



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

Comité Africano dos Direitos e
Bem-Estar da Crianças

اللجنة الأفريقية المعنية بحقوق الطفل ورفاهه

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REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

EXECUTIVE COUNCIL
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INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established during the 37th Session of the Assembly of Heads of State and Government held in Lusaka in July 2001 in accordance with Article 32 of the African Charter on the Rights and Welfare of the Child (ACRWC);
2. As stated in article 1 of the African Children's Charter, States Parties shall recognize the rights, freedoms and duties enshrined in the Charter and shall undertake to the necessary steps to adopt legislative or other measures as may be necessary to give effect to the provisions of the African Charter on the Rights and Welfare of the Child;
3. The ACERWC is established to promote and protect the rights of the child and in particular to monitor the implementation of the African Children's Charter;
4. Pursuant to its mandate under the Charter, the Committee has undertaken several activities including consideration of State Party reports on the implementation of the Charter, consideration of Communications (individual complaints), adoption of various documents and other activities as stated in this Report;
5. Accordingly, the current report summarizes the Recommendations and Decisions of the 37th and 38th Ordinary Sessions of the Committee which were held virtually from 15-26 March 2021 and from 15-26 November 2021, as well as other activities undertaken between January-December 2021.

**ACTIVITIES OF THE ACERWC DURING THE REPORTING PERIOD
(January-December 2021)**

ITEM I: ELECTION OF THE BUREAU

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

ITEM II: STATUS OF RATIFICATION, RESERVATION AND REPORTING ON THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

2. The African Charter on the Rights and Welfare of the Child (African Children’s Charter) currently is ratified by 50 Countries. Five Countries are yet to ratify the Charter, namely, Kingdom of Morocco, Sahrawi Arab Democratic Republic, Republic of Somalia, Republic of South Sudan and Republic of Tunisia. Four Countries have also made reservations on application of some of the provisions of the Charter, these Countries are Republic of Botswana, Arab Republic of Egypt, Islamic Republic of Mauritania and Republic of The Sudan. Out of the 50 Countries which have ratified the Charter, 40 countries have submitted at least their initial report, of which 12 countries, namely: Burkina Faso, Federal Democratic Republic of Ethiopia, Republic of Kenya, Republic of Nigeria, Republic of Rwanda, Republic of South Africa, United Republic of Tanzania, Republic of Niger, the State of Eritrea, Republic of Senegal, Republic of Guinea and the Republic of Uganda have submitted their periodic report. Countries which have never submitted any report to the ACERWC include: Republic of Botswana, Republic of Cape Verde, Central African Republic, Republic of Djibouti, Republic of Equatorial Guinea, Republic of the Gambia, the State of Libya, Sao Tome and Principe and the Republic of Mauritius.

ITEM III: STATE PARTY REPORTS, CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

3. Article 43 of the African Children’s Charter gives the ACERWC a mandate to receive and consider State Party Reports on the implementation of the African Children’s Charter. In this regard, during the reporting period the ACERWC has received and considered State Party Reports from the following State Parties:

3.1. State Party Reports received and status of consideration during the reporting period

State Party	Report submitted	Status of consideration
The Federal Democratic Republic of Ethiopia	Periodic Report	The State party Report has been considered during the 38 th ordinary Session in November 2021. Concluding Observations and Recommendations are yet to be sent.

The Republic of Seychelles	Initial Report	The Report was scheduled to be considered both during the 37 th and 38 th Ordinary Sessions of the ACERWC. Despite repeated communications inviting the State Party to send its Delegation who will be presenting the report and attend the constrictive dialogue, no response has come from the Government of Seychelles yet.
The State of Eritrea	Periodic Report	Scheduled to be considered at the 39 th Ordinary Session in March 2022
The Republic of Uganda	Periodic Report	Scheduled to be considered at the 39 th Ordinary Session in March 2022
The Republic of Congo	Periodic Report	Scheduled to be considered at the 39 th Ordinary Session in March 2022

3.2. CONSIDERATION OF PERIODIC REPORT OF THE REPUBLIC OF GUINEA

4. During its 37th Ordinary Session, the ACERWC considered the First Periodic Report of the Republic of Guinea on the implementation of the African Children’s Charter. Following the consideration of the report, the ACERWC has sent its Concluding Observations and Recommendations to the State Party. The Committee notes with appreciation the submission of the combined periodic report on the implementation of the Charter. The report was submitted by the Republic of Guinea in accordance with its obligations under Article 43 of the Charter. The Committee further appreciates the Government of Guinea for having taken various measures to bring national legislation into conformity with the provisions of the African Children’s Charter. The Committee particularly appreciates the State Party in taking measures by aligning the definition of the child, removing discriminatory provisions, improving maternal and child health, prohibiting corporal punishment and responding to the Ebola pandemic. However, the Committee notes with concern that the situation of children in Guinea is still characterized by vulnerability due to limited access to basic social services (education, health) and the prevalence of certain child protection problems. In this regard, the Committee recommends that the Government of Guinea:

- ✓ Strengthen the coordination of governmental and non-governmental services to improve the quality of care for children;
- ✓ Strengthen the coordination of governmental and non-governmental services to improve the quality of care for children and the effective implementation of the rights enshrined in the Charter;
- ✓ Make children's rights a priority by strengthening child protection structures and the strategic coordination of their interventions to improve their impact on children;
- ✓ Mobilise adequate resources for key areas of child rights and welfare through technical and financial partners to ensure the full enjoyment of the rights enshrined in the Charter for all children; and

- ✓ Allocate a specific and sufficient budget in favour of children, sensitize children and the public on the legislative texts relating to children's rights and translate these texts into local languages for better protection and promotion of children's rights and welfare in Guinea;
- ✓ Establish a child rights monitoring framework through the creation of a child protection information collection and management system to collect disaggregated data to inform areas that require further attention in child protection;
- ✓ Allocate technical and financial resources in the public health care sector in order to provide adequate health services and bring health care facilities closer to communities;
- ✓ Expand the availability and accessibility of basic social services including health and nutrition services for women and children;
- ✓ Make vaccines available and accessible for every child and take adequate measures to effectively combat maternal and child mortality and preventable diseases;
- ✓ Organise awareness campaigns through medical staff and community health workers to sensitise pregnant and lactating women on the importance of antenatal care and exclusive breastfeeding for the first 6 months;
- ✓ Ensure that children and adolescents living with HIV receive the necessary treatment, care and support and take adequate measures to prevent new HIV infections;
- ✓ Improve infrastructure to provide adequate health care services for children with disabilities;
- ✓ Strengthen efforts to improve the availability and accessibility of early childhood education for all children, school facilities, recruit teachers, build schools in communities, provide vocational training for out-of-school children and provide sexual and reproductive health education in schools and communities;
- ✓ Adopt clear laws and policies regarding the retention of pregnant girls or teenage mothers in schools;
- ✓ Improve infrastructure through the construction of fences, recreational playgrounds and improve access to safe water, hygiene and sanitation services in schools;
- ✓ Allocate the necessary resources to tackle the practice of FGM and child marriage on all fronts in a coordinated manner;
- ✓ Mobilise, sensitise and train customary and religious leaders, influential actors, parents, communities, older women and teachers on the evils of these harmful practices to support a process of social change and abandon these practices;
- ✓ Integrate education programmes on harmful practices in primary and secondary schools and in communities;
- ✓ Establish a comprehensive medical and psychosocial care system for child victims of these harmful practices and provide for the physical and psychological recovery and reintegration of child victims;
- ✓ Address the social and economic causes of these harmful practices, ensure investigation of incidents and establish accountability for perpetrators of harmful practices against children; and
- ✓ Ensure that children in detention remain separate from adults, increase the number of public shelters for the rehabilitation, reintegration and care of children in conflict with the law; promote alternative measures to detention and

strengthen the capacity of juvenile judges and social workers to effectively assist children in conflict with the law.

3.3. CONSIDERATION OF THE INITIAL REPORT OF THE REPUBLIC OF GUINEA BISSAU

5. During its 37th Ordinary Session, the ACERWC considered the Initial Report of the Republic of Guinea Bissau on the implementation of the African Children's Charter. Following the consideration of the report, the ACERWC has sent its Concluding Observations and Recommendations to the State Party. The ACERWC commends the Government of Guinea Bissau for the various legislative, administrative and other concrete measures it has undertaken towards the implementation of the provisions of the African Children's Charter. The Committee particularly notes with appreciation since ratification of the African Children's Charter in 2008, various policies, legislations, and institutional reforms have been carried out. The Committee also applauds the Republic of Guinea Bissau for measures undertaken to safeguard the rights of the child during the COVID-19 pandemic. Despite the progress achieved, the Committee remains concerned by the existing gaps in the protection and promotion of children's rights in the Country, particularly in the areas of violence against children, such as exploitation of children in prostitution; sexual abuse of children with disabilities, particularly girls; trafficking of children for sexual purposes; sexual exploitation of children in the context of travel and tourism and, child marriage. The major recommendations of the Committee include, for the State Party to:

- Establish well-resourced and accessible structures for the protection of children's rights;
- Harmonize the Constitution, Civil Code, and other laws in line with the definition of the child under article 2 of the Charter with no exceptions, and comply with article 21 (2) of the African Children's Charter which sets the minimum age of marriage for both boys and girls at the age of 18 years;
- Take affirmative actions for children who have been historically marginalised, children with disabilities, and children living in rural and remote areas with a view of providing them with equal access to basic services as urban children;
- Increase the level of immunization of children and roll out immunization programs in all regions including the remote areas;
- Improve sanitation and water facilities to ensure that both urban and rural communities have access to adequate sanitation and clean drinking water
- Ensure that birth registration is accessible in all regions, mainly in rural and remote areas;
- Sensitize teachers, parents, caregivers, and stakeholders about the legislative provisions on the prohibition of corporal punishment and the negative impact of corporal punishment on the wellbeing of children;
- Continue with due diligence on family reunification or finding permanent alternative care for the children in need of care;
- Take practical measures to achieve primary education for all, including increasing the budget allocated for the education sector;
- Promote education for girls in provinces where gender disparity in education exists;

- Increase the accessibility of schools especially in rural and remote areas by building more schools and providing means of transportation to schools;
- Collect data to identify the pull-push out factors for the decreased school enrolment and dropout of children from schools;
- Intensify efforts to address the root causes to school dropouts such as poverty, violence, and discrimination among other factors and promote a safe learning environment to ensure retention of children, particularly girls, in schools;
- Prioritize and provide for the particular needs of children with disabilities to make inclusive education a reality through building more special schools for children with disabilities, adjustment in infrastructures and facilities of regular schools such as building ramps, making reading materials available in braille, training teachers on sign language and braille to enable them to cater for children with specific needs in learning;
- Sensitize parents and communities on the importance of education and encourage them to enroll children in schools regardless of their gender or disabilities.
- Enact legislation that expressly provides for the right to health and adopt new policies and strategies for improving access to health;
- Increase budget allocation to the health sector and ensure that health care facilities have the necessary and adequate infrastructure, equipment, hygiene and most importantly human resources needed to deliver quality health services;
- Increase the physical accessibility of health care facilities by improving road conditions and the transport network;
- Formulate a system in which health services can be provided for free for vulnerable children and children from economically disadvantaged families;
- Provide sexual reproductive health education in all areas, including the rural and remote areas and encourage women with HIV to consult health workers during prenatal and post-delivery times do prevent mother to child transmission;
- Adopt laws and policies on the rights and welfare of persons with disabilities and ensure that the laws and policies are widely disseminated among stakeholders and communities;
- Integrate measures to end child begging in the Action Plans on Child Labour and sensitize parents, caregivers, and communities on the negative impacts of child begging;
- Establish child friendly referral pathways for child survivors of abuse to access quality services;
- Increase efforts to raise awareness on child trafficking and collaborate with neighboring countries and partner organisations in tracing and allocating adequate space and facilities for a shelter for victims of child trafficking; and
- Submit its combined periodic report in June 2024.

3.4. CONSIDERATION THE PERIODIC REPORT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

6. The ACERWC, during its 38th Ordinary Session, has considered the first Periodic Report of the Federal Democratic Republic of Ethiopia. At the time of writing this report, the Committee is developing its final Concluding Observations and Recommendations which will be shared to the State Party. The content of the Concluding Observation and recommendations on Ethiopia's Periodic Report will for part of the ACERWC's activity report to the Executive Council at its subsequent seating.

ITEM IV: INVESTIGATIVE/FACT FINDING, FOLLOW UP AND ADVOCACY MISSIONS

4.1. Investigative mission to the Republic of the Sudan on the situation of children in the South Kordofan and Blue Nile regions, 23-31 May 2021

7. The ACERWC received a Communication on 26 August 2018, pursuant to Article 44(1) of the African Charter on the Rights and Welfare of the Child against the Government of the Republic of the Sudan (the Respondent State). The Communication covers allegations against the Respondent State on matters related to children affected by armed conflict which erupted in June 2011 in the Blue Nile and South Kordofan regions.
8. The Communication was duly registered and the Committee, during its 33rd Ordinary Session held from 18-28 March 2019, declared that the Communication is admissible. While the Committee remained seized on the Communication, the matter is now being settled amicably as agreed by the parties in the case.
9. The Parties agreed that the implementation of the terms of the agreement should occur in consultation with and with the approval of the affected communities in the two areas that are explicitly mentioned in the Communication. The Parties further agreed that the Committee conducts an on-site mission to the Sudan, particularly to Blue Nile and South Kordofan. The purpose of the on-site mission would be to assess and identify any other affected communities that might exist beyond what is explicitly mentioned in the Communication. It is against this background that the Committee undertook an investigative mission to the Republic of the Sudan on the situation of children in the South Kordofan and Blue Nile Regions.
10. The Delegation went on the ground to assess the situation of children in the two areas. The Delegation held various meetings in Khartoum as well as in South Kordofan and Blue Nile Regions. The Delegation also had the opportunity to visit one community and meet with members of the SPLM North leadership in Blue Nile Region.
11. After assessing the situation, the Committee recommends the State Party to:
 - ✓ Widely circulate the amicable settlement with the States concerned and their organs, the various ministries in the State Party, and a wide range of stakeholders. The amicable settlement should also be available on the website of the National Council of Children's Welfare (NCCW);
 - ✓ Uphold the rights of children, and ensure humanitarian access to a child, to ensure the provision of the conducive environment as provided in Article 1 of the ACRWC, and parties to the conflict to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, and must refrain from deliberately impeding the delivery of relief supplies to civilians in need in areas under its control';
 - ✓ Build infrastructure, mainly roads to connect affected areas with areas that have education, health and other services and items for children; the Committee recommends that areas that are not currently reachable during rainy seasons are given priority in the investment in infrastructures;

- ✓ Ensure that no children are recruited to armed forces that operate in the two regions or even in troops deployed outside of the State Party and to achieve this ensure that birth certificates are issued to all children;
- ✓ Fast-track the ratification of the remaining instruments and the legislative reforms provided in the amicable settlement by building on the already existing milestone of ratifications and law reforms;
- ✓ Develop a comprehensive national and state-level action plan and road map to address the impact of armed conflict in the two regions and in doing so use a consultative process where children, communities and stakeholders are consulted;
- ✓ Provide health facilities and immunization services with acceptable standards to ensure that children have access to basic health services;
- ✓ Submit its report on the implementation of the amicable settlement every six months as indicated in the agreement;
- ✓ Ensure that the withdrawal of the reservations of the State Party on the Charter is deposited to the Office of the Legal Counsel in the African Union to give it legal effect.
- ✓ Provide psychosocial and rehabilitation programs for children who were recruited or have been impacted by the armed conflict to ensure their reintegration;
- ✓ Craft strategies to provide sustainable alternative care for children separated from their parents either due to the conflict or due to the impact of the conflict; and;
- ✓ Provide necessary services to IDPs within the two regions and outside the regions, invest in rebuilding their villages and returning them to their original places.

4.2. Follow up mission to the Kingdom of Lesotho, 14-17 June 2021

12. The ACERWC has undertaken a follow up mission to the Kingdom of Lesotho on 14-17 June 2021. The purpose of the Mission is to monitor the level of implementation of the concluding observations and recommendations issued by the ACERWC to the Government of Lesotho following the consideration of the latter's initial report on the implementation of the African Children's Charter in 2015. During the mission the delegation of the ACERWC had meetings with representatives of various Ministries and partners organizations, including: Ministry of Social Development; Ministry of Justice, Human Rights, and Correctional Services; Ministry of Health; Ministry of Law and Justice; and Ministry of Home Affairs.
13. The Mission provided an opportunity for the Government of Lesotho to appreciate its progress in implementing the recommendations and thereby learn best practices that can be used by the Committer in its further engagement with other State Parties. Moreover, the Mission created an opportunity for the Government to identify and address its challenges in implementing the recommendations of the Committee. Additionally, the Mission created an opportunity to sensitize various organs of the Government as well as other stakeholders about the Charter, the Committee and Agenda 2040. Finally, the Mission also enhanced the continued commitment from the Government of Lesotho to implement the recommendations and the provisions of the Charter as well as to submit its periodic report in a foreseeable future.
14. The Committee notes that the Kingdom of Lesotho has exhibited a commendable progress in implementing the recommendations of the ACERWC. The progresses have been recorded in various including in general measures of implementation, birth

registration systems, protection from abuse, family environment and alternative care, access to health services. Despite the progress made, the delegation notes that there are still challenges that the Government of the Kingdom of Lesotho is facing in fully complying with the recommendations of the ACERWC, hence implement the African Children's Charter. Following the extensive and inclusive discussions, the Committee recommends for the State Party to undertake the following measures to fully implement the concluding observations and recommendations of the Committee as well as the provisions of the Charter:

- ✓ Ensure that the Charter and the concluding observations and recommendations of the Committee are translated to local language and widely disseminated among various government organs, stakeholders, and children;
- ✓ Take legislative measures to ensure the full domestication of the Charter and also ensure that the children's rights and the provisions of the Charter are justiciable in domestic courts;
- ✓ Finalize the development of the periodic report of the State Party and submit it before the end of 2021 as indicated by the State Party;
- ✓ Ensure the revision of the Child Protection and Welfare Act (CPWA) is done in a comprehensive manner so that it includes issues that are raised in the concluding observations and recommendations and address the issue of the age of criminal responsibility of the Child, non-discrimination, children of incarcerated mothers, among others;
- ✓ Undertake institutional measures to establish an autonomous organ that is well resourced and is capable of coordinating child rights issues and the implementation of the CPWA among all sectors;
- ✓ Carry out budget tracking to assess how much of the total budget of the State Party is invested in children's issues thereby informing improved budgeting and disbursement funds on children's issues;
- ✓ Ensure that the Marriage Act that gives room for child marriage is revised or explicitly repealed by the ongoing revision of the CPWA;
- ✓ Increase awareness about domestic adoption as well as provide incentives for kinship care to ensure the deinstitutionalization of children who are in residential care facilities;
- ✓ Establish a residential care facility for victims of abuse in centers for refugee and displaced children;
- ✓ Take measures to ensure accessibility of the Child Helpline;
- ✓ Provide sexual and reproductive health and rights education and services for adolescents to prevent teenage pregnancy;
- ✓ Address the issue of herding by boys by undertaking extensive sensitization among communities in collaboration with chiefs;
- ✓ Conduct training for teachers and provide the necessary facilities in schools to improve the quality of education;
- ✓ Establish separate residential centers for girls in conflict with the law; provide rehabilitation service in the Juvenile Training Center and consider decentralizing the Juvenile Training Center;
- ✓ Conduct capacity strengthening for personnel in the justice system on child protection and procedures for dealing with cases involving children;

- ✓ Ensure that primary caregivers are subjected to non-custodial sentences whenever possible and in the event where detention is mandatory ensure that children incarcerated with their caregivers are not detained in the regular prison cells; the State Party is further encouraged to fast track the adoption of the Correctional Services Act Regulations to ensure the protection of the rights of children incarcerated with their caregivers;
- ✓ Ensure that children have access to their rights during the COVID-19 pandemic.

4.3. Advocacy Mission to the Republic of Botswana, 22-26 June 2021

15. The ACERWC has conducted an advocacy mission to the Republic of Botswana on 22-26 June 2021. The mission aims at engaging the Government of Botswana to submit its initial report to the ACERWC; identifying challenges that the Government is facing in meeting its reporting obligations in order to suggest mechanisms to address the challenges as well as solicit assistance from other stakeholders; engaging the Government of Botswana to revoke its reservation on Article 2 of the ACRWC and see through the process by depositing instruments of revocation with the African Union Office of the Legal Counsel; and creating an opportunity of stronger partnership with CSOs and stakeholders working with and for children.
16. The advocacy mission was conducted in the form of interactions and meetings with authorities and the different stakeholders involved in child rights monitoring. Accordingly, the delegation had a meeting with the Ministry of International Affairs and Cooperation; the Ministry of Local Government and Rural Development; the Ministry of Defence, Justice and Security; the Directorate for Human Rights and Rule of Law; the National Child Welfare Council; Representatives of the Children's Council; and the Botswana Child Rights Network.
17. Following the engagements and discussions, the government of Botswana has committed to submitting the initial report before the end of 2021 and withdraw the reservation which Botswana entered on article 2 of the African Children's Charter.

4.4. Follow up Mission to the Republic of Namibia, on 01-03 December 2021

18. The ACERWC conducted a follow-up mission to the Republic of Namibia on 01-03 December 2021. The Mission aims at assessing the status to implementation of the ACERWC's concluding observations and recommendations on the initial report of Namibia which was considered by the Committee in 2015. The Delegation of the Committee held meetings with various Authorities and stakeholders including: the Ministry of Gender, Poverty Eradication and Social Welfare; Namibian Police; Ministry of Education; Ministry of Health and Social Services; Ministry of Home Affairs and Immigration; and the Namibian Correctional Services. The Delegation of the Committee also met with UNICEF, Namibian Child Rights Network, the Namibian Ombudsman, and the representatives of children. The Committee observed that the Government of Namibia has taken various measures to implement the concluding observations and recommendations of the Committee including the adoption of the Child Care Protection Act in 2019 which repeals various provisions on the Child Status Act and other legislation and harmonizes the age of the child and prohibits any form of discrimination. The Committee also welcomes that the Child Act provides for various

mechanisms and institutions for the implementation of the Act one of which is the National Advisory Council for Children. Moreover, the Committee commends that the Government has taken up the recommendation of the Committee to extend the mandate of the Permanent Task Force on Orphan and Vulnerable Children, to cover all issues of children and become a Permanent Task Force on Children which is a technical level monitoring and coordination mechanisms with the presence of various stakeholders. The Committee also welcomes the recent operationalization of the safety shelter for survivors of gender-based violence, the establishment of safety-nets in the form of cash transfers which has assisted economically disadvantaged communities, especially during the pandemic; the provision of free primary and secondary education; free primary health care for children and provision of school feeding across the Country in primary schools. The Committee also commends the State Party for launching e-registration system.

19. While the Government has taken notable measures, the Committee observed that some areas still need further attention from the Government of Namibia. The Committee therefore recommends that the Government of Namibia to:

- ✓ Allocate sufficient funds for the implementation of the Child Care Protection Act;
- ✓ Ensure that Early Childhood Development (ECD) for children is provided by the Government, support and monitor ECD centers;
- ✓ Establish rehabilitation facilities for children who have been affected by drug abuse;
- ✓ Identify the main causes for the very high rate of stunting in the State Party and devise informed measures to address the issues of stunting by crafting cross sectoral measures;
- ✓ Formulate specific and targeted measures for marginalized communities to address poverty and ensure access to basic services by such communities;
- ✓ Undertake measures to address the existing high dropout from schools at secondary education by creating school retention strategies such as extension of school feeding in secondary education, providing sanitary pads, removing indirect fees such as costs for school materials, uniforms, and readmission fees; providing sexual education and sexual and reproductive health services to prevent teenage pregnancy, and prevention of child labor including in the home setting among others;
- ✓ Establish child friendly courts for children in contact with the law and provides regular training for the police and judges on issues of child protection;
- ✓ Undertake measures to fast-track the adoption of the Child Justice Bill which has been a draft for over 15 years and ensure that the Child Justice Bill raises the minimum age of criminal responsibility to meet internationally set standards which is currently set at the age of 7; and
- ✓ Undertake legislative measures to ensure that corporal punishment is vividly prohibited by law in the home setting.

ITEM V. COMMUNICATIONS

20. In line with its mandate under article 44 of the Charter, the Committee has received 16 Communications, out of which 9 are finalised; six on merit and three on admissibility. Considering pending Communications, while appreciating State Parties which are

complying with their obligations in engaging the Committee and responding on the complaints in due time, the Committee notes that some State Parties are falling to respond on the Communications despite various official requests on the matter.

21. The table below provides the status of pending Communications before the ACERWC.

Communication name	Status
Communication No: 0011/Com/001/2018 against the Republic of the Sudan (Registered on 26 Aug 2018)	The Committee has conducted an on-sight investigation in line with the amicable settlement reached between the Parties. The recommendations/findings of the mission are available in another session to the current report.
Communication No: 0012/Com/001/2019 against the United Republic of Tanzania (registered on 17 June 2019)	After conducting hearing on the Communication, the Committee decided to hold further hearing of the Deponents of the Affidavits that were submitted along with the Communication.
Communication No: 0013/Com/001/2020 against the Republic of Mali (registered on 13 January 2020)	The Committee decided to conduct a hearing during the 39 th Ordinary Session which will be held in March 2022 as the Respondent State failed to respond to the Communication despite several reminders of the Committee on the same;
Communication No: 0015/Com/003/2020 against the Republic of the Sudan (registered on 24 Feb 2020)	The Committee Declared the Communication admissible.
Communication No. 004/Com/001/2014 against the Government of Malawi.	The Committee decided to remind the Respondent State to submit its final report on the implementation of the amicable settlement.
Communication No: 0016/Com/004/2020 against the Republic of the Sudan (Submitted on 24 June 2020)	The Committee decided to hold a hearing on the merit of Communication during its upcoming 39 th Ordinary Session even if the Respondent State does not provide its argument on the merits within the additional 60 days it is granted.
Communication No 0017/Com/001/2021 against Nigeria (registered 08 December 2021)	The Communication is forwarded to the Respondent State requesting the same to respond on admissibility by 14 February 2021.
Communication n° 0018/Com/002/2021 against the Republic of	The Communication is forwarded to the Respondent State requesting the same to respond on admissibility by 16 February 2021.

ITEM VI: GENERAL COMMENTS

6.1. General Comment No.7 on Article 27 of the African Children’s Charter on sexual violence against children

22. The African Charter on the Rights and Welfare of the Child includes a provision which requires States to protect children from sexual exploitation and abuse. The contents of this article proceed further to oblige States Parties to take measure to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity, the use of children in prostitution or other sexual practices and the use of children in pornographic activities, performances and materials.
23. This General Comment relates to the overall mandate of the ACERWC to guide State Parties in their obligations towards child victims of child sexual exploitation and abuse (CSEA). The Committee developed the General Comment with a view to explain the obligations of State Parties under article 27 of the Charter, which entail the obligation to respect, protect and fulfil the rights. The Committee notes that the African Union has longed expressed concern, in different forms, about the prevalence of sexual exploitation of women and children on the continent. This has manifested, amongst others, in plans of action to reduce Gender Based violence, end child marriage, and to address impunity for violations committed during peace keeping operations in Africa.
24. In an international context, the Sustainable Development Goals adopted by the UNGA in September 2015 include sexual exploitation as a form of violence. The implementation of the 2030 Agenda for Sustainable Development entails monitoring progress on both the elimination of all forms of violence against women and girls (Target 5.2) and the elimination of all forms of violence against children (Target 16.2). This also forms one of the priority goals for the Agenda 2040 developed by the Committee in 2015 at the 25th anniversary of the Charter.
25. This General Comment is furthermore grounded in the AU Executive Council Decision which 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.” The General Comment is also based on the relevant provisions the AU had adopted the African Union Cyber Security and Data Protection Convention (Malabo Convention) in 2014. The African Union also hosted a Global Summit on Online child sexual exploitation in December 2019, in collaboration with We Protect Global Alliance. Similarly, the African Commission on Human and People’s Rights developed and issued Guidelines on combatting sexual violence and its consequences in Africa in 2017.
26. It is on the basis of the above-mentioned instruments and initiatives that the General Comment expounds upon the nature of the State’s obligations under section 27 of the Charter to prevent, combat, and protect children from sexual abuse and exploitation, including both offline sexual exploitation and OCSE.

6.2. General Comment No 8- Joint General Comment of the ACRWC and the African Commission on Human and Peoples' Rights (ACHPR) on Female Genital Mutilation (FGM)

27. Cognizant of the high prevalence of FGM in Africa, and noting that the peculiarities of harmful practices in the socio-economic, cultural and religious realities of Africa, the ACERWC and the ACHPR, have decided to develop a Joint General Comment on FGM. The aim of this General Comment is to clarify the nature of State Party obligations that arise from Article 5(b) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and Article 21(1) of the African Charter on the Rights and Welfare of the Child. The General Comment will describe legislative, administrative and other measures that should be taken by States Parties to protect the rights of children from FGM. The Joint General Comment will also elaborate legislative, institutional and other measures that should be taken by State Parties of the two instruments to protect girls and women from FGM and to eliminate the practice. Specifically, the General Comment should focus on the following key issues, among others.

- ✓ Identify root causes of FGM in Africa from cultural, religious, economic and other vantage points. This to also include a comparative examination of gender inequality and FGM in African countries;
- ✓ Explain the legislative and institutional measures that should be taken to prevent and eliminate FGM;
- ✓ Discuss and clarify accountability (individual and state level), in the context of human rights violations and gender-based violence as a result of FGM;
- ✓ Identify who should be accountable for acts of FGM and provide accountability mechanisms for violation of prohibition of FGM, and obligations of Member States to stop the practice, prosecute perpetrators and work with communities to change norms and build awareness;
- ✓ Led by regional and continental frameworks, give guidance on measures that should be taken to ensure girls and women are protected and explain the legislative and institutional measures that should be taken to prevent and accelerate the elimination of FGM;
- ✓ Give guidance on measures that should be taken to ensure women are protected from FGM despite consent;
- ✓ Elaborate on medical, Psychosocial, and other support services that should be made available for survivors of FGM;
- ✓ Provide measures that should be taken to prevent and ensure accountability for cross-border practice of FGM; and
- ✓ Elaborate on measures that should be taken to protect asylum seekers fleeing from their countries due to the threat of FGM and those that are internally displaced for the same reason.

ITEM VII: Researches and Guidelines

7.1. The Continental Study on the Impact of Covid-19 on the Rights and Welfare of Children

28. Cognizant of the consequences of COVID-19 on the rights and welfare of children in Africa, and noting the unprecedented nature of the pandemic and the measures taken to curb its spread, the ACERWC developed Guiding Note in April 2020, to Member States of the African Union (AU) on measures to be taken to uphold children's rights during the COVID-19 pandemic. The Guiding Note highlights the various ways in which children in Africa are being affected by the pandemic. It notes that millions of children in Africa are likely to face increasing threats to their safety and wellbeing, including sexual and gender-based violence, exploitation, and separation from families. It further notes that millions of others have temporarily been out of school due to the COVID-19 preventive measures, with the risk of permanent drop out, especially of children in vulnerable situations, such as the girl child, children with disabilities, children who belong to economically disadvantaged parents and children living in rural areas to mention but a few. Furthermore, the Guiding Note notes that the pandemic is likely to result in a devastating effect on family functioning by limiting sources of income for households, resulting in limited access to adequate nutrition, healthcare, appropriate shelter and other basic needs, which will then have an immediate and longer-term consequences on the life, survival and development of children.
29. In light of the challenges posed by the pandemic, the ACERWC issued recommendations in the Guiding Note on measures that the Member States should undertake to minimize and limit the impact on children, while upholding the rights in the African Charter on the Rights and Welfare of the Child, with the principle of the best interests of the child at heart.
30. Following the issuance of the Guiding Note, during its 35th Ordinary Session, which took place virtually from 31 August to 8 September 2020, the ACERWC conducted consultations with selected Member States, Civil Society Organizations and Representatives of Children, on ongoing efforts to curb the impact of the pandemic on the rights and welfare of Children. Among other things, the discussions highlighted the specific challenges faced by Member States and available good practices on the Continent. As an outcome of the consultations, the ACERWC decided to undertake an assessment of the impact of COVID-19 on the rights and welfare of children in Africa.
31. The objectives of the assessment are to:
- ✓ Assess the impact of the pandemic on the implementation of the relevant aspirations in Agenda 2040: Africa's Agenda for Children;
 - ✓ Gather good practices on mitigating the impact of the pandemic on children;
 - ✓ Predict the near future impact of the pandemic based on the trends from the continent, as well as lessons learnt from other continents;
 - ✓ Identify how children particularly in vulnerable situations are currently coping within the Pandemic;
 - ✓ Assess if appropriate recovery programmes, particularly for vulnerable children, are in place;
 - ✓ Shed light on the possible post-COVID-19 socio-economic situation and its impact on the rights and welfare of children; and
 - ✓ Provide recommendations in line with the urgent, medium and long-term needs of children.

32. The report on the assessment was adopted by the ACERWC during the 38th Ordinary Session of the Committee. The report notes that COVID-19 pandemic and the impact of the emergency measures adopted to fight the spread of the virus have revealed the urgent need to reinforce - and in some cases to rebuild - the social contract Africa. The social contract in the sense that the citizens - including children of all ages - of Africa can trust the authorities at all levels of government to represent them, ensure that their rights and freedoms are guaranteed and that the goal of governments is to create a place in which Africans are allowed to grow, prosper, and be happy. As such, Member States of the African Union are to ensure high-level political commitment and leadership across all sectors involved in COVID-19 response.
33. In this regard, on the rights and welfare of the child, the rebuilding of the social contract should focus on:
- ✓ Guaranteeing that children have access to quality health, education and protection services and other rights set out in the African Children’s Charter;
 - ✓ Ensure that the principles of "best interests of the child" and "do no harm" are a priority in every response plan in accordance with the African Charter on the Rights and Welfare of the Child;
 - ✓ Recognize and integrate in their response plans the specific needs of the most vulnerable, including girls as a central element of continental and national responses;
 - ✓ Meet the long term needs of children through the development and implementation of mechanisms and social protection policies to protect children and families from future shock; and
 - ✓ Ensure that children have real opportunities to be heard and that their views are taken into account in COVID-19 decision-making.

7.2. Guidelines on Child Participation

34. During its 38th Ordinary Session, the ACERWC has adopted the Guidelines on Child Participation. The Guidelines are developed on the basis of the African Charter on the Rights and Welfare of the Child which provides for the right to child participation, principally, in Articles 4(2) and 7. In addition to these provisions, several other provisions of the ACRWC, including, but not limited to articles: 9 (Freedom of Thought, Conscience and Religion); 10 (Protection of Privacy), and 12 (Leisure, Recreation and Cultural Activities) and 31 (the responsibilities of the child) also give effect to child participation. Furthermore, the Guidelines are grounded on paragraph 53 of the African Union (AU) Agenda 2063, the AU acknowledges that “African children shall be empowered through the full implementation of the African Charter on the Rights of the Child”. This is further expounded by Aspiration 10 of Agenda 2040 for Children, which emphasises the establishment of systematic and sustainable structures for child participation.
35. The ACERWC recognises child participation as both a general principle of children’s rights and a right in itself. Together with the principle of non-discrimination (Article 3), the best interests of the child (Article 4(1)) and the right to life, survival and development (Article 5), child participation must be observed and respected at all times during all decision-making processes on any matter concerning children. It is as a crucial aspect

of child development; it empowers a child and increases self-believe. It is important for children because it gives them an opportunity to contribute an opinion on an issue and decision-making process on matters that affect them and develop a closer connection to their community.

36. The focus of the Guidelines is to provide a guide for the effective implementation of child participation at Member States level as well as in the activities of the Committee. The guidelines reflect the necessary institutional mechanisms and structures that State Parties to the ACRWC need to put in place for the effective and meaningful participation of children. This will inform the systematic process of children's participation at the national level to ultimately enable child participation in the activities of the Committee.
37. The aim of the Guidelines is to enhance the realisation of the right of children to participate and to be heard in all matters that affect them. Specifically, the guidelines aim:
- ✓ To ensure that children participate systematically, meaningfully and continually in the work of the Committee throughout its various mandates. These include; State Party reporting processes including the follow up on Concluding Observations and Recommendations, Individual Complaints/Communication mechanism, in the Committee's Investigation mandate, Ordinary and Extraordinary Sessions, continental studies and other activities;
 - ✓ To ensure that States Parties have a clear guide on the creation and implementation of structures and platforms for child participation, starting from the family environment up to the national level, with clear linkages and interdependencies between the levels.

ITEM VIII- DAY OF AFRICAN CHILD

8.1. Commemoration of DAC 2021- reports of Member States

38. The ACERWC received reports from 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 countries that submitted their reports to the Committee include Burkina Faso, Kenya, The Gambia, Senegal, and Zimbabwe. The Member States have undertaken several activities to commemorate the DAC 2021. Some of the activities undertaken include:

- ✓ 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.

39. The Committee encourages Member States to report on the commemoration of the DAC; and 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, the Committee encourages 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.

8.2. Day of the African Child 2022

40. As adopted by the Executive Council of the African Union, the theme of the Day of the African Child (DAC) 2022 is '***Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice since 2013***'. As it is always the practice, the ACERWC has shared the Concept Note to all Member States of the AU to guide the activities around the commemoration of DAC 2022. In this regard, the Committee encourages Member States to undertake the proposed activities and report on their undertaking in accordance with the template attached to the Concept Note.

8.3. Theme of the Day of the African Child 2023

41. Following consultation, during its 38th Ordinary Session, the ACERWC selected the theme for the **Day of the African Child for the year 2023 to be on '*The Rights of the Child in the Digital Environment*'**.

ITEM XV: REGIONAL SENSITIZATION WORKSHOP BY THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC) AND THE NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS (NANHRI)

42. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in collaboration with the Network of African National Human Rights Institutions (NANHRI) conducted a regional sensitization workshop for NHRIs in Africa on enhancing NHRI's engagement with the ACERWC. The main objective of the workshop is to foster collaboration between African NHRIs and the Committee and enhance the effectiveness of the African NHRIs' contribution to the work of the Committee. The workshop was attended by representatives of African National Human Rights Institutions, ACERWC Committee Members, representative from the ACHPR, representative from NANHRI and the ACERWC Secretariat.

43. Following the discussion, a pledging poll was conducted wherein the participants were required to pledge their intention/interest to apply for affiliate status before the Committee. The workshop was a success and resulted in the enhanced capacity of NHRIs on the African Children's Charter and the Committee, as well as the various ways in which NHRIs can play a role in monitoring the implementation of the African Children's Charter and enhance the promotion and protection of children's rights. Furthermore, the participants gained knowledge on the procedure to be followed in applying for affiliate status before the Committee. The Committee looks forward that NHRIs will apply for an affiliate status before the ACERWC as this will go a long way in strengthening collaboration between NHRIs and the Committee, and further enhance the effectiveness of the African NHRIs' contribution to the work of the Committee.

ITEM X: INDUCTION AND OPERATIONALIZATION OF WORKING GROUPS

44. The Committee has held induction for its newly elected Members and meetings of the Working Groups established on 08-10 November 2021. The meeting was hosted by the Republic of Burundi in Bujumbura where the State has extended invitation to the Committee on the same. During the meeting, the Committee has conducted various activities including:

- i. Discussed the Tors of the respective Working Groups, namely the Working Groups on Children's Rights and Business; the Working Group on Climate Change and Children's Rights; the Working Group on Implementation of Decisions; and the Working Group on Children with Disability;
- ii. Assign roles and responsibilities of the Members in the respective Working Groups;
- iii. Discussed the rules and procedures of the Working Groups in accordance with the standard of operations adopted by the ACERWC;
- iv. Briefed the newly elected Members of the respective on their mandate, roles and responsibilities; and
- v. Developed work plans for the Working Groups and set concrete deliverables with timelines

ITEM X: RELOCATION OF THE ACERWC TO MASERU- THE KINGDOM OF LESOTHO

45. Pursuant to the Decision of the Executive Council, EX.CL/Dec.1010 (XXXIII), where the Council Decides for the Kingdom of Lesotho to host the Secretariat of the ACERWC, the Secretariat of the ACERWC has been relocated in December 2020.

RECOMMENDATIONS

46. In conclusion, the African Committee of Experts on the Rights and Welfare of the Child would like to draw the attention of the Executive Council on the following issues:

- To welcome the newly elected Members of the Bureau of the ACERWC for the period between November 2021-November 2023; and encourage Member States to cooperate with the Members in discharging their responsibilities;

- To urge the five Member States which have not yet ratified the African Children's Charter to expedite the ratification of the Charter;
- To congratulate State Parties which have submitted their reports on the implementation of the African Children's Charter and urge State Parties, which have not yet reported to the Committee to comply with their reporting obligations;
- To encourage State Parties which have entered reservation on the provisions of the African Children's Charter to consider withdrawing the same;
- To appreciate Member States for the measures they have undertaken in commemorating the Day of the African Child for the Year 2021 on the theme- '30 years after the adoption of the Charter: accelerate implementation of Agenda 2040 for an Africa fit for children';
- To appreciate the Kingdom of Lesotho and the Republic of Namibia for the measures they have undertaken in implementing the recommendations of the Committee; and encourages the same to fully comply with the Concluding Observations and Recommendations of the ACERWC;
- To appreciate the Republic of the Sudan for the measures it has undertaken in implementing the amicable settlement it has concluded before the Committee on the situation of children in South Kordofan and Blue Nile Regions, and encourage the State Party to fully comply with the terms and conditions of the amicable settlement;
- To welcome the ACERWC's report on the assessment of the impact of COVID-19 on the rights and welfare of children in Africa and encourages Member States to implement the recommendations of the ACERWC as indicated in the report;
- To welcome the development and adoption of the ACERWC's Guidelines on Child Participation and encourages Member States to make use of the content of the documents in ensuring child participation and comply with their obligations under the African Children's Charter;
- To adopt the theme for the Day of the African Child for the year 2023 to be '***The Rights of the Child in the Digital Environment***'.
- To appreciate the Federal Democratic Republic of Ethiopia, The Republic Seychelles, The State of Eritrea, The Republic Uganda and The Republic of Congo for submitting their Reports on the implementation of the African Children's Charter,
- Encourage the Republic Seychelles, The State of Eritrea, The Republic Uganda and The Republic of Congo to present their reports at the upcoming Session of the ACERWC in March 2022;
- To reiterate the importance of the Communications procedure of the ACERWC established pursuant to Article 44 of the African Children's Charter, and call on the concerned Member States to comply with their obligations under the Charter by responding to the Committee's requests and implementing the Committee's decisions;
- To welcome the ACERWC's General Comment No 7 on Article 27 of the African Charter on the Rights and Welfare of the Child on sexual violence against children and encourages Member States to make use of the principles provided within the General Comment;
- Welcome the decision of the ACERWC and the ACHPR to develop the Joint General Comment on Female Genital Mutilation (FGM) and encourages Member States to cooperate with the two organs in providing information for the successful finalization of the General Comment;
- To request Member States cooperate with the Working Groups of the ACERWC;

- To congratulate the Kingdom of Lesotho and the AUC for finalising the relocation of the Secretariat of the ACERWC; encourage the host country to continue providing the required pursuant to the host agreement; and call on the AUC to finalise the recruitment of staff and transfer of resources for the smooth operation of the newly established Office in Maseru, the Kingdom of Lesotho.