



ACERWC
African Committee of Experts on
the Rights and Welfare of the Child

Comité Africain d'Experts sur les
Droits et le Bien-être de l'Enfant

Comitê Africano dos Direitos e
Bem-Estar da Crianças

اللجنة الأفريقية المعنية بحقوق الطفل ورفاهه

Nala House,
Balfour Road, Maseru
Kingdom of Lesotho
Email:

acerwc-secretariat@africa-union.org

**38th SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
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VIRTUAL**

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REPORT

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

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) held its 38th Ordinary Session virtually from the 15th to the 26th of November 2021. Among the activities during the Session was the election of the new Bureau of the Committee; consideration of the Periodic Report of the Federal Republic of Ethiopia and the Complementary Reports of the Republic of Congo and Uganda. The Committee also considered various documents including the Guidelines on child participation; the continental study on the impact of Covid-19 on the rights and welfare of children; the continental study on children without parental care and collaboration with RECs. The Committee also evaluated the commemoration of the Day of the African Child in 2022 and also selected the theme for DAC-2023. In addition to the current report, the ACERWC issued outcome statements which summarises the findings and highlights recommendations of the Committee on the status of children's rights in the respective regions.

II. ATTENDANCE

2. In addition to the Members of the ACERWC and Staff of the Secretariat, the meeting was attended by the Ambassador of Zimbabwe to Ethiopia and Representative of the AU and Chairperson of Representatives of the PRC Sub-Committee on Human Rights, Governance and Democracy; Director of Department of Health, Humanitarian and Social Affairs-AUC; Representatives of Member States; Children's Representatives, the Networks of African National Human Rights Institutions, Representative from AGA; Civil Society Organisations, International and Local Non-Governmental Organisations.

ITEM 1: ELECTION OF THE BUREAU

3. The Committee elected the following Members to constitute the Bureau for the period between November 2021- November 2023:
 - i. Hon. Joseph Ndyisenga- Chairperson of the ACERWC
 - ii. Hon. Anne Musiwa- Vice-Chairperson of the ACERWC
 - iii. Hon. Aboubekrine El Jeri- Rapporteur of the ACERWC

ITEM 2: OPENING CEREMONY

- i. Remarks by the representative of the Children from Burundi- Master King Etiang**
4. Master King, the representative of children thanked the Committee and the CSO Forum for recognizing that children are key stakeholders and play a major role in monitoring the implementation of the African Children's Charter. In this regard, Master Etiang, also thanked the CSO Forum for providing a platform for dialogue

with children to share their views and contributions. In his statement, he indicated that the CSO Forum supported more than 100 children from the 55 States of Africa, to gather for a virtual Children's Forum on 06 October 2021, which presented an opportunity for children to reflect on several issues that affect them.

5. Concerning children's participation, Master King appreciated that children's participation has attracted increased attention and some efforts have been made to ensure that children are better able to express their views on issues that affect them, However, he recognized that there are still challenges and gaps that need to be addressed to ensure effective and inclusive participation of all children including but not limited to children living in remote and rural areas, marginalized communities and children living with disabilities, among others. To ensure that children's voices are heard he urged governments to allocate resources to expand and support child participation initiatives; support the creation of child-friendly spaces that allow children to meet and use them as a resource; provide support for translating policies and information into local child-friendly languages and find the best methods and structures that support children's ongoing and meaningful participation.
6. Master King appreciated that governments have made great strides in improving the accessibility and quality of early childhood education. However, he indicated that there is room for improvement. He also stated that every child deserves the best start in life, which includes a healthy birth and quality, inclusive early childhood education.
7. In his conclusion, Master King recommended governments to improve the accessibility and quality of early childhood education (ECDE) for all children in Africa; make early childhood education to be free of charge; ensure that investments are focused on providing high-quality ECDE, which includes building and equipping ECDE centers; ensure that investment in high-quality provision prioritizes the needs of marginalized groups, create special ECDE centers for children with disabilities and meet nutritional needs, basic meals that should be provided in all ECDE centers.

ii. **Remarks by CSO Forum Representative- Felistus Motimedi**

8. The CSO Forum was represented by Felistus Motimedi. In her statement, she congratulated the ACERWC for holding its 38th Ordinary Session despite COVID-19 challenges and reiterated the CSO Forum's support to the mandate of the Committee through complimenting and advocating for an Africa that respects, protects and promotes the rights of children. She further indicated that the child-focused CSOs in Africa met on the 11th and 12th of November 2021 under the theme "*Investing in what matters -the children, our future: the role of CSOs and children*" to share skills and knowledge on what can be done by the CSOs to facilitate investment in our children.
9. She indicated that the CSO Forum is committed to continuing to create awareness on Communication Procedures as a method of monitoring and engaging with State Parties for accountability purposes through training CSOs on the Communication

Procedures and making children understand the ACERWC engagements with States Parties by utilizing child-friendly platforms and methods. Moreover, she welcomed the consideration of the CSO Complementary reports from Republics of Congo and Uganda and stated that the CSO Forum is committed to continuing supporting more CSOs to develop and submit complimentary reports to the Committee.

10. Ms Motimedi indicated that the CSO Forum is concerned, about the shrinking civil society space across the continent notably the closing of NGOs in Rwanda and Uganda, the conflicts in Ethiopia, Lake Chad region, South Soudan, Eswatini and Mozambique, that is causing the CSO Forum to fail in their mandate of protecting and supporting children. In this regard, Felistus Motimedi urged the Committee to make a statement on these issues that leave children in these countries in vulnerable situations.
11. She appreciated the Committee's continued effort to generate evidence on issues affecting children in Africa, and indicated that the CSO Forum is looking forward to the implementation of the recommendations of the impact of COVID 19 on children and the continental study on children without parental care. She indicated that the CSO Forum undertook a survey to get children's views on Agenda 2040.
12. Ms Motimedi welcomed the Committee's move to adopt Child Participation Guidelines during the 38th Ordinary Session as a guiding document to the Member States and all stakeholders within the child rights movement and indicated that the CSOs are committed to making the Guidelines a living document in their effort to ensure African children's voices matter by establishing an African Children Council (ACC). Ms Motimedi applauded the Committee for meeting with children and CSOs when undertaking country missions. She concluded by reiterating the CSO Forum's engagement to collaborate with the Committee in the execution of its mandate.

iii. Remarks by the representative of the Network of African National Human Rights Institutions (NANHRI) by Julie Ojiambo

13. Ms. Julie Ojiambo made remarks on behalf of the Executive Director of the NANHRIs and said that the invitation was an affirmation of the confidence the Committee has in the NANHRI, as well as the partnership and complementarity in delivering their mandate. In her statement, Ms Ojiambo highlighted the impact of COVID-19 pandemic on human rights across the continent as a rise in the cases of domestic violence; sexual and gender based-violence with children is reported. She also highlighted that the increase in the number of armed conflicts in various parts of the continent has also worsened the situation that resulted in hundreds of thousands of internally displaced children, migrants, refugees, among others.
14. Ms Ojiambo highlighted that the NANHRI is collaborating with the ACERWC in developing the ACERWC's Guidelines on safe return to schools as a response to the COVID pandemic as well as other associated epidemics. She informed that apart from ensuring the safe return to schools, there is also an urgent need to

mobilize and harness technical and financial resources from public and private actors to ensure sustainable, reactive and proactive responses.

15. She further stated that, in addressing human rights challenges during the pandemic, National Human Rights Institutions (NHRIs) are essential players at the national level and indicated that NANHRI and other regional bodies can amalgamate on their collective experiences to leverage for best practice.
16. Concerning the observer/affiliate status of the NHRI before the ACERWC, she stated that having an affiliate status not only provides a formal avenue of directly engaging and contributing to the sessions and activities of the Committee, but also allows NHRIs to follow up on the implementation of the decisions of the regional body.
17. In conclusion, Ms Ojiambo indicated that now that the 38th Ordinary Session is considering reports and issuing Communications on various countries, the need for a closer working relationship between NHRIs and the Committee becomes key. Finally she thanked the Committee for considering NANHRI as an important Human Rights actor and said that NHRIs, are committed to supporting the work of the Committee in delivering on its mandate.

iv. Remarks of the representative of the Commissioner of the Department of Health, Humanitarian and Social Affairs H.E. Mrs. Amira Elfadil Mohammed represented by Mrs. Cisse Mariama Mohamed, the Director of Department of Health, Humanitarian and Social Affairs

18. The Director of the Department of Health, Humanitarian and Social Affairs, Mariam Cissé, made remarks on behalf of the Commissioner of the Department. In her statement, Mariam Cissé congratulated the ACERWC for electing the new bureau. Madam Cissé indicated that the COVID-19 pandemic had, and continued to bring unprecedented challenges in the realization of the rights of children in the continent. The disruptions to families, friendships, education, daily routines and the wider community have had negative consequences on children's well-being, learning, development and protection. In her statement, Mariam Cissé urged Member States to prioritize children's rights in all their responses to the COVID-19 pandemic and ensure that children's rights are not infringed in the process. She further urged Members States to continue implementing the ACERWC's Guiding Note on COVID-19 and its implication on children's rights and welfare to ensure that children continue enjoying their rights during the pandemic.
19. She further indicated that as part of the activities around the African Union's theme of the Year for 2021 '*Arts, Culture and Heritage: Levers for Building the Africa We Want*', the Department of HHS has implemented many activities focusing on the promotion of African identity, common heritage, and shared values centers on children. Most of the implemented activities in the roadmap on the theme of the year are targeting to have children of the continent whose solid identity is established in the rich of African cultures, traditions, civilisation, values and communal understanding of child protection, she said. As she stated, the entry into force of the Charter for African Cultural Renaissance in May 2021, and the ongoing establishment of the Great Museum of Africa and Permanent Memorial of Slave

Trade pave to ensure our aspiration to enable children exercise the unique position and privilege they occupy in the African society and that for the full and harmonious development of their personality.

20. Highlighting the challenges, she stated that the continent continues to face challenges that impede the realisation of children's rights. Amongst the challenges is the exponential rise in protection concerns that children on the move are facing; the perpetual cases of children associated with armed groups and acts of terrorism; the number of young drug users and its increasing links with drug trafficking and other forms of organized crime; the particular challenges of the digital world on adversely affecting the development of children; the challenges that children in particular vulnerable situation are facing including children with disabilities, children in street situation and the girl child; exploitation of children in the business world and the peculiar impact of climate change in the rights and welfare of children.
21. Concluding her remarks, she then urged Member States to adopt a comprehensive and transformative approach to take decisive measures to strengthen their efforts in responding to existing and emerging challenges of children's rights individually in their respective territories and collectively in integrated manner.

v. **Remarks by the representative of the African Governance Architecture- Ambassador Salah Hammad,**

22. In his remarks, the Head of the AGA Secretariat, Ambassador Salah Hammad, thanked the Committee for inviting the AGA Secretariat and congratulated the newly elected Bureau of the ACERWC. He indicated that the deliberations and the outcomes of the Session will enhance the effectiveness of the African Human Rights System particularly the rights of the African Child. He specifically mentioned the continued challenges that children in Africa are facing during the COVID-19 pandemic. Advancing children's rights requires addressing the issues related to poverty, inequality, marginalization and exclusion, he said.
23. Ambassador Salah Hammad indicated that the AU Member States and other relevant stakeholders need to ensure that the African peoples enjoy their rights to food, safe water and sanitization, the right to health, housing, education, decent clothing and a safe environment, among others. He further highlighted that the African continent has faced numerous human rights challenges that resulted from a diverse nature of factors which include among others war, poverty, corruption as well as exclusion and marginalized groups. He also made reference to the Decision of that the Heads of State and Governments declaring the human and peoples' rights decade which tends to be a ten-year action plan that begins in the year 2021 to support Member States to fulfill their human rights obligations in promoting and safeguarding freedom, justice, equality, and dignity for all citizens of Africa.
24. He stressed on the need to focus on protecting the rights of the child in Africa. In this regard, Ambassador Salah urged all Member States to cooperate with all the AU organs with the human rights mandates, and the Committee to ensure that human and peoples' rights particularly the rights of the child are fully reinforced in every part of the continent. Moreover, Ambassador Salah Hammad urged all the

Member States to submit their reports to the Committee as an AU organ mandated to promote and protect the rights of the child on the continent. He concluded by indicating that the 38th Ordinary Session of the Committee is an opportunity to consolidate on the promotion and protection of the rights of the child in Africa despite all the challenges faced by the pandemic and other challenges in many parts of our continent.

vi. **Remarks by the Chairperson of the PRC Sub-Committee on Human Rights, Democracy and Governance- Ambassador Taonga Mushayavanhu**

25. Ambassador Taonga Mushayavanhu congratulated the ACERWC for the election of the new bureau and thanked the Committee for inviting him to make a statement at the Opening Ceremony of its 38th Ordinary Session. In his statement, Ambassador Taonga Mushayavanhu further congratulated the Federal Democratic Republic of Ethiopia, the Republic of Seychelles, the Republic of Uganda and the Republic of Congo for submitting their State Party Reports on the implementation of the African Children's Charter. He aired his concerns that, only 40 of the 50 Member States that have ratified the Charter, that have submitted at least one report on the implementation of the Charter and encouraged Member States to fully commit to their reporting obligations.
26. Ambassador Taonga Mushayavanhu highlighted the impact of the COVID-19 pandemic on children's special and distinct rights as well as their welfare and the need to uphold and protect the rights of children, especially those who are already in disadvantaged, deprived, vulnerable, discrimination and marginalization situations. He recalled that children's rights to survive, learn, stay safe and be heard, have been disrupted due to the pandemic as children's rights to education and adequate food are endangered. The measures, despite their temporary nature, led to permanent dropouts, particularly of girls, children with disabilities and children coming from economically disadvantaged families, he said. He then called upon the ACERWC to establish recommendations which can holistically provide lasting solutions to address these problems.
27. Ambassador Mushayavanhu highlighted the Decision of the AU Executive Council where it mandates, 'the ACERWC to scale up its work in safeguarding and promoting the rights and welfare of children in the cyberspace, namely the protection of children's information, rights to safety, informed choices and digital literacy', and suggested for the Committee to provide guidance for Member States to tackle the violations that children are facing in the digital world. The protection measures, he said, can be in crafting or augmenting data privacy laws that protect children and larger communities in line with article 27 of the African Children's Charter.
28. The Ambassador also highlighted some of the harmful cultural practices which continue to hinder children from fully enjoying their rights such as child marriages, child labour, using children as soldiers, and FGM.

29. He recommended taking advantage of the synergies between the African Charter and the United Nations Convention on the Rights of the Child and the work of the Committee on the Rights of the Child as the two pieces of legislation are complementary, and both provide the framework through which children and their welfare should be addressed. Ambassador Mushayavanhu further called upon the ACERWC and State Parties to re-double their efforts in creating a just, inclusive and sustainable future for the African child as espoused in Africa's Agenda 2040 for children- Fostering an Africa Fit for Children.

30. In his conclusion, Ambassador Taonga Mushayavanhu reiterated that the Sub-Committee on Human Rights, Democracy and Governance remain engaged to support the ACERWC in their effort to protect and promote the rights and welfare of children.

vii. **Opening remarks by the Chairperson of the ACERWC-Honorable Joseph Ndayisenga**

31. The Chairperson of the Committee, Hon. Joseph Ndayisenga, welcomed and commended everyone for participating in the 38th Ordinary Session and the 21st Pre-Session of the ACERWC. In his remarks the Chairperson mentioned the major activities undertaken in recent times, including the induction of the newly elected members of the Committee and operationalisation of the Working Groups. The Chairperson informed that as part of the implementation of its Special Mechanisms and the strengthening of the protection of children's rights in Africa, the Committee established working groups on children's rights and business; children's rights and climate change; the rights of children with disabilities; and the implementation of the Committee's decisions and recommendations. The President indicated that the first three working groups mentioned, include independent experts, and the official launch of these working groups was made during a meeting of impregnation of the new members of the Committee held in Bujumbura (Burundi), from 08 to 10 November 2021

32. The Chairperson recalled that, a few years ago, the Committee adopted guidelines for granting affiliate/associate status to NHRIs before the ACERWC to institutionalize the Committee's relationship with NHRIs and facilitate the implementation of the Charter and mentioned that to date, only one NHRI has applied for an affiliate status. Considering these guidelines are not being used by NHRIs, the Committee, in collaboration with the NANHRI, organized on October 26, 2021, a workshop for NHRIs on strengthening the engagement of NHRIs with the Committee.

33. The Chairperson further highlighted that as part of the intersessions activities, the Committee organized an experience-sharing workshop on ratification and reporting on the implementation of the Charter where, countries were able to express the challenges they face in the preparation and submission of reports and the ratification process, as well as in the withdrawal of existing reservations. The Sahrawi Arab Democratic Republic informed the participants that it has recently ratified the Charter, and was in the process of depositing the instruments of ratification with the Office of the Legal Counsel of the AU, he said. On behalf of the

Committee, the Chairperson congratulated the Government of the Sahrawi Arab Democratic Republic for this ratification and encouraged it to finalize the process of depositing the instruments of ratification.

34. The Chairperson urged countries that have not yet ratified the Charter to do so; those that have made reservations to withdraw them and called upon all the States Parties to comply with their obligations to submit reports to the Committee. The Chairperson called upon the CSOs to continue supporting the mandate of the Committee and ensure that complementary/alternative reports are submitted on time; support States in preparing and submitting their reports to the Committee and implement the Concluding observations and recommendations of the Committee.
35. The Chairperson also mentioned that during the 38th Session, the Committee looks forward to considering the reports of the States Parties, notably the Federal Democratic Republic of Ethiopia. Furthermore, he highlighted the major activities to be undertaken during the Session including: consideration of the complementary reports of the Republic of Congo and the Republic of Uganda on the implementation of the Charter; the presentation and discussion of the report of various studies including the continental study on the impact of COVID-19 on the rights and welfare of children, the continental study on children deprived of parental care, and the continental study on the situation of teenage pregnancies in Africa. He further highlighted that the Committee looks forward to considering the presentation and discussion of the evaluation report of the commemoration of the Day of the African Child (DAC) 2021 and the adoption of the Concept Note for DAC 2022.
36. The Chairperson informed the participants that during the Session, the started its Session by electing its new bureau and congratulated the newly elected members of the bureau and expressed appreciation to members of the outgoing bureau for the good work they have conducted.
37. The Chairperson also mentioned that the guiding note on the implementation of the Charter and the protection of children during COVID-19 and beyond has been well implemented by the Member States of the AU given the presentations made by the State Representatives during the previous Session. The Committee, therefore, looks forward to receive more information on the concrete measures taken and their impact on the situation of children.
38. He also addressed the various missions conducted including in the Republic of Sudan, Botswana and the Kingdom of Lesotho. The chairperson likewise indicated that these activities will continue after the Session in accordance with the 2021 work plan of the Committee.
39. In his conclusion, the chairperson thanked all stakeholders that have demonstrated their support by favourably responding to the Committee's invitation to attend the 38th Ordinary Session. It was on this note of thanks and good wishes that the Chairperson declared the proceedings of the 38th Ordinary Session of the ACERWC open.

ITEM 4: Briefing by partners

40. The following partners submitted brief statements during the Session informing the Committee about the various initiatives they are undertaking, child rights issues in the continent and forwarding possible areas of collaboration with the Committee:

- Plan International
- Graça Machel Trust
- Save the Children International
- ACPF
- Centre for Reproductive Rights
- Dullah Omar Institute
- Defence for Children International
- Initiative for Social and Economic Rights
- Centre for Human Rights
- Institute for Human Rights and Development in Africa (IHRDA).

41. The representatives of the above-mentioned organizations gave remarks by congratulating the newly elected Bureau of the ACERWC and by indicating the initiatives they are undertaking in advancing children's rights on the continent. They also reiterated their commitment to continue working with the Committee in the execution of its mandate. In their remarks, the organizations recommended the Committee to:

- Develop a General Comment to guide States on private involvement in service delivery in such a way that promotes the rights of children;
- Encourage States to utilize the Abidjan principles on the provision of public education and the regulation of private involvement in the education sector;
- Continually urge the State to review their criminal laws to decriminalize mutual consensual, non-coercive, non-exploitative mutual conduct among adolescents and minors;
- Promote the Committee's GC on Article 22 among States Parties to fulfill their obligations as indicated in GC and also called on the Committee to require relevant State to report on the implementation of these obligations as they are enumerated in this GC;
- Draw States Parties attention to the importance of access to adequate nutrition in promoting the wellbeing of children;
- Remind all parties to the conflicts on the continent to end and prevent the violations against children;
- Invite at least one African child climate change justice activist to join the working group as the honorary member;
- Ensure that government and partners organize cash transfer programs for poor families on the continent;
- Urge the State Parties to submit their Report as a matter of urgency, and to take swift action concerning strengthening the social protection

framework to address child rights violations in the light of the COVID 19 pandemic;

- Dedicate time, space and funds for leadership programs to build capacities of children and young peoples as agents of change, particularly Girls and Young Women;
- Identify or create decision-making platforms for consulting children at regional and national levels on policy and legislation;
- Urge the Member States to drastically reduce the numbers of children held in places of detentions and other places of deprivation of liberty, and instead, apply non-custodial solutions and make all efforts to reintegrate them in society; and,
- Encourage Member States to Nominate a focal point within the government structures in charge of issues related to deprivation of liberty of children to coordinate appropriate measures and responses in protecting children who are at risk or victims of deprivation of liberty.

ITEM 4: CONSIDERATION OF FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA PERIODIC REPORT

42. The Delegation of the Federal Democratic Republic of Ethiopia led by H.E. Dr Ergogie Tesfaye, Minister of Women and Social Affairs presented a brief highlight about the situation of children's rights in Ethiopia and also the process of the development of the Report. In the initial remarks made by H.E. the Minister, it was provided that Ethiopia has been passing through socio-political transformative events and has witnessed emerging challenges such as recurrent violence and displacement of children. The Minister informed the Committee that as of October 2019 there were 1,089,856 conflict affected IDPs, 424,845 drought affected IDPs, and 35,995 IDPs due to floods. Moreover, the Minister indicated that the Country has been in devastating war due to the conflict between the Government and TPLF forces since October 2020 where many people including children had been killed and caused war crimes. The Presentation provided that due to the conflict schools and clinics have been demolished by TPLF which forced a number of children to be out of school and live in poor health condition. Moreover, it was highlighted by the Minister that TPLF has used children in the war front and that this has been confirmed by the recent joint report of the Office of the High Commission for Human Rights and the Ethiopian Human Rights Commission. The Honorable Minister underlined that the Ministry of Women and Social Affairs coordinates the implementation of children's rights and also submits periodic reports on the implementation of the Charter. In this regard, the Minister informed that a taskforce of experts from various Ministries was setup for the preparation of the report and several consultations with various Ministries, regional and sectoral offices, NGOs, and children's parliament were held.

43. Following the presentation, the Members of the Committee commended the State Party for its efforts in the protection of children's right and for the consultative process that was implemented in the preparation of the State Party report. The Members of the Committee requested for further clarification on issues of lack of consolidated child law in the State Party; existence of National Strategy for Children to implement the National Policy, data collection on child rights issues;

budget allocation for children; protection of the rights of internally displaced children; child participation and budget allocation for child parliaments; access to birth registration; independence and mandate of the Human Rights Commission and its adherence to the Paris Principles; education during the Covid-19 Pandemic; measures undertaken to address child marriage, corporal punishment and child labor; and measures undertaken to raise age of criminal responsibility. The Committee also sought further information about the measures undertaken to ensure the inclusion of children with disabilities particularly in the education system; harmonization of the definition of the child and the emancipation that is provided under the family code; maintenance of basic health services during the Covid-19 pandemic, collaboration with CSOs following the revision of the CSO law, support provided for economically disadvantaged families, and progress achieved in the implementation of foster care. Regarding the justice system, the Members of the Committee inquired about the measures undertaken to separate children from adults in prisons in all regions, to ensure that children are not incarcerated with their caregivers, to provide conducive environment for play and development as well as appropriate nutrition for children in prisons. On the issue of education, the Committee while commending the State Party for allocating 20% of its budget on education, requested additional clarification on the disparity in budget allocation for regions in the education sector, disparity between regions on school enrolment rate, urban-rural disparity on facilities for leisure activities and measures undertaken to increase access to education for the most vulnerable children including updates on school feeding program. Finally, the Committee recalling its urgent letter of appeal and request for investigate mission regarding the situation of children affected by the ongoing conflict, requested the Delegation to reflect on the same.

44. In response to the issues raised by Committee, the Delegation informed that the Federal Government is pursuing towards comprehensive child laws and is undertaking consultations with the regions and further added that there is a strong legal basis for children's rights in the current legislative frameworks including the Constitution, the Federal Family Code, the Criminal Code, the Criminal Procedure Code and also the international and regional human rights instruments ratified by the Government of Ethiopia among others. The Delegation further explained that a strategy for the implementation of the National Child Rights Policy and child protection management framework has been developed. On the issue of coordination, the Delegation alluded to the fact that it has a 5-year coordination plan which brings various sectors as well as stakeholders and that it is trying to increase the number of stakeholders who are part of the coordinating taskforce. The Delegation clarified to the Committee that the provision on emancipation has never been invoked.
45. Concerning children and justice, the Delegation highlighted that due to the Covid-19 pandemic all children imprisoned with their mothers have been released through a directive and that the Government is endeavouring to place children in alternative care such as foster care and institutional care with the possibility of visiting their mothers in prison. In cases where children are imprisoned with their mothers, the Delegation stated that there is an ongoing effort to provide a separate centre for such children which is child friendly. In addition, the Delegation provided that the

Government is striving to separate children from adults in prisons in all regions and is in the process of developing alternatives such as community-based correction services and use detention as a last resort. The Delegation also indicated that consultation is underway on the issue of age of criminal responsibility.

46. The Delegation also provided brief analysis on the conflict in Tigray and stated that the Government of Ethiopia declared unilateral cease fire which was refused by TPLF who manipulated the cease fire to re-organize itself and escalate the conflict. The Delegation also highlighted that TPLF is using children as shields and recruiting them as child soldiers during the conflict; and that currently the conflict has expanded to the Amhara and Afar regions affecting services in the two regions. The Delegation informed that a joint taskforce in the framework of the State of Emergency is established to address the conflict and post conflict recovery plan is being prepared by the Ministry of Women and Social Affairs. The Delegation stressed that the Government is facing a challenge in providing humanitarian assistance as TPLF is diverting the support such as cargo trucks for its own military use. The Delegation underlined that while it does not have detailed data, the use of children and diversion of humanitarian support to military use by TPLF have been reaffirmed by international and independent reports.
47. On issues of health, the Delegation underlined that the Ministry of Health devised strategy to sustain essential services during the Covid-19 pandemic by providing health extension workers who work on issues of Covid-19 and essential services at woreda (district) level; and that it is undertaking surveillance of vaccine preventable diseases, campaigning, and resource mobilization. The Delegation shared a worthwhile experience of the State Party where it vaccinated 15 million children for measles during the pandemic. The Delegation further informed that the health sector is affected by the Northern conflict and in order to respond to the impact of the conflict on health, the Government employed public health emergency system, mobile clinics, and health and nutrition groups. The Delegation also informed that the Ministry of Health works closely with the National Disaster Management Commission and non-governmental and private actors for resource mobilization. The Delegation informed that it has already started resource mobilization for the long-term rebuilding of health facilities.
48. With regards to protection of the rights of internally displaced children, the Delegation indicated that there is a National Emergency Response Council chaired by the Prime Minister and there exists a comprehensive camp management system. As pointed out by the Delegation, the State Party provides registration, health check-ups, food and non-food items, safety and security, protection of the rights of children in the camps in collaboration with international and local actors including the private sector.
49. In the area of education, the Delegation underlined that the State Party has crafted education management information system to collect data and information from the local community level. The Committee was informed that there is a large-scale study undertaken by the Ministry of Education which revealed that 50% of children are not benefiting from the education system and that education is of poor quality. The Delegation stated that, accordingly the Education Policy is reviewed to make

2 years pre-primary and 8 year primary education free and compulsory and the Education Strategy aims at equal opportunity for education. Furthermore, the Delegation submitted that during the Covid-19 a strategy was devised for remote learning using technology, TV and radio, and distribution of printed materials. Following the re-opening of schools, the Delegation informed the Committee that school feeding program was increased whereby 1.6 million children benefited in the last school year and the Government allocated 2.6 billion ETB for school feeding to increase the number of beneficiaries to 2.5 million. It was further stated that school expansion is ongoing to include playgrounds and to have more standardized schools. The Delegation also underscored that to elevate the quality of education, the State Party has allocated increased budget for education, revised its curriculum, provided continuous profession development for teachers, and took measures to make schools child friendly. The Delegation stated that 1000 inclusive education resource centers have been established, that more than 1000 secondary schools and thousands of pre-primary schools have been constructed, accelerated learning program has been launched for out of school children, pastoralist education strategy has been updated, and mobile education program has been developed. On the concern raised about urban-rural disparity, the Delegation informed that more schools are in rural areas than urban areas. Despite these efforts, the Delegation stressed that high dropout rate remains to be a challenge.

50. The Delegation clarified that the Ethiopian Human Rights Commission is recently independently reorganized as per the Paris Principles and that it has the mandate to make its own findings and recommendations. In response to the issues raised in relation to child parliaments, the Delegation explained that child parliaments are established both in schools and out of schools and hence their budget allocation comes from the budget allocated for schools and regional states. The Delegation also informed that the child parliaments are platforms for children to express themselves and recently they have become a platform for networks to sensitize on issues of school attendance, and child abuse mainly child marriage which has yielded fruits.
51. Furthermore, the Delegation highlighted that awareness raising on the Charter is conducted from district to federal level; that child mainstreaming units are created in all federal and regional offices; that child wellbeing information system is established to collect data on child wellbeing from various sectors and regional states. In order to address the scourge of child marriage and female genital mutilation (FGM), the Delegation underscored that the Government committed to end such practices by 2025 and has developed road map from 2020 to 2024 which has allowed the Government to achieve decreased rate of child marriage and FGM. However, the practice remains to be a challenge in areas where it is linked with religious practices.
52. The Delegation highlighted that the minimum age for labour was recently raised from 14 to 16 years, a taskforce is established from all stakeholders including non-state actors, and a 3 years program has been developed to address child labour and exploitation. While alluding to the fact that the issue of child labour has been neglected in the recent years, the Delegation underlined that the Government is now implementing the 3 year program, training labour inspectors and police to

increase labour inspection which currently is in the ratio of one labour inspector for 40,000 people.

53. Responding to the issue raised regarding corporal punishment, the Delegation explained that the Constitution and the criminal code prohibit corporal punishment even if disciplinary punishment by families is allowed. The Delegation further highlighted that corporal punishment is prohibited in schools and the Ministry of Education and Ministry of Women and Social Affairs are developing a manual to prevent corporal punishment and provide guidance on positive disciplining in schools, institution care facilities and family settings.
54. In addition, the Delegation highlighted that since the revision of the CSO law, there is more room for CSOs to engage on child rights issues and that the Government is working with CSOs closely including with the current conflict situation.
55. Concerning family environment and alternative care, the Delegation informed that the Government is undertaking family streamlining program, conducting awareness raising on family cohesion, providing support to vulnerable children and families through cash transfer and linking to social basic services, providing psychosocial support, undertaking family reunification, and has established a family unit in the line Ministry. Regarding alternative care, the Delegation stated that it is promoting family-based care and is promoting and expanding domestic adoptions and foster care through awareness raising as international adoption is banned.
56. The Chairperson of the Committee closed the session by thanking the Delegation and informing that the Committee will send its concluding observations and recommendations as well as undertake field visit in 2 years' time to assess the implementation of the recommendations.

ITEM 5: DELIBERATION ON PENDING COMMUNICATIONS

57. The Committee deliberated on three pending communications and it was decided as follows:
 - i. Communication No:0013/Com/001/2020- APDF and IHRDA on behalf of AS a minor against the Republic of Mali- The ACERWC decided to proceed and have a hearing on Merits of the Communication with the Applicants during the 39th Ordinary Session since the Government of Mali has not submitted its argument on Merits.
 - ii. Communication No: 0015/Com/003/2020- Abbas Mohamed AL-Nour Musa Al-Emam, Modathir Alrayah Mohamed Badawi, and Fadul Almoula Aljaili Nourallah, by The Legal representatives (a group of lawyers): Taha Fadul, Nisreen Mustafa, Somia Shampaty and Nawras Elfatih against the Sudan- The communication is declared admissible.
 - iii. Communication No: 0016/Com/004/2020- African Centre for Justice and Peace Studies (ACJPS) on behalf of Ms. Umjumah Osman Mohamed against the Republic of the Sudan- The Government of Sudan is given 60 more days

to submit its argument on Merits, failing which the ACERWC will decide on the merit without response during the 39th Ordinary Session.

ITEM 6: REPORT ON THE CONTINENTAL STUDY ON THE IMPACT OF COVID-19 ON THE RIGHTS AND WELFARE OF CHILDREN

58. The Secretariat recalled that the ACERWC during its 35th ACERWC ordinary session decided to commission the continental assessment of the impact of COVID-19 on the rights and welfare of Children. The Secretariat also highlighted the process of preparation of the study including from inception report, data collection to a validation workshop.
59. Following the background presentation, Mr. Johan Verheyden- the team leader of the consultants made a presentation. In his presentation he discussed the content and structure of the report including key components, rationale, guiding documents and principles, impact on specific rights, specific protection measures, conclusions, recommendations and reflections on the way forward. He also noted the limitations of the study including a low response rate to the Online data collection tool and requests for (telephone) interviews though this was addressed through use of overwhelming amount of secondary data. He further noted the second major limitation as it relates to the change in response to the COVID-19 pandemic between the writing of the ToR & the research. Nevertheless, he indicated that the limitations do not discredit the relevance of the continental study, which has a robust data and strong recommendations for member states and other stakeholders working on the response to the impact of the pandemic on children rights in Africa. The consultant emphasised that the structure of the report is underpinned on the four 'cardinal principles' of the African Charter on the Rights and Welfare of the Child and 'Best interests of the Child', 'Protection rights', 'Security rights' and 'Children's participation rights, in line with the guidance provided during the presentation of the inception report at the 37th ACERWC session.
60. The consultant emphasised the major findings and conclusions and recommendations of the continental study. He highlighted the COVID-19 impact on the specific rights of Children: Education, Health & Welfare including mental health; the right to play, nutrition and access to food; family environment and alternative care; right to participate. The presentation also discussed the impact of the pandemic to special protection Measures-Sexual and Gender Based violence, child marriage and other harmful practices, children with disabilities, Children living on street, Children in conflict and crisis situations and Children on the move. The study in general has shown that the pandemic did not always create disparities but laid bare the existing inequalities, exposed fault lines in protection of child rights, widened the gap between the rich and poor.
61. He further stated the major findings and recommendations focusing on the areas of the right to education include, healthcare, participation and food security; vulnerable children; children with disabilities; children on the move; and gender-determined impacts of the pandemic:

62. After the presentation, reflections were made, where the Committee and participants commended the report as comprehensive and can be used as a basis for a standing recommendation by the committee to member states to regularly report on measures taken to put children at the core of measures of national response to the pandemic and to provide recommendations for African Governments to report on the impacts of pandemic and mitigation measures during the state party reporting period. Furthermore, issues were raised mainly around the need for Africa to be digitally connected during emergencies such as COVID-19 pandemic to mitigate the impacts of pandemic on education; need to engage children on armed conflict ; the impact of the pandemic on access to justice to children-as victims and as being in conflict with the law; effect of pandemic on mental health and suicide rate; Virtual learning - as future of learning recommended to Member States but should not be at the expense of physical learning.
63. The Secretariat further elaborated the next actions in relation to the continental report.
- i. Adoption of the report by the ACERWC at the end of the ongoing session.
 - ii. Dissemination of the report and findings of the Continental Assessment
 - iii. Development of a template to guide Member States towards the development of National Action Plans to implement the recommendations of the Continental Assessment
 - iv. Development of a monitoring and evaluation tool to monitor the implementation of the Continental Assessment recommendations by Member States

ITEM 7: COMMEMORATION OF DAC 2021- REPORTS OF MEMBER STATES

64. The Secretariat of the ACERWC presented the reports of the Member States on the activities undertaken to commemorate the DAC 2021, celebrated under the theme ***'30 years after the adoption of the Charter: Accelerate the implementation of Agenda 2040 for an Africa Fit for Children'***. The presentation was mainly focused on the countries that submitted their reports to the Committee namely: Burkina Faso, Kenya, The Gambia, Senegal, and Zimbabwe.
65. The above-mentioned countries undertook several activities to commemorate the DAC 2021. Some of the activities undertaken are as follow:
- Brainstorming workshop on the mechanisms of children's participation in the implementation of their rights;
 - A Panel on 30 years of implementation of the African Charter on the Rights and Welfare of the Child: Challenges and perspectives;
 - Webinars with children on child rights;
 - Data collection activities on various aspects of child rights;

- Popularization of Agenda 2040 through production and distribution on various platforms of a child-friendly booklet detailing the 10 Aspirations of the Agenda 2040;
- Radio and TV Programs hosted by children on the Aspirations of Agenda 2040, DAC 2021 theme, child rights and child protection;
- Panel discussion, awareness meetings, sensitization and mobilizations and outreaches in the local communities, schools, trading centers, villages around and house-to-house on the ACRWC and the 10 Aspirations of Agenda 2040;
- Capitalization workshop on child protection initiatives against COVID-19; and,
- Workshop on the assessment of 30 years of implementation of the ACRWC and 10 Aspirations of Agenda 2040.

66. Following the Secretariat's presentation discussion was made where the Committee encouraged the Member States to report on the commemoration of the DAC and requested relevant stakeholders such as National Human Rights Institutions, CSOs and UN Agencies to assist Member States to submit their reports to the Committee. It was indicated that Member States need to ensure that the commemoration of the DAC is constructive and innovative at the national level; and, during the commemoration, take all appropriate measures to involve the religious leaders as well as traditional and community leaders in the promotion and protection of the rights of the child. Furthermore, it was indicated that efforts need to be in place to ensure that the activities and the Agenda during the celebration of the DAC are made in child-friendly languages that make it easy for children to participate confidently and adequately in all matters that concern them.

ITEM 8: CONCEPT NOTE FOR DAC 2022

67. The Secretariat of the ACERWC presented the Concept Note of the DAC 2022 that will be celebrated under the theme '*Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice since 2013*' and highlighted the main activities that the Committee will be undertaken during the continental celebration on 16 June 2022 such as :

- A continental webinar on 16 June 2022;
- A continental launch of the General Comment on FGM; and,
- A Continental report/study on the status of harmful practices against children in Africa.

68. The Secretariat indicated that the commemoration of the DAC 2022 will reflect on the progress made by the Member States in practices and policies in addressing harmful practices. It will also create a platform to identify the persistent challenges in addressing harmful practices and the areas that need to be strengthened through partnership and coordination among relevant stakeholders. It was also mentioned that the Commemoration will inform the relevant stakeholders on the

findings of the study that the Committee will be commissioning; provide recommendations to the AU Member States and other relevant stakeholders to reduce the prevalence of FGM in Africa and improve the prevention, protection and assistance of children who are at risk or victims of harmful practices in Africa.

69. Following the presentations discussions were made where the Committee informed participants that the concept note will be considered for adoption during the Session.

ITEM 9: DRAFT REPORT ON CONTINENTAL STUDY ON THE STATUS OF TEENAGE PREGNANCIES IN AFRICA

70. The presentation was done by Dr. Admark Mayo and Dr. Shimelis Tsegaye from African Child Policy Forum (ACPF). Mr. Ayalew Getachew Assefa, the focal person in the ACERWC Secretariat gave introductory remarks on the background of the study, where he noted that a decision to undertake an assessment study on the situation of teenage pregnancy in African countries was adopted during the 36th Ordinary session of the Committee. Also, He further informed that the presentation will provide the structure and preliminary findings, particularly major findings from ten identified countries and that the study is still ongoing in many African countries.

71. Dr Mayo then set the objectives and the methodology of the ongoing study. He informed that the study aims to assess and analyze the status, prevalence, drivers and consequences of teenage pregnancy as well as the legal, policy and programmatic frameworks that prevent and respond to teenage pregnancy in Africa. He further noted that the study has a Pan-African scope and provides comparative evidence across countries which will help inform the formulation of Pan-African frameworks, including those under the mandate of the ACERWC.

72. Dr Moyo indicated that in terms of magnitude, teenage pregnancy occurs with considerable variation in magnitude and consequences among different countries and highlighted a variety of factors associated with adolescent pregnancy that include poverty, family circumstances, media influence, attitudinal and culture factors, educational attainment, absence of sexual and reproductive health (SRH) services, weak laws on sexual abuse and child marriage.

73. Dr. Mayo concluded by outlining the next steps of the study culminating in the launch of the report on the 39th Ordinary session of the ACERWC to be held from 21st March to 1st April 2022.

74. Following the presentation, the Committee thanked the Consultants for the constructive presentation and raised questions related to challenges that the African children are facing and how they are addressed. In responding to the concerns of the Committee, Dr Moyo offered clarifications on the issues raised.

ITEM 10: THE GLOBAL EFFORTS & OPPORTUNITIES FOR PARTNERSHIP TO END VIOLENCE AGAINST CHILDREN

75. The presentation was made by Ms. Sabine Rakotomalala from World Health Organisation (WHO) and Ms. Stella Ayo-Odoyo from Global Partnership to End Violence Against Children (End Violence Against Children). Ms. Rakotomalala gave an overview of the role of the World Health Organization (WHO) as a partner of the Global Partnership to End Violence Against Children. In giving the background, Sabine noted that there are various forms of abuse against children with negative impacts on children. She highlighted that notably, in May 2021, Member States adopted a UN General Assembly Resolution on Ending Violence against children through health systems strengthening and multisectoral approaches. She emphasised that by adopting this resolution, Member States commit, *inter alia* to designate a focal point within Ministries of Health to ensure coordination; enhance international cooperation; allocate the necessary budget in national plans and policies; support, in particular, children in humanitarian settings and others who are vulnerable; include children as appropriate, in advocacy, policy development and action; equip health service providers with the necessary skills to address violence against children; and prioritize data collection and monitoring. She noted that WHO on the other hand will offer support through working with regional and country offices to strengthen health service provision, providing technical support to Member States, documenting progress, supporting national surveys and facilitating knowledge sharing.
76. Ms. Ayo-Odoyo gave an overview of the Global Partnership and Fund to End Violence Against Children, highlighting that it was established in 2016 as a multisectoral platform to drive the agenda to EVAC. She noted that in the same year, a similar mechanism was established and it is called the Africa Partnership to End Violence Against Children. She noted that both partnerships work in collaboration with the UN agencies to drive and promote efforts to end violence against children. She said that for the past 5 years the Partnership has promoted and supported the concept of Pathfinding where countries made formal commitments to undertake comprehensive action to end VAC in their countries. Through this, the partnership has made important gains in mobilizing political will, and 37 governments (including 12 from Africa) have committed their countries to end all violence against children globally. She also noted that as part of the global agenda to EVAC, in 2015, world leaders made an explicit statement and set ambitious targets to end violence against children by 2030. She noted that similarly, the African Union has reflected this goal in its Agenda 2040 for children and its Agenda 2063 for the continent's broader human and economic development. Stella highlighted that acknowledging these milestones, EV seeks to collaborate with the ACERWC to galvanize more leadership commitments, new investment, and secure an Africa free from VAC. She called upon the ACERWC to join the movement in promoting the recently launched 6 policy objectives to accelerate progress towards the realization of a violence free world which are: ban all forms of violence against children; enable parents and caregivers to keep children safe; make the internet safe for children; make schools safe, non-violent and inclusive; protect children from violence in humanitarian settings; and increased investment, better spending on EVAC. She commended the ACERWC for its efforts in prioritising children and made suggestions for the need to develop a strategic framework that will guide the implementation of the agenda to end VAC and the need to establish a working group on ending VAC. She concluded by

pledging the Partnership's support to the Committee in delivering the EVAC mandate specifically through:

- Strengthened collaboration with the ACERWC through a mechanism that fosters regular and structured engagement on VAC within the committee;
- Developing a regional strategy that will include the adoption and implementation of the 6 policy objectives and the adoption and implementation of the WHO resolution initially in the 12 Pathfinding countries and other countries across the continent; and
- Strengthening national coalitions to advocate for and support delivery of evidence-based solutions, to help mobilize key national and local stakeholders including civil society and children themselves and do more to challenge and shift the harmful social norms that perpetuate violence against children, have this issue part of the public discourse.

77. After the presentations, the Committee members made contributions on improving the efforts in ending VAC in the continent and ensuring strengthened collaboration between the Partnership and the Committee. Generally, the Committee members hailed the idea of collaborating with the Partnership to EVAC.

ITEM 11: DRAFT POLICY IN CHILD PROTECTION INTEGRATION INTO APSA

78. The presentation was done by Dr Remember Miamingi from the African Union Commission. In giving the background and introduction, he highlighted that the AU Assembly made a decision to request the AU Commission to develop a comprehensive child protection policy in AU peace support operations (Assembly/AU/Dec. 753(XXXIII), page 8, par 19). He noted that Africa is one of the regions having the highest number of children affected by conflict and the impacts of conflict on children are devastating, hence the AU Commission has been invested in Child Protection and seeks to ensure that children are protected from the impacts and effects of conflict.

79. He highlighted that in terms of the scope of the policy, the policy shall apply to and inform situation assessments, as well as the mandating, planning, deployment, launching, monitoring, management, coordination, supervision, evaluation, sustaining and liquidating of AU mandated, authorized or endorsed PSOs. Further, the policy shall also guide the conduct of PSO personnel- including military, police and civilian components-in accordance with their mandate as defined under the Protocol Establishing the Peace and Security Council (PSC). He highlighted the purpose of the policy which is to outline the preventive, responsive and remedial roles that Peace Support Operations (PSOs) are mandated, authorized, or endorsed by the AU, foster a coherent approach during joint or hybrid missions with other peacekeeping forces and to inform the ways in which PSOs can contribute to preventing violations and promoting accountability efforts in a Mission Area. He gave a brief outline of what is entailed in the policy in order to give the participants an appreciation of the Draft Policy.

80. In conclusion, he noted the roles and responsibilities of the ACERWC outlined in the policy which include liaising with the PSC to ensure a coordinated and harmonized approach to standard setting related to child protection in situations of conflict and the dissemination of standards to PSOs, states and other relevant actors; monitoring child protection concerns in states where PSOs missions are deployed, engaging State Parties to the ACRWC on child protection concerns arising from monitoring initiatives by PSOs during state-reporting processes and other aspects; and regularly briefing the PSC on child protection concerns in conflict situations including countries where AU PSOs are deployed. After the presentation, the Committee members gave constructive feedback on the Draft Policy.

ITEM 12: PRESENTATION AND DISCUSSION ON THE DRAFT GUIDELINES ON CHILD PARTICIPATION

81. Ms. Jennifer Kaberi and Dr Elvis Fokala made the presentation on behalf of the ACERWC. As an introduction, Ms. Kaberi noted that the decision to develop Guidelines on Child Participation was adopted during the Committee's 34th Ordinary Session. She gave an overview of the processes that were followed in drafting the Guidelines and highlighted that the first draft was presented before the Committee during its 37th Ordinary Session where feedback was received. After the introduction, Dr Fokala walked the participants through the revised Draft Guidelines, highlighting the particular aspects that had been incorporated following the Committee's inputs during the 37th Ordinary Session. The Committee members and other participants received the revised Draft Guidelines positively. After the presentation the Committee concluded by highlighting once the Guidelines have been adopted, there will be a need to work on popularization of the Guidelines to ensure meaningful participation of children at both domestic and continental level.

ITEM 13: CHILD FRIENDLY VERSION OF THE CHARTER TO THE COMMITTEE

82. The presentation on Child Friendly Version (CFV) of the African Charter on the Rights and Welfare of the Child (ACRWC) was made by Mr. Samuel Norgah, Director of Plan International AU liaison office Director on behalf of Plan International and Save the Children International. Mr. Norgah stated that the rationale for the project was to develop a child friendly version of the charter that is simple, illustrative, colorful, in plain language, educative, designed with children and for children. He further noted that the child friendly version will be easy accessible, enable Children in Africa to learn about their rights and the rights of others (Art 3 & 8), Children to seek, receive and understand States' obligation towards them (Art 1, 3 & 5) and Children to know, understand and appreciate their responsibilities under the Charter (Art 31). The project method included training of Community leaders from countries representing all the 5 African Regions to Consult with Children. It was noted from the presentation that Children from Cameroon, Ethiopia, Egypt, Kenya, and Zimbabwe had the opportunity to contribute to the process by submitting Drawings; and to Comment on the Characters, Designs and the Wording of Child Friendly Translation; through convened workshops. Children also received Certificates of Participation for their

Role in the Consultation Process. It was highlighted that the Project was overseen by Save the Children and Plan International (with input from the Secretariat/Committee).

83. The presenter also noted the challenges and lessons learned during the development of the Child version of the ACRWC. Mr. Norgah further demonstrated the Children's Charter Project two key Products-Original Poster Designed for Younger Children and Longer Version Includes Activities and Resources for Older Children.
84. Mr. Norgah concluded by outlining the next steps of the project: adoption of the child friendly version of the Charter as Committee document and support its adoption among Member States; Translate in all regional languages including braille features linked to ACERWC website; Develop a dissemination strategy; Provide opportunities for youth to play leadership role in sharing and promoting the Children's Charter through Social Media and community launches and Build /Extend the branding through a comic or storybook series.
85. Following the presentation, Members of the ACERWC commended Save the Children and Plan International to develop the child version document. Key comments provided included adjustment of some terminologies; include drawings/ characters that speaks to CAAC (article 22); dissemination of the products through Android and IOS applications; availability of the products in braille.
86. The Committee's chairperson thanked the presenters and recommended the partners to work with the ACERWC secretariat to reach children on digital platforms and enhance their participation.

ITEM 14: DRAFT REPORT ON THE CONTINENTAL STUDY ON CHILDREN WITHOUT PARENTAL CARE

87. Dr. George Nyakora and Dr. Nedy Matshalaga from Primson Consultancy Group presented on the Continental study on children without parental care. Ms. Catherine Maina from the Secretariat of the ACERWC started by giving a background of the study informing that in November 2019, during the 34th Ordinary Session of the ACERWC, a decision was made by the committee to undertake continental study on the nature and scope of children without parental care and those at risk of losing parental care. She informed that the purpose of the study is to generate information on the nature, scope, and current status of CWPC which will provide a baseline, as well as a starting point for engagement in addressing the situation of CWPC.
88. She further highlighted that the Preamble of the ACRWC underscores the need for every child to grow up in a family environment as an indispensable condition for the children to realize their full potential and ensure the full and harmonious development of their personality. She also noted that the continent of Africa is faced with a challenge where children are without parental care and some are at the risk of losing parental care.

89. Dr. Matshalaga started the presentation by giving the overall and specific objectives of the study and informed that a mixed-methods approach was utilised in the study. Both Qualitative and quantitative methods were triangulated to obtain complementary data on CWPC. A wide array of sources was consulted and referred to to minimise gaps in the evidence to meet all the objectives of the study. The approach took an explorative nature to understand the definition of CWPC in Africa, magnitude, drivers, alternative care options, programmatic responses and normative framework. The study also explored good practices and recommendations for addressing the challenge of CWPC.
90. She stated that the analysis from the case study countries (10) and the secondary data countries (45) shows the root causes and key drivers for children without parental care. These include poverty within households caring for children, cash poverty, orphan hood, abandonment of newly born babies and young children, sexual and physical abuse, unstable family environments, conflict and war situations, Pandemics, natural disasters, ignorance.
91. The Consultant also highlighted a continental overview of normative legal frameworks for CWPC which based on the analysis of the degree of responsiveness of constitutions, Laws and Policies to CWPC across the continent. She indicated that the study analyses the degree to which member states have put in place legal and policy frameworks to address the protection, needs and rights of children in need of care and protection.
92. She concluded by providing the major recommendations according to the key objectives of the study and the key findings on the below mentioned issues:
- i. Defining children without parental care
 - ii. Nature and magnitude of the problem on CWPC
 - iii. Normative and legal frameworks
 - iv. Coordination mechanisms
 - v. Care options
93. Following the presentation, Members of the Committee appreciated the content of the presentation and gave constructive feedback.

ITEM 15: GUIDING FRAMEWORK TOWARDS AN EFFECTIVE ACERWC-RECS COLLABORATION ON CHILD RIGHTS IN AFRICA

94. Dr. Shimelis Tsegaye from African Child Policy Forum (ACPF) made the presentation. As an introduction, he indicated that the AU has made efforts to streamline the collaboration between itself and the RECs, and thereby increase the overall effectiveness of the AU's efforts to further collaboration.
95. Dr. Shimelis started by highlighting that *the Protocol on Relations between the AU and RECs (2008)* provides the basis for the formalization, consolidation and promotion of closer policy-related, sectoral and programmatic co-operation between the AU and the RECs. He stressed that the Protocol aims to facilitate the harmonization of their policies, measures, programmes and activities in all fields

and sectors. He also recalled the 3rd Mid-Year Coordination Meeting between the AU, the RECs and Regional Mechanisms held on October 16, 2021.

96. In furtherance of the cooperation between the ACERWC and the REC's Dr. Shimelis Tsegaye shed light on commendable initiatives involving collaboration between the ACERWC and RECs namely:

- ACERWC's attendance at the RECs' meeting in Kigali (Sept 2019);
- RECs invited to present their work on child rights and the Charter at the 30th anniversary of the Charter (Nov 2020);
- ACERWC's workshops on agenda 2040 with RECs- EAC (Oct 2018), ECOWAS (Oct 2018), SADC (Nov 2018), ECAAS (Sept 2019) and the North and Horn of Africa Regions (Oct-Nov 2019);
- RECs often attended ACERWC sessions;
- The Committee occasionally visited REC Secretariats for discussions on collaboration.

97. Dr. Shimelis Tsegaye also highlighted that the collaboration has its legal basis in Art 42(iii) of ACRWC that mandates the Committee to cooperate with other African, international and regional Institutions and organizations concerned with the promotion and protection of the rights and welfare of the child. He further noted that it is underpinned by the Inter-RECs Learning Forum on Child Protection Systems (Kigali, Sept 2019, the key recommendation for the Committee - take the lead to "*establish a structured and institutionalized framework and mechanism for cooperation and collaboration on child rights and protection issues, one that involves the ACERWC and all RECs*", the 34th Ordinary Session in Egypt, Cairo (Nov 2019) during which the consensus was built on strengthening and further systematising collaboration between ACERWC and RECs.

98. By giving the overall and specific objectives of the guiding framework. Dr. Shimelis highlighted that the guiding framework seeks to:

- Ensure that child rights are mainstreamed into all the RECs' relevant programmes and activities
- Make the realisation of child rights more efficient, predictable, systematic, resource sensitive, sustained and strategic
- Facilitate the implementation of the ACRWC and sub-regional instruments
- Strengthen RECs' ability to discharge their roles and obligations in a child friendly manner
- Foster sharing of experiences, expertise and knowledge on children's rights between the ACERWC and RECs

99. The presenter also underscored the four cardinal child rights principles and the principles of complementarity, subsidiarity, comparative advantage, and mutual respect as guiding principles for the development of the framework. Moreover, he enunciated the practical steps, modalities for the achievement of these objectives. Finally he, concluded by providing the major recommendations and propositions according to the key objectives of the guiding framework. After the presentation, the Committee thanked Dr. Shimelis for the constructive presentation.

ITEM 16: THE ROLE OF FAITH LEADERS IN ENDING CHILD MARRIAGE, FGM AND ADDRESSING CHILDREN IN SITUATIONS OF CONFLICT

100. The presentation on The Role of Faith Leaders in Addressing Child Marriage, FGM and Children in Situations of Conflict was made by Dr. Daniel Muvengi from World Vision International. Dr.Muvengi gave an overview of the important role that the World Vision International played in 27 countries in Africa for over 40 years in ensuring all children are protected, educated and loved.
101. The presenter informed that the purpose of the research is to understand the role of faith leaders in addressing and ending harmful practices such as child marriage and female genital mutilation. Also, secondly to examine the critical role of faith leaders in the voice of peace and reconciliation in situations of armed conflict. He further noted that the objective is to identify the current gaps that exist when it comes to faith leaders addressing violence against children as well as identifying good practices including social and behavior change, scaling up and community change.
102. Furthermore, he highlighted the aspects areas of collaboration between the committee and the World Vision International and concluded by outlining the next steps towards conducting the research.
103. Following the presentation, Members of the Committee the Committee thanked Dr.Daniel Muvengi and gave constructive feedback.

ITEM 17: HEARING ON COMMUNICATION NO: 0012/COM/001/2019

104. The Committee held hearing on the merit of Communication No 0012/Com/001/2019 in the matter between Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) against the United Republic of Tanzania where both parties presented their arguments before the Committee and responded to the questions raised by the Committee. During the hearing, the Committee also heard from the amicus curiae in this case, the UN Working Group on Discrimination Against Women and Girls. Following the hearing, the Committee decided to hold further hearing of the Deponents of the Affidavits that were submitted along with the Communication.

ITEM 18: BRIEFING ON COMMUNICATION NO. 004/COM/001/2014

105. The Committee had a briefing from the Applicants on the amicable settlement reached in Communication No. 004/Com/001/2014; Institute for Human Right and Development in Africa V. The Government of Malawi. The Committee decided to engage the Government of Malawi and request to submit a final report on the status of implementation of the amicable settlement. In addition, the Committee may consider to conduct a follow up mission to monitor the implementation of the amicable settlement.

ITEM 19: SELECTION OF THE DAC THEME 2023

106. The Committee deliberated on the theme for the Day of the African Child for 2023 and adopted the theme to be '*The Rights of the Child in the Digital Environment*'.

ITEM 20: CONSIDERATION COMPLEMENTARY REPORT ON REPUBLIC OF CONGO'S REPORT

107. The Committee considered complementary report on the Periodic Report of the Republic of Congo. The State Party Report will be considered at the 39th Ordinary Session.

ITEM 21: PRESENTATION ON INTERSESSION ACTIVITIES

108. The Rapporteurs responsible for the various missions undertaken during the intersession period have made presentations followed by the Committee's deliberation. The missions include:

- i. Follow-up mission in the Kingdom of Lesotho on the status of implementation of the Committee's Concluding Observations and Recommendations;
- ii. Advocacy Mission in Botswana to engage the Government of Botswana to submit its initial report to the ACERWC and revoke its reservation on Article 2 of the ACRWC; and
- iii. Investigative mission in the South Kordofan and Blue Nile regions of the Republic of the Sudan to assess the situation of children affected by armed conflict and to identify the progress achieved so far in terms of the implementation of the amicable settlement reached in Communication No: 0011/Com/001/2018; Project Expedite Justice *et al* Against the Republic of the Sudan

ITEM 22: PRESENTATION ON IMPLEMENTATION OF ACTIVITIES 2021

109. The Secretariat of the Committee made a presentation on the budget and implementation of activities in 2021. The Committee Members conversed the challenges and made recommendations on the way forward.

ITEM 23: PRESENTATION ON PLANNED ACTIVITIES 2022

110. The Secretariat of the Committee made a presentation on the proposed budget and activities for the year 2022. The Committee Members conversed the challenges and made recommendations on the way forward.

ITEM 24: PRESENTATION ON PLANNED ACTIVITIES 2023

111. The Secretariat of the Committee made a presentation on the proposed budget and activities for the year 2023. The Committee Members conversed the challenges and made recommendations on the way forward.

ITEM 25: CONSIDERATION COMPLEMENTARY REPORT ON REPUBLIC OF UGANDA'S REPORT

112. The Committee considered complementary report on the Periodic Report of the Republic of Uganda. The State Party Report will be considered at the 39th Ordinary Session.

ITEM 26: GUIDELINES ON SAFE RETURN TO SCHOOL DURING COVID-19 PANDEMIC**113. Presentation and Discussion - Guidelines on safe return to school during COVID-19 pandemic**

1. Presentation was made by Mr. Anteneh Bizuayehu, ACERWC's response to COVID-19 focal person in the ACERWC Secretariat. He informed that school closures due to COVID-19 pandemic are so much more than deprivation of the child right to an education (Article 11) as it has significantly affected other children rights enshrined in the African Children Charter. These include restricting children right to play (Article 12), right to food and nutrition (Article 14), right to be protected from all forms of economic exploitation (Art 15), Child abuse (Article 16) and sexual exploitation (Article 27) as evidenced by the ACERWC's recently conducted continental study on the impact of Covid-19 on the rights and welfare of children.
2. He noted, that the ACERWC in accordance with the Guiding notes recommended member states to ensure every child's right to education during COVID-19 pandemic and existing challenges in re-opening of schools. Consequently, the ACERWC in its 37th Ordinary session decided to develop guidelines and strategies to assist governments in ensuring safe return of children to school during the COVID-19 pandemic. Hence, the ACERWC is currently collaborating with Network of African National Human Rights Institutions (NANHRI), to develop guidelines to support Member States actions to ensure safe return of children to school during the Covid-19 pandemic, which considers equity, resource implications, and feasibility. In conclusion, presenter stressed the urgency to finalize the guidelines as most schools have reopened and further delay may jeopardize relevance of the document. He suggested that the ACERWC considers assigning special rapporteurs to expedite the development and adoption of the guideline before the next ACERWC session.
3. After discussions, the Committee assigned Hon. Aboubekrine El Jeri, Hon, and Special Rapporteur on Health, Welfare and Development and Hon. Moushira Khattab, Special Rapporteur on the Right to Education to work with the secretariat to finalize the guidelines. The Secretariat shall submit the final draft of the guidelines for further discussion and virtual adoption before the 39th ACERWC session and subsequent dissemination to member states.

ITEM 27: CONSIDERATION OF APPLICATIONS FOR AN OBSERVER STATUS

114. The Committee considered the application for an observer status from an organisation called Horn of Africa Youth Network. After evaluating the application documents against the criteria for granting an Observer Status as prescribed in the Committee's Guidelines, the Committee notes that the Organisation has not fulfilled the requirement regarding registration in a State Party at least three (03) years before the submission of the request. The Committee also notes that the application is not complete. In this regard, the Committee decided that the organisation re-applies for observer status after being in operation for a period of three years. The re-application will entail the submission of all the required documents.

ITEM 28: CONSIDERATION OF APPLICATION FROM NHRIS FOR AN AFFILIATE STATUS

115. The Committee considered the application for an affiliate status from the National Commission on Human Rights and Freedoms of Cameroon. Evaluating the application, the Committee notes that the Commission fulfilled all the requirement as prescribed in the Committee's Guidelines on granting an affiliate status to NHRIs. In this regard, the Committee decided to grant the National Commission on Human Rights and Freedoms of Cameroon an affiliate status before the ACERWC.

ITEM 29: ADOPTION OF DECISIONS

116. During the Session, the Committee received various requests on different issues. After careful consideration, the Committee decided to:
- Adopt statements on the issues of children affected by ongoing conflicts in the continent in a timely manner;
 - Identify the best way in which children can be involved in the activities of the working groups of the Committee including their participation in the meeting;
 - Develop a continental strategy on children affected by armed conflict;
 - Develop Standard Operating Procedures for Troop and Police Contributing States Parties on handover of children associated with armed groups; and
 - Develop implementational matrix for the decisions of the Peace and Security Council of the African Union.
117. On pending State Party reports, the Committee issued the following decisions:
- To invite the State Party and consider the first periodic report of the State of Eritrea in the 39th Ordinary Session without the consideration of Complementary report if no such report is received before the said Session.
 - After careful consideration of the fact that the Government of Seychelles failed to respond to the invitation of the Committee for the consideration of its initial report for two consecutive Sessions, the Committee decided to consider the Initial Report of the Republic of Seychelles in the 39th Ordinary Session even in the absence of the Delegation of the State Party as per Rule 71(4) its Rules of Procedures.
118. Concerning its Working Groups and their activities for 2022, the Committee adopted the following:

1. The Working Group on Disability to:
 - Conduct a study on the status of the rights and welfare of children with disabilities in Africa;
 - Develop Guidelines for Action on the Rights of children with disabilities; and
 - Revise and operationalize the Committee's Strategy for Promoting and Protecting the Rights of Children with Disabilities in Africa.
2. The Working Group on Children's Rights and Climate Change to:
 - Re-advertise the position for External Experts for Working Group on Climate change to fill in the two vacant positions; and
 - Conduct a study on the impact of climate change on the rights and welfare of the child in Africa
3. The Working Group on Children's Rights and Business to:
 - Conduct a study on business and children's rights in Africa; and
 - Develop Guidelines on establishment and strengthening of regulatory agencies responsible for the oversight of standards relevant to children's rights in business practices.
4. The Working Group on Implementation of Decisions
 - Conduct study on the status of implementation of the decisions of the ACERWC by the respective States; and
 - Develop guidelines on the decisions of the Committee with regards to compensation and its implementation.

119. The Committee adopted as amended the following documents which it considered during the 38th Session:

- I. The Continental Study on the Impact of Covid-19 on the Rights and Welfare of Children;
- II. The Concept Note for the Day of the African Child 2022; and
- III. Guidelines on Child Participation.

120. Based on its deliberations on its budget for work activities, the Committee designated three of its Members namely, Hon. Wilson de Almeida Adão, Hon. Hermine Kembo, and Hon. Joseph Ndayisenga to be the focal persons on budget issues and work with the Secretariat. Moreover, the Committee decided to have a session with the PRC Sub-Committee on Budgetary Matters.

121. Furthermore, the Committee decided to conduct a mid-term review of its strategic plan in 2022 with a view to assess its implementation of the strategic plan and identify how emerging issues can be addressed in the upcoming years.

122. The Committee decided to hold its 39th Ordinary Session from 21 March to 01 April 2022 virtually.

ITEM 30: ADOPTION OF REPORT

123. The Committee agreed to adopt the report of the 38th Ordinary Session virtually after its Members provide their comments in one week's time.

ITEM 31: CLOSING REMARKS

124. Hon Joseph Ndayisenga, Chairperson of the Committee, started his closing remarks by expressing his profound gratitude to the different personalities that made remarks during the opening ceremony, Members of the Committee, participants of the Session, the Secretariat and the interpreters for making the Session a success. The Chairperson further highlighted that during the Session the Committee established a new bureau for the next two years, considered the State Party report of Ethiopia, Complementary Reports from Uganda and Congo, among other things. The Chairperson indicated that the State Party report of Seychelles could not be considered as the State Party was not present for the consideration. In addition, the Chairperson indicated that the Committee considered various documents including the Continental Study on the Impact of Covid-19 on the Rights and Welfare of the Child, the Continental Study on the Status of Teenage Pregnancies in Africa, the Development of the Guidelines on Safe Return to Schools after Covid-19, the Concept Note for the Day of the African Child for 2022. The Chairperson announced that the Committee adopted the theme for the Day of the African Child for 2023 to be '*The Rights of the Child in the Digital Environment*'. In his remarks, the Chairperson also underlined that the Committee considered various communications and applications for observer and affiliate status. In this regard, the Chairperson congratulated the National Human Rights Institute of Cameroon to be the first to be granted Affiliate Status before the Committee. Moreover, the Chairperson called on Countries that have not ratified the Charter to do so, as well as State Parties to comply with their reporting obligations and implement the recommendations and decisions of the Committee. Particularly, the Chairperson, in his remarks, urged the Government of Saharawi Arab Democratic Republic to deposit its ratification instrument on time as the State notified the Committee that it has ratified the Charter.
125. Finally, the Chairperson officially declared the 38th Ordinary Session closed.