



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant
Comit  Africano de Peritos os Direitos e Bem-Estar da Crian a
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



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

**43rd SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
15-25 April 2024**

**ACERWC/RPT (XLII)
Original: English**

REPORT

OUTLINE

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INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) held its 43rd Ordinary Session from 15-25 April 2024. Among the noteworthy activities during the Session was the consideration of the Reports of the Republic of Malawi, the Republic of Niger, the Republic of Mozambique, the Republic of Zimbabwe and the Republic of Rwanda as well as the Complementary Reports of CSOs from the Republic of Zambia. The Committee also organised various Panel Discussions, conducted a Day of General Discussion, and considered various documents. The paragraphs below summarize the main issues of the agenda items.

ATTENDANCE

3. The 43rd Ordinary Session was attended by Representatives of Member States, Representatives of the African Union Commission, Children's Representatives, Civil Society Organizations, Network of African National Human Rights Institutions and National Human Rights Institutions, Representatives of the African Governance Architecture Secretariat, Representatives of UN Agencies as well as international, regional and local non-governmental organisations.

ITEM 1: Procedural Matters and Organisation of work

4. Prior to the opening ceremony of the 43rd Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee), the Committee convened to consider some preliminary procedural matters. After adopting the agenda, the Committee proceeded to allocate Members for the consideration of applications of Observer Status. Rapporteurs and co-rapporteurs were also assigned to consider State Party reports, Civil Society Organization (CSO) complimentary reports and Communications.

ITEM 2: OFFICIAL OPENING CEREMONY

5. H.M the Queen of the Kingdom of Lesotho, representatives of the children's, ministers, and other high-ranking government officials from Lesotho, representatives of Member States, representatives of the African Union Commission and AU Organs, representatives of UN agencies, representatives of civil society forums, representatives of National Human Rights Institutions (NHRIs), development partners, and invited guests attended the opening ceremony of the session. The opening remarks forwarded are:

Remarks by children's Representatives- Ntai Pheko- 17 (A child from the kingdom of Lesotho) and Shemezimana Dandy Miguel-12 (A child representative from Burundi)

6. Ntai Pheko, a child from Lesotho, made a remark focusing on the importance of education as a fundamental right. In his remarks, he mentioned the various challenges faced by the education sector in Lesotho, including a high rate of illiteracy, low attendance rates due to hunger, lack accessible classrooms and libraries, and a shortage of qualified teachers. Ntai also highlighted some of the initiatives taken by the government to address these challenges, such as the Free Primary Education policy and a school feeding program, as well as increased investment in building schools and hiring teachers. However, he stated that there is still more work to be done to ensure quality education for all children in Lesotho. He called for action from the government to invest in overcoming these challenges and providing better education opportunities for the children of Lesotho.
7. Shemezimana Dandy Miguel, a child representative from Burundi, highlighted the challenges related to universal education, including infrastructure, libraries, materials, and other related problems. He also mentioned socioeconomic issues such as poverty, language barriers, climate change, civil wars, and other problems. He reiterated that lack of education is leading children into different problems, including child marriage and teenage pregnancy. In this regard, he said that civil society organizations are expected to play important roles by supporting education through various mechanisms and the government should invest in infrastructure and other facilities. He calls on parents, society, and the government to play significant roles in ensuring quality education and ensuring the participation of children's rights. He also mentioned the challenges facing children with disabilities and albinism and called for more attention and actions from states. He concluded by thanking the committee and civil society forums for their support and for allowing them to represent African children and to ensure the participation of children on their issues.

Remarks by CSO Forum Representative - Ms. Felistus Motimedi

8. During her remarks, Ms. Felistus started by congratulating the ACERWC on its 43rd session and for its particular on the thematic areas of education and the Day of General discussion on children with albinism. She mentioned that the CSO forum has conducted its meeting on 13 and 14 April in Lesotho with thematic areas on education, which concurs with the AU theme of the year and the Committee's DAC theme.
9. She also expressed her concerns on behalf of the forum on conflicts in different parts of Africa and the Gambia case on FGM. She also mentioned that the CSO forum recognized the intersectionality of education and sexual rights and the need for special attention to children with disabilities and albinism. She also expressed the CSO forum's commitment to supporting the dissemination of concluding observations and recommendations and other works of the Committee. She also

shared her happiness with the collaboration on the study of teenage pregnancy and the preparation of the General comments on education with the Committee in different capacities.

10. In her concluding remarks, she requested member states to play their roles in ensuring the rights and welfare of children in the continent and expressed the willingness and commitment of the forum to collaborate with the Committee in its engagement on the issues of children.

Remarks by the Representative of the Network of African National Human Rights Institutions (NANHRI) by Commissioner Boniface Massah - Malawi Human Rights Commission

11. Commissioner Boniface emphasized the importance of quality education for sustainable development in Africa. He highlights the crucial role that education plays in improving the overall well-being and opportunities for individuals and communities in Africa. However, several factors hinder African children's access to education mainly including Poverty, discrimination against girls, children with disabilities, children with Albinism, and refugees who face discrimination and exclusion from educational opportunities.
12. The Commissioner mentioned that NANHRI urges the prioritization of education in the human rights agenda, equitable access to quality education, and the dismantling of barriers preventing girls from accessing education. He also mentioned that the 2024 Day of the African Child theme, "Education for all children in Africa: the time is now," is commendable and calls for governments and stakeholders to prioritize education.
13. The Commissioner also mentioned that NANHRI condemns all forms of violence against children in conflict situations and demands the implementation of child protection mechanisms by states. He urges enhanced measures to protect their rights, address societal stigma, and promote their inclusion in all aspects of society especially for children with disability and albinism. Furthermore, he calls for states to formulate policies that foster inclusive approaches and ensure access to quality education and healthcare by identifying gaps and implementing targeted interventions.

Remarks of H.E Prof. Mohammed Belhocine - Education, Science, and Technology & Innovation (ESTI) delivered by Ms. Sophia Ndemutla Ashipala a Head for Education Division of the African Union Commission

14. Ms. Sophia in her remarks said that Africa is the continent of the younger generation, with 60% of the population under 25 years old, which presents a high potential for Africa to grow. However, she mentioned that Africa should ensure that there is access to education currently millions of children are out of school and less than 10% have access to universities. This shows that there are challenges that need to be addressed, and the AU has decided to dedicate this year to education.
15. She mentioned that the committee's thematic area resonates with their office, as the AU's theme is structured around ten objectives on different issues, focusing on ensuring primary and secondary education for free and showing progress in vocational and tertiary education in the continent.
16. Furthermore, the African Union recognizes the right to education as one of the fundamental human rights and is committed to ensuring this right with member states and other stakeholders. Ms. Sophia has urged member states to allocate 20% of their budgets to education, with a specific focus on inclusive education. She emphasizes that investing in education is crucial for Africa's future, as it equips the younger generation with the necessary tools to learn, grow, and contribute to their communities and countries. Additionally, she calls upon stakeholders to invest in and work towards promoting the right to education, particularly inclusive education.

Remarks by Dr. Najat Maalla M'jid - the UN Special Representative of the Secretary-General on Violence Against Children

17. Dr. Najat mentioned that she has been actively engaged with over 45 African countries, supporting them, guidance, and sharing promising practices. It's important to prioritize the protection and well-being of children, as Dr. Najat emphasized in her remarks. She noted that many children are unable to attend school due to harmful traditional practices, and it's up to us as adults to take responsibility and create a safe environment for them.
18. Dr. Najat also pointed out that investing in our children is not only an investment in our future, but it's also an economic investment for states and families. She also added that social justice for children is just as important as other forms of justice, and it's crucial to allocate responsibilities and ensure that everyone involved understands their role.
19. In conclusion, Dr. Najat stressed the importance of involving children in the decision-making process and taking concrete steps towards a better future. She believes that by doing so, we can create a world that is safer and more prosperous for generations to come in the continent. Dr. Najat urged everyone to prioritize tangible actions that can have a positive impact on children's lives, rather than just talking about it. She emphasized that involving children in our decision-making process and taking concrete steps towards a better future is crucial for creating a world that is safer and more prosperous for everyone.

Statement of H.E. Amb, Minata SAMATE CESSOUMA- the Commissioner for Health, Humanitarian Affairs and Social Development delivered Mr. Sabelo Mbokazi, Head of Division of Labour, Employment and Migration

20. Mr. Sabelo Mbokazi, in his remark, mentioned that the African Union has taken significant steps to protect the rights of children across the continent. He mentioned that the Department of Health, Humanitarian Affairs, and Social Development has launched several campaigns to eradicate harmful practices like child marriage and female genital mutilation and working on the implementation of the recommendations of the 2019 study on children on the move by the Committee and delving into the factors driving child migration and highlighting their vulnerabilities on the move. He mentioned that conflict, insecurity, illegal activities, poverty, and child abuse as significant drivers.
21. He mentioned that the African Charter on the Rights and Welfare of the Child prohibits harmful social and cultural practices affecting children's well-being, dignity, and normal development, FGM included and raised concerns about the current regressive measures in some States, specifically in the Gambia where a parliamentary debate has been conducted calling for the repeal of laws that prohibit female genital mutilation in the country. In addition, he mentioned that African Union recognises that the climate crisis has put children's life and development in great peril. In addition to the child deaths that resulted directly from natural calamities and the disruption of immunization and other healthcare services, climate change has also been a catalyst for the proliferation of vector-borne, water-borne and air-borne diseases that have increased the mortality rate among children.
22. He also reiterated the African Union's 2024 theme "Education and its role in Africa's development" which highlights the urgent need for quality education for all African children, especially in the aftermath of the Covid-19 pandemic. He further added that the African Union recognizes the impact of climate change on children's development and has adopted several interventions. Accordingly, the AU adopted a Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism in Africa (2021-2031). He finally pleaded for Member States to take decisive measures to strengthen their efforts in responding to existing and emerging challenges of children's rights.

Remarks form the UNICEF Representative in the Kingdom of Lesotho- Mr. Deepak Bhaskaran

23. He started by stating the importance of the meeting in strengthening collaboration and ensuring a bright future for children and expressed deep gratitude for the committee and member states. He shed light on pressing issues that demand

immediate attention, particularly the rampant violence against children in sub-Saharan African countries. Shockingly, six out of ten children experience physical abuse, and three out of ten experience sexual abuses. Child marriage also remains prevalent, with four out of ten girls marrying before the age of 18. He said that the teenage pregnancy rate is alarmingly high, with 22% of girls giving birth between the ages of 15 to 19.

24. The speaker's remarks shed light on several pressing issues that are affecting children across the globe. He emphasized the gravity of the education crisis, where a staggering 21 million children are currently out of school, and an alarming 88% of sub-Saharan African children are unable to read up to grade 4. The situation is further exacerbated for children on the move, who are forced to endure numerous challenges, including displacement and limited access to basic services.
25. The speaker also expressed deep concern for children with albinism, who face severe stigma, discrimination, and limited employment opportunities. Shockingly, many traditional beliefs have led to abductions and other forms of violence against them. It is imperative that we collaborate and make a concerted effort to address these issues and ensure that every child, regardless of their race, religion, or background, has a safe and secure future. The speaker rightly pointed out that these numbers are not just mere statistics but represent the lives of individuals at stake. Therefore, all stakeholders must work together to achieve equality, justice, and other core principles. It's high time that we speak out loudly and take decisive action to make a positive impact on the world.

Remarks from Chairperson of the ACERWC and AGA-APSA- Hon Wilson De Almeida Adao

26. Hon. Wilson started his remarks by expressing gratitude to dignitaries, partners, and NHRIs for their commitment to children's rights and welfare in Africa. He said that the Committee DAC resonates with the African Union's theme for 2024, The Year of Education, emphasizing the need to address education challenges, particularly in the aftermath of the COVID-19 pandemic.
27. He emphasized the importance of addressing the challenges faced by children, including the ongoing debates on female genital mutilation in The Gambia, mass abductions in Nigeria, and the impact of armed conflict in Sudan on access to resources and the discrimination facing children with albinism and disabilities. In this regard, he mentioned the plans of a Day of General Discussion to explore solutions to challenges faced by children with albinism and the progress and ongoing challenges since the adoption of General Comment No.1 on Article 30 of the Charter.

28. Hon. Wilson calls for collective efforts to address these issues and encourages Member States to reaffirm their commitment to education. Furthermore, he urges NHRIs and CSOs to apply for observer status to strengthen their engagement with the Committee and uphold children's rights. He concluded by thanking states who submitted their period reports to the Committee and wished for a successful session.

Opening Remarks by Her Majesty Queen Masenate Mohato Seeiso - the Queen of the Kingdom of Lesotho

29. During her speech, her Majesty welcomed the participants and mentioned that Lesotho is a state party to the charter and the host country for the committee, showing the commitment of the government to address the issues of children. She also highlighted the country's efforts to combat child abuses and violation of their rights and urged all stakeholders to contribute towards ending discrimination against children with disabilities and albinism.

30. Her Majesty also states that the Kingdom of Lesotho, as a host state, should be exemplary for other states in ensuring the rights and welfare of children. In this regard, Majesty mentioned the government's efforts to adopt inclusive policies and acts, ensuring compulsory education and progress in secondary education. Regarding this, she stated that the Education Act of 2010 mandated that all children between the ages of six and thirteen receive free primary education from the government.

31. In addition to this, she mentioned that the government has made significant progress in improving secondary education by increasing the number of schools and teachers. Except for post-secondary education, where there is only one public university in the nation, the government's efforts in the education sector are generally praiseworthy and contribute to the betterment of children's lives in the nation as Majesty mentioned.

32. She concluded by reiterating the government's commitment to supporting the committee's work and urging all stakeholders to collaborate in order to safeguard and enhance children's rights in general and those of children with disabilities and albinism in particular. She hoped that the remaining days of the session would yield fruitful discussions.

ITEM 3: SWEARING IN CEREMONY OF THE NEWLY ELECTED MEMBERS OF THE COMMITTEE

33. The following Member sworn in as re-elected Member of the Committee:

- Hon. Hermine Kembo

ITEM 4: REMARKS BY REPRESENTATIVES OF MEMBER STATES

34. During the meeting, Mr. Wendyam Philippe Sekone welcomed the delegation from Somalia, South Sudan, and Sahrawi Arab Democratic Republic (SADR), and provided a brief explanation of the African Charter on the Rights and Welfare of the Child. He mentioned that the charter is unique as it is driven by historical, cultural, and social contexts that exist in Africa. Mr. Sekone also highlighted some of the challenges faced by the continent, such as Apartheid, the prevalence of FGM, armed conflicts, wars in different countries, and other socioeconomic problems.
35. He further explained that the Charter was adopted by the Organization of African Unity (now known as the African Union) in 1990 and came into force in 1999. It comprises of 48 articles, 31 of which deal with substantive issues while 17 deal with administration and other procedural matters. Currently, 51 states have ratified the charter, and five more states are expected to ratify it soon, as per article 47 of the Charter.
36. Mr. Sekone emphasized that the Charter has incorporated African values, cultures, and communities' way of upbringing children, which are reflected in different provisions of the charter. Moreover, it has incorporated the responsibility of the child, which is dependent on their age and mental development. He added that it is essential for states to ratify the charter as it enables them to share African norms, values, and cultures in the protection and welfare of the child. Furthermore, ratifying the Charter shows a commitment to ensuring that all children within Africa enjoy their rights fully, without any form of discrimination or violation. Finally, Mr. Sekone informed the attendees the Committee's role is to help states in different capacities in the protection and promotion of children's rights so that the life of children in the continent can be improved.

Presentation on the Legal Procedure on Ratification of the Charter by Ambassador Mohamed Salem Boukhari

37. The presentation of Ambassador Mohamed focused on the Legal Procedure on Ratification of the Charter. According to Ambassador Mohammed, the charter was adopted in July 1990 and until now, 51 countries have signed and deposited the documents to the African Union Commission Legal Counsel. He explained that the first step towards the ratification process is the signature by the concerned official of the state, which shows the preliminary commitments of the state. This is followed by the ratification of the documents by the pertinent parliament or other bodies as per their domestic laws, and submitting the ratification documents to the Office of Legal counsel and the AUC for its legal effects.
38. In this regard, Ambassador mentioned that Somalia, South Sudan, Tunisia, and Sahrawi Arab Democratic Republic (SADR) have signed the document and yet not

finalized the ratification process. However, Morocco has not yet signed the Charter yet. He then recommended that the Committee should continue its advocacy for ratification and support in technical capacities.

Presentation by Representatives of Somalia on the Status of the Ratification Process (By Mohamed Abdi Ali and Mohamud Sheikhali Abdalle)

39. During their presentation, the delegates from Somalia highlighted that their country has ratified the UNCRC in 2015 and has submitted its initial report, while also working towards implementing the concluding observations and recommendations. They also mentioned that Somalia is a member of the African Charter on Human and People's Rights. The delegates further informed that a draft child rights bill is currently being discussed in the parliament and is expected to be adopted soon. They expressed Somalia's strong willingness and commitment to ratifying the African Children's Charter, which is currently at the cabinet level and will be sent to Parliament for discussion and adoption by the end of 2024.
40. The delegates mentioned that there are no political challenges to the ratification of the charter from the government's side, and the main challenges are related to the existing political transitional challenges that are affecting the ratification process. Therefore, the government is focusing on ensuring stability and capacity building of institutions, addressing the lack of adequate resources and capacity challenges, and harmonizing inconsistent legal regimes.
41. The delegation team also mentioned their engagement with different stakeholders at the federal and regional levels, on-going collaboration with other stakeholders, enhancing capacity building for institutions, and conducting awareness creation and advocacy. Finally, they promised to actively engage with the Committee and other concerned bodies at the domestic level, and continue consultations to finalize the ratification process by the end of 2024.

Presentation by Representatives of South Sudan on the Status of the Ratification Process (by Ahou Ayok Akech Chol and Gol Mona Chol Ajak)

42. The delegation from South Sudan provided an update on the progress made towards the accession procedure of the African Children Charter. They highlighted that the government's commitment was demonstrated by immediately signing the Charter and presenting it to the Ministry of Justice in 2014. In addition, the provisions of the Charter were analyzed with the existing legal frameworks and moved forward to the Cabinet for discussion on April 4, 2014, and later tabled for Parliament in May 2014.
43. The delegation team also mentioned that the government has promised to finalize the ratification process by the end of 2024, but that there have been challenges

related to child soldiers, forced marriages, and conflicts that have delayed the process.

Presentation by Representatives of Sahrawi Arab Democratic Republic (SADR) on the Status of the Ratification Process (By Moh-Fadel Alibuia Labat and Chej Bachir Mamiha)

44. The delegation from SADR provided highlighted the positive experiences in the country, including the State's commitment to upholding human rights and protecting the rights of children through their constitution. The delegation also mentioned that the state acknowledges the solidarity of the African brotherhood, which is reflected in their domestic laws and actions. The delegation also mentioned that the country has made significant efforts to ensure that no child is left out of school and that there is no child hunger.
45. Regarding the ratification process, the delegation mentioned that there was a study conducted on the details of the charter issue in line with other legal frameworks. Following that, the document is currently being presented to the cabinet and is expected to be forwarded to parliament soon so that the charter can be ratified by the end of 2024. The delegation team mentioned that the main challenge the state has faced is the political tension with the State of Morocco in this regard by which children's rights are continued to be violated by the action of Morocco.
46. After the states presented their status on the ratification process, Hon. Anne Musiwa expressed her gratitude to the governments of Somalia and South Sudan for fulfilling their promise to brief the Committee on the status of the ratification process. She also pledged to work closely with them, along with other CSOs and partners, to finalize the ratification process. Hon. Aboubekrine El Jera, the Country Rapporteur for SADR, also thanked the government for sending its delegation team to provide an update on the ratification status and promised to continue technical support. The discussion was concluded with remarks from Hon. Wilson Almeida Adão, the chair of the Committee, and Ambassador Mohammed, who emphasized the importance of the three states respecting their commitments and expressed hope that three more member states would join by the end of 2024.

ITEM 5 : REMARKS BY NHRIS WITH AFFILIATE STATUS

47. Representatives from 3 NHRIs, namely- Sierra Leone, Cameroon, and Zambia-briefed the Committee on the work they do in their various countries and the challenges they encounter therein.

ITEM 6: REMARKS BY CSOS WITH OBSERVER STATUS

48. The following civil society organisations made presentations on children's rights challenges on the continent: World Vision, SOS Children villages, Centre for

Human Rights University of Pretoria, Uganda Child Rights NGO Network, the Initiative for Social and Economic Rights, Centre for Child Law, Equality Now, ACPF, TDH, Under the Same Sun, Save the Children, Plan International, FAWE, IHRDA, Centre for Reproductive Rights, and Graca Machel Trust.

49. The Civil Society Organisations proposed various solutions to stakeholders across the continent about children's rights issues. Specifically, to the ACERWC, the civil society organisations recommended that ACERWC:

- Address humanitarian crises on the continent especially in Sudan;
- Undertake an investigative mission to the Sudan with the aim of upholding accountability for perpetrators of child rights violations;
- With other AU Organs, formulate a comprehensive range of initiatives aimed at providing special assistance that children need during and after the conflict in the Sudan;
- In the context of child recruitment into armed forces, develop child-sensitive social protection frameworks for children in conflict settings — that address the underlying causes of vulnerability in communities which armed groups target;
- Work closely with other AU Organs to ensure that children's perspectives are integrated into conflict policies;
- Develop a compendium of accountability jurisprudence on the continent to address violations against children affected by armed conflicts;
- Champion the protection of education in conflict situations and urge States to adopt the Safe Schools Declaration;
- Urge States to ratify the Protocol to the African Charter on Human and People's Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness;
- Prioritise environmental child rights, environmental education, and advocacy for the domestication of General Comment 26 on a right to a healthy and safe environment for children;
- Address climate induced food security across the continent, especially in countries where a state of emergency has been declared;
- Invest in quality home-grown school feeding programs to enable children's retention in schools;
- Make a clear statement that the right to education includes a right to quality early childhood education that is free, accessible, inclusive, and non-discriminatory;
- Recognise that children have a right to at least one year of free pre-primary education;
- Call on States to ensure that secondary education is accessible to all free of charge, and compulsory through the lower end of secondary school;
- Urge States to develop guidelines for the re-entry policies and fully support young mothers while eradicating child marriage and encouraging communal support for girls' education;
- Recommend to the governments to collect data to track pregnant learners continued learning, re-entry, and completion of school;

- Recommend that State Parties to ensure that religious organisations that operate schools comply with laws and policies that ensure the right to education of pregnant learners;
- Promote the leadership of adolescent girls;
- Accelerate campaigns related to SRHR;
- Convene a panel or general discussion at the next session, to clearly understand the status of intersex children, particularly in relation to the theme of education;
- Develop a continental study on the status of intersex children in Africa;
- Take initiatives for persons with albinism by dedicating attention and resources to persons with albinism to foster an inclusive and equitable society;
- Intervene in the case of child marriage in Ghana and encourage the Government to ensure justice for the child victim and prosecution of the perpetrator;
- Impress on Tanzania to abide by the country's Court of Appeal decision banning child marriage without exception;
- Urge States to reform their laws on rape to ensure to provide the fullest protection;
- Call on Sierra Leone to ensure justice in the case of girls who died as a result of FGM, and to pass a law prohibiting FGM; and
- Urge the Gambia to ensure that it complies with its human rights obligations by maintaining its anti-FGM laws.

ITEM 7: Presentation by AGA/APSA Secretariat

50. The Presentation from the AGA-APSA Secretariat was delivered by Makda Tessema, a senior expert within the Secretariat. The presentation opened with the background and composition of the Secretariat and the African Governance Platform, noting that it is currently being chaired by the ACERWC Chairperson, Hon. Wilson Almeida Adão. The presentation discussed the achievements of the AGA-APSA Secretariat and the Platform, which include the harmonisation of state reporting mechanisms to lessen reporting fatigue among Member States. Makda also discussed the Secretariat's priorities for 2024, which include a proposal of the theme of the year for 2026 being the AU Year on Democracy, Governance, and Human Rights. The challenges identified in the work of the Secretariat and the Platform are that stakeholders tend to work in silos, and there are limits in the financial and human resources available to conduct the work. To address these challenges, Makda called for synergy and for stakeholders to work together.

ITEM 8: Panel Discussion on the AU Theme of the Year 'Education' during the 43rd Ordinary Session

51. The Panel Discussion focused on education as the 2024 theme of the African Union and theme of the Day of the African Child and contained the below discussions:

Roadmap on the Theme of year on Education

52. Ms Sophia Ndemutla Ashipala, Head of Education Division of the Department of Education, Science, Technology, and Innovation of the African Union Commission (AUC), introduced participants about the background to the selection of the theme of the African Union for 2024. She highlighted that series of events that led to the adoption of the theme including the 4th Ordinary Session of Specialized Technical Committee on Education Science and Technology (STC-EST), the Transforming Education Summit which had the UN Secretary General's Vision Statement, and the High-Level Side Event on Transforming Education in Africa which led to a Declaration and Youth Manifesto. The AU adopted the theme to be 'Educate an African fit for the 21st Century: Building resilient education systems for increased access to inclusive, lifelong, quality, and relevant learning in Africa'. Ms Sophia Ashipala underlined the main purpose of the theme to be re-galvanising the efforts of Member States to meet their commitment under treaties, Sustainable Development Goal 4 (SGD4) targets, and ensure the implementation of the Continental Education Strategy for Africa, among others. She further highlighted that a technical working group has been inaugurated which drafted the Concept Note and the Road Map for the theme. These documents have been adopted by the STC-EST and launched during the February 2024 Summit of the AU. Ms Sophia Ashipala stated that the road map for the theme encompasses 10 outcomes namely: encourage teaching profession reform; emphasize investment in stem education and foundational learning; strengthen and accelerate capacity to teach African history at all levels; accelerate the implementation of TVET and higher education strategies; implement digital solutions in education; healthy and conducive learning environment; enhance & protect the rights of the marginalized groups, (including girls' education); enhance Educational Management Information Systems (EMIS) and labour market data collection, analysis and usage; establish and strengthen multisectoral & multi stakeholder partnerships for education; and strengthen resource mobilization for increased sustainable financing & investment in education. Moreover, Ms Ashipala's presentation introduced some of the spotlight activities planned including high level dialogues, technical level conferences, production of knowledge products, inter-country exchange programs, capacity building, community level engagements and coordination and oversight of the activities.

Concept Note of the Day of the African Child 2024 'Education for all: The time is now'

53. Ms Adiam Zemenfes from the Secretariat of the ACERWC introduced participants with the Concept Note of the 2024 Day of the African Child (DAC). She highlighted that the Day of the African Child is commemorated in memory of the student uprising in Soweto, South Africa on 16th of June 1976 where students marched protesting the poor quality of education they received and demanded to be taught

in their languages. The presentation informed that the adoption of the theme on education for DAC is based on the adoption of education as the theme for 2024 by the AU Assembly of Heads of States and Governments during the 36th Ordinary Session; the aim to assess the strides achieved and challenges faced since the celebration of the DAC 2014 on “*A child-friendly and compulsory education for all children in Africa*”; and the assessment of Agenda 2040 including its Aspiration 6 which relates to education. The Committee developed the Concept Note for the DAC 2024 which was shared with all Member States and published on the website of the Committee.

54. During the presentation the two main aspects of the theme of DAC were explained. Ms Adiam Zemenfes explained that ‘Education for all’ is a concept which emanates from Article 11(1) of the Charter which states ‘Every child shall have the right to an education’. According to the Continental Report on Education in Africa, over half of Member States have adopted inclusive education policies in principle (Continental Report on Education in Africa), yet, 20% of children between 6 and 11, 30% of children between 12 and 14, and 60% of children between 15 and 17 years are out of school in Africa. The presentation highlighted that the figures indicate the high level of school dropouts which is caused by, among others, child poverty, gender-based discrimination, violence, conflict and crisis, displacement, sanitary facilities, teenage pregnancy, lack of SRHR services, exclusion of pregnant and married girls, harmful practices, and inaccessibility of schools. The exclusion of younger children due to lack of early childhood education was also raised. In explaining the aspect of the ‘time is now’, Ms Adiam Zemenfes underlined that education is not only a substantive right but also a means to realize other rights. In addition, she stressed that in 2055 the population of children in Africa is estimated to reach 1 billion vividly depicting the need to respond now.
55. Moreover, the presentation outlined the normative standards that ensure children’s right to education including, the Charter, the UN Convention on the Rights of the Child (UNCRC), Aspiration 6 of Agenda 2040 and Aspiration 1 Goal 2 of Agenda 2063, General Comment No. 1 on the Aims of Education developed by the Committee on the Rights of the Child, General Comment No. 13 on the Right to Education of the Committee. The aim of education as provided under Article 11(2) of the Charter and Article 29 of the CRC were mentioned and the need to ensure that the content of education and the manner in which it is provided should be in line with these aims was further accentuated.
56. In addition, in her presentation, Ms Adiam Zemenfes explained some of the obligation of States outlined in the Concept Note which include legislative measures to ensure free and compulsory primary education and progressively free secondary education; early childhood development; regulation of private schools; ban all forms of barriers to access education; and inclusive education. Institutional and administrative measures by States were also briefly mentioned including providing adequate resource to ministries and institutions dealing with education; capacity building; establishing more schools and renovating the existing once; providing the necessary hygiene and sanitation facilities; implement programs to address dropouts such as school feeding; and establish resilient education systems. Ms Adiam Zemenfes also mentioned that the Concept Note includes

budgetary measures for States to increase budget allocated for education and meet global and regional commitments; and judicial measures to ensure that the right to education is a justiciable right.

57. The activities of the Committee in commemorating the DAC were highlighted which include a continental celebration on 16 June 2024; symposium with children on 15 June 2024; the development of policy brief/outcome declaration on the right to education; and the launch of the Committee's General Comment on The Right to Education. Moreover, it was highlighted that the Concept Note provides recommendations to Member States and annexes a template for Member States to report on the celebration of DAC at domestic level.

Draft General Comment on Article 11 of the Charter on the Right to Education

58. Dr Elvis Fokala, the Consultant assisting the Committee to develop the General Comment, introduced some of the salient aspects of the General Comment. He started by mentioning the overall purpose of the General Comment which is to interpret the right and formulating rules and principles aimed at improving its implementation and protection. Some of the salient aspects of the draft General Comment outlined by the presentation include elaboration of obligations of States parties to respect, protect and fulfil the right to education; strengthening States Parties' understanding of the meaning and scope of the right to education under Article 11 of the Charter; expanding the meaning of basic education to include early childhood development; guiding States to progressively make secondary education free and compulsory; encouraging the introduction of safe virtual methods of learning and teaching both in rural and urban settings; and prohibiting, under all circumstances, the suspension of education for an entire academic year and the use of institutions of learning for any military use. Dr Fokala also indicated that the draft General Comment is informed by the four general principles of the charter namely non-discrimination, child participation, the right to life, survival and development, and the best interest of the child. Dr Fokala alluded to the fact that the evolving capacity of the child has been considered as a guiding principle. The Presentation also informed that the draft General Comment provides for measures to be undertaken to implement obligation of states to ensure the inclusion of all children. Dr Fokala also mapped out some of the key stakeholders in implementing the right to education namely business and the private sector; National Human Rights Institutions (NHRI), the Regional Economic Commissions (RECs), Media, Non-Governmental Organizations and Civil Society, Community leaders, and the Family.

Improving access to education by addressing child hunger

59. Ms Khangezani Moyo, from World Vision International highlighted that globally 148 million children under five are affected by stunting out of which 30% are in Africa. She informed that World Vision International launched a global hunger response

in 2021 targeting 25 countries of which 16 are in Africa. Ms Moyo mentioned that the response has 17 indicators including school meals in trying to respond to child hunger in education and ensure that children remain in school which is a safer place. She also highlighted World Vision's Campaign called 'Enough' launched in February 2024 which aims to ensure that every child enjoys enough nourishing food. Ms Moyo further underlined that the campaign covers 54 million children in vulnerable situations in countries where World Vision operates and expressed a call for partnership. She alluded to the campaign's outcomes which include that children are heard at all levels on issues of child hunger; AU Member States prioritise and invest on food security; and increased international solidarity and partnership. Ms Moyo also raised some key messages and action points underlining that teenage girls should remain in schools to address child marriage and pregnancies thereby preventing intergenerational child hunger; children should be provided with food which are locally made, naturally nourishing, and culturally appropriate; and emergency responses should integrate food security. Finally, she stressed that malnutrition impacts education and that school meals can change that, hence, the need for sufficient food policies and services remains critical action.

The Role of Stakeholders and Joint Actions for the Right to Education

60. Ms Doris Mpoumou from Plan international highlighted some of the areas stakeholders can foster joint actions towards the realisation of the right to education. She mentioned that, in addition to Member States, some of the key stakeholders are children, CSOs, the private actors communities, international partners, and educators. In her presentation, Ms Mpoumou stressed that the main role of stakeholders is to engage in dialogue, consultation, and partnership; influence policy decisions, resource allocation, and implementation of strategies; generate evidence on cost-effective education models; and hold governments and institutions accountable for their commitments. She informed that during the Pre-launch of the road map of the theme of the AU, stakeholders deliberated and identified 6 minimum packages as focus areas to transform education in Africa in 2024. The packages include allocation of resources, both financial and human, for education; review and transformation of curricula; safeguard the right to education for children in conflict situation; integration of gender responsive education; investment in teachers' development; and engagement of children. On the issue of resource allocation, Ms Mpoumou highlighted that there is a gap in meeting the commitment to allocate 15% of the total expenditure for education and that most countries allocated below 4% of their GDP on education.

Children's reflection on priority areas for intervention

61. During the panel discussion, four children's representatives namely Kutloano Mohlabi, Malanga Bopa, Thabang Ramaipato, and Reitumetse Mokoma expressed their perspective about what schools should provide and areas of concerns which require intervention by States. They shared what they intend to

obtain from schools which are to get education and acquire knowledge; to become more developed individuals; to learn the skills of reading, writing, and communication; build their confidence; learn values of honesty, dignity, respect, and love to their countries; develop talents; and get life skills to be able to face challenges. In their reflections, all the children raised the issue of children with disabilities and their exclusion from schools. The children highlighted that they notice children with disabilities being neglected and abused; and subjected to attend segregated schools which do not provide quality education. The children further highlighted some of the specific challenges that force children to dropout such as joining cultural initiation schools which mainly affect boys, child marriage, financial crisis, house chores, gender-based discrimination, sexual harassment in schools, and abduction on the way to schools. Moreover, the children highlighted that schools lack safety and security, lack fences, and do not offer clean environment. They stressed the importance of providing food and first aid in schools, as well as addressing child labour, corporal punishment and providing rehabilitation support to children affected by drug abuse. The Children also reflected on the role parents and the need to inform families about their parental responsibilities to send their children to schools. Finally, they highlighted the importance of integrating modern teaching aids in schools.

62. Following the presentation of the panellists, Members of the Committee and participants expressed the need to include the aspect of safe schools; education for children in emergency situations, bullying, teacher unionism, proximity of schools to child services, and parental empowerment in the various normative standards to be developed and interventions to be undertaken as part of the theme of AU and DAC for 2024. The need to provide services for children with albinism in schools to ensure that they are not forced to attend boring schools and separated from their families was emphasised by participants. The interventions also underlined the need to ensure that schools have the necessary facilities to respond to climate change issues such as heat waves. Finally, it was suggested for the various interventions by all actors to engage the Committee and its special mechanisms.

ITEM 9: PANEL DISCUSSION ON THE SITUATION OF CHILDREN ON THE MOVE

63. The Panel Discussion was opened and moderated by, Hon Sabrina Gahar, Member of the ACERWC and Special Rapporteur on Children on the Move. Hon Gahar recalled the report of ACERWC Mapping Study on Children on the Move within Africa, which was published in 2019, and noted that the aim of the Panel discussion serves to take stoke of developments since the adoption of the report, in the area of children on the move and closely associated issues, mainly child labor in Africa. She underlined the need for knowledge sharing among key stakeholders, Member States, CSOs, children and others, for effective and coordinated interventions, which the Panel discussion aims to advocate for and facilitate.

Child labor in the context of movement: Mr. Sabelo Mbokazi, African Union Commission Department of Health, Humanitarian Affairs and Social Development, Head of Labor Employment and Migration Division within the department.

64. Mr Mbokazi's intervention was on child labor in the context of movement with a focus on progress in the implementation of the African Union's Ten-Year Action Plan on Eradication of Child Labour, Forced Labour, Human Trafficking and Modern Slavery in Africa (2020-2030). It was recalled that the Ten-Year Action Plan was guided by the various AU, international and regional legal instruments and policy frameworks, in fulfilment of a pledge made at the IV Global Child Labour Conference in Buenos Aires. He noted that the latest Child Labour Global Estimates (2020) indicate a worsening of the child labour situation in Africa since the last report in 2016. Overall, in Africa as a whole, the number of children in child labour rose from 72.1 to 92.2 million in 2020. Taking this alarming development in to consideration, and the worsening trends in protection of children on the move, the AUC launched a Consortium on Children-on-the-Move and Child Labour in the Kingdom of Lesotho on 12 April 2024. The Consortium is made up of the Department of Health, Humanitarian Affairs and Social Development (HHS) of the African Union Commission, ACERWC, IOM, ILO and UNICEF. Mr. Mbokazi highlighted a joint project designed by the consortium entitled "Enhancing the protection of Children in Vulnerable Populations: A continental response to combatting Child Labor and to establish a programmatic response on Children on the move in Africa".
65. Furthermore, Mr. Mbokazi highlighted other policy interventions aimed at enhancing the implementation of the 10-year Action Plan on Child Labor, which are: the AU Policy on the Prevention of the Trafficking in Persons in Africa 2022, AU Policy on the Prevention of Smuggling of Migrants in Africa 2022, and AU Declaration on Protection and Promotion of the Rights of Migrant Workers 2022. Additionally, it was recalled that the AUC and ILO co-organized Africa Forum on Child Labor "Harnessing Corporate Social Responsibility initiatives to address Child Labour" in April 2023, aimed at promoting multi-stakeholder dialogue on child labour elimination as a continental platform to exchange on challenges, best practices and ways forward with a specific focus on supply chains. Mr. Mbokazi concluded his presentation by calling on stakeholders to join forces in supporting the implementation of these Policy instruments and the joint project of the consortium.

Systems strengthening for children on the move: Dr. Laila Omar Gad Representative, UNICEF Office to the African Union & ECA

66. The intervention by Dr. Gad on Systems strengthening for children on the move focused on route-based interventions. Dr. Gad noted various challenges in relation to children on the move in Africa and associated statistics from various UN Agencies. It was noted that millions of African children are displaced due to conflict, poverty, climate change, and other factors. In 2017 over 19 million people from Africa were living outside their country of birth, but still within the continent; 32

percent of the global internally displaced population, was recorded in African countries at the end of December 2022; 53% of the total refugees in Africa are children; and 1 in 4 international migrants in Africa is a child. Children fleeing homes face violence, exploitation, trafficking and other risks, which worsen due to poor practices such as detention & lack of basic services such as education and healthcare.

67. Dr. Gad highlighted the need to strengthen national systems for child protection. She noted the importance of addressing the root causes through a comprehensive approach as part of strengthening the system through peacebuilding, poverty reduction and social safety nets; the need to have robust data collection systems to inform responses and program interventions; the need for stronger cross-border cooperation and information-sharing mechanisms and the importance of investing in the capacity building of social workers, law enforcement, and border officials. She concluded her presentation by highlighting the importance of establishing safe spaces/child-friendly spaces along migratory routes; child-friendly registration procedures for identification and needs assessment; providing access to quality education along migration routes and Engaging communities along migration routes to create safer environments and identify abuse/exploitation.

**Detention of children in the context of movement: Dr. Najat Maalla M'jid
Special Representative of the UN Secretary General on Violence Against
Children (UNSRSG VAC)**

68. The Intervention by Dr. M'jid, focused on detention of children in the context of movement. It highlighted challenges and best practices from Africa that are key for understanding trends and making use of positive developments. Dr. M'jid noted with concern that despite various data sources enumerating the number of children on the move, many children on them move remain invisible due to various issues leading to underreporting and non-reporting. Children on the move suffer from lack of access to essential services due to legal administrative cultural linguistic and many other barriers. It was noted that that globally, around 330,000 children are detained annually due to their or their parents' legal or migration status, despite many nations' legislative opposition to this practice. This emphasizes the importance of adopting alternative, rights-based protective solutions that prioritize the health and welfare of children in the context of migration.
69. In terms of key measures for protection of children on the move, it was noted that collaboration between domestic child protection actors and migration actors is key. Furthermore, enacting meaningful child participation is crucial in addressing the plights of children in their diversities and specific vulnerabilities. Integrated child protection system that is inclusive of all children, including children on the move, is required to address the interconnected child protection issues that arise in connection with movement. Dr. M'jid underlined that children on the move are children first and for most and their rights move with them. It was stressed that detention of children on the move is never ever in the best interest of the child, it is a form of violence against children. She concluded by noting that Africa can play a key role in advocating for non-detention of children on the move based on best

practices from various countries on the continent, and promote alternatives for detention in the context of movement in the ongoing global compact process.

Children on the move and statelessness: Dr. Buti Kale UNHCR Representative to the AU and UNECA

70. Dr. Kale addressed the critical issues concerning children on the move and statelessness. In his presentation, he highlighted the severe challenges faced by children who migrate across borders without proper registration, rendering them stateless and often without basic human rights such as identity and citizenship. This situation places them at high risk of marginalization and vulnerability. He emphasized the importance of establishing and maintaining effective and universal birth registration systems as a foundational step in preventing and eliminating statelessness. The legal framework concerning the protection, assistance, and durable solutions for these children, particularly within the African context, was outlined, stressing the significant role of African legal instruments and texts.
71. Furthermore, Dr. Kale discussed various international and regional legal instruments designed to protect stateless persons, including children. He detailed the obligations of states under conventions such as the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which include measures to ensure children acquire a nationality at birth or soon after to prevent statelessness. The presentation also covered the need for continuous training of officials in child protection and migration to better protect the rights of child migrants and stateless children. Dr. Kale concluded by calling for the ratification, dissemination, domestication, implementation, and enforcement of relevant treaties and policies to effectively address the root causes of displacement and the challenges faced by stateless children, ensuring their protection and inclusion within societal systems. In particular, he highlighted and called for the ratification and implementation of the Protocol to the African Charter on Human and Peoples' Rights relating to the specific aspects of the right to a nationality and the eradication of statelessness in Africa.
72. Following this presentation, Center for Child Law shared a video [testimony of a child- on statelessness](#).

The plight of unaccompanied children on the move in Africa: Ms. Fitriana Nur, IOM Senior Regional Thematic Specialist on Protection

73. The intervention by Ms. Nur focused on the plight of unaccompanied children on the move in Africa based on the findings of the Africa Migration Report. Ms. Nur noted that in 2017, at least 300,000 unaccompanied and separated migrant children transited in 80 countries. Movements of children within and between countries in Africa are commonly underreported. Despite the high numbers of regular migration within Africa, children on the move face significant challenges, including basic rights violations and exposure to severe risks like trafficking and exploitation during their journeys. Ms. Nur highlighted the complex motivations behind these migrations, which range from seeking protection from persecution to

economic opportunities and the impacts of climate change. The routes used by migrants are fraught with hazards, and many children find themselves detained or lost during their journeys. With a significant lack of data on irregular migration and inadequate protections for these vulnerable groups, the presentation underscored the urgent need for comprehensive international and regional responses. It was highlighted that the root causes of movement of unaccompanied children are evolving; socio-economic cultural reasons (cross border trade, family ties, seasonal labour opportunities, poverty and limited access to education), protection (conflict, fear of persecution, insecurity, human rights violations, lack of protection from violence), health concerns, and climate-change (slow onset, disasters), are among the key variables.

74. Ms. Nur noted various positive developments such as the extension of National Referral Mechanism to other vulnerable migrants with clear referral pathways; increasing cross-border dialogues and cooperation beyond intelligence sharing (i.e. cross border case management); increasing demand from member states to convene for information sharing and solutions ; Members States recognition of the need for national migration policy with Leave No one Behind aspiration; and the popularization of the Route-based approach interventions by Member States, among others. She concluded her intervention by noting the need to capitalize and build on these positive trends to continually ensure the protection of the human rights of children on the move within Africa.

Child labour: Recommendations of the Durban Call to Action: Mr. Jean-Marie Kagabo ILO's Coordinator for Africa desk

75. The presentation by Mr. Kagabo focused on trafficking of children and child labour based on recommendations of the Durban Call to Action. It was noted that the statistics on child labour trend in Africa reveal a worrying trend, rather than an reencouraging one, necessitating the need for significantly scaling up action. Mr. Kagabo recalled the outcomes of the "Durban Call to Action on Child Labour" which highlights this concerning trend of child labour, with a specific focus on increasing numbers in Africa, despite global declines elsewhere. It was recalled that participants of the Durban conference made commitments to: make decent work a reality for adults and youth above the minimum age for work; end child labour in agriculture; strengthen the prevention and elimination of child labour through data-driven and survivor-informed policy and programmatic responses; realize children's right to education and ensuring universal access to free, compulsory, quality, equitable and inclusive education and training; achieve universal access to social protection; and increase financing and international cooperation for the elimination of child labour and forced labour.
76. It was noted that ILO is in the process of creating and hosting a centralized information repository that collects relevant policies, plans, efforts and achievements of Member States in meeting their commitments. Mr. Kagabo concluded his presentation by reminding stakeholders to prepare for the next global conference on child labor, which will take place in 2026, and in preparation to take stock, renew momentum and get ready to report on progress made, urging an

increased commitment to eliminating child labor and forced labor through international cooperation and increased funding.

77. Following the presentations by panelists, Members of the Committee, representatives of Member States and other participants of the Session shared reflections. It was noted that States should take measures to address root causes of involuntary movement of children. It was also highlighted that the measures taken by states should be flexible and should contain emergency measures and contingency plans, especially looking at the issue of climate change and other variables. Furthermore, it was noted that Member States of the AU have varying capacities and there is a need to support States with limited capacity to respond to the complex challenges of child protection. Furthermore, the reflections touched up on intersectional issues such as the specific plights of children with albinism in the context of movement, especially in camp settings, with a call for targeted protection measures.

ITEM 11: CONVERSATION ON CHILDREN IN CONFLICT SITUATION- EMERGING CHALLENGES AND PROPOSED SOLUTIONS

78. The Conversation on children in conflict situations was hosted by Hon. Robert Doya Nanima, the Special Rapporteur on children in conflict situations. The participants were Dr Isabela Warrioba from the AU PAPS; Ms Marang Sanyang from the Gambian Permanent Mission to the African Union and the UNECA; Mr Malama Mwila from Save the Children International; Hangi Wakisinga Soit-Loue, a child representative from the Democratic Republic of the Congo; Mapendano Hangi Rosalie, a child representative from the Democratic Republic of the Congo, and Shemezimana Dandy Miguel, a child representative from the Republic of Burundi.

79. Hon. Robert Doya Nanima, the Special Rapporteur on children in conflict situations, opened the conversation by welcoming all the participants and the audience, noting that there already exists a robust framework for protecting Children Affected by Armed Conflict (CAAC). This includes article 22 of the African Children's Charter on armed conflicts, the General Comment adopted by the ACERWC on children in conflict situations, a model law, and various continental studies on the issue. However, child protection during conflict requires a holistic approach that involves efforts from all actors across the board.

80. Dr Isabela Warrioba from the AU PAPS highlighted the frameworks within the AU PAPS regarding CAAC. She noted that within the AU PAPS, child protection has become a standalone program whose main function is to ensure that children's issues are mainstreamed in all the work of the PAPS. The guiding documents for this work are the African Charter, the AU Policy on Mainstreaming Child Protection

in The African Peace and Security Architecture, and the AU Policy on Child Protection in African Union Peace Support Operations. The AU Peace and Security Council has committed itself to continuous engagements with ACERWC, and with children themselves, in forging solutions to challenges of CAAC.

81. Other measures being taken include a pilot project on using the AU Peace Fund, wherein child protection is included; the revision of the PCRD Policy by the AU Assembly, ensuring that Peace Support Operations are aware of child protection issues; and that every mandate of the Peace Support Operations includes child protection, including training and the directives given on the use of force. These measures have had an impact in that key policy organs better understand issues of CAAC and have been pronouncing themselves accordingly. However, the challenge lies with implementation in Member States. Although high-level actors make decisions, the implementation must be on the ground, by States.
82. Concerning the issue of efficiency of measures taken, and coordination of actors involved in child protection, Dr Warioba pointed out that one challenge to continental programming on CAAC is coordination as there are many actors making contributions. This includes RECs, RMs, and civil society. The AU Policy on Mainstreaming Child Protection in The African Peace and Security Architecture also discusses the creation of a Child Protection Architecture as a subset of the APSA, and it puts the ACERWC as the technical head of the architecture. The fact that ACERWC is also chairing the AGA APSA Secretariat can support the operationalisation of this Child Protection Architecture, to ensure effectiveness and avoid duplication of roles.
83. One of the mechanisms within the AU that deals with children affected by armed conflict is AP-CAAC, the Africa Platform on Children Affected by Armed Conflict. Ms Marang Sanyang from the Gambian Permanent Mission to the African Union and the UNECA elaborated on the work of this platform, highlighting that its aim is to mainstream child protection issues within the AU Commission, and thus complement the work of other organs to ensure that children are protected from the six grave violations. The AP-CAAC is an advocacy platform, but it is also action-oriented in that it analyses the impact of conflict on children to ensure best practices, and to ensure that it gives the right advice to the AU Commission.
84. AP-CAAC also encourages State Parties to sign the Safe Schools Declaration, which various States have already done. Another achievement for the AP-CAAC is that the Ministerial and High-Level Open Session on the Promotion and Protection of the Rights and Welfare of Children in Situations of Conflict in Africa (the Banjul Process) was held in December 2023, and was institutionalised. This means that the Banjul Process is now an annual ongoing discussion between actors including AU mechanisms, RECs and RMs, and civil society, on CAAC. This allows the AP-CAAC to give a report and highlight challenges in its work.
85. However, there is still a lot of work to be done by the AP-CAAC. The AU early warning system need to be more effective. RECs as well, as they are more proximate to conflict situations, should ensure accountability during conflicts and

incorporate the two AU policies on mainstreaming child protection, in their regions' protection and security architectures.

86. Civil society actors are also involved in child protection issues on the continent, with Save the Children International having developed a Children Affected by Armed Conflict Continental Strategy for 2022-2025. Mr Malama Mwila, from Save the Children International, noted that Africa has marked a milestone in that one year has passed since the war began in Sudan. This conflict is only a sample of the continental situation. The role that civil society actors have played in addressing CAAC, has included child rights monitoring through complementary or shadow reports, letters of urgent appeals, collaborations with AU Organs on research, submission of complaints, helping engagements between children and various AU Actors, and providing research expertise to AU actors.
87. Assessing the space afforded to civil society organisations within the AU, Mr Malama pointed out that there are existing channels of engagement which can be further enhanced. With limited accreditation being given to organisation, Mr Malama said that access to the AU Summit has been shrinking. Additionally, for the Peace and Security Council, engagement through the Livingstone Formula does work, through ECOSOCC, although that platform is quite contested as many agendas are being pushed therein.
88. On the issue of children's access to social services during conflict, particularly education, Mr Malama noted that crises disproportionately affect children's education. He noted that to ensure access to education during conflicts, Save the Children recommends the endorsement and implementation of the Safe Schools Declaration by all Member States; for the ACERWC to lead in the bringing to justice of parties who destroy or utilise schools for conflict purposes, as this is a grave violation under international humanitarian law; the prioritisation of solutions that ensure continued learning for children during armed conflict, which includes the provision of temporary learning spaces that are equipped with essential learning materials.
89. Mr Malama also noted the need for psychosocial support for children who experience violence and creating child sensitive social programmes to ensure that children most affected by inequality and discrimination receive added protection. This includes girl children who face risks of pregnancies and child marriages, which could prevent them from returning to schools when conflict ends. This also includes boy children who are recruited into fighting, who might face re-integration challenges after conflict ends. Therefore, the participant called for the ACERWC to consider setting up a working group on child-sensitive child protection to address CAAC and other cross-cutting issues affecting children in Africa. Additionally, he called for the AU PSC to work with Save the Children to set up a Children's Advisory Group for the PSC, to bring in children into the PSC governance architecture for meaningful engagement in decision-making.
90. Shemezimana Dandy Miguel discussed children's experiences during conflicts. He pointed out various challenges for CAAC, including children who become

displaced, orphaned, and unable to attend school because of conflict. Then he called on Member States to put a stop to wars, because children are the future.

91. There was a video participation from Hangi Wakisinga Soit-Loue and Mapendano Hangi Rosalie, who share their perspectives of living in a conflict in the DRC. They raised concerns about the situation of children in the country, including children facing displacement, deprived of an education, orphaned because of natural disasters and health emergencies, and the challenge of climate change. The children also lamented the plight of children born through rape and themselves growing to be victims of sexual violence, in the conflict that has persisted over 30 years. In this light, the children called on States to take steps to protect children's rights and ensure their well-being by ending armed conflicts and preserving the environment. Additionally, the children called on all citizens across the continent to mobilise with determination to oppose factors that compromise the future of children.
92. The discussion was opened to the audience, with ACERWC Members and the broader audience posing questions to the participants. The questions covered a wide spectrum of issues related to CAAC, including a call for the appointment of the AU Special Envoy for Children Affected by Armed Conflicts in Africa, to work with ACERWC in a coordinated manner. Finally, Shemezimana remarked that there are still climate issues that need to be addressed which affect children. There are floods which have led to children losing parents, leading to them staying on the streets. He ended with a proverb, that men can forgive, but nature never forgives. The Conversation was concluded by Hon. Doya Nanima, who thanked all who took part for their contributions to the discussion.

ITEM 12: DAY OF GENERAL DISCUSSION ON SOLUTIONS TO CHALLENGES FACED BY CHILDREN WITH ALBINISM

Panel I – A comprehensive overview of the status of children with albinism in Africa

93. Hon. Aboubekrine El Jera, Chairperson of the Working Group on the Rights of Children with Disabilities made the opening remarks, and the first panel was chaired by Hon. Wilson Almeida de Adao, Chairperson of the ACERWC. The first presenter was **Grace Albinus Wabanhu**, Operation Manager at Villages of Hope (VoH) in Tanzania. She provided an overview of the pervasive discrimination faced by children with albinism in Africa, highlighting that they are not only viewed with sympathy but also subjected to negative labels, discrimination, and limited opportunities due to societal ignorance about albinism. She noted that consequently, children with albinism experience self-doubt and long-term psychological effects, hindering their educational and career prospects. She indicated that VoH has successfully implemented numerous activities to address challenges faced by children with albinism. These include self-awareness training,

health behavioural training and trauma counselling; family reunification and reintegration programs; school visitation and advisory services; and understanding albinism seminars. She concluded by recommending stakeholders adopt more awareness-raising strategies; publicise and enforce laws prohibiting discrimination against children with albinism; provide trauma healing for children already affected by trauma; amend child safeguarding policies to capture albinism challenges; and train children with albinism on their rights.

94. Commissioner Bonface Massah from the Malawi Human Rights Commission and Executive Director at Standing Voice, delivered a presentation on modes of attacks and their effects on survivors, focusing on government and CSO interventions for children with albinism. He began by highlighting the violent persecution faced by people with albinism in Africa, coupled with a lack of access to essential services such as healthcare, education, employment, and justice. Commissioner Massah pointed out that there have been 805 reported human rights violations against people with albinism in 30 African countries, with Malawi and Tanzania being the most affected, comprising 50% of all reports across the continent. He elucidated the various modes of attacks against people with albinism, including ritual attacks, organ trade, human trafficking, grave exhumation, and labelling, resulting in myths and bullying. He highlighted key actions in implementing the African Union Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism in Africa (2021-2031) (AU Plan of Action) and the National Action Plan of Malawi, including civic education, administration of justice, ensuring safety, human rights monitoring, empowerment, healthcare access, and education equity. He shared some initiatives that have been undertaken by Standing Voice and these include training Albinism Advocates and mothers in Tanzania, who provide counselling, conduct outreach, and educate communities about albinism. Furthermore, Standing Voice operates an albinism helpline and advocates for access to justice for survivors. In sharing learnings and best practices, he indicated that material support was required to be sustained for the majority of survivors and to prioritise counselling. Further, community advocates are far more equipped than family/community members, and there is a need for increased home visits to survivors to facilitate support. He concluded by noting that looking ahead further training in child and family counselling would be advantageous.

95. Peter Ogik from the Source of the Nile Union of Persons with Albinism presented on challenges faced by children with albinism in Africa, particularly regarding education and health rights. He noted that education challenges include enrolment refusal, bullying and discrimination, and inadequate support for visual impairment for example lack of assistive devices, and inadequate knowledge about albinism among teachers. On the other hand, health challenges stem from sun sensitivity and lack of access to dermatological care, which increases the risk of skin cancer. Further, there are high costs of skin cancer treatment and a lack of access to

treatment facilities among other challenges. He therefore recommended that there should be albinism awareness training for teachers to ensure appropriate support for children with albinism, anti-bullying campaigns, provision of assistive devices, and improving access to dermatological and ophthalmological care. Peter also called for lobbying for the inclusion of sunscreen in global health initiatives, promoting in-country production, budgetary allocation for albinism-related healthcare, and enhancing medical education on albinism.

96. Perpetua Senkoro from the Defenders with Disabilities Initiative, Tanzania Human Rights Defenders Coalition made a presentation on the right to family. The presentation addressed the issue of children with albinism and their right to a family life, highlighting the various factors that contribute to family separation such as societal discrimination, lack of access to inclusive education and healthcare services and fear of rituals. She noted that as a result of these factors, families relinquish care of children with albinism. In his presentation, Perpetua also discussed the detrimental effects of institutionalisation on children with albinism, which can impair their physical, psychological, and cognitive development, increase abuse risks, and limit their long-term life opportunities. She noted that despite the immediate relief provided by specialist institutions in terms of protection and care, these children face significant challenges when reintegrating into mainstream society. The presentation concluded by highlighting that recommendations for addressing the challenges faced by children with albinism in Africa encompass various aspects of prevention, education, health services, social protection, justice, security, and community. The recommendations include focusing on preventing family separation through inclusive education and improved access to health services, including dermatological and ophthalmological care. Emphasising the importance of social protection measures like daycare centres and safe houses, the need to strengthen the child protection system and promote community mobilisation to ensure safety, combat discrimination, and foster inclusivity were highlighted. Prioritising awareness campaigns in community mobilisation efforts is crucial. Additionally, recommendations for improving care for vulnerable children include promoting kinship care and adoption, establishing inclusive boarding schools with family visits, and implementing small-scale residential shelters.

97. After the panel presentations, the participants commended the Committee for organising the Day of General Discussion, recognising its crucial role in spotlighting the challenges affecting children with albinism. Member States shared their national-level experiences, showcasing various initiatives aimed at tackling these challenges. Simultaneously, children with albinism bravely recounted their personal struggles. It was highlighted that governments often exhibit a lack of political will to address these challenges effectively. Thus, there arose a unanimous call among the participants for a resolute political will and an urgent commitment

to meeting the needs of children with albinism. They passionately urged Member States to adopt comprehensive National Action Plans tailored to the requirements of persons with albinism and to allocate sufficient resources for their robust implementation. Furthermore, there was a fervent plea for the enforcement of laws safeguarding individuals with albinism from violence and discrimination. Overall, stakeholders were implored to prioritise the specific needs of children with albinism in all child protection initiatives, ensuring their inclusion and well-being.

Panel II – Narratives and daily realities: The lived experiences of children with albinism

98. The second panel was moderated by Ms. Muluka-Anne Miti-Drummond, UN Independent Expert on the enjoyment of rights by persons with albinism. Children's representatives shared experiences on the challenges faced by children with albinism. Tausi Salehe Kisaga from Tanzania shed light on the challenges faced by children with albinism in education. She highlighted the lack of understanding among teachers and peers about their condition, hindering their ability to reach their full potential. She further highlighted that teachers may struggle to facilitate learning for them, impacting their participation in class activities. Moreover, the absence of textbooks with large fonts, visual aids, and insufficient accommodations such as extra time in exams pose significant obstacles to their learning. Tausi shared personal experiences of being teased and isolated at school due to her albinism, which affected her self-esteem and learning motivation. She pointed out that sunburns and safety concerns also deter children with albinism from attending school, exacerbated by climate change impacts. Tausi recommended specialised teacher training workshops to create inclusive classrooms, provision of visual aids, and programs aimed at curbing bullying. Tausi urged the Committee to advocate for awareness programs promoting empowerment of children with albinism about their rights, and fostering peer education to combat stereotypes. In conclusion, she called upon Member States to prioritise educational reforms to ensure an inclusive and discrimination-free learning environment for children with albinism.

99. Mwigulu Matonange Magesa shared his experiences regarding the right to health. He shared that individuals with albinism lack melanin in their skin and eyes, making them prone to painful sunburns and increasing the risk of skin cancer. While sunscreens are crucial for protection, not all children with albinism have access to them. Additionally, wearing wide-brimmed hats and long-sleeved clothing, although beneficial, is often prohibited if not part of the school uniform, leading to sunburns and limited access to medical treatment. Additionally, he noted that children with albinism face vision problems and require expensive eyeglasses and magnifiers, with limited availability of eye doctors. Mwigulu recommended making services for children with albinism available in local clinics and empowering healthcare providers to treat them in a child-friendly manner. He further emphasised that raising awareness in communities about protecting the rights of

children with albinism is essential. Furthermore, governments should ensure access to health services for children with albinism, provide free sunscreens, and train more dermatologists and low-vision specialists. Lastly, Mwigulu urged Member States to adopt the AU Plan of Action.

100. Christian Ernest, a 17-year-old from Tanzania, shared his experiences regarding social exclusion, discrimination, and stigma. He revealed that he faces stigma and discrimination due to the melanin spots associated with albinism. Christian emphasised that one of the biggest challenges for children with albinism is discrimination, which can take various forms, including exclusion from social activities and denial of educational opportunities, stemming from misconceptions about albinism. He explained that children with albinism often experience rejection, even within their own families, and endure name-calling and bullying, negatively impacting their self-esteem and mental health. Despite these challenges, Christian highlighted the resilience and determination of children with albinism to thrive. He expressed hope that by sharing their experiences, they can raise awareness and promote greater appreciation and respect for the rights of children with albinism.

101. Baraka Cosmas Lusambo, a 14-year-old from Tanzania, shared his experiences regarding the right to survival and development. He revealed the perilous situation faced by children with albinism in communities, where they are often targeted for attacks and killings for ritual purposes, living in constant fear. Baraka recounted his personal ordeal, recounting how he lost his right hand in a brutal attack at the age of 6 in 2015, leaving him to adapt to using one arm and facing difficulties in interacting with friends due to stigma. He expressed concern about his future job prospects. Baraka expressed gratitude to the Committee for organising a day of general discussion on children with albinism, providing them with a platform to voice their concerns. He underscored the importance of implementing laws to protect children with albinism, holding perpetrators accountable, empowering police officers to handle such cases, and raising awareness among communities, including teachers and leaders. Additionally, he called for the establishment of counselling and support services for survivors of violence. He concluded by urging the Committee and Member States to commit to safeguarding the rights of children with albinism.

102. After the experience sharing, the participants actively engaged in discussions, underscoring the critical importance of involving children with albinism in all programs. They lamented the persistent trend of leaving these children behind, resulting in their increasing marginalization and disadvantage. Expressing gratitude for the children's courage in sharing their stories, the participants stressed the imperative for tangible action and a victim-centred approach to address the numerous violations faced by children with albinism. They urged Member States to take effective measures, including providing reparations ensuring accountability

for perpetrators, and empowering both children and communities to uphold the rights of children with albinism. They advocated for the deinstitutionalization of children with albinism and emphasized the importance of collaborative efforts with development partners to raise awareness about the rights of children with albinism. Additionally, they called for the provision of essential materials such as sunscreens and lotions, along with ensuring access to education for children with albinism who may have dropped out due to various reasons. Participants urged the Committee to guide National Human Rights Institutions on protecting children with albinism, and to push Member States to enforce existing laws to combat violations effectively. They stressed the importance of including rural children with albinism in all programs, highlighting their frequent neglect.

Panel III – Reviewing protections for children with albinism under regional and international human rights instrument

103. The third panel was moderated by Dr. Admark Moyo, an External Expert of the ACERWC Working Group on the Rights of Children with Disabilities. The first presentation was by Ms. Muluka-Anne Miti-Drummond, UN Independent Expert (UNIE) on the enjoyment of rights by persons with albinism, highlighting the United Nations' efforts to address the challenges faced by persons with albinism. The presentation emphasised the multiple human rights violations children with albinism face, such as attacks that threaten their right to life, health issues like skin cancer, and barriers to accessing education. Notable points included the need for better protection against child abuse, torture, trafficking, and abduction, and the promotion of non-discrimination to ensure equal access to education and health services. The UN's role extends to advocating for the right to family life, emphasising the importance of family and parental care for children with albinism, and addressing their separation from family environments. The presentation also outlined the ongoing work of the UNIE, detailing the mechanisms used to respond to rights violations, including allegation letters, urgent appeals, and press statements. The UNIE conducts two country visits annually to assess and report on local conditions, with notable visits to countries such as Malawi, Mozambique, Tanzania, Brazil, Madagascar, and Lesotho, to highlight a few. Through these visits, the UNIE has developed human rights standards related to albinism and produced thematic reports on subjects such as education, the impact of albinism on women and children, climate change, and mobility issues of persons with albinism.
104. Hon. Aver Gavar, Vice Chair of the Committee and Member of the Working Group on the Rights of Children with Disabilities presented on the legal protection for children with albinism at the regional level. The presentation addressed the legislative and policy frameworks concerning children with albinism, noting their

inclusion under broader disability rights provisions but also highlighting significant gaps in specific mentions and protections for children with albinism within regional instruments. The presentation also detailed various initiatives of the ACERWC such as investigative missions to Tanzania and Malawi, which aimed to assess and improve conditions for children with albinism. These missions led to key recommendations like ending institutionalization and enhancing support services. However, significant gaps remain. The African Disability Protocol, critical for the protection of children with albinism, has not yet entered into force due to insufficient ratifications. Additionally, the persistent attacks against children with albinism and the prevalent negative myths and stigmas continue to undermine their well-being. Hon. Aver concluded with recommendations for stronger advocacy for the ratification of legal frameworks such as the Africa Disability Protocol, improved public education to combat albinism-related discrimination, and the implementation of national and regional mechanisms to monitor and support children with albinism.

105. Following the presentation, Member States, NHRIs, and participants reflected on the legal protections for children with albinism. While some Member States face challenges with implementing and mainstreaming protective instruments, others, like Malawi, have made notable progress by sharing data on attacks and the status of ongoing cases. The urgent need for a guiding note on children with albinism was emphasized by participants, pointing out that concerns extend beyond physical attacks to other rights violations, including access to justice and the proper interpretation of existing laws. Discussions also covered the work of the Committee on the Elimination of Racial Discrimination in addressing issues affecting people with albinism, raising important questions about the inclusion of albinism in hate crime, trafficking, and torture laws in Africa, where many countries lack specific protections for the body parts of individuals. The institutionalization of children with albinism and their rights to a family environment was raised, with some advocating that living in centres might ensure their safety. The emphasis was placed on amplifying the voices of children, persons and leaders with albinism, recognizing them as human rights defenders rather than recipients of rights protection.

Panel IV – Collaborative strategies and multi-stakeholder engagement in advocating for the enjoyment of the rights of children with albinism

106. The fourth panel on collaborative strategies and multi-stakeholder engagement in advocating for the enjoyment of the rights of children with albinism was moderated by Hon. Sabrina Gahar, Member of the ACERWC Working Group on the Rights of Children with Disabilities. Prof. Nkatha Murungi, Acting Director at the Centre for Human Rights (CHR) discussed the importance of strategic litigation in protecting and promoting the rights of children with albinism. The presentation outlined litigation as a vital tool for ensuring accountability and visibility for the

challenges faced by children with albinism, highlighting both individual and systemic issues that require legal attention. Strategic litigation aims for broader systemic change, including policy shifts and legal reforms. The presentation elaborates on various forums available for litigation, ranging from national to global levels, and the importance of selecting the appropriate venue based on the case. It also details specific opportunities and challenges in litigating these rights, including the cost, technical capacity, and the need for collaboration among stakeholders. Specific cases cited include Mr. X vs Tanzania, and a current pending case before the African Court on Human and Peoples' Rights (CHR and others vs Tanzania) highlights numerous alleged violations and seeks comprehensive measures from Tanzania to protect the rights of persons with albinism. The presentation underscores the need for effective monitoring, capacity building, and strategic collaborations to strengthen the impact of litigation in safeguarding the rights of children with albinism.

107. Mr. Kwame Andrews Daklo, Advocacy Manager at Africa Albinism Network, presented on the Human Rights-Based Approach to Advocacy for Children with Albinism in Africa. He noted that a human rights-based approach involves empowerment and participation, referencing existing legal frameworks such as the CRC and ACRWC while acknowledging persistent challenges. He stressed that the advocacy strategies encompassed awareness campaigns, legal reforms, and empowerment initiatives, with a focus on empowering children through training, platforms for their voices, and psychosocial support. Engagement with stakeholders and coalition-building, including urging the ACERWC to prioritise their rights, were identified as crucial. The recommendations stressed continuous advocacy, empowering children to lead efforts, and strengthening partnerships, alongside developing national action plans aligned with the AU Plan of Action, aiming for a more inclusive environment for children with albinism. Mr. Kwame concluded his presentation affirming the need to ensure full participation of children with albinism in society; enable children with albinism to thrive and fulfil their potential and adopt a rights-based approach to advocacy.

108. Commissioner Boniface Massah, presented on behalf of NANHRI on the challenges faced by persons with albinism. Commissioner Boniface discussed the severe human rights abuses suffered by persons with albinism, such as violence, discrimination, and trafficking for ritual purposes, emphasising the vulnerability of women and children. He presented disturbing case studies from Malawi and Tanzania that illustrated violence and trafficking issues. To address these challenges, Commissioner Boniface proposed solutions including awareness campaigns, advocacy for implementing the Convention on the Rights of Persons with Disabilities and strengthening legal frameworks to support persons with albinism. He advocated for involving persons with albinism in decision-making and emphasised the role of National Human Rights Institutions in using their mandates

to protect persons with albinism rights under the Paris Principles. Commissioner Boniface concluded by calling on all African National Human Rights Institutions to use their mandates to promote and protect the rights of persons with albinism, according to the Paris Principles.

109. Dr. Shimelis Tsegaye, Director of Programmes at ACPF, presented the challenges and research gaps concerning children with albinism in Africa. He pointed out that existing research mainly covers severe physical attacks like abductions and killings, with little attention to the psychological effects on children. The presentation highlighted a critical shortage of longitudinal studies that would track these challenges over the lifespan of individuals with albinism. In discussing positive developments, Dr. Shimelis noted better law enforcement in some countries and the implementation of specific national plans and police units to combat crimes against persons with albinism, such as in Malawi where spatial analyses help in monitoring and preventing attacks. However, he emphasised the limitations in research caused by widespread cultural denial and silence. Many communities hide or underreport witchcraft-related violence against children with albinism to preserve communal harmony or due to fear of backlash and further stigmatisation. Dr. Shimelis concluded with several recommendations to address these issues. He urged for the improvement of national data capabilities to better capture detailed information about persons with albinism by various demographics, integration of albinism issues into national censuses, and the designation of witchcraft-related attacks as specific occult crimes to enhance crime reporting and inform effective policy-making.
110. Participants were then invited to reflect on various critical issues. They underscored the urgent need for member states to swiftly adopt and implement the African Union plan of action to halt attacks and human rights violations against persons with albinism in Africa. Additionally, they emphasised the pivotal role of primary caregivers in capacity building and dispelling misconceptions. Contextualization and specific actionable steps were highlighted, alongside the imperative for both legal and cultural responses. Concrete measures such as capacity building, awareness raising, and data collection were emphasised, as was collaboration with pertinent stakeholders. Participants also advocated for the prioritisation of children with albinism within ACERWC's reporting mechanism. Discussions deepened understanding, particularly in terms of terminology usage. Delays in prosecuting crimes against children with albinism were acknowledged.
111. Following the four sessions, the ACERWC adopted an Outcome Statement to be shared with various stakeholders. The outcome statement highlights the significant challenges faced by children, with albinism including health, safety, and social discrimination. It acknowledges existing commitments under African regional instruments and the urgent need for tailored responses to enhance their rights and

welfare. Key actions urged include the appointment of a Special Envoy on Albinism by the African Union, the enactment of stringent legislation to protect these children, and the development of a Guiding Note to promote their welfare. It also calls for the involvement of children with albinism in policy development, improved healthcare and education access, and enhanced awareness efforts to combat discrimination. International and civil society organizations are encouraged to assist in data collection, provide technical support, and advocate for the ratification of relevant international and regional instruments.

ITEM 13: PRESENTATIONS BY THE ACERWC WORKING GROUPS

Report of the activities of the Working Group on the Rights of Children with Disabilities

112. The presentation was made by the Chairperson of the Working Group, Hon. Aboubekrine El Jera. Hon. Aboubekrine addressed the urgent needs and challenges faced by children with disabilities. He outlined the formation and the progress of the Working Group on the Rights of Children with Disabilities, which was established to address issues stemming from insufficient inclusive policies that led to the segregation of children with disabilities in various social facets. The Working Group, initiated during the Committee's 36th Ordinary Session, focuses on creating policies and strategies with the objective of promoting and protecting the rights of children with disabilities.
113. He detailed several initiatives and studies undertaken by the Group, including a Resolution in 2022 aimed at improving the conditions and safety of children with albinism and a comprehensive study on the status of children with disabilities across Africa, among others. This study is set to be launched to disseminate the findings in the forthcoming session. Moreover, he highlighted the recent convening of the Working Group meeting on 13 April 2024, where discussions were held concerning the Work Plan for 2023 to 2025, and current draft documents, namely, a Position Paper on education for children with disabilities, Resolution on harmful practices against children with disabilities, and a Guiding Note on artificial intelligence, assistive technologies and the rights of children with disabilities. Representatives of GIZ also participated in the meeting to brief the Working Group on participation in the upcoming Global Disability Summit scheduled for April 2025, as well as areas of support and collaboration.
114. Despite considerable advancements, Hon. Aboubekrine noted the challenges the Working Group faces, primarily financial constraints, which hinder the implementation of their ambitious agenda. He called for increased support from partners to continue promoting and safeguarding the rights of children with disabilities effectively. He closed his remarks by reiterating the commitment of the Working Group and its partners to foster an inclusive and equitable environment for children with disabilities in Africa.

Report of the activities of the Working Group on Children's Rights and Business

115. The presentation was made by the Chairperson of the Working Group, Hon. Hermine Kembo. She began by giving an overview of the establishment of the working group, highlighting that the goal of the Working Group is to promote the integration of a child rights-based approach to business practices with a view to addressing business-related child rights challenges in Africa. She highlighted that since its establishment, the working group has diligently executed numerous activities. These include the development of a ground-breaking continental study on children's rights and business which was launched in 2023 during the Africa Business and Human Rights Forum and a resolution on the promotion and protection of children's rights in the digital environment, and participation in events aimed at raising awareness on issues related to business and human rights such as the Annual African Business and Human Rights Forum and the Regional Dialogue on National Action Plans on Business and Human Rights in Southern Africa.
116. She further highlighted that the working group successfully conducted its 6th meeting on the 13th of April 2024. During the meeting, there was a briefing from the Consortium on Children on the Move and Child Labour. Further, the working group discussed documents that are being developed such as the resolution on the regulation of the informal business sector to ensure enhanced protection of children's rights; the resolution on the integration of a child rights-based approach in the implementation and monitoring of the African Continental Free Trade Area Agreement; the guidelines for developing policy briefs; and the guidelines on child rights due diligence in the agricultural sector.
117. Hon. Kembo took the opportunity to highlight the challenges faced by the working group, particularly, lack of human and financial resources to implement its activities. She called upon partner organisations and other stakeholders to support the activities of the Working Group to enable it to execute its mandate and achieve its goals successfully. She concluded by reaffirming the Working Group's commitment to collaborate and work with relevant stakeholders in promoting and protecting the rights of children in the business sector.

Report of the activities of the Working Group on the Implementation of Decisions

118. The presentation was made by the Chairperson of the Working Group, Hon. Robert Nanima. He commenced by highlighting the pivotal role of implementing the decisions and recommendations of the ACERWC for the full realization of children's rights. Moreover, Hon. Robert highlighted the establishment of the Working Group on the Implementation of Decisions during the Committee's 35th Ordinary Session. He outlined the mandate of the Working Group, which includes reviewing progress made in implementing decisions and recommendations,

assessing the level of implementation, and ensuring effective implementation by State Parties. He stressed that this initiative was prompted by the observed lack of compliance and slow implementation of decisions and recommendations by State Parties, as identified through follow-up mechanisms.

119. The Chairperson highlighted the progress made over the past two years, leading to the adoption of Resolution No.16/2022 during the 39th Ordinary Session on the implementation of Decisions and Recommendations of the ACERWC. The expansion of the Working Group's mandate during the 40th Ordinary Session enabled it to undertake follow-up of the decisions of other organs of the African Union on children's rights. The organization of a Workshop on Implementation of Decisions and Recommendations with NHRIs and CSOs in February 2023 facilitated crucial engagements and updates. Hon. Robert elaborated on the adoption of the Study on Implementation of Decisions during the 41st Ordinary Session, which identified challenges and proposed avenues for strengthening the ACERWC's mandate. The decision to extend the Working Group's mandate for another two years during the 42nd Ordinary Session reflected a commitment to continued monitoring and implementation efforts.
120. During the presentation, the Chairperson of the WGID, presented a comprehensive overview of the Working Group's activities and outlined plan for the forthcoming term. He recalled the recent 5th bi-annual meeting held on the 12 of April 2024 which provided an opportunity to discuss compliance-focused guiding documents and the work plan for 2024-2025, outlining actions to ensure continuity and increase visibility. These include the draft Guidelines/Criteria on States' compliance to the decisions and recommendations of the Committee, the draft report on the level of implementation of Committee's Decisions, and the ongoing development of ACERWC's guidelines on reparations.
121. Hon. Robert stated that with the renewal of the term of office of its members, the Working Group is committed to enhancing implementation efforts. Emphasizing the significance of achieving better implementation, Hon. Robert outlined key activities planned for 2024-2025. These include disseminating the Study on the Implementation of decisions, organizing an experience-sharing panel on the implementation of decisions, developing a Policy brief on the role of national reporting and monitoring mechanisms, and developing a follow-up matrix to track Committee decisions in each communication.
122. Furthermore, the chairperson underscored that despite progress, the Working Group is facing challenges to undertake its planned activities such as the lack of political will, financial, human and technical challenges including a lack of collaboration among Government Organs and other stakeholders. Hon. Robert concluded by reaffirming the commitment of the Working Group to enhance

implementation efforts and called upon stakeholders to support the Working Group's activities for effective operationalization of its mandate. He urged for unwavering dedication to realizing children's rights in Africa and urged stakeholders to push the WG agenda forward.

Report of the activities of the Working Group on Children's Rights and Climate Change

123. The presentation was made by the Chairperson of the Working Group, Hon. Aver Gavar. She began by reiterating that climate change is one of the most critical child protection challenges in Africa, adversely impacting a wide range of rights recognized in the African Charter on the Rights and Welfare of the Child. This necessitated the establishment of the Working Group on Children's Rights and Climate Change, which is composed of eight members, that is, four members of the Committee and four external experts. Hon Aver took this opportunity to welcome the new additions of external experts to the Working Group, Mr. Retta Getachew and Ms. Liesl Muller. Hon Aver recalled that the aim of the Working Group is to raise awareness about the adverse disproportionate impacts of climate change on children in Africa and to promote the integration of a child rights-based approach to climate action in Africa with a view to addressing the multi-faceted negative impacts it is having on their rights. Accordingly, the Working Group conducted its 6th Meeting on 12 April 2024, during which it discussed and approved its two-year work plan, and its planned activities for the inter-session period. The two-year work plan of the Working Group consists of; the finalisation, launching and popularisation of the findings of the study on children's rights and climate change, which was adopted as amended at the 42nd Ordinary Session of the Committee; the development of a guiding document on the integration of a child rights-based approach in climate action; engagement and advocacy on regional and global climate action frameworks; and building capacity of State actors, NHRI's and CSOs on child rights-based climate action.

124. During her intervention, Hon Aver officially launched a campaign initiated by the Working Group, with the aim of ensuring a coherent and effective implementation of its activities and to further amplify the urgent call for a child-rights based approach to climate action. The name of the campaign is **1.1 too high! A child-rights based approach to climate action in Africa**. The slogan of the campaign, which is **1.1 too high**, (#1point1toohigh #1.1toohigh) serves as a needed reminder that the current level of global warming of 1.1 degrees, as compared to the preindustrial levels, adversely affects the lives and livelihoods, and therefore the rights, of millions of children in Africa. Severe and elongated draughts, sudden floods, heat stress, air pollution, environmental degradation, increasing water scarcity and exacerbation of food insecurity, among others, continue to take a toll

on child morbidity and mortality, forced displacement, disruption of education, access to other basic services and so on.

125. Underlining the gravity and urgency of the impact of the climate crisis on children in Africa, Hon Aver reiterated the need for responsive actions to be proportional to the danger faced. She concluded her intervention by calling on all stakeholders, especially child climate justice activists, State Parties, CSOs and development partners to join the ACERWC and its Working Group in the implementation of its activities in the coming two years and to join the campaign **1.1 too high! A child-rights based approach to climate action in Africa.**

126. Following the presentation, representatives of the State Parties and CSOs applauded the efforts of the working group and reaffirmed the gravity of the impact of the climate crisis. Furthermore, it was noted that the Working Group should capitalise on the popularisation events of the UNCRC General Comment 26 in Africa; the leadership of African countries such as Malawi as chair of the LDCs group and Zambia and South Africa as members of the loss and damage fund and the African Group of Negotiators. It was also noted that the nexus between climate change and education should be highlighted, additionally, the specific impact of climate change on specific groups of children in Africa such as children with Albinism requires attention.

ITEM 14: Presentation and Discussion on Children of Incarcerated Parents and Caregivers- progress since the adoption of the General Comment on Article 30

127. Dr Ayalew Getachew Assefa, from the Secretariat of the Committee presented the normative standards on children of incarcerated parents, the salient features of the General Comment of the Committee on Article 30 of the Charter, and the status of implementation of the Article 30 and the General Comment. He mentioned that Article 30 of the Charter ensures the special treatment that should be accorded to expectant mothers and to mothers of infants and young children including prioritising non-custodial sentences; providing alternatives to confinement; establishing alternatives institutions for such mothers; ensuring that no child is imprisoned with a mother and no death sentence is passed on such mothers; and focusing on reformation and integration of incarcerated mothers. He emphasized that Article 30 is the only provision under international law providing for children of incarcerated mothers. Other legal frameworks are framed from the perspective of the mothers or caregivers imprisoned which include Articles 4(2)(i) and 24(b) of the Maputo Protocol prohibiting; Article 9 of the UN Convention on the Rights of the Child; the UN Guidelines for Alternative Care of Children; UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules); and UN Rules for the Treatment

of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

128. He provided an in-depth overview of the General Comment of the Committee on Article 30 of the Charter and highlighted that it extends the protection to children of incarcerated caregivers, not only mothers. Moreover, the General Comment indicates that Article 30 applies at all stages of criminal proceedings. He also underlined the key elements of the General Comment on 'special treatment' to incarcerated caregivers which entails a higher level of obligation by the State out of the ordinary measures. Moreover, the presentation informed that non-custodial sentence requires review of the sentencing procedure to ensure that sentencing courts assess if an accused person is a primary caregiver, if the children will obtain appropriate treatment in detention if the sentence has to be custodial; and that their best interest is protected. Dr Ayalew Getachew mentioned some of the alternatives to pre-trial and post-trial detention provided in the General Comment. He also enumerated some of the programmatic considerations to be taken when caregivers are detained which include establishing separate facilities for caregivers accompanied by their children, ensuring the best interest of the child as well as access to services, and fostering family bondage. In underlining the aspect of integration of caregivers, Dr Ayalew Getachew indicated the imperative of providing rehabilitation and development programs, civic and social education, and promoting contact with the family and community.
129. During the presentation, the status of implementation of the General Comment was discussed. Dr Ayalew Getachew mentioned that 38 States submitted reports after the adoption of the General Comment out of which 24 States Parties reported specific legislative or policy provisions allowing children to stay with their imprisoned mothers up to a certain age. It was informed that Benin, Gabon, and South Africa reported legal frameworks that specifically prohibit the death sentence generally; Eritrea, Ghana, and Zambia reported specifically prohibiting it for pregnant women or mothers with young children; and Madagascar and Niger reported prohibiting it until pregnant women give birth. Moreover, Dr Ayalew Getachew, informed that 4 States Parties reported absence of legislation on the rights of children of incarcerated caregivers namely Burkina Faso, Comoros, Republic of Congo and Niger. Moreover, he noted that 10 States Parties have explicit legal provisions advocating for non-custodial sentences namely Algeria, Burkina Faso, Burundi, Eritrea, Ghana, Niger, Nigeria, Rwanda, Senegal and Zambia. Only 9 States Parties have established special institutions or units within prisons to cater specifically to the needs of incarcerated mothers which are Benin, Chad, Ghana, Kenya, Mauritania, Mozambique, Nigeria, Rwanda and South Africa. The presentation also indicated that only 4 States Parties namely Benin, Chad, Ethiopia, and South Africa presented data/numbers in their reports on the number of children incarcerated with their parents and caregivers. Additionally, only Botswana, Ghana reported on alternative care arrangements for children outside the prison system, suggesting a gap in comprehensive support services.

130. In concluding his presentation, Dr Ayalew Getachew shared key recommendations towards the implementation of Article 30 and the General Comment including legal protections to prioritize non-custodial sentences; listing non-custodial sentencing options in sentencing laws and regulations; ensuring the best interests of the child; banning death penalty of caregivers in law and practice; establishing special alternative institutions for holding caregivers; ensuring that children incarcerated with their mothers are not discriminated based on the status of their caregivers; adopting alternative care policies; and providing legislative and administrative procedures to ensure the rehabilitation of caregivers.
131. After the presentation, various issues were raised by Members of the Committee and Participants such as the need to ensure alternative institutions are child friendly spaces; to provide special provisions to protect pregnant incarcerated women and those children born in prisons; and to engage CSOs and NHRIs to collect data on children of incarcerated caregivers particularly children in confinement. Experiences from Algeria, Mauritania, Angola, Burundi, Benin, and Zambia were shared. Particularly, the representative of Angola invited the Committee to undertake a visit to observe its measures. Moreover, the discussions highlighted that most often children remain and grow in prisons due to lack of withdrawal procedures to integrate them with families and lack of alternative care measures; and that the children are provided with food and alternative care and other needs by non-state actors. The need for State Parties to assume the obligation to cater for the needs of children of incarcerated caregivers including psychological support was emphasized.

ITEM 15: The African Report on Child Wellbeing 2023 - Justice not Charity: African Governments Must End Child Poverty, launched in November 2023 and Documentary and policy brief on “No End in Sight: Child Hunger in Africa”

132. Dr. Shimelis Tsegaye, Director of Programs at the African Child Policy Forum (ACPF) presented on “Justice Not Charity: African governments must end child poverty,” part of the African Report on Child Wellbeing 2023. The presenter addressed the critical issue of child poverty in Africa, advocating for urgent and strategic actions by African governments to eradicate it. The report utilized the Global Multidimensional Poverty Index, which measures poverty across three key dimensions—health, education, and living standards—using ten indicators to provide a comprehensive view of children's deprivation. The report findings unveiled that 352 million children in Africa, accounting for 59% of the global total, are living in poverty, with 60% facing extreme deprivation across various aspects of their lives. Contributing factors include inadequate nutrition, limited education access, substandard housing, inadequate sanitation, and insufficient access to safe drinking water. The presentation highlighted successful approaches from various African nations, such as Ghana and Zambia, which have redirected funds from fuel subsidies and mining taxes towards social protection programs. Key priorities include recognizing child hunger and undernutrition as a national emergency, integrating child rights into national development planning,

establishing universal child-sensitive social protection programs, and enhancing governance and accountability.

133. The presentation concluded with an urging for stakeholders and policymakers to adopt a justice-oriented approach to address child poverty. It emphasized the necessity for committed and coordinated efforts to ensure the fulfillment of children's basic needs and the preservation of their rights. The overarching goal is to transition from a charity-based mindset to actionable justice, aiming for a sustainable impact on the lives of millions of children across the continent. Furthermore, the session featured a documentary video titled "No End in Sight: Child Hunger in Africa" along with a policy brief.
134. Following the presentation, participants reflected on the effectiveness of strategies to combat child hunger, including Agenda 2040 and the SDGs. Queries arose about the study's vulnerability indicators, particularly regarding gender issues and conflicts, all addressed in the report. Challenges in implementing recommendations, like food subsidies, and inflation were highlighted. Concerns were expressed over rising food prices due to conflicts, climate change, and lack of education. Successful member state programs, such as school feeding initiatives, were acknowledged. Lastly, the necessity for cross-ministerial cooperation in addressing children's needs in climate financing plans was emphasized.

ITEM 16: Consideration of the Periodic Report of Malawi

135. The ACERWC received the delegation from the Republic of Malawi for the consideration of the first periodic report for the period 2018-2021 on the implementation of the African Charter on the Rights and Welfare of the Child. The Delegation was led by Honourable Ms. Jean M. Sendeza, Minister of Gender, Community Development and Social Welfare. In her opening statement, she indicated that since the submission of the last report, significant progress had been made to promote children's rights in Malawi. She noted some notable advancements including ongoing legislative reviews, such as the revision of the Child Care, Protection, and Justice Act; recent enactment of laws, and policy initiatives, including the Malawi 2063 Agenda and the National Children's Policy; the establishment of strategies such as the National Action Plan for Street Connected Children and the Child Participation Strategy, among others. She also indicated that Malawi has implemented several measures to enhance child protection against abuse and violence, including establishing Community Child Protection Committees, Community Victim Support Units, and Community Policing Forums; awareness raising on trafficking ; and implementation of measures such as the National Action Plan on Persons with Albinism and the establishment of a multi-sectoral National Technical Committee on Abuse of Persons with Albinism to address challenges faced by children with albinism. She highlighted that although Malawi has made strides in implementing the Charter, challenges remain, including inadequate funds for implementing laws and policies, limited data collection

mechanisms, and insufficient training for law enforcement, judicial, and medical personnel.

136. Following the presentation by the Head of the Delegation, the Committee commended the government of Malawi for the progress made in the realisation of children's rights. The Committee sought clarification on several issues regarding the implementation of the Charter by the State Party. The Committee inquired about the current status of the review of the Adoption of Children Bill and the challenges impeding its finalisation. Additionally, the Committee sought insights into the State Party's budgetary allocations, particularly concerning the Ministry of Gender, Community Development, and Social Welfare, as well as other ministries with child protection mandates. Furthermore, questions were raised regarding the decline in budget allocation for nutrition and the steps taken by the State Party to address the issue. Moreover, inquiries were made regarding the plans to fill vacant positions within the Malawi Human Rights Commission (MHRC) and to establish its regional office in the northern region, as well as practical steps taken to mobilise funds for the MHRC.
137. Additionally, the Committee sought updates on the status of the proposed ratification of the 1961 Convention on the Reduction of Statelessness. Furthermore, the Committee inquired about efforts to monitor abuse of children in institutional care settings and efforts to ensure reintegration of children from institutional care and programs for deinstitutionalisation, particularly concerning children with albinism. The Committee also sought clarification on measures to eradicate corporal punishment, whether the State Party has any disaster management strategies in place, and whether there were any plans to renew most strategies related to health that have expired. Concerns were also raised about children displaced by Cyclone Freddy, with questions regarding their housing situation, continued education, and plans for their rehabilitation and reintegration. Additionally, inquiries were made about efforts to address drug and alcohol abuse among children and measures for the rehabilitation and reintegration of victims of child abuse.
138. In response to the questions, the delegation highlighted that the delays in the finalisation of the Adoption Bill were due to the need for thorough consultations with stakeholders. However, the government is working towards finalising the Bill at the earliest opportunity. The delegation also acknowledged that budget allocations for various ministries had decreased so the State Party could deal with humanitarian crises such as COVID-19 and cyclone Freddy. However, efforts are being made to increase the budget allocation for these. Regarding nutrition, the decrease in the budget was due to reduction of donor funding and also allocation of resources to respond to the COVID-19 pandemic. It was highlighted that the State Party is implementing nutrition programs to reduce malnutrition and to ensure regular school attendance. Regarding the MHRC, the delegation noted that due to financial constraints, the process to set up an office in the northern region has not been completed. However, plans are underway to ensure increased budgetary allocation to the MHRC.
139. The delegation further informed the Committee that consultations are in the process for the possible ratification of the 1961 Convention on the reduction of Statelessness. Regarding children in institutional care settings, the delegation informed the Committee that there has been a decrease in the number of children in institutional care settings. To expedite the reintegration process, an action plan

has been devised, with key activities including strengthening the Foster Care Programme, promoting local adoption, strengthening families and communities, enacting the Adoption Act, and gazetting the Regulations on Foster Homes. On the other hand, the Child Cases Review Board has used several methods in handling cases of abuse in institutions, including follow up measures.

140. Regarding corporal punishment, the delegation shared that the government of Malawi was in the process of reviewing legislation on corporal punishment. Further, the Ministry of Gender, Community Development and Social welfare developed a guide on positive parenting and amendment of some sections in the Education Act and the Child Care Protection and Justice Act had been proposed to address corporal punishment. On disaster management strategies, the delegation informed the Committee that the Government of Malawi is implementing the cluster approach for disaster preparedness and management and efforts have been made to address the situation of children and families who had been displaced during Cyclone Freddy. Regarding strategies related to health that had expired or were about to expire, the delegation informed the Committee that plans were underway to renew the strategies and to allocate some resources for the effective implementation of the strategies.
141. On children with albinism, the delegation indicated that the National Action Plan on Persons with Albinism is being implemented and the government has been conducting initiatives aimed at ensuring that children with albinism have access to essential products such as lotions and sunscreen. Furthermore, on protection of children against abuse and sexual violence, the delegation informed the Committee that the Ministry of Gender has trained Child Protection Workers in Psycho-Social First Aid to offer preliminary support to survivors of sexual abuse. Further, the government in collaboration with partners continue to scale up and strengthen mechanisms for protecting children from abuse and violence. Mechanisms which have been adopted include the establishment of Community Child Protection Committees, Community Victim Support Units, and Community Policing Forums to coordinate and offer services for child protection.
142. Lastly, regarding drug and alcohol abuse, the delegation informed the Committee that the government is rolling out awareness and educational programs to educate children about the risks of drug abuse and equip them with skills to resist such behaviours. The government is also working on setting up specialised rehabilitation, counselling, and medical support services in collaboration with the Ministry of Health and private healthcare institutions to help children affected by substance abuse. The Head of the Delegation concluded by reiterating Malawi's commitment to ensuring that the provisions of the Charter are implemented at the national level.
143. In conclusion, the Committee thanked the delegation of the Republic of Malawi for the constructive dialogue and the measures taken to improve the promotion and protection of children's rights in the country. The Committee encouraged the Republic of Malawi to take additional measures to ensure the full implementation of the Charter. The Committee further informed the delegation that the concluding observations and recommendations will be formulated and communicated to the State party, following which, the Committee will conduct a follow up visit to monitor the implementation of its concluding observations and recommendations.

ITEM 17: Consideration of the Periodic Report of Mozambique

144. The Delegation of the Republic of Mozambique, led by Mr. Lucas Mangrassa, Deputy Minister of Gender, Children, and Social Action, presented the first periodic report of the State Party. Opening the discussion, Mr Mangrassa highlighted the progress made by the Republic of Mozambique in implementing the African Children's Charter, and the recommendations made to the State Party preceding the consideration of the State's initial report in 2014. He informed the ACERWC that Mozambique had approved the revision of its Family Law to set the age of marriage at 18 without exception, and it also approved the Law on Preventing and Combating Premature Unions to protect victims. He also mentioned that Mozambique has approved the Plan to Prevent and Combat the Worst Forms of Child Labour and approved a list of dangerous jobs for children. Birth registration had been expanded to reach 71.9% coverage in 2017, with a coverage of 80% expected in 2024.
145. The Deputy Minister indicated that expanding vaccination and health services has reduced infant mortality from 64 deaths per 1000 live births in 2011, to 39 in 2022/23. There is improvement in access to ART in that 72% of children diagnosed with HIV are accessing treatment. There is reform of the National Education System Law to make education compulsory up to the ninth grade and allowing pregnant learners to continue attending school. The country's water coverage stood at 58%, and 37% of households had access to proper sanitation.
146. More than six thousand unaccompanied children had been reunited with their families, and 8 685 refugee children from various countries benefitted from basic social services. Measures are taken to prevent child marriages and other harmful practices, decreasing child marriage from 48% in 2011 to 41% in 2019. There are also other measures taken, including ensuring their participation through the Children's Parliament, dissemination of children's rights in the communities, and measures to promote the preservation of the environment.
147. Despite the reported measures, work remained necessary to enhance the protection of children's rights. These include challenges in improving legislation for child protection, expanding children's access to basic social services, birth registration, and reducing chronic malnutrition which affected 37% of children under 5. There is also need to progressively eliminate poverty, violence, child neglect, child labour, and child marriages.
148. After the presentation, Members of the ACERWC congratulated the State Party for its progress. The Committee raised various questions to Mozambique, including requests for clarity on measures to combat discrimination against children in vulnerable situation — those affected by multi-dimensional poverty, and children with disabilities and albinism, particularly as Mozambique borders countries where children with albinism are facing attacks. Members of the ACERWC further sought information on measures for children affected by armed conflict, particularly in Cabo Delgado region, measures taken to protect the integrity of children who are victims of physical and sexual abuse, and measures taken to eliminate harmful cultural practices against children.
149. Questions also asked on matters related to stateless children, children without parental care, the right to education including measures taken to eliminate violence against children in schools, especially for victims of bullying and harassment, budgeting for ECD, Concerning ECD, the Committee requested Mozambique to

provide information on policy and budgeting issues, separating public and private statistics. ACERWC also requested information about the coverage of ECD education, and the accessibility and quality of the education. Regarding corruption and governance matters, ACERWC asked what the State is doing to ensure that public expenditure serves children in the best manner. Finally concerning the National Action Plan on children which was from 2014-2019, the Committee asked whether there was an evaluation of this plan and whether there are challenges in drafting another action plan after 2019.

150. Responding to the questions raised by Members of the ACERWC, the Deputy Minister indicated that the State had a central office working against corruption and other commercial crimes. The fourth National Plan of Action for Children had also been drafted and was to be approved by the Cabinet in 2024. Concerning participation, the delegation mentioned that it is ensured through the National Children's Parliament, and through participation in media programmes and other avenues. It was also mentioned that birth registration is possible countrywide free of charge for up to 180 days after birth, however, there remained challenges in registration due to cultural practices. The State conducted awareness campaigns, collaborating with civil society and faith and community leaders.
151. On economic, social, and cultural rights, the delegation mentioned that there was a national inclusive education strategy that prioritised children with disabilities. There was a multi-sector mechanism to address violence against children in schools, and a handbook on sexuality being developed to be used in teacher training. The State works in communities to promote behavioural change based on the types of violence against children prevalent in particular communities. For teenage pregnancy, Mozambique undertakes a mentorship program to improve knowledge and fight child marriages, to protect sexual and reproductive health rights, and to fight against HIV. In addressing social emergencies, it was mentioned that the State provides survival equipment such as shelter and medication, including in Cabo Delgado. The State further provided young children with nutritional support through a nutritional strategy for children, including cash grants and nutritional assistance, care for victims of violence, and a subsidy for families to fight malnutrition.
152. Children who are separated from their parents are cared for in shelters of foster care according to the delegation. In response to the insurgency in Cabo Delgado, the State developed a recovery plan to mitigate the effects of terrorism. There was a program to assist internally displaced children, including shelter for unaccompanied children, psychosocial services, identification, and preparation of foster families to host children. 480 children who were displaced are reunited, and social welfare services are expanded to create ECD facilities in the resettlement centres.
153. During the second round of questions, the Committee sought clarity on matters including child trafficking; the budget dedicated to social welfare and child-related activities; pre-natal care for pregnant adolescents; children on the streets; steps undertaken to detect natural disasters; and juvenile justice.
154. Concerning child trafficking, it is indicated that the State approved a national action plan to prevent and combat human trafficking, which prioritised the dissemination of children's rights to enhance their protection. There is also a

- national reference group for child protection, and an inter-country coordination mechanism that addressed trafficking, enabling the repatriation of victims.
155. On the social welfare budget, the State has earmarked 37% of the 2024 budget for the social sectors. The delegation highlighted that there is a high level of malnutrition at 37% of children under 5, although it had decreased from 43% in 2011; it was also mentioned that there are programs undertaken to enhance women's nutrition before and during pregnancy, encouraging exclusive breastfeeding for up to 6 months, encouraging consumption of nutritional foods, nutrient supplements and deworming, and school feeding.
156. To increase access to water and sanitation, the State is implementing the 'Water for All' program, and there are efforts to change population behaviours that favoured the spread of cholera. It was also indicated that children who are deprived of their family environment have the right of alternative assistance, with institutionalisation being a last resort. Children of incarcerated caregivers who are under the age of three, are living separate from other prisoners. Children above 4 are integrated into family life or foster care, and caregivers are guaranteed visits. At the time of reporting, the delegation mentioned, there are 718 women incarcerated with 21 children. For children in conflict with the law, there are policies for their re-integration. Follow-ups are conducted to address the root causes that led to incarceration, focusing on psychosocial care. Children are also provided vocational training after serving their sentence to enable financial autonomy.
157. For natural disasters, the National Institute for Disaster Management is responsible for coordinating actions to prevent and mitigate the effects of disasters. An early warning system has been set up to disseminate information on the forecast of climatic phenomena.
158. After the dialogue, the Chairperson of the ACERWC thanked the delegation for the presentation of the report, calling on the State Party to enhance its efforts to protect children's rights, especially where progress is lagging. The Committee noted the need to address harmful practices, children affected by armed conflict, and improve access to education. The Committee requested the State Party to allow ACERWC to conduct a follow-up mission in the coming two years time, to monitor the implementation of the recommendations given to the Republic of Mozambique.

ITEM 20: Consideration of the Periodic Report of Niger

159. The ACERWC welcomed a delegation from the Republic of Niger for the consideration of the combined second periodic report on the implementation of the African Charter on the Rights and Welfare of the Child. The delegation was led by Mr. Maman Sani OUSSEINI DJIBAGE, President of the National Mechanism for the Elaboration of Reports and Follow-up of Recommendations of Treaty Bodies. In his opening remarks, he noted that despite the difficult situation currently facing the country, the Government remained determined to respect its commitments and obligations, thus testifying to the great interest Niger places to the Committee's mission of monitoring the implementation of the Charter by States Parties. In presenting the report, Mr. Maman Sani OUSSEINI DJIBAGE reflected on the measures taken and the progress made since the submission of the last report, in the promotion and protection of the rights of the child in Niger, and on the challenges encountered in implementation.

160. Following the presentation by the Head of Delegation, the Committee thanked the delegation for its comprehensive presentation. The Committee members requested further information from the Niger delegation. Among the main concerns were the question of harmonization of the age of marriage, the state of reform of the Civil and Penal Codes, adoption of the Children's Code, coordination and follow-up mechanisms for actions concerning children, and the inclusiveness of the Children's Parliament, civil status, cybercrime, begging, slavery, education and keeping girls in school, child labor and the mandate of the National Steering Committee to Combat Child Labor, child marriage and the national strategy to end child marriage.

161. In response to the Committee's concerns, the delegation provided clarifications on the issues raised. On the question of harmonizing the age of marriage, it was stated that, as part of the the draft revision of the Civil Code, the Government plans to harmonize the age of civil marriage at 18 for both boys and girls. Thus, the reform covers only marriage celebrated at the civil registry office and not customary marriage. In addition, it was pointed out that the draft of the new Penal Code, which is in the process of adoption, provides for penal sanctions against any person who gives in marriage a child under the age of 18 or officiates at such a union. With regard to the status of the two reform projects, it was stated that both are at the level of the National Council for the Safeguard of the Homeland, awaiting adoption by ordinance, as there is no longer a parliament since the change of regime. Furthermore, it was added that the adoption of the Child and Family Code faces religious challenges. However, awareness-raising and advocacy campaigns are ongoing with a view to its adoption. Concerning the coordination of of child-related actions , it was specified that the National Child Protection Committee was created in 2019 by Decree N°369 to coordinate and guide the activities of regional, departmental, communal, village and tribal child protection committees. The government has launched the process of harmonizing all committees at national level. With regard to the Children's Parliament, the delegation confirmed that this is an inclusive structure that brings together all Niger's children throughout the country, and that every child submits his or her candidacy for election to the National Assembly, whether from rural or urban areas. With regard to cybercrime, the delegation reported that Law N°2019-33 on the repression of cybercrime in Niger was amended in 2022 to extend protection and take into account offenses involving children. The draft Penal Code also includes specific provisions penalizing child pornography. On the question of Wahaya, it was pointed out that slavery and all similar practices were criminalized in 2003, including Wahaya. The draft Penal Code also defines Wahaya and provides for sanctions against this practice. With regard to child begging, the Delegation indicated that a draft strategy for the eradication of this phenomenon developed and is awaiting validation. To support this provision, two committees were established in 2024 to repatriate Nigeriens abroad and reintegrate them into society. Given the scale of this phenomenon in the country, and the increase in the number of children exploited as beggars, the reform will focus on clarifying the scope of criminalization to cover people who exploit the begging of others, rather than just beggars. With regard to the issue of statelessness of children in Niger, the delegation underlined the absence of cases of stateless children identified or registered in the country, due

to the absence of procedures to determine stateless status. On the question of civil status, the delegation pointed out that the new Niger Civil Status Act of 2019 makes it possible to grant civil status certificates to all children, including those abandoned or found, or those living in care centers. Mobile court hearings are often organized to issue these certificates to this category of children. The mandate of the National Commission on Eligibility for Refugee Status is being extended to take account of stateless persons. In addition, the Civil Status Act, which only mentioned statelessness in terms of definition, is currently being revised to better develop its aspects and ensure the care of people whose stateless status will be determined by civil status, including care related to refugees and migrants. As regards the extent and coverage of civil registry centers, there are 266 main centers, 96 secondary centers and 13,788 operational registration centers, which are all operational and all of Niger's 266 communes, with a registration center in refugee sites and camps. A pilot operation for the construction of one-stop civil registry counters (civil registry, police and justice services) is being implemented in order to improve access to the population. With regard to maintaining young girls in school and implementing Decree No. 935 of December 5, 2017 on the protection, support and accompaniment of young girls at school, it was mentioned that several implementing decrees have been adopted including the decree specifying the conditions for the protection, support and accompaniment of young girls at school; the decree specifying the conditions for school enrolment of young girls aged 8 to 9, the decree creating communal reception and accommodation centers. He added that the girls benefit from a number of advantages, including food kits and grants awarded by the State and its partners as part of the Gender, Population and Development in Niger (GPDN) project. In 2023, 3,544 girls in 6 regions received scholarships, and 3 boarding schools were created, enabling hundreds of girls to stay in school.

162. As far as juvenile justice is concerned, it was noted that there are 47 juvenile judges, including 11 in the high courts and 36 in the district courts. Juvenile judges have received general training at the magistrates' training school and are provided with modules on children's rights. In the absence of specialized training, the government is waiting for the population/magistrate ratio to be reached before it can begin the process of specialization. As for social workers, they exist at court level, and juvenile court judges, when dealing with cases of children in conflict with the law, call on them to assist with social investigations. With regard to the composition of the committees established to repatriate Nigeriens and their working procedures, the delegation informed that, according to the decree on the composition, organization and functioning of the said Committee, it is in charge of identifying Nigeriens abroad who are eligible for repatriation, and managing their return operations, their reception, their transport to their localities and their social reintegration. With regard to the inclusion and protection of migrant and refugee children, the Delegation indicated that Niger's refugee law is inclusive, giving refugee children the same right as nationals to access basic social services, including health care. The Education Act guarantees access to education for children, and the government has taken steps to promote access to schools for the children of displaced persons, refugees and asylum seekers, in collaboration with other sectoral ministries. In refugee camps, women have their own latrines to prevent GBV. As for seasonal migration, Niger has a national policy on migration,

and the reforms to be made involve taking into account the environmental and climate change aspects of migration. With regard to the minimum age for admission to employment, the delegation noted that Niger had ratified Convention 138 of the International Labour Organization (ILO) on the minimum age for admission to employment, and had made a declaration appended to its ratification specifying that the minimum age for admission was 14. It was added that the government had set up the National Steering Committee to Combat Child Labor at the level of the Ministry of Employment and Labor to enable the country to have a National Action Plan to combat child labor and the worst forms of child labor. In addition, it was added that Niger has ratified Convention No. 182 on the worst forms of child labor, and has included provisions listing the worst forms of labor in the Labor Code. With regard to the national strategy to end child marriage, this policy was evaluated in 2022 and a new one covering the period 2024-2028 was validated in March 2024. With regard to care and support services for victims, the delegation informed that there is only one center out of the 4 transit and orientation centers that were operational in Niamey, also statistics are not yet available on reintegration. Abortion is prohibited under the 2006 Reproductive Health Act, but is permitted in certain cases listed in the Penal Code. The reform of the Penal Code added cases of incest and judicially established rape.

163. In conclusion, the Chairperson of the Committee once again congratulated the Government of Niger on the submission of its second periodic report, commending also its commitment and the actions undertaken to implement the African Charter on the Rights and Welfare of the Child and thanked the delegation for the clarifications provided to the questions raised by the Committee members and informed that the concluding observations and recommendations would be prepared and communicated to the State party in due course.

ITEM 21: Consideration of the Periodic Report of Rwanda

164. The ACERWC welcomed the delegation from the Republic of Rwanda, which presented its Periodic Report for the period of 2019-2022 on the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC). The report was presented by the representative of the Government of Rwanda, Mr. Munyemana Gilbert, the Deputy Director General of the National Child Development Agency (NCDA). Mr. Gilbert was joined by the rest of the delegation of the Government of Rwanda virtually. As a way of introduction to the report, it was noted that the NCDA was established heeding to the Committee's previous recommendation following the second periodic report of Rwanda, which led to the merger of the National Commission for Children (NCC) and the National Early Childhood Development Program (NECDP) into National Child Development Agency (NCDA). The merger, which was done through a Presidential Order in 2020, was aimed at avoiding duplication of mandate and enhancing effective coordination. Among others, the Agency has a mandate to monitor the implementation international and regional treaties ratified by Rwanda concerning child protection. Furthermore, Mr. Gilbert provided a comprehensive overview of the legislative and administrative reforms undertaken to strengthen child rights. Notable improvements were highlighted in the areas of child protection laws,

particularly those related to inheritance and succession laws. Additional emphasis was placed on the national Early Childhood Development (ECD) program, which has been vigorously addressing issues like stunting and malnutrition among young children.

165. Following the presentation, the Committee expressed appreciation to the Government of Rwanda for submission of its third Periodic report and for the comprehensive overview provided in the presentation. The Committee specifically welcomed the legislative, institutional and other measures taken towards the continued implementation of the ACRWC. In an effort to seek clarity, the following concerns in child protection were raised by Members of the Committee, to which the delegate provided further explanation. In the first round of questions the Members of the Committee inquired about efforts to popularize new laws at local levels; adequacy of human and financial resources to key institutions with a mandate on child protection and welfare such as budgetary allocation to the NCDA and human resources of the National Commission for Human Rights; and general progress in the implementation of various existing and new laws and policies related to child protection.

166. In response to the questions and concerns raised by the Committee, the delegate noted that the strong commitment of the Government of Rwanda to child rights demonstrated by the allocation of 968 billion Rwandan Francs (approximately 968 million USD) to various child-focused initiatives. The increased budget facilitated significant enhancements in the operational capabilities of the National Commission for Human Rights and supported the expansion of child protection systems at the central level through the NCDA. Furthermore, in response to the demographic and health survey completed in 2020, Rwanda has established robust child protection systems at the central level through the NDCA. The integration of an advanced Management Information System (MIS) by the NDCA harmonizes data collection and analysis across different ministries, supporting a more coordinated approach to child protection and development. This initiative also includes the use of USSD systems to streamline reporting of child protection issues at the district level, ensuring rapid response and intervention.

167. During the second round of questions, Committee Members raised concerns about the NCDA's budget allocation, its process of independence, and the actual impact of the increased funding on the effectiveness of child protection measures; law and practice of corporal punishment in the home and community settings; accessibility and affordability of online birth registration and certification systems; inclusivity of school feeding program; monitoring and accountability of traditional alternative care mechanisms such as Malaika Murinzi; the definition of disability in the legal framework of the country; the usage of the best interest of the child in actions and decisions affecting children and the protection of children in contact with the law. The Members of the Committee further requested clarification on the breakdown of budgetary allocation for child protection across various sectors and specifically budgetary allocation to address the fulfilment of rights of children with disabilities.

Further inquiries touched upon the staffing levels and the dependence on volunteers at the National Human Rights Commission, scrutinizing its ability to maintain independence and adequate capacity in its operations. Furthermore, inquiries were made regarding the adequacy of the civic space to allow CSOs

to exercise their freedom of assembly and play a critical role in the child rights sector.

168. In response the delegate noted that the principle of the best interest of the child is the primary consideration in decisions and actions affecting children in the justice sector. However, the overall usage of the best interest of the child as a cross-sectoral child protection principle is an issue that the Government is working on through establishment of the necessary legal and policy frameworks to that effect. It was noted that the definition of disability in Rwanda is open-ended, encompassing of physical, sensory, mental and other forms of disabilities. Significant efforts have been made to include children with disabilities in all community services, ensuring non-discrimination and continued educational opportunities. Innovations in school feeding programs and improvements in water access were also noted, with new nutrition interventions for pregnant women and capacity-building programs for children. It was further added that the deployment of volunteers in the work of the National Human Rights Commission is meant to supplement its work and does not undermine its independence. The Government of Rwanda works closely with CSOs while at the same time ensuring that they exercise their freedom of assembly in discharging their missions. In traditional alternative care mechanisms such as Malaika Murinzi, it was clarified that they operate by the same standards as that of foster care systems, the aim is to connect them to pre-existing and socially entrenched cultural practices for sustainability.

169. In conclusion, The ACERWC commended Rwanda for its proactive and innovative approaches to improving child welfare and protection. The committee expressed anticipation for Rwanda's continued progress and stated that it would formulate detailed concluding observations and recommendations, which would be communicated to the Rwandan government in due course, aiming to further guide and support the nation's efforts in upholding the rights and welfare of children.

ITEM 22: Consideration of the Periodic Report of Zimbabwe

170. The delegation, led by H.E. Hon. Ziyambi Ziyambi, Justice, Legal, and Parliamentary Affairs presented the periodic report of the Republic of Zimbabwe. The delegation is composed of representatives from various government ministries, including justice, legal and parliamentary affairs, public service, labor and social welfare, and other departments. During the presentation, the head of the delegation stated that the Republic of Zimbabwe submitted its initial report in 2013, and the current report and presentation cover developments since that time.

171. The Hon. Minister highlighted that the Republic of Zimbabwe has been implementing legislative, administrative, and judicial measures to improve the conditions of children in the country. Among the legislative measures are the alignment of legislation including the Marriage Act, Children Act, Guardianship Act, Data Protection Acts, and the proposed Justice Act with the constitution and the African Children's Charter. The Minister mentioned that the country is implementing its laws and policies based on the principles of non-discrimination and other fundamental principles enshrined in the constitution and other human rights instruments signed by the country, including the African Children's Charter.

The Minister briefed that the Government is upgrading infrastructure to accommodate different categories of disabilities, eliminated the barrier to birth registrations by arranging mobile registration for remote places, and ensured the children's participation through the children's parliament and junior council. Regarding, education, health and other social services, the Minister stated that the Government has policies and laws to guarantee free and compulsory education and allocated funds. There are also initiatives on parental and orphan care in line with the Children Act and specific draft harmonized manual on parenting. In addition, the Hon. Minister mentioned that the government has updated curriculums based on inclusiveness. Furthermore, the minister stated that a human rights approach is being applied by the state, which has also prohibited all detrimental traditional practices, including child marriage, even though there are still difficulties with the laws' actual implementation. The Hon. Minister wrapped up by listing a few challenges that the implementation of children's rights and welfare is facing. They include resource scarcity, balance of payments issues, sanctions on the economy, and the effects of climate change.

172. The Committee praised the Republic of Zimbabwe for its commitment and work done on the issue of children's rights and welfare and for making themselves available for review. Following that, the Committee asked questions on various issues including: the steps are taken by the government to allocate adequate resources for children, how the justice system is child-friendly, the accessibilities of social services, and the incorporation of non-discrimination principles into legislation and curriculum. The committee also forwarded its questions on the steps taken to increase birth registration, measures to address survivors of sexual violence, efforts of the government to ban corporal punishments, and how the best interest of the child is incorporated into the country's legislation. The committee also inquired about state initiatives for refugee children, efforts to harmonize parenting manuals, adoption, custody, and special programs for children with disabilities, as well as efforts to control drug and substance abuse in schools and children involved in illicit mining. The committee also asked when the national child policy will be created and implemented, how ministerial offices work together to plan and share resources on child-related issues, and how the government should prioritize meeting the needs of children.

173. The delegation answered the questions posed by the committee members by offering details and justifications for the various points brought up. The delegation's response emphasized the electronic management systems, sentencing guidelines, and specialized courts that the Zimbabwean justice system is introducing as novel ways to combat child abuse. In addition, the judicial system is being decentralized, and infrastructure that is accessible to people with disabilities is being built. Concerning education, the delegation mentioned that inclusive education is being implemented along with basic education assistance programs, and about birth registration, mobile registration is taking place without any fee. The head of the delegation stated that free legal assistance for minors is offered through the legal system, and the government is also working on computerized birth and death registrations. According to the delegation's statement, Zimbabwe has outlawed corporal punishment completely and amended other laws to conform to the Children's Justice Act. Child marriages and harmful traditional practices are being

addressed through campaigns involving local, religious, and other stakeholders, and educational approaches are being used instead of punitive measures in most of the actions of the government. Street children are being supported through a street fund and a task force, and violence against children, harmful traditional practices, child labor, and exploitation are being addressed through various legal frameworks at the national level. Efforts are being made to develop rehabilitation and reintegration programs, and a committee on substance and drug abuse was formed. In addition, the delegation team stated that the proposed justice bill will be approved in August 2024, that all amended public health laws, children's acts, and other laws represent the best interests of children, and that courts have the authority to interpret laws in a way that best serves children's interests.

174. In the second round of questions, the Committee voiced concerns about the protection of children in vulnerable situations, including those involving abuse, child offenders, sanitation, potential plans for disaster reduction, migration, teenage pregnancy, rights related to sexual and reproductive health, child trafficking, harmful traditional practices, substance abuse, privacy for children, refugee children, suicide rates, family separation, rape, reporting channels, funding, regulating child marriages, gender-based violence, freedom of liberty, and association. Further questions also asked on the implementation of concrete measures to regulate harmful traditional practices, tackle substance and drug abuse, and protect children with albinism, the cholera epidemic, suicide rates, and the state's response to child deaths. Furthermore, the committee asked how the victim-friendly system for reporting cases is in place and the measures taken to control child marriages, gender-based violence, freedom of liberty, and inclusive education.
175. The delegation provided a response to the Committee stating that police officers and social workers are trained to protect against child abuse and will face penalties if caught abusing children. It is also mentioned that the Government works to address urban street children and offers sanitary services to girls in schools. Moreover, it is brought up the inclusive education system, continuing efforts to combat child marriage and rights violations, and the constitutional right to privacy. Additionally, the delegation discussed how the Ministry of Health works with other partners to promote hygiene and preventive measures, such as campaigns against cholera and other health problems. Lastly, the delegation reported that there are no significant challenges because the government supplies essential medical equipment to children with albinism.
176. The Committee expressed gratitude to the Republic of Zimbabwe for providing a regular report that included information on the nation's experiences and practices. In addition, the Committee praised the efforts made thus far and demanded more funding to protect the welfare and rights of children. The Committee also urged Zimbabwe to focus on inclusive education with updated curricula for the current generation and reaffirmed the African Union's declaration that 2024 will be the year of education. The committee concluded by mentioning that it will provide its conclusions and recommendations, and plans to undertake a follow up mission within two years timeframe.

ITEM 23: Consideration of the Complementary Report of Namibia

177. The report was not considered during the Session as the CSOs have not submitted their report.

ITEM 24: Hearing on Communication No 0020 against Eritrea

178. The Committee held hearing on the merits of Communication No: 0020/Com/002/2022 submitted by Lawyers Associated for Human Rights in Africa (LAHRA) (on behalf of Children of Jehovah's Witnesses) against the State of Eritrea. The hearing was held with the representatives of the Complainants only as the Respondent State did not appear. The Committee decided to further investigate the matter and collect additional evidence on the allegations.

ITEM 25: Hearing on Communication No: 0023/Com/005/2022 submitted by the Incorporated Trustees of ISH-61 Human Rights and Social Justice Initiative (ISH-61), the Institute for Human Rights and Development in Africa (IHRDA), and the Centre for Human Rights (CHR) (the Complainants), on behalf of the children in Nigeria, against the Federal Republic of Nigeria.

179. The Committee held hearing on the merits of Communication No: 0023/Com/005/2022 submitted by the Incorporated Trustees of ISH-61 Human Rights and Social Justice Initiative (ISH-61), the Institute for Human Rights and Development in Africa (IHRDA), and the Centre for Human Rights (CHR) (the Complainants), on behalf of the children in Nigeria, against the Federal Republic of Nigeria. The hearing was held with the representatives of the Complainants only as the Respondent State did not appear. The Committee decided to further investigate the matter and collect additional evidence on the allegations.

ITEM 26: PRESENTATION OF THE DRAFT BUDGET 2025

180. Presentation and discussions were made on the budget for the year 2025.

ITEM 27 : PRESENTATION ON GIZ PROJECT AND UPDATE ON EU PROJECT

181. The Secretariat has briefed the Committee on the current status of the projects supported by EU and GIZ.

ITEM 28 : ADOPTION OF DECISIONS

i. Amicable settlement- Communication No: 0021/Com/003/2022 submitted by People Serving Girls at Risk and Equality Now (on behalf of Esnart Kenesi) against the Republic of Malawi

182. The Committee considered the progress on the amicable settlements pending before its auspicious on Communication No: 0021/Com/003/2022 submitted by People Serving Girls at Risk and Equality Now (on behalf of Esnart Kenesi) against the Republic of Malawi. The Committee decided for the Country Rapporteur to follow-up and finalise the terms of the amicable settlement during the intersession period. The Committee further decided to table the Communications as contentious cases in the event where agreement could not be reached by the Parties.

ii. Amicable settlement- Communication No: 0022/Com/004/2022 submitted by institute for Human Rights and Development in Africa (IHRDA) against the Republic of Burundi

183. The Committee considered the progress on the amicable settlements pending before its auspicious on Communication No: 0022/Com/004/2022 submitted by institute for Human Rights and Development in Africa (IHRDA) against the Republic of Burundi. The Committee decided for the Country Rapporteur to follow-up and finalise the terms of the amicable settlement during the intersession period. The Committee further decided to table the Communications as contentious cases in the event where agreement could not be reached by the Parties.

iii. Communication No 0017 against Nigeria

184. The Committee considered the request of the Respondent State for the review of its admissibility decision on Communication No: 0017/Com/001/2021 submitted by Child Rights and Rehabilitation Network, Institute for Human Rights and Development in Africa and Centre for Human Rights (On Behalf of Children Affected by Witchcraft Accusations in Nigeria) against the Federal Republic of Nigeria. The Committee analysed and ruled on the request in light of the criteria for revision of decisions provided under Section XX of the Guidelines for Consideration of Communications and Monitoring Implementation of Decisions.

iv. Communication No 0024 against Botswana

185. The Committee considered the admissibility of Communication No 0024/Com/001/2023 submitted by IHRDA against the Republic of Botswana and adopted its decision.

v. The African Union Child Safeguarding Policy

186. The Committee adopted as amended the AU Child Safeguarding Policy. The Committee further decided to submit the Child Safeguarding Policy to the STC on Social Development, Labour and Employment, STC on Justice and Legal Affairs and the PRC of the AU for adoption by the policy organs.

vi. General Comment on Art 11- the Right to Education

187. The Committee decided that its Draft General Comment on Article 11 should be revised to incorporate its additional comments and be tabled for adoption during the 44th Ordinary Session.

vii. Review of the NHRIs Affiliate Status Guidelines

188. The Committee adopted as amended the Revised Guidelines for NHRIs Affiliate Status.

viii. Application for Observer Status

189. The Committee considered and decided on applications for observer status as follows:

- i. To request AfriChild Center to submit the memorandum of articles for its registration as company and the constitution or similar document for its registration as a non-governmental organisation.
- ii. To request African Early Childhood Network to submit its constitution or a similar document.
- iii. To grant Observer Status to Lumos Foundation.

ix. Consideration on Namibia State Party Report without CSO Reports

The Committee deliberated on the Consideration the First Periodic State Party Report of the Republic of Namibia and decided to consider the report during its 44th Ordinary Session without the consideration of the CSO report due to the delay in the submission of the same.

x. MoU with CRC

190. The Committee adopted as amended the draft MoU with UN Committee on the Rights of the Child.

xi. Documents/recommendations of the Working Groups

191. The Committee adopted the planned activities of its working groups, and their respective documents as follows:

- a. *For the Working Group on Children's Rights and Climate Change the Committee adopted:*

- The Resolution for the extension of the mandate of the ACERWC Working Group on Children’s Rights and Climate Change
 - The campaign of the working group as campaign of the Committee led by the working group. campaign title “1.1TooHigh! Child-rights based approach to climate action in Africa” Campaign slogan/hashtag #1.1toohigh #1point1TooHigh
 - The proposal to develop Guidelines on child-rights based climate action
- b. *For the Working group on children’s rights and business the Committee adopted:*
- Guidelines for developing policy briefs by the Committee
 - Resolution on the regulation of the informal business sector to ensure enhanced protection of children’s rights
 - Resolution on the integration of a child rights-based approach in the implementation of the AfCFTA
 - The proposal to develop a Policy Brief on access to remedies for victims of corporate child rights violations in 2024 and a Policy Brief on due diligence, monitoring systems, and continuous child rights impact assessments of business in 2025
- c. *For the Working group on children’s rights with disabilities the Committee decided for:*
- The development of a Position Paper on education for children with disabilities
 - The development of a Dissemination strategy for the Working Group
- d. *For the Working group on implementation of decisions the Committee decided:*
- To include external experts in the Working Group
 - Through the Secretariat to develop a note on the role of the Bureau, and the Working Group on the implementation of decisions to avoid overlap.
 - That the Working Group works with Hon Hermine Kembo Takam Gatsing, Hon Sabrina Gahar, and Hon Aboubekrine El Jera in the selection of the external experts.

xii. Matters of General Comments

192. Recalling its decision to develop a General Comment on Children Without Parental Care during its 42nd Session, the Committee decided to use its own funds to advertise for a consultant who will support the process.

xiii. Decision on requests of Partners

193. Following the consideration of the requests from partners during the Session, the Committee decided that the proposed activities in the areas of conflict, education, and harmful practices can be undertaken in consultation with the respective thematic rapporteurs provided that the requesting partners avail funds.

xiv. Internal Matters

194. The Committee decided to revise its Rules of Procedures, with assistance of the Legal Counsel, to provide guidance on the rotation of chairpersonship based

on gender and regional representation for adoption during the 44th Ordinary Session.

195. Recalling its decision to focus on four priority areas for the coming two years on Children without parental Care, Female Genital Mutilation (FGM), Children of imprisoned mothers and care givers, and children in conflict situation, the Committee further decided to include issues of child marriage with FGM and, based on availability of funds, to document best practices on these areas.
196. The Committee decided that all members of the Bureau participate in the Summits of the African Union if funds allow to ensure balance in the representation.
197. The Committee requested the Secretariat to develop guidelines on missions of the Committee including on issues of the composition of its Delegation.
198. The Committee decided to strengthen its engagement with RECs and assigned three of its members namely, Hon Anne Musiwa, Hon Ghislain Roch Estan, and Hon Sabrina Gahar to work with the Secretariat to identify areas of engagement.
199. The Committee decided to have Guidelines drafted with assistance of the Office of the Legal Counsel, on the oversight role of the Chairperson and the Bureau in accordance to the Rules of Procedure and its Article 11.
200. The Committee decided that recruitments should involve the Committee taking geographical distribution into consideration in accordance with AU rules and Regulations. The Chairperson of the Committee will follow with Human Resources Management Department to this effect.

xv. Date and Venue 44th Ordinary Session

201. The Committee decided to hold its 44th Ordinary Session on 02-12 October 2024 and to hold the meetings of its Working Groups on 30 Septemeber-01 October 2024.

ITEM 29: ADOPTION OF SESSION REPORT

202. The Committee adopted as amended the report of its 42nd Ordinary Session.

ITEM 30: CLOSING REMARKS

203. The Chairperson of the Committee, Hon Wilson Almeida Adao, expressed his appreciation for the Members of the Committee for the commitment and engagement during the Session to ensure the respect of the rights of children. The Chairperson highlighted that the Committee made critical decisions to improve its working methods and supporting the activities of its Special Rapporteurs. He thanked the Secretariat and the interpreters for the support provided for the

Committee's works. The Chairperson also expressed his appreciation for the for the Kingdom of Lesotho for supporting the convening of the Session. He underlined the theme of the AU for 2025 which is 'Justice for Africans and People of African Descent Through Reparations' and expressed the Committee's commitment to work on the theme in relation to children's rights. The Chairperson underlined the Committee's Commitment to continue the promotion and protection of children's rights to work towards an Africa fit for children. Finally, he officially declared the 43rd Ordinary Session closed.