerability to violence, this will in turn increase the risk of child marriage, child trafficking, sexual exploitation and recruitment of children into criminal gangs, and armed groups and forces.
42. In Africa, she stated, 300 million students have been affected by school closures and distance-learning initiatives are not inclusive of all children. Furthermore, the

pandemic is already having and will continue to have a large socio-economic impact in Africa. She highlighted the importance of being cognizant of African experiences and lessons learnt from previous epidemics such as HIV/AIDS and Ebola, and to apply them where relevant.

43. Dr Najat noted that until a vaccine or cure becomes widely available there may be further waves of infections across the world that require forms of lockdown to be reintroduced. Hence, she stated, there is a need to ensure that the lessons learned on the violence-related aspects of the first lockdown are integrated into emergency preparedness now, including the development of protocols for service delivery and the protection of children's rights. Among other things, social and child protection services should be recognized as life-saving and essential services, along with health, mental health and education, as part of an inter-sectorial and child rights-based response. These services must be built on a solid foundation of a permanent social protection system, including universal child grants, which will protect children and their caregivers from economic risks, in good times and bad.
44. It was recalled that the UN Inter Agency Working Group on Violence Against Children launched an Agenda for Action that was widely shared in many languages. This Agenda for action calls on governments, the international community, the private sector, workers' organizations and leaders in every sector for a strong mobilization to ensure a child rights and multi-sectorial response to Covid-19, preserving health/mental health, education and child protection services, all of which must be built on the foundation of permanent social protection systems that will protect children and their caregivers from economic risks.
45. Dr Najat concluded by reiterating that taking in to account commemoration the 30th anniversary of the African Charter on the Rights and Welfare of the Child, the mid-term review of the Agenda 2040 and the 75th Anniversary of UN, coordination, multi-stakeholder cooperation and multilateralism are needed now more than ever.

ITEM 6: BRIEF PRESENTATION BY ORGANIZATIONS WITH OBSERVER STATUS WITH FOCUS ON THE WORK TO MITIGATE THE IMPACT OF COVID-19 ON CHILDREN

i. Centre for Reproductive Rights

46. The representative of the Centre for Reproductive Rights noted that before the Covid-19 pandemic, adolescents in Africa face several challenges to the full enjoyment of their sexual and reproductive rights. Measures implemented by governments to curb the spread of Covid-19, such as restrictions on movement and closure of schools, have exacerbated these challenges. As a result, reports of rising teenage pregnancies, forced and early marriages, and domestic and sexual violence against children are surfacing throughout the region.

47. She emphasised that despite the guideline provided by the Committee directing State Parties to maintain the provision of sexual and reproductive health information and services during the pandemic for adolescent children, which WHO has also recognized as essential services, significant barriers to access have been documented.
48. It was further noted that Health facilities are under-equipped and under-staffed as resources are being reallocated to meet Covid-19 needs, forcing providers to suspend sexual and reproductive health services. Restrictions have also hampered the procurement of reproductive health commodities such as contraceptives. Further, the diversion of resources from routine health services has had a major impact on essential health services, such as pre- and post-natal care, and the availability of contraceptives.
49. In view of this, the Centre called on the Committee to utilize existing monitoring mechanisms, such as country rapporteurs and periodic country reviews to ensure that State Parties implement their obligation during the pandemic and beyond. This includes ensuring that States prioritize access to youth-friendly, comprehensive sexual and reproductive health information and services; prevent, prosecute and punish perpetrators of sexual violence and other violations; and ensure adequate and timely remedies are available to survivors. Additionally, the Representative called on the Committee to consider undertaking a rapid assessment (study) of the impact of Covid-19 on the rights of children, including their sexual and reproductive rights, with the aim of issuing recommendations to State Parties to implement during the pandemic and beyond. The Centre further called on the Committee to urge states to address pre-existing barriers and legislative restrictions that limited adolescents' access to comprehensive sexual and reproductive health information and services

ii. Initiative for Social and Economic Rights

50. Representative of the Initiative for Social and Economic Rights made a presentation on the impact of Covid-19 on children in Uganda. The Representative noted that Uganda's health sector has been systematically under financed over time, resulting in gaps in infrastructure that were worsened during the pandemic. In the area of education, it was noted that about 73,000 education institutions with about 15million learners were shutdown to curb the spread of Covid-19. The Government through the Ministry of Education and Sports developed and implemented a framework for continued learning during lockdown. The Ministry established learning materials and uploaded on its website and that of its curriculum agency- the National Curriculum Development Centre; conducted lessons on both television and radios and further developed and distributed learning materials to 25% of the learners in primary and secondary schools. The materials were targeting the poor and vulnerable children.
51. Despite the efforts, it was noted that the program for continued learning during the lockdown has not benefited the vulnerable children. The failure to ensure learning materials reach the most vulnerable groups have left a significant number of children behind, and further created a lot of idleness resulting into high

rate of teenage pregnancies that have put the future of a number of schools going girls at stake as some may be unable to report back to school.

52. To address the challenges, the Institute called on the Committee to recommend to the Government of Uganda: develop and implement a robust data collection and management system on school enrolment and completion to enable the implementation of sustainable and effective interventions in public education service delivery; utilize the Abidjan principles on the provision of public education and the regulation of private involvement in the education sector; and ensure continued learning for the most vulnerable children. The institute further called on the Committee to develop a framework to guide States on private involvement in service delivery in such a way that promotes the rights of children.

iii. African Child Policy Forum

53. The Representative of ACPF informed the Committee that in April 2020, her Organisation has issued a targeted call of action for policy makers to proactively and concertedly address the impact of Covid-19 on children by putting children at the centre of the response. Recently, ACPF also went on to publish a comprehensive report, in collaboration with Plan International, on the impact of Covid-19 on girls in Africa. The research report titled 'Under Siege' highlights the vulnerabilities and risks that girls are facing in the context of Covid-19 and flags the need for urgent, collaborative multi-sectorial action to mitigate these risks in terms of access to healthcare, SRHR, poverty and hunger, sexual and physical abuse and exploitation, during the pandemic and recovery.
54. It was further noted that ACPF has been working on a continental study that captures the progress African governments are making in addressing violence against children. This compliments their collaboration with national level partners, to document home-grown practices that address violence against children while promoting global initiatives such as INSPIRE to already and aspiring pathfinding countries. These much-needed efforts, she stated, particularly during the pandemic when increasing reports of violence against children are reported, have been strengthened by the African Partnership to End Violence against Children, a partnership that encourages documenting, sharing and cross-learning of Africanised solutions to combating violence against children in all forms.

iv. Plan international

55. The Representative of Plan International noted that Covid-19 pandemic poses a serious risk of potential reversal of the limited strides achieved over the past decades towards gender equality in Africa as it exacerbates existing inequalities in social protection, health, socio-economic and political spheres. Covid-19 has resulted in the breakdown of social infrastructure and services, leading to health, transport, food, sanitation, legal, security and other governance structures being temporarily contracted or becoming dysfunctional. Such situations have led to increased exposure of women and children to human rights abuses, including

exposure to gender-based violence. Referring to the report that was jointly launched by Plan International and ACPF on 19 August 2020, she highlighted the lived realities of girls captured under siege and confounded by curtailment of their rights to education, health, protection and livelihoods among others, due to Covid-19. Incidences of GBV, child marriage and FGM have all been on the rise. Sharing Countries' experiences, while commending the new law in the Republic of Zimbabwe allowing for pregnant girls to return back to school, the Representative expressed concerns over the deteriorating situation in South Sudan, which has resulted in human rights abuses in Jonglei State and the draft law on sexual violence in Somalia.

56. Concluding her presentation, the Representative of Plan International called on the Committee to add its voice to the call by the Commission on Human Rights in South Sudan and the Coalition of CSO for the full implementation of the revitalized peace agreement and also guarantee the safety of girls in the conflict areas; Encourage Member States to scale up economic safety net, social protection and poverty alleviation programmes; Adopt a zero tolerance approach to violence against women and girls and bring perpetrators to justice; as well as to ensure that Covid-19 education response plans are gender and age responsive and reflect the lived realities of girls with disabilities, girls in rescue and humanitarian settings and support pregnant girls to go back to school.

V. Zimbabwe National Council for Children

57. The Representative of the Council noted that in Zimbabwe schools have been closed indefinitely since March soon after the Presidential announcement of the Covid-19 lockdown. This has exposed Children and young people including people living with disabilities to various forms of abuses and there is an increase in the number of reported cases on abuse and child marriages as well as sexual exploitation. He stated that government measures to assist children such as radio lessons are commendable but they are not reaching all students. There are areas that do not have radio coverage; lessons are not taking the special needs of children with disabilities and there is a language limitation as the lessons are conducted only in English, while they should be done in other local languages as well.
58. The socio-economic impact of the outbreak has resulted in some children resorting to petty trading to support parents income, this leads to child labour issues. In the area of healthcare, the pandemic has resulted in limited access to health facilities affecting the collection of routine medicine such as ARVs. It was noted that the dissemination of Sexual Reproductive Health and Rights is limited since health workers are on strike. Nursing mothers are not adequately targeted by Covid-19 messages and there are long queues for baby clinics. Another challenge noted is the limited access to prenatal and postnatal care such as registering and monitoring of pregnancies.
59. When it comes to nutrition, according to Zimbabwe Vulnerability Assessment Committee 5.5 million people were identified to be food insecure. This figure has been projected to increase given the exposure to increased vulnerability during

lockdown. The closure of informal economic activities further increases food insecurity. The council suggested that the Committee recommends to the Government of Zimbabwe, among other things, to put in place measures to include TV lessons for graphic and visual illustrations, increase radio signal coverage and increase the number of languages that radio lessons are conducted.

vi. Save the Children International

- 60.** The Representative of Save the Children International noted that the rapid spread of COVID-19 is overburdening the already under-resourced African health systems and disrupting routine health services that are likely to increase disease incidences and deaths from preventable and treatable causes, especially for children. She stated that an estimated over 262.5 million children from pre-primary and secondary school are currently out of school because of COVID-19 closures, which translates to approximately 21.5% of the total population in Africa. This is a big challenge not only for ensuring education, but also against food security and protection issues, as for many economically disadvantaged and children in vulnerable situation schools are not only a place for learning but also a safe space from violence and exploitation.
- 61.** It was noted that Covid-19 pandemic is unfolding in Africa against a backdrop of worrying hunger levels driven by climate shocks, conflict and economic challenges. Recent estimates of food insecurity, according to the Representative, suggest that as many as 107 million people in Sub-Saharan Africa were acutely food insecure. The consequences of COVID-19 pandemic are adding to the long list of food insecurity drivers in Africa. Many projections show that the food insecure population could double in the coming months, which of course is a serious nutritional impact for children.
- 62.** The Representative informed the Committee that Save the Children, through various Country Offices, has been supporting vulnerable communities with lifesaving aid during this pandemic. Save the Children has also developed a Pan African Policy Paper on the effects of Covid19 on children which includes recommendations regarding the use of the 'best interest of the child' and the 'do not harm' principles, in line with the African Charter on the Rights and Welfare of the child in Covid-19 response.

ITEM 7: PROCEDURAL MATTER

- 63.** The Committee considered and adopted the draft Agenda of the Session.
- 64.** The Committee has also undertaken a preliminary review of the applications for Observer Status received from Organisations and assigned Rapporteurs for final reviews.

ITEM 8: PRESENTATIONS ON GENERAL COMMENT ON ARTICLE 27

- 65.** The consultant, Professor J. Sloth-Nielsen, presented the draft General Comment on article 27 of the African Children's Charter on sexual exploitation and abuse. She started her presentation with the background of child sexual exploitation and abuse (CSEA) by indicating that CSEA is the lived reality for millions of children though accurate data is difficult to obtain. The online and offline CSEA prey on vulnerabilities of child victims and has devastating consequences on children's rights and welfare. Although boys can be victims, girls are mainly affected due to gender-stereotypical beliefs. The Consultant further stated that travel/tourism, conflicts, migration, lack of consistent legal frameworks and the poor culture of cyber security in Africa have exacerbated the problem of CSEA. It was highlighted that 30 States have no law or policy on CSEA and some countries have not yet ratified the Optional Protocol of the Convention on the Rights of the Child (CRC-OP) on sale of children, prostitution and child pornography. The consultant mentioned that article 27 has been drafted in 1999 before the digital era. To date, new forms of online abuse have arisen with the digital era. Hence, she stated that the General Comment, among other things, aims at dealing with the new forms of CSEA, to fill the gaps in the response of new forms of CSEA and to clarify the States' Parties obligations. The draft General Comment provides guidance and clarification to States Parties to what exactly should be criminalised. The consultant noted that the principles and recommendations included in draft General Comment are linked to the implementation of the provisions of the Charter as a whole, and they are not subject to 'progressive realisation'.
- 66.** Presenting the general overview of the draft General Comment, the consultant stated that the draft provides terminological clarification of CSEA; sexual activity; grooming; sexual touching; sexual harassment; safeguarding and online sexual exploitation. The general nature of State obligations; the general measures of implementation of the draft General Comment; the content of the rights and States obligations to respect, protect and fulfil the effective implementation of this GC was explicitly addressed. The consultant further indicated that the age of sexual consent is not provided in treaty law. Even if the age of sexual consent can be at 14 or 16, no child can consent to exploitation or abuse. Hence, the 'consent' of the child is legally irrelevant. The consultant suggested applying a 'close in age exception' to the age of consent to void criminalising teenagers for normal peer exploration. She further indicated that Children involved in sexual activities should never be criminalised. A more child-oriented response should be adopted as an alternative dispute resolution and the best interest of the child should be the priority in all CSEA cases. Where the minimum age of sexual consent is established, the consultant further indicated, the principle of non-discrimination requires that it should be the same for all children.
- 67.** The draft outlines the range of measures required to ensure the protection of children against CSEA such as the adoption of legislative measures to explicitly protect children against CSEA; administrative measures to ensure the effectiveness of child protection; protective measures to mitigate the violence and consequences of CSAE; and preventive measures by engaging with the tourism industry to ensure that children are not victimized. To comply with its obligation to protect children against CSEA, various activities that States can undertake are

provided in the draft General Comment such as the organisation of community campaigns to educate and train the community; child-age appropriate sexuality education; programmes tailored to children in hard to reach situations; conduct investigations and prosecute the perpetrators; establish national jurisdiction over all CSEA, but also extraterritorial jurisdiction; elaborate bilateral treaties; Inter-state and international co-operation to provide technical assistance; criminalise all forms of CSEA; establish special monitoring units and specialised detection services; adoption of victim centred responses; adoption of special measures for children in situations of vulnerability; adoption of regulatory measures to respond to reports/complaints; provide psycho-social support to victims; etc.

68. After the presentation, the Committee Members appreciated the quality of the work produced by the consultant. However, the Committee identified few issues that the consultant may consider when finalizing the General Comment. Particularly, Members reflected on the challenges around the difference and harmonization of the minimum age for sexual consent and age of marriage. Members indicated as the age of marriage is set at 18, establishing the minimum age for sexual consent below 18 could raise questions as it differs from the context in many African Countries. They also stated that the General Comment should provide information and guidance on: how States should harmonise their laws regarding online sexual exploitation; the ambiguous and controversial issues (such as whether children can consent for sex, if they do whether that can open up to sexual exploitation); and the focus on the digital environment does not adequately address CSEA at community level and in rural communities where almost all children do not have access to the internet. The Committee highlighted that the consultant can conduct further research and provide recommendations on how States can be more progressive and adopt laws related to the CSEA and change legal trends at the continent level.

ITEM 9: PRESENTATION ON SILENCING THE GUNS: LOCATING THE CHILDREN- STOCKTAKING OF AFRICAN UNION'S RESPONSES TO CHILD PROTECTION IN CONFLICT SITUATIONS

69. The consultant, Dr Martha Mutisi, presented the report on the Continental stock taking study of African Union's responses to child protection in conflict situations. In her presentation, the consultant looked at policy guidelines and activities of the African Union (AU) policy making organs such as the AU Peace and Security Council (PSC), the AU General Assembly. In addition, the consultant also examined the policy and practice at the AU Commission (AUC) institutions, Regional Economic Communities (RECs)/ Regional Mechanisms (RECs/ RMs), AU and REC/ RM-led peace support operations, regional peacekeeping centers of excellence (RPKTCEs) and other stakeholders with specific mandate on child protection.
70. Dr Martha noted that the AU has made important strides to date on its commitment to the protection of children affected by armed conflict (CAAC). The African Peace and Security Architecture (APSA) has, to an extent, mainstreamed the protection of children in conflict situations into their work processes and

guiding documents. She noted that much of the mainstreaming efforts are guided by several normative instruments, including the ACRWC.

71. She stated, despite the positive trends various child protection challenges have been identified in the report. For instance, PSOs face challenges of effectively protecting children in conflict situations. These challenges include: Denial of humanitarian access to civilians, including children, remains a major concern in Darfur; AMISOM still struggles with the recruitment of child soldiers by Al-Shabaab- According to a UN report, in 2018, 2,228 boys and 72 girls were recruited by armed groups in Somalia; Lack of basic amenities and services, including holding areas for children in AMISOM; Failure by AMISOM to access other areas outside Mogadishu, thereby leaving children vulnerable; and the Region Task Force -LRA in Central African Republic has not been fully able to stop the recruitment of children by the LRA. Moreover, she mentioned the Continental Early Warning System and Regional Early Warning Systems are less explicit about child protection. Only Eastern African standby force early warning mechanism Priority 7; Target 7.1. seeks to *“strengthen the protection of children affected by armed conflict, including children displaced due to armed conflict in collaboration with the African Union Commission.”* Concluding her presentation, she stated that AU, through APSA, has to an extent, mainstreamed the protection of children in conflict situations into their work processes and guiding documents. Much of the mainstreaming efforts are guided by several normative instruments, e.g. African Charter on the Rights and Welfare of the Child. However, there is need to ensure that child protection efforts move from the normative pronouncements to tangible action in the conflict theatres. The AU should establish a child protection architecture, which is supported by a sound Monitoring learning and evaluation system to enable assessment of progress.
72. After her presentation, Members of the Committee welcomed the study and the efforts which the consultants had undertaken given the COVID-19 situation, and reflected on the draft Report. It was noted that the study should clearly address the following questions: What is happening with child protection within the AU peace support operations? How is it happening? Why are some things not happening on the child protection front? It was further noted that indeed the open session with the PSC on CAAC has been institutionalized in May each year. However, the Committee called on the consultant to critically assess the added value of this institutionalization within the PSC, looking at the extent of implementation of PSC decisions on CAAC. According to the Committee, the report needs to interrogate the decision-making matrices of power within the PSC, why some conflicts are on the PSC agenda whilst others are not considered. It was also underscored that there is a need for the study to critically look at the emerging trend of using anti-terrorism legislations in armed conflict prosecutions; war on terror and respect for children’s rights need to be attended to within the report. Linked to this aspect is the point that some of the violations are done by groups that are associated with the state hence need to interrogate accountability mechanisms for child rights violations in conflicts. The discussion ended by asking the consultants to be as candid as can be so that clear guidance can be gotten on how the Committee can work on the issue.

ITEM 10: PRESENTATION-STUDY ON THE STATUS OF IMPLEMENTATION OF AFRICA'S AGENDA ON CHILDREN'S RIGHTS (AGENDA 2040)

- 73.** The consultant, Prof. Julia Sloth-Nielsen, presented the study on monitoring implementation of Agenda 2040 covering the period from 2016 to 2020. The consultant started by reminding that Agenda 2040 was developed and adopted by the ACERWC in 2016 during the 25th anniversary of the ACRWC. It sets 10 aspirations and goals with targets/measurable indicators for each aspiration for 5 years periods. The consultant further highlighted that in addition to the 10 Aspirations, the study in the last chapter, covers matters related to COVID-19 and its impact on the achievement of Agenda 2040.
- 74.** The key findings that the consultant presented were mainly based on the core activities and achievements of the Committee to improve the situation of children's rights in Africa such as: the follow-up missions on the concluding observations and recommendations; the implementation of the recommendations of the ACERWC by State Parties; legal reforms, the development and amendment of laws and policies to align with the ACRWC; the popularization workshops on Agenda 2040 in the RECs; the grant of Observer Status to various Organisations; the progress in the EAC to criminalize corporal punishment and the enactment of the EAC Prohibition of Female Genital Mutilation (FGM) Act to harmonise laws, policies and strategies to end FGM across the region; the establishment of health insurance schemes; the adoption of anti-trafficking legislation or provisions by 52 African countries and the adoption of laws which prohibit harmful traditional practices in 42 African countries.
- 75.** However, the consultant indicated that further efforts are needed to ensure the full implementation of the Agenda 2040. Hence, accelerated efforts are needed for the ACERWC to increase advocacy tools for State Parties to submit their initial and periodic reports; update the targets for monitoring of Agenda 2040 and include references to follow up on more recent communications received (after 2016), as well as other newly introduced activities; take initiative in identifying States parties that have not yet enacted a comprehensive children's statute and send follow up communications to these States; for States Parties to include details of capacity building in their reports in addition to legislation. For the ACERWC, to engage with NANHRI and children's ombudsman; to continue to urge States Parties to give consideration to full implementation of General Comment no 2 (on Article 6 of the Charter) through Civic education and awareness campaigns; undertake measures to achieve universal health coverage, access to quality essential health-care services for all children; urge African governments to work closely with development partners and other experts to ensure the maximum attention for children's access to the basic necessities of life. She further stated that the Committee should continue to press States Parties to improve budgetary allocations for social protection, and for children specifically; urge States to enact and or revise child labour and anti-trafficking legislation/provisions to ensure they are in line with the ILO framework and the Palermo Protocol; urge governments to establish mechanisms for engaging with children at the national level; create a dedicated forum aimed at bringing forward

the voices of children in the monitoring of this Agenda; consider the idea of an African Children's Parliament and enable children to participate in many issues concerning them at the continental level. States parties to strengthen their efforts to protect children during COVID-19 against FGM, child marriages, school dropout, teenager pregnancy and sexual exploitation. The consultant further recommended that the indicators of Agenda 2040 should be reduced as a huge number of domains has to be covered.

76. After the presentation, the Committee appreciated the quality of the work of the consultant which provides an opportunity to assess the advancements of children's rights and the consistency of the committee's action to improve the situation of children's rights in the continent. However, the Committee raised the issues with regards to the recommendations that the consultant provided in the presentation such as the revision of the reporting period already provided in the charter which may require the amendment of the charter. It was also noted that more recommendations need to be provided under the Covid 19 chapter on the situation of children deprived of access to medical care and attention where the concentration is being put to Covid 19 in most of the African countries; to focus more on child protection during Covid 19 for children with special needs, children left out of education system and provide information on how States are investing in education; where the Committee needs to immediately respond to, how it can intervene and pro-actively raise the voice to issues concerning Covid 19. With regards to Aspiration nine, to consider reconciling the recommendations with the recommendation being made on 'Silencing the guns: locating the children stocktaking of African union's responses to child protection in conflict situations'; provide implementable recommendations and aligned to both the aspirations and the work of PSC; and to include the role of the community actors in enhancing the birth registrations.

77. The Committee concluded that there is a need to resuscitate the campaign for reporting to the ACERWC to monitor children's rights in the continent. The Committee requested the consultant to suggest strong recommendations for the implementation of the objectives of the Agenda 2040 which is very relevant to the implementation of the Charter. In her responses to the Committee's comments, the consultant suggested that the Committee can review the recommendations provided in the Agenda 2040 monitoring draft and provide their observations in the next couple of weeks. The Committee concluded that it is preferable to complete this study before the end of this year 2020 because it coincides with the theme of the Day of the African Child (DAC) of 2021: '30 years after the ratification of the charter, accelerate the implementation of the Agenda 2040 for an Africa fit for children '. The celebration of the DAC 2021 will provide an opportunity to disseminating the content of this study.

ITEM 11: CELEBRATION OF DAC 2020 AND THE THEME OF DAC FOR 2021- '30 YEARS AFTER THE ADOPTION OF THE CHARTER: ACCELERATE IMPLEMENTATION OF AGENDA 2040 FOR AN AFRICA FIT FOR CHILDREN'

- 78.** The Secretariat of the ACERWC presented a report on the Commemoration of the Day of the African Child (DAC) 2020, which was celebrated under the theme 'Access to Child Friendly justice in Africa'. The presenter recalled that DAC celebrates the children of Africa and calls for serious reflection and commitment towards addressing the numerous challenges facing children across the Continent. It was indicated that due to the current pandemic, the Continental Commemoration was conducted through a Webinar held on 16 of June 2020, where more than 150 people participated. With five panel presentations, the webinar aimed at examining the elements of a child friendly justice system, including the application of a child rights-based approach and use of the four principles of children's rights as a tool for realizing access to a child-friendly justice system in Africa.
- 79.** The first panel titled 'International and Regional norms and standards on access to child friendly justice applicable in Africa' highlighted the norms in the African Children's Charter, Aspiration 8 of Agenda 2040, and other regional and international instruments that ensure access to justice for children. The second Panel was presented by Cameroon, Zimbabwe and UNICEF and was titled 'Access to child friendly courts and judicial proceedings-good practices and limitations in African countries'. Panelists were examining the legal basis for the establishment of children's courts in African countries and the participation of children as victims in judicial proceedings. They also looked at the basis and possibility for adapting judicial process to enable children to provide evidence and participate in the proceedings. The third panel presented by Kenya and Guinea was on 'Children deprived of liberty- norms and practices in Africa'. It addressed the laws and practices of African states in relation to children in justice administration procedure including detention as a last resort. The fourth panel was presented by Tunisia, Plan International and World Vision International and was speaking to the 'Access to justice for children in vulnerable situation-normative standards and practices in Africa'. It highlighted the barriers to access to justice for children in vulnerable situation and analyzed the laws and practices around providing support to facilitate the participation of children in particularly vulnerable situations. The last panel dealt with 'the role of CSOs in improving access to child friendly justice system in Africa'. It outlined the role of CSO's in ensuring child rights, education and legal awareness for all children, as well as for families and communities. In her conclusion, the presenter outlined the major recommendations that participants have made to Member States in order to ensure that the access to child friendly justice is guaranteed for African children.
- 80.** After the presentation, the Members of the Committee appreciated the efforts of the States to have participated in the DAC 2020 despite the health crisis. They also mentioned that as part of the theme of the year more need to be done by Member States to establish adequate and child-friendly infrastructure for children in detention, raising the age of criminal responsibility and putting in place criminal justice mechanisms for children.
- 81.** The Secretariat also presented the proposed activities in line with the commemoration of the DAC in the year 2021, which will be held under the theme '30 years after the adoption of the ACRWC: accelerate implementation of Agenda

2040 for an Africa fit for children'. The presenter unpacked the elements of the theme and indicated that it has two dimension: the 30th anniversary of the Charter and the acceleration the implementation of Agenda 2040. She then elaborated on the objectives of the theme of which some are: popularize recommendations from lesson learnt in the past 30 years in child protection in Africa, and increase awareness among stakeholders about Agenda 2040. She further mentioned and explained the different components of the theme which are: the outcomes of the various studies and discussions featured in the commemoration of the 30th anniversary of the Charter in a comprehensive and concise manner; the implementation of Agenda2040 for the coming 20 years and the expectation for various stakeholders on commemorating the day. The presenter stated that the Commemoration of DAC 2021 will help the Committee to undertake a deliberate popularisation and acceleration of implementation of Agenda 2040, which is necessary for the achievement of the promotion and the protection of the rights of the child; and States to adopt a child-based approach that uses the four principles of children's rights as a tool for realising Agenda 2040. She ended her presentation by elaborating on the expected outcomes of the celebration of DAC 2021 on this theme. After reflection on the presentation, it was indicated that the Concept Note should be finalized and presented for adoption during the next session.

ITEMS 12: MOBILE APPLICATION AND CHILD-FRIENDLY APPLICATION ON THE AGENDA 2040 AND THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

82. The consultant, Eratus Kariuti, presented the Mobile Application and child-friendly Application on the Agenda 2040 and the African Charter on the Rights and Welfare of the Child. He mentioned, the Application called 'ACERWC Africa' is a mobile Application for the African Committee of Experts on the Rights and Welfare of the Child which can be consulted online and has downloadable documents. He explained that the Application gives access to reports and other documents and also gives an option of interaction with the Committee. He presented some of the features of the Application. He mentioned that the Application can be accessed by adults and children, and the information are adapted depending on who is accessing. After his presentation, Members of the Committee raised questions on to how child friendly the application is and made the recommendation to access the level to which the application is accessible and understandable, and generally, that children should participate in the process of making decision that involve them. The consultant welcomed the recommendations and reassured the Committee Members that their recommendations will be considered to improve the Application.

ITEM 13: CONSIDERATION OF PERIODIC REPORT OF THE REPUBLIC OF KENYA ON THE IMPLEMENTATION OF THE AFRICAN CHILDREN'S CHARTER

- 83.** The committee began by thanking the Government of the Republic of Kenya for submitting in November 2018 its second and third periodic report in compliance with article 43 of the ACRWC. The committee introduced the first series of questions that covered the following points: general measures of implementation; definition of the child; general principles of the child: rights to life, survival and development; and civil rights and freedoms. The second series of questions focused on family environment; health; education; leisure and cultural activities and special child protection measures. After introducing the series of questions, the committee welcomed the Kenya delegation to start the presentation on the second and third periodic reports which covers the period of 2012 to 2017.
- 84.** The Delegation of the Republic of Kenya, led by H.E Mr. Simon K. Chelugui, Cabinet Secretary, Minister of Labour and Social Protection, presented the third periodic report of the State Party. Introducing the Report, the Head of the delegation indicated that all the issues raised in the list of issues that the Committee sent were expeditiously responded to and submitted to the committee. He further mentioned that the COVID-19 pandemic has impacted livelihoods, health, transport and child sectors especially where there has been violence against children. Hence, the Government of Kenya has adopted measures to safeguard the rights and welfare of children during the pandemic. After presenting on the adopted measures, the first series of questions started with the following concerns from the Committee.
- 85.** The Committee thanked the leader of the delegation for his introductory remarks, their current responses to the pandemic, and congratulated Kenya for submitting their second and third periodic report. The Committee further appreciated Kenya for presenting on the Covid -19 responses and their updates regarding the measures that Kenya has adopted to protect children during the pandemic. The committee raised several issues including: the measures that have been put in place to guarantee the rights of the children especially the out-of-school children; special need children and those without parental care during the pandemic; the right to education during Covid -19; the integration of Nubian children; the effect of policies and programmes that Kenya has adopted; the achievement of Anti-FGM Board and child marriage.
- 86.** Concerning the issues raised by the Committee, the Kenya delegation responded to the issue related to the right of education by highlighting that Kenya has launched virtual learning to allow children to continue learning during the pandemic. A sensitisation through mass media increased the number of youth who benefited from these services. Kenya has also developed a Covid -19 emergency response plan to guide the country towards responding to the pandemic. Kenya has further worked closely with its partners to ensure that learners get the needed assistance devices. Concerning the Nubian children, the Kenya delegation indicated that Nubian children have been integrated into the community. According to the delegation, Nubian children do not have any issues related to birth certificates and attending their schools. A children officer in Kibera is working closely with the community leaders from the Nubian children to allow their integration in the community. Concerning the effect of policies and programmes that Kenya has developed, the delegation indicated that Kenya has

a Government based-program where policies and guidelines have been launched including the annual work plan of the various Ministries. The various guidelines on children have been translated into the annual work plan of the Department of Children's services especially this financial year. The Kenya delegation responded to the question related to the achievement of the Anti-FGM Board by indicating that the Department of children's services together with other stakeholders, both at the county and national levels, have worked closely to disseminate the various issues related to harmful cultural practices including FGM. Children's services have worked closely with National government administration up to the level of the Chief and assistants to talk about the effects of FGM. The department of children's services rescued children who have been affected by the FGM into the various rescue centers and received counselling services. About Covid -19 and response to children, the delegation indicated that the child health division of the Ministry of Health was engaged in Media health talks to capacity building of children and care givers on how to care for their children and how to talk to their children about Covid -19. This includes targeting special needs children and their care givers. The division of child health further provided guidelines on how children to be handed during the quarantine process as well as how mass testing of children has to be conducted. The Ministry of Health in collaboration with the mental health division has developed guidelines on the psychosocial protection of children during this pandemic. These guidelines were disseminated to the country's health management teams and they were supported to further disseminated to facilities and communities. Child welfare society has also developed welfare responses concerning the administration of children who have left the institutions. For children, both in the institutions and those in the community, the Ministry of labour and social protection brought together all the stakeholders dealing with the children to see how best can they intervene on behalf of children. Concerning Child marriages, the delegation indicated that the county children's officers and the sub-county children's officers in the whole country worked together with other stakeholders to sensitize peoples on the effect of child marriage.

87. In the second round of questions, the Committee raised several issues, such as: the government intervention on children headed families and vulnerable families; birth registration and certificate for refugee children; security of school-going children in rural areas and security of children outside of schools; supplementary feeding program for children under five; free immunization program and coverage; access to water, sanitation and hygiene facilities and access to health services in Refugee Camps.
88. The delegation responded to the questions indicating that Kenya has the most robust social assistance fund to support vulnerable families. Through the Department of social protection, Kenya is supporting families of the elderly, children headed families and peoples living with severe disabilities. Children from poor families or children headed families are also supported from primary to tertiary up to the University. Kenya has also a street family's rehabilitation fund. During Covid -19, Kenya has a Presidential program to support the children headed families and the elderly who are vulnerable in the form of a grant or cash transfer through M-PESA which is a mobile money transfer. Kenya has further

arid and semi-arid autonomous government agencies who also received money and spend it in the rural and arid areas of the country. Kenya has further programs of goodwill for marginalized communities where there is an equalization fund which targets the remotest (arid and semi-arid) area of the country. About birth registration and certificate, the delegation indicated that for children born in hospitals, birth registration is done with the support of UNHCR in collaboration with the civil registration office. After their registration, children are accorded the birth certificate. For children born in Camps or outside of the hospital, the UNHCR provides support to profile the individual case of the child which is not registered. The Refugee Secretariat in collaboration with the Civil Registration Office is assisting to fill out the forms on the respective details of the child and facilitate registration of the child. After registration, children are accorded birth certificates. Concerning the security of children in rural areas or outside of schools, the delegation stated that Kenya has the Nyumba Kumi clusters, the community policing committees that are members of the public who are working closely with the police officers. These community elders are at the household, sub-location and location level and they work closely with the police officers to providing security for children. About the supplementary feeding program, the delegation stated that the Ministry of Health provides supplementary food to all under knowledge children of five and below in all public facilities and food-based facilities. The Ministry of Health also provides Vitamin A supplementation twice a year to all children under five free of charge. Concerning the free immunization program, the delegation highlighted that Kenya has an immunization program that covers all the recommended childhood vaccines which are delivered free of charge in all public facilities in the country and also in some faith-based institutions. Concerning access to water, sanitation and hygiene facilities, the delegation stated that there is an environmental Health program in the Ministry of Health that works in collaboration with partners and county government to provide a storage facility of water for slum areas and also marginalised population. With the support of its partners, the county governments through its water Board provides water free of charge to the vulnerable populations in some areas especially, during this Covid -19. Concerning access to health services in Refugee Camps, the delegation indicated that all refugee camps in Kenya have the UNHCR delivery health services free of charge to all populations. The county government worked in close collaboration with its partners UNHCR, UNICEF and the ICRC to ensure that any child or adult who requires specialized care that is not available in the facility is referred to the county referral hospital and the service is provided free of charge so that children can get the care that they need.

- 89.** After the presentation, the Committee requested the delegation of Kenya to submit further information related to the protection of children's rights to the Secretariat. The children's representative who participated in this Session was given the floor to make brief remarks. The child thanked the Government of Kenya by indicating that most of the concerns/problems were addressed. He indicated that the Government has done much to ensure children can enjoy their rights including their right to education during this pandemic. However, he stated that accelerated efforts are needed to ensure that children in remotes areas can fully enjoy their rights.

90. Before closing the Session, the Committee congratulated once again the Government of Kenya for submitting its second and third periodic reports. The committee indicated that it will proceed to the deliberation and submit to the Government of Kenya its concluding observations. After two years, the Committee will follow up with the Government of Kenya to assess the status of implementation of its observations and recommendations. After the Committee intervention, the leader of the Kenya delegation made a closing remark by indicating that Kenya is dedicated to honour every provision of the ACRWC and ensuring that children are protected, safe and supported so that they can live a fruitful life.

**ITEM 14- CONTINENTAL STUDY ON CHILDREN WITHOUT PARENTAL CARE
(Closed Session)**

91. The Members of the Committee considered the presentation made by SOS Children's Village regarding the progress of the Continental study on children without parental care. After discussion, the Committee decided that the call for application should be republished with a view to identify candidates which satisfy the Committee's expectations.

ITEM 15: COMMUNICATION NO:0011/COM/001/2018 AGAINST THE REPUBLIC OF THE SUDAN- HEARING PROCEDURE

92. While the Committee remains seized on the Communication, the Complainants, through a letter dated on 31 August 2020, submitted a request for the matter to be settled amicably.

93. The Committee noted that the request for the Amicable Settlement was made under Section XIII of the Revised Communication Guidelines, which permits the Parties to a communication to resort to amicably settle their disputes any time before the Committee decides on the merits of the Communication.

94. Following the consultation, the Committee deliberated on the request and noted that the Parties are in agreement to settle the matter amicably and agreed to facilitate negotiations

ITEM 16: ACERWC'S STRATEGIC PLAN- 2020-2024

95. The ACERWC considered and adopted its Strategic Plan for the Years 2020-2024.

ITEM 17: UPDATES ON PROJECTS (EU-AGA PROJECT, GIZ-AGA PROJECT, UNHCR PROJECT ON ENDING STATELESSNESS AMONG CHILDREN, IOM/UNICEF PROJECT ON CHILDREN ON THE MOVE, ACERWC/DOI PROJECT ON COMMUNICATION AND CHILD RIGHTS JURISPRUDENCE)

96. The Committee welcomed the following projects and partnerships as briefed by the Secretariat:
- i. EU- Support to the African Governance Architecture (AGA) 2020-2023
 - ii. GIZ- Support to the African Governance Architecture (AGA II) Programme”,
 - iii. IOM/UNICEF/DSA- institutionalizing a continental approach and programmatic response to protect and assist Children on the Move

ITEM 18: BREIFING BY DRC on the state of children’s rights in Kasai

97. Following the request submitted by Human Rights Watch, the ACERWC was briefed on the situation of children affected by conflict in DRC, specifically in Kasai Region. The DRC delegation was led by Mr Pierre Ebbe Monga, Legal Advisor to the Minister of State in the Ministry of Foreign Affairs. The Head of Delegation noted that the situation of children in DRC was in a precarious situation as with children in other parts of the world due to the COVID-19 pandemic. He noted that some of the children in DRC are more affected due to conflict. The Head of Delegation pointed out that in spite of these difficulties, the government is working on ensuring that children access education as can be attested by the ordinary and advanced level examinations which were underway at the time of the hearing.

98. Focusing on children in Kasai Province, the Head of Delegation noted that indeed children in Kasai have been affected by conflict. This conflict has disrupted normal life and food security has been compromised. He further noted that hospitals and schools have been destroyed in the region and there have been massive internal displacement of people including children. He however acknowledged the efforts of partners assisting to readmit children into schools and rebuilding of the destroyed infra-structure. He noted that the partners are also assisting with food since the region is in dire need. He noted that the situation is now better than it was a few months ago, through a lot still needs to be done.

99. The Committee welcomed the delegation and noted the various challenges that children in DRC who are affected the protracted conflicts are facing; challenges including Food insecurity, lack of quality education, lack of health services, limited birth registration services, recruitment of children into armed forces, and lack of accountability for child rights violations. The Committee also stressed the need for expediting the process of ratification of the African Children’s Charter, where the delegation confirmed that the Government of DRC has already ratified the Charter at the domestic level and the ratification document will be deposited at the Office of the Legal Counsel in few weeks’ time.

100. In conclusion, the Committee thanked the delegation noting that the sheer presence of the delegation is an expression of political will in DRC on working with the Committee. It was also noted that DRC brought a strong delegation which made a solid commitment to the ratification of the Charter in the very near future. The Committee called on the Government to build governance institutions that will ensure accountability for children’s rights. Lastly, the Committee stated

that when the travel restrictions are lifted, the ACERWC will need to travel to Kasai to observe the situation of children on the ground, hence assist the Government of DRC on the implementation of the Charter.

ITEM 19: ACERWC BUDGET FOR 2021

101. The Secretariat of the Committee presented the Committee's budget for the year 2021, where the Members discussed the challenges and proposed the way forward.

ITEM 20: UPDATE ON THE RELOCATION OF THE SECRETARIAT

102. The Secretariat made a presentation on the status of its relocation to the Kingdom of Lesotho, where it was mentioned that the process is now interrupted by the Covid-19 Pandemic, which resulted in Countries to close their borders. The Committee also reflected on how the interruption of the relocation could affect the absorption of the budget for the year 2020 and provided guidance to the Secretariat.

ITEM 21: UPDATE ON PENDING COMMUNICATIONS

i. Consideration of Communication No: 0012/Com/001/2019 against the United Republic of Tanzania

103. After considering the arguments submitted by both parties, the Committee notes and concludes that the Communication submitted by the authors has fulfilled the admissibility conditions as laid down in the Charter and the Committee's Guidelines on Consideration of Communication. Hence, the Committee adopted as amended its admissibility ruling on Communication No: 0012/Com/001/2019 submitted v United Republic of Tanzania and decided to consider the merits of the Communication.

ii. Deliberation on new Communications

104. The Secretariat presented summaries of the following new Communications brought before the ACERWC.

- i. Communication No: 0013/Com/001/2020 against the Republic of Mali
- ii. Communication No: 0014/Com/002/2020 against the Republic of South Africa
- iii. Communication No: 0015/Com/003/2020 against the Republic of the Sudan
- iv. Communication No: 0016/Com/004/2020 against the Republic of the Sudan
- v. Communication No: 0017/Com/005/2020 against the Republic of the Sudan

105. The Committee decided to join Communication No: 0017/Com/005/2020 with Communication No: 0015/Com/003/2020, as the two Communications were brought by the same group of applicants, they allege similar pattern of violations and request for similar remedies. The Committee further decided to grant additional 30 days for the Republic of South Africa and the Republic of Mali to

submit their arguments on admissibility regarding the Communications pending against them.

ITEM 22: REPORTS OF SPECIAL RAPPORTEURS ON INTERSESSION ACTIVITIES

106. Members of the Committee updated one another about the various activities they have undertaken in their capacities as Special Rapporteurs as well as Members of the Committee during the inter-session period including participating in meetings, presentations, and various activities they have led on.

ITEM 23: ADAPTING THE WORK OF THE ACERWC WITH COVID-19 PANDEMIC (FOLLOW UP, FACT-FINDING MISSIONS, STATE PARTY REPORTS CONSIDERATION, HEARING)

107. The Committee deliberated on how to adapt its work during the pandemic mainly its on-sight investigations, fact finding missions, as well as mission to monitor the implementation of concluding observations and recommendations. The Committee suggested that the Secretariat considers various options including lobbying through embassies, collaborating with RECs and considering virtual missions given the heavy backlog of monitoring missions.

ITEM 24: STATUS OF STATE PARTY REPORTS

108. The Secretariat updated the Committee that so far 40 States Parties have submitted at least one report and among these 11 have submitted periodic reports. In addition, it was noted that the Republics of Kenya, Rwanda and South Africa have submitted their second Periodic Reports. The Secretariat stated that 9 countries are yet to submit their reports on the status of implementation of the Charter. The Secretariat further informed that when during the Workshop organized by Save the Children, indications were made on the fact that some countries have finalized their initial and periodic reports awaiting transmission to the Committee. It was further highlighted that as part of the Charter @ 30 activities, the Committee will engage countries that have never submitted a report. Moreover, update was provided that Ethiopia, Guinea, and Seychelles have submitted their report in 2020 while no complementary report is submitted on these countries. The Committee recommended for the Secretariat to use various mechanisms to reach out to CSOs to submit their complementary report and also to engage NHRIs to submit their report on their countries. It was also agreed to consider State Party reports without complementary report if CSOs are not able to submit their report in a foreseeable time.

ITEM 25: ADOPTION OF DECISIONS

i. Adoption of Revised Working Documents

109. The Committee adopted revised Rules of Procedure and the Following revised working documents:

- a. Rules of Procedures,
- b. State Party Reporting Guidelines;
- c. CSO Complementary Report Guidelines;
- d. Guidelines on Observer Status of Non-Governmental Organizations and Associations;
- e. Guidelines on Conduct of Investigations; and
- f. Revised Guidelines on Communications.

ii. Adoption General Comment on Article 22

110. The Committee adopted General Comment on Children in Situations of Conflict.

iii. Resolutions for establishment of Working Groups within the ACERWC

111. The Committee adopted the Standard of Operating Procedures (SOPs) providing for the establishment of Working Groups under its Special Mechanisms. Following this, the Committee adopted the following resolutions establishing offices of Working Groups:

- a. Resolution for the establishment of a Working Group on children and business;
- b. Resolution for the establishment of a Working Group on Implementation of Decisions; and
- c. Resolution for the establishment of a Working Group on Children's rights and Climate Change.

iv. Adoption of Decisions on Communications

112. The Committee, after receiving a request for amicable settlement from the applicants of Communication N^o: 0011/Com/001/2018 Project Expedite Justice et al Against the Republic of the Sudan, and after consultation with both parties, had decided to proceed with the matter in an amicable settlement procedure. The amicable settlement will be facilitated under the auspices of the Committee in accordance with the ACRWC and the Revised Communication Guidelines. The Committee has assigned Hon Benyam Dawit Mezmur and Hon Hermine Kembo Takam Gatsing to facilitate the settlement.

v. Decision on Observer Status

113. The Committee, in accordance with its Criteria for Observer Status, has granted to the following organizations:

- a. Association des Femmes Chefs de Famille,
- b. Graca Machel Trust;

- c. The Committee requested the Global Initiative for Economic Social and Cultural Right to submit a document proving its registration in an African Country.

vi. Study on Covid-19 and Children's rights and Welfare

114. Following a call to action from various civil society organizations during the Session, the Committee has decided to conduct a study on the impact of Covid-19 on the Rights and Welfare of Children in Africa. For this activity, the Committee had designated Hon Goitseone Nanikie Nkwe and Hon Hermine Kembo Takam Gatsing to serve as focal persons.

vii. Appointment of Special Rapporteur

115. The Committee has assigned Hon Aboubekrine El Jara as its Special Rapporteur on Health, Welfare and Development.

viii. Charter @ 30- Continental Conferences and dates for the next Session

116. The Committee has decided to join the 36th Ordinary Session with a series of Workshops on Agenda 2040, starting from 23rd of November to 4 December. The Workshops mark the first five-year implementation monitoring of Agenda 2040.

ITEM 26: Adoption of report of the Session

117. The Committee has adopted the draft Session report as amended.

ITEM 27-CLOSING REMARKS

118. In his closing statement, the Chairperson of the Committee, after recalling the uniqueness of the session, due to the fact that it was held virtually, expressed his feelings of gratitude to the personalities who participated in the opening ceremony such as the children's representative, his colleagues for their serenity and dynamism during the session, the participants for their online participation, the secretariat for the quality of the work provided, without forgetting the interpreters who facilitated the session.

119. The Chairperson then paid tribute to the late 1st Vice President of the Committee, the Honorable Dr. Azza and expressed his condolences to her family and to the Egyptian Government. He congratulated the Honorable Aboubekrine El Jera on his appointment to the Committee. He presented the points that were analyzed during the session, such as the presentation of the draft general comment on Article 27 of the Charter, the study on the implementation of the 2040 agenda and the study on children in situations of armed conflict. He

mentioned that the Committee adopted its work plan 2024 and the general comment on Article 22, as well as the various working documents of the Committee, the most important of which is the rules of procedure.

- 120.** The Chairperson pointed out that the members of the Committee were also able to analyze the different Communications that were submitted and welcomed the participation of the Governments of Sudan and the DRC as the interaction between the Committee and the States Parties is often a great challenge.
- 121.** While thanking Kenya which is the third country after Burkina Faso and Rwanda to present its 2nd periodic report, the Chairperson encouraged States Parties to respect their obligation to submit a report and called on States that have not yet ratified the Charter to do so.
- 122.** He indicated that the dates of the Conference and the next session had been decided, before concluding by saying that the session was a great success and very rich in experience despite the difficulties imposed by the virtual nature of the session. The Chairperson concluded his speech by calling for a synergy of action for the well-being of children before declaring the Session closed.