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**26<sup>th</sup> SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
16-19 NOVEMBER 2015  
ADDIS-ABABA, ETHIOPIA**

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

**REPORT**

**TWENTY SIX ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON  
THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

**I. INTRODUCTION**

1. The 26<sup>th</sup> Session of the African Committee of Experts on the Rights and Welfare of the Child was held at the headquarters of the African Union Commission in Addis Ababa, Ethiopia, from 16 to 19 November, 2015.

**II. ATTENDANCE**

2. The meeting was attended by ten members of the ACERWC, Representatives of the African Union Commission, ECOWAS, Representatives of the Government of Algeria, Congo, Gabon, Lesotho, CAPE Senegal, Representatives of CSO of Congo, Gabon, Lesotho, Representatives of United Nations Children's Fund works for children's rights (UNICEF), United Nations High Commission for Refugees (UNHCR), Save the Children International, Plan International, World Vision International, The African Child Policy Forum (ACPF), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), African Movement of Working Children and Youth (AMWCY), SOS Children's Villages International, Africa Wide Movement for Children, Child Rights Network for Southern Africa, Regional Psychosocial Support Initiative (REPSSI), East African Centre for Human Rights (EACHRights), West African Civil Society Forum (WACSO), Child Soldiers Initiative, CONAFE Senegal and Uganda Child Rights NGOs Network, Pan-African Centre for the Study and Support of Family (PACSSF), Child Rights Network for Southern Africa (CRNSA), Institute for Human Rights and Development in Africa (IHRDA)

**ITEM 1: OPENING CEREMONY**

**Remarks by AUC Commissioner for Social Affairs**

3. In his welcoming Remark, H.E. Dr Mustapha Sidiki Kaloko, Commissioner for Social Affairs, welcome the Committee Members and all participants to the 26th Session of the ACERWC. He also welcomed the newly elected Committee members and recognized the predecessors for their remarkable works. Furthermore, he thanked the committee and partners for organizing induction training for the newly elected Committee Members.

4. H.E M.S Kaloko thanked the Governments of Algeria, Congo, Gabon and Lesotho for submitting their Reports on the implementation of the Charter and welcomed the delegation from the mentioned countries.

5. He indicated that the Department of Social Affairs works on protection of the rights and welfare of the child through the revised African Strategy on Nutrition focusing on children under the ages of 2 years as well as the campaign on ending child marriage. H.E M.S Kaloko also informed that the department of social affairs has developed monitoring and

evaluation frameworks for the various child focused programs to make a link with the existing platforms including the Charter. In this regard, he requested the Committee to take into account this monitoring and evaluation framework in the development of list of issues and concluding observations and recommendations.

6. Moreover, he highlighted the importance of children's rights in Agenda 2063 which calls for actions to build a prosperous and united Africa. Furthermore, H.E M.S Kaloko called upon Member States, RECs, AU organs and all partners to work towards the realization of Agenda 2063 which aspires for Africa to be people centred and to put its children first. He further congratulated the Committee for celebrating the 25th anniversary of the Charter with a view of reinforcing State Parties Commitment to children's rights.

7. Finally, H.E M.S Kaloko concluded by thanking participants for their presence and their commitment to defend children's rights. He gave a special appreciation to partners for strengthening the capacity of the Committee.

### **Opening Speech by Chairperson of the Committee**

8. The Chairperson of the Committee, Mrs. SIDIKOU Aïssatou Moulaye, started her speech by welcoming the Committee Members and the delegations from Algeria, Congo, Gabon and Lesotho. She thanked the State Parties for submitting their Report to inform the Committee on their success and challenges in the implementation of the Charter. Ms. SIDIKOU highlighted Article 43 of the Charter which requires States Parties to report and provides adequate information to the Committee about the implementation of the Charter in their respective countries. She also mentioned that the Committee will finally issue Concluding Observations and Recommendations to State Parties that submit their report.

9. Mrs. SIDIKOU informed that the theme for day of African Child (DAC) 2016 'Conflict and crisis in Africa: protecting all children's rights' was selected taking into account the increasing situation of armed conflict in Africa. She also mentioned that the year 2015 marks the 25th anniversary of the Charter and that the Committee will hold a conference that will lead for the development of an agenda for African children for the coming 25 years in light of Agenda 2063.

10. Mrs. SIDIKOU then stated that the Committee is grateful for all partners for working towards the protection of children's rights and assisting the Committee to achieve its mission. She specifically thanked The African Children's Charter Project (ACCP), World Vision International, Plan International, Child Fund International, UNICEF and Save the Children for supporting the Committee in its various activities.

### **ITEM 2: CONSULTATION AMONG COMMITTEE MEMBERS (CLOSED SESSION)**

11. The Committee with the assistance of the office of the Legal Counsel of the AUC consulted and elected its new Bureau for the coming two years in accordance with the Rules of Procedures of the Committee. Accordingly, the newly elected members of the Bureau are:

- Prof Benyam Dawit Mezmur – Chairperson

- Mrs. Maria Mapani Kawimbe- First Vice Chairperson
- Mr.Ndayisenga Joseph- Second Vice Chairperson
- Dr.Azza El Ashmawy- Third Vice Chairperson
- Mrs. Dikere Marie Christine Bocoum- Rapporteur
- Mrs. Goitseone Nanikie Nkwe- Deputy Rapporteur

### ITEM 3: PROCEDURAL MATTERS

- **Adoption of the Agenda and the Program of Work**

12.The Agenda and Program of Work were adopted as amended.

- **Organization of work**

13.The Committee agreed to carry out its deliberations in open, semi closed and closed sessions according to the Agenda.

### ITEM 4: BRIEF PRESENTATIONS BY PARTNERS

14. **United Nations Children's Fund (UNICEF):** On behalf of UNICEF, Dr Iyorlumun J Uhaa, UNICEF Representative to the AU and UNECA, began his statement by congratulating the Chairperson for his election to lead the Committee and welcomed all new members of the Committee. He stated that UNICEF is very proud to be associated with the work of the important Committee as the work of the Committee is central and critical to the realization of UNICEF's mandate: to protect the rights of all children, especially those who are most vulnerable. He stressed that, in the current world, where inequities and inequalities are growing, the Committee, and all other stakeholders have a duty to rededicate themselves to redressing the unfair threats to children's wellbeing. He mentioned that Agenda 2063 and the Sustainable Development Goals (SDGs) present a new opportunity and platform for all stakeholders to work together to ensure that children, especially the most vulnerable, are at the centre of these development agendas. At the end of his statement, he reaffirmed UNICEF's commitment to work with the Committee in ensuring the rights of all children are protected and realized.

15. **United Nations High Commissioner for Refugees (UNHCR):** Joining other partners in congratulating the coming in Chairperson and new Committee members, UNHCR's representative to the African Union and the UNECA Mr Mamadou Dian Balde expressed his pleasure to be at the 26th session which is alongside the commemoration of the 25th anniversary of the adoption of the African Charter on the Rights and Welfare of the Child. He stressed that 51% of the world's forcibly displaced people are children and are at greater risk of abuse, neglect, violence, exploitation, trafficking or forced military recruitment. He highlighted that UNHCR have made child protection one of its priorities in the fulfilment of its mandate to provide international protection of refugees and search for durable solution to their plight. In this regard, he mentioned that the General Comment of the Committee on Article 6 is of paramount importance to UNHCR as it clarifies further refugee children' access to birth registration, the first step towards ensuring recognition as a person before the law and a precondition for the exercise of other rights. He stated that preventing and

responding to children separated from families and caregivers, sexual and gender based violence including harmful traditional practices, trafficking and smuggling, recruitment of children in forces and armed groups are important priorities to UNHCR. In his conclusion, he stated that UNHCR remains committed to play its role, and to strengthen its partnership with ACERWC.

**16. Save the Children International (SCI):** Ms. Martha Bedane, Child Rights Advocacy Advisor at SCI mentioned that the two general comments, on article 6 and article 30 of the Charter, are major strides made in the history of children's development in Africa. Furthermore, she also appreciated the Committee for collaborating with the African Commission on Human and People's Right and developing a joint general comment on Child Marriage. She then expressed concern about the recurring conflicts within the continent and their impact on children. She also mentioned that SCI supports the Continental Study on Children in Armed Conflict as it is an opportunity to address some of the grave violations against children. Finally, she stated that SCI wholeheartedly welcome the Committee's thematic choice for 2016 day of the African child "Conflict in crisis in Africa protecting all children rights".

**17. African Child Policy Forum (ACPF):** Mr. Theophane Nikyema, Executive Director of ACPF presented the statement on behalf of his organisation. He congratulated the newly appointed Members of the Committee, and expressed ACPF's commitment to work with the newly appointed Bureau of the Committee. Mr. Nikyema highlighted the significance of the Sustainable Development Goals in the advancement of children's rights in Africa as a necessary pathway to Africa's own development agenda set out in Agenda 2063. He also pointed out the opportunity presented by the 25th Anniversary of the adoption of the African Children's Charter to reflect on the gains made as well as the outstanding challenges in the protection and promotion of the rights of children across Africa. He commended the Committee for its leadership in setting the Agenda for Africa's Children for the next 25 years. Mr. Nikyema highlighted some of the activities in which ACPF had collaborated with the Committee and the DSA including but not limited to the ongoing Campaign to End Child Marriage in Africa, and the Induction of the new Members of the Committee. He also thanked the Committee for its continued support to ACPF in the implementation of its mandate. In conclusion, Mr. Nikyema reiterated ACPF's commitment to continue working with the Committee and the AU's Department of Social Affairs within the framework of the Committee's.

**18. Plan International:** On behalf of Plan International, Mr. Chikezie Anyanwu, Director, African Union Liaison & Pan Africa Program Office congratulated the new members to the ACERWC and wished them a very successful term of service. He then extended his gratitude to the members that have exited the Committee, for their hard work during their term of service. He applauded the Committee for its efforts in monitoring and protecting the rights of children affected by conflicts and those living with albinism; through investigation missions the Committee conducted in the recent past. He also commended the Committee for launching a continental study on the impact of armed conflict on children and pledged Plan's commitment for the study. Emphasizing on the importance of commemorating the 25th anniversary of the charter, Mr. Anyanwu mentioned the need for serious sober reflection on the future of the Committee, especially in relation to the Committee's manpower needs to enable it deliver on the increasingly mandate and task of protection and

promotion of children's rights in Africa. He urged the Committee to use the focus on 2016 as the "African Human Rights Year" by the African Union to ensure more collaboration with other agencies for children in Africa. In conclusion, he reaffirmed Plan's continued commitment to support the work of the Committee.

**19. World Vision International (WVI):** Mr James Odong, External Engagement Director of WVI started his briefing by congratulating and welcoming new Committee members. He also congratulated the outgoing Chair for the progress realized during her term of office and welcomed the new Chair and the bureau. Highlighting on the 25th anniversary of the African Children's Charter, he calls upon the Committee to work with State Parties for an Africa free from violence against children and to ensure children are protected from the impacts of armed conflicts. In conclusion, he pledged that WVI will work closely with the Committee particularly on the continental on impact of armed conflict on children; the campaign to End Child Marriage, and Support to regional mechanism for child protection strengthening with partners.

**20. Institute for Human Rights and Development in Africa (IHRDA):** Mr. Gaye Sowe, Executive Director of IHRDA joined previous speakers in congratulating the new Bureau of the ACERWC and thanked the outgoing Bureau for working tirelessly on behalf of all African Children. He indicates that IHRDA associates itself with the work of the ACERWC and further pledges to continue working with the ACERWC as it has been doing under the African Children's Charter Project (ACCP) and the recently launched Pan African State Accountability Project (PASAP). He stated that the ACERWC's Communications Procedure is a key priority for IHRDA and currently has two communications pending before the ACERWC. He urged all CSOs present to make good use of the ACERWC's communications procedure.

**21. Child Soldiers Initiative:** In his remarks Lt. Ge. Roméo Dallaire indicated that the mission of Child Soldiers Initiative is to progressively end the use of child soldiers through a security sector approach. He further stated that his Initiative would like to see how it can work more to assist the ACERWC and other related organizations to protect children and to increase the efforts that are already demonstrated in that realm and that these efforts continue to be led by Africans as they move their continent to meeting these enormous challenges of their youth and future. He finally confirmed that it his firm belief that long-term systematic change to the situation of children and their protection is essential for meaningful adherence to child protection.

**22. Pan-African Centre for the Study and Support of Family (PACSSEF):** On behalf of PACSSF, Ms. Tomi Okeowo informed that there is a dearth of comprehensive data on the legal and policy framework safeguarding conducive family environment for children in Africa. Consequently, the Centre places premium on creating healthy family structures and environments as a means of supporting optimal and holistic child and youth development. She mentioned that PACSSF's research focuses on generating credible, comparable and policy relevant data on the social, legal and economic wellbeing of children within the different family structures in Africa and seek the support of the Committee in achieving the common mandate. In addition, she proposed for the development of a general comment on the protection and rights of the family; development of specific indicators that measure family wellbeing within the state party reporting guidelines; to impress on the African Union

the need to put together mechanisms to monitor the Plan of Action on the Family in Africa as an avenue to further advance the rights of the African child; and to bring to the attention of the African Union the need for establishing, promoting and celebrating yearly the African Union Day of the Family based on the important role family wellbeing plays in child development.

**23. Economic Community of West African States (ECOWAS):** Dr. Bolanle Adetoun-Principal Programme Officer made a statement on behalf of ECOWAS. She mentioned that ECOWAS Child Policy took a cue from the African Charter on the Rights and Welfare of the Child. She informed that Child Protection is of major concern for ECOWAS and as a result that ECOWAS is working on the development of a Monitoring and Evaluation Framework on Child Protection System in West Africa. She mentioned that ECOWAS works on issues of ending child trafficking and child labour and is strategizing to promote concrete actions with visible impacts at the grassroots levels for the promotion of children's rights and welfare. At the end of her brief she indicated that ECOWAS looks forward to partner with other stakeholders for the advancement of children's rights.

**24. African Movement of Working Children and Youth (AMWCY):** Regional Child protection Officer for AMWCY, Boyon James Suru, congratulate the Committee for its continued efforts to ensure the protection and well-being of children in Africa. He mentioned that AMWCY took the initiative to participate in the campaign to End Child Marriage. He calls upon the Committee to involve Faith Base Organizations in its planned activities. At the end of his presentation, he assured AMWCY's continued participation in the implementation of the Charter in its intervention especially at grassroots level.

**25. Child Rights Network for Southern Africa (CRNSA):** Mr Musavengana Chibwana indicated that CRNSA is a network of national child rights organisations in Southern Africa with the vision of 'A Southern Africa where children's rights are respected, protected and fulfilled'. He congratulated the new Committee members and expressed CRNSA's interest on the fact that two of the new Committee members represent southern Africa. He indicated that CRNSA commits to support the ACERWC through building the capacity of national child rights networks on children's rights and good corporate governance. Further, he mentioned that the Network commits to complementing the work of the Committee in Southern Africa especially by assisting national child rights networks in coming up with quality, evidence based complementary reports to the ACERWC and disseminating information from and about the Committee. In conclusion he reaffirmed that CRNSA support the work of national child rights networks in observing the child rights monitoring cycle, especially on making the Committee's concluding observations and provisions of the Charter becoming a reality for children in southern Africa.

**26. National Coalition of Associations and NGOs in Favor of the Child (CONAFE SENEGAL):** Mr Raoul Latouffe, Chairperson of CONAFE, in his statement takes stock of the implementation of the ACRWC in Senegal for the past 25 years. He said the results are mixed although important progress has been noted in the health, education, justice and child protection. He then thanked the Committee for having taken part in some of their activities and outlines the challenges and concerns of CONAFE on the most recurrent issues in Senegal include the finalization of the Child act and its implementation with its harmonization of child-related texts and the implementation of the law on forced child begging. In

conclusion, Mr Latouffe said it was necessary to revitalize the Children's Parliament in Senegal to ensure the full participation of all children; to involve children in policy development, planning and implementation of promotion and protection activities affecting them and to set up a monitoring committee of the various recommendations of the ACERWC.

**27. Support Unit for Child Protection (CAPE) Senegal**, Mrs Ndèye Fatou SARR, Program Officer at CAPE made a briefing on the situation of children's rights in Senegal. She indicated that Senegal has carried out a study on mapping 'daaras' in Dakar, started a project on the modernization "daraa" with the Islamic Development Bank and launch a study on the harmonization of Senegalese legislation with international legal instruments on child and human rights. She also pointed out that two projects on the child act and the Child rights defenders. She mentioned that Senegal in facing constraints including lack of resources, facilities and effective to adequately protect children rights.

**28. Uganda's Child Rights NGOs Network (UCRNN)**: Ms Stella Ayo-Odongo, Executive Director of UCRNN started her statement by congratulating the Committee for its achievement made in the past and congratulated new Committee members. She stated that UCRN is proud for generating alternative reports before the Committee and the UNCRC. She informed that so far the UCRNN produced five alternative reports to the UNCRC, one to the ACERWC, and one for the Universal Periodic Review. She also informed that Network put in notice the government of Uganda to submit its periodic report to the Committee. In conclusion, she expressed the Network's willingness to provide technical support to the Committee whenever the need arises.

#### **ITEM 5: BRIEFING UPDATE ON THE CONTINENTAL STUDY ON THE IMPACT OF ARMED CONFLICTS ON CHILDREN IN AFRICA**

29. The Secretariat presented on the progress of the ongoing continental study on the impact of armed conflict o children. In the presentation the Secretariat recalled the objectives and scope of the study. It was stated that the study focuses on countries currently in conflict, countries in fragile post-conflict situations, countries facing growing concern of radicalization of children and countries in a major humanitarian crisis of multi-causal nature that requires a system-wide response. The Countries are Democratic Republic of Congo, Guinea Bissau, Liberia, Mali, Libya, Sierra Leone, Sudan, South Sudan, Central African Republic (CAR), Kenya, Nigeria and Somalia. An update on the progress of the study including the fact that filed visits have been undertaken to Nigeria, South Sudan and Somalia was also presented. The Secretariat then indicated that field visits to CAR and Kenya will follow in few weeks' time. Following the presentation, participants discussed the possibility of keeping the peculiar nature of the study and partners reconfirmed their commitment to support the process.

#### **ITEM 6: BRIEFING ON THE MEETING ON JOINT GENERAL COMMENT ON CHILD MARRIAGE**



30. Prof. Julia Sloth Nielsen made a presentation on the joint General Comment that is being developed jointly by the ACERWC and the African Commission on Human and Peoples' Rights on child marriage.

31. In the presentation she highlighted the background and the process that led to developing a joint General Comment. Prof. Sloth-Nielsen indicated that the contents of the draft General Comment comprise an introduction that explains the contexts of child marriage, reflection on the important provisions of the Maputo Protocol and the ACRWC, definition of child marriage, challenges and root causes of child marriage, the impact of child marriage on girls, general measures of implementation for child marriage, the four cardinal principles within the context of child marriage, the normative contents of Article 21 of the ACRWC, preventive measures, and redress mechanisms.

32. Following the presentation discussion was made on the possibility of making additional inputs on the draft and the possibility of referring the General Comment as the third General Comment of the ACERWC.

#### **ITEM 7: BRIEFING ON THE RETREAT WITH PRC ON 2-4 SEPTEMBER 2015**

33. The Secretariat briefly presented the recommendations that came out of the consultative meeting between AU PRC and the African Governance Architecture (AGA) platform members on 2-4 September 2015 in Arusha, Tanzania. It was indicated that the primary goal of the consultation was to explore practical ways of building functional linkages and interactions between AU Member States and AGA Platform Members with an ultimate aim of promoting and sustaining democratic and participatory governance, constitutionalism and rule of law and respect for human and peoples' rights in Africa. The consultation reiterated the need to facilitate and ensure full operationalization of AGA and its Platform, as well as effective reporting on State Parties' commitments as enshrined in the African Charter on Democracy, Elections and Governance. Finally, the Secretariat presented the recommendations of the PRC including the call for a special PRC Session with the Committee to consider the specific challenges of the Committee and its Secretariat. The special PRC session should among other matters seek to address violations of children's rights, particularly in the context of armed conflict.

#### **ITEM 8: PRESENTATION ON GENERAL MEASURES OF IMPLEMENTATION OF THE ACWRC**

34. A joint team composed of representatives from World Vision International, ACPF, and Save the Children presented on Article 1 of the Charter on general measures of implementation.

35. Dr. Lucyline Nkatha Murungi from ACPF made the first presentation on Article 1 of the African Children's Charter and the possibility of the ACERWC to develop a General Comment on General Measures of Implementation. She highlighted that Article 1 of the Charter requires that State Parties should recognize the rights in the Charter; take legislative and other measures to give effect to the rights; and to discourage customs and traditions that are inconsistent with the Charter. She also emphasized that the third sub-article of

Article 1 is a reflection of the African context in the sense that it talks about customs, traditions, and cultural or religious practices.

36. Highlighting the differences and comparisons of Article 1 of the Charter and Article 4 of the Convention on the Rights of the Child (CRC), Dr. Murungi indicated that Article 1 requires States Parties to undertake necessary steps to adopt legislative and other measures to ensure children's rights. However she mentioned that administrative measures are not included in the Charter as opposed to the CRC. It was however informed that this does not mean such measures are fully excluded from the Charter. Dr. Murungi further highlighted that Article 4 of CRC differentiates socio economic rights and civil and political rights while Article 1 of the Charter does not differentiate these rights and expects the same measures to be taken for the implementation of both types of rights. She also mentioned that the CRC contains Article 42 on awareness raising and Article 44 on the submission of the report which is not articulated in the African Children's Charter. Moreover, Dr. Murungi indicated that the understanding of the Committee on Article 1 of the Charter can be inferred from the State Party Reporting Guidelines.

37. Finally, Dr Murungi highlighted that legislative measures; the normative implications of "discouraging"; the implications of the non-distinction between civil political and socio-economic rights; and duties in respect of cultural rights should be elaborated to facilitate the implementation of Article 1 of the Charter.

38. Mr Bob Libert Muchabaiwa, from Save the Children International, also made a presentation on 'Public Investment in Children: A Key Measure to Implement the African Charter on the Rights and Welfare of the Child (ACRWC)'. In his presentation, Mr. Muchabaiwa, stressed that public investment is a key element of general measure of implementation. He emphasized that it is important to talk about public investment because (a) implementation of children's rights requires budget; (b) public investment on children has a demonstrable moral and social benefit; and (c) inaction in regards of public investment has political, economic and social costs. Mr. Muchabaiwa also discussed that investment in children entails responsibility on State Parties to take measures to mobilize sufficient resources to invest in children; to undertake child sensitive fiscal policy measures to ensure that all children get their fair share of available resources; to undertake measures to ensure effective utilization of allocated resources; and to undertake other policy and institutional measures to ensure children and their representatives participate in planning and budgeting. He finally accentuated that Child rights policy commitments will remain empty promises unless concrete measures are taken to mobilize public resources; equitably allocate sufficient resources; and ensure their effective utilization based on principles of transparency, participation and accountability.

39. Following the presentations, members of the Committee as well as participants raised comments and questions. During the discussion it was indicated that it is important to adopt a holistic approach involving various ministries and organs towards the implementation of children's rights. It was also highlighted that the existence of regulatory systems, prevention systems, coordination systems, establishment of organs dedicated for children; and child participation are crucial as general measures of implementation. It was highlighted that the Committee can contribute for systems strengthening at national level for a better implementation. Furthermore, inter-sectoral coordination was mentioned as an important

element of general measures of implementation. Reference was made to the fact that allocation of budget alone does not guarantee protection of children's rights; rather disbursement of budget, monitoring, accountability and low administrative costs should be ensured. The discussion also emphasized on the fact that increment of budget allocated for children should not be evaluated in terms of budget amount only, but also in terms of ratio to population number.

40. Finally the partners made concluding remarks and submitted their requests for the Committee. They highly stressed the need to have an elaboration of the Reporting Guideline by the Committee to include child focused investment and expenditure as part of general measures of implementation. Recalling the decision of the Committee to adopt a general comment on systems strengthening and general measures of implementation, the partners insisted that the Committee adopts a General Comment on Article 1 of the African Children's Charter. In this regard, the partners made commitments to support the development of the General Comment.

#### **ITEM 9: CONSIDERATION OF STATE PARTY REPORT: ALGERIA REPORT**

41. A high level and multi-sectoral Delegation led by Ambassador Soualem Lazhar, Director of Political Affairs and International Security, presented the summary of Algeria's initial report on the implementation of the Charter.

42. Ambassador Soualem Lazhar mentioned that the challenge of ensuring security in the country was the reason for delayed submission of the report before the Committee. He highlighted that in 2015 the country enjoyed stability and the government of Algeria made policy choices that are relevant for the promotion and protection of the rights of children. He stated that sufficient amount of budget was appropriated to cater for the needs of children. He particularly mentioned that more than 40% appropriation in budget goes to human development.

43. Following the presentation, Members Committee raised questions for clarification in relation to harmonization of laws with the Charter, age of criminal responsibility, non-discrimination of migrant children, coordination mechanisms to implement the National Plan of Action for Children (NAP), evaluation of the effectiveness of the NPA (2008-2015), involvement of CSOs in the preparation of the report and service delivery, involvement of children in the celebration of DAC and adherence to the theme of the Committee, children's freedom of religion, implementation of the principle of the best interest of the child in judicial proceedings, dissemination of the Charter, recruitment of children by the private sector, access to birth registration for all children and particularly to migrant children, training of officials, and on banning of corporeal punishment. In addition the Committee sought clarification on issues related to the possibility of encouraging foster care arrangements, supervision of orphanage centers, human trafficking and measures taken to combat, safeguarding the rights of children of incarcerated mothers, children living in the streets, access to reproductive health services for adolescents, the ratification of the 1983 Hague convention, integration of victims of sexual abuse, access to services for children with disability, prevalence of HIV, and progress made since the 2008 education reform.

44. In addressing the concerns of the Committee, the Delegation explained that children are not held responsible for their acts until they reach the age of 18 years. Furthermore, it was mentioned that children cannot be recruited in the business sector until they become to be 18 years old. In relation to the involvement of CSOs in the preparation of the State Party report, it was indicated that the report was circulated for CSOs to comment on it.

45. The National Human Rights Commission (NHRC) is mentioned to be an independent organ under the office of the President. It was informed that NHRC basically works on sensitization, advocacy and education of human rights and has a sub-committee working on children's rights. In relation to dissemination of the Charter, it was indicated that the Advocacy Committee within the NHRC published it in French and sent it to all institutions working on issues of children. Moreover it was mentioned that the Charter has precedence over national laws.

46. Coordination is said to be led by the National Committee for the Welfare and Rights of Children. On training of officials working for and with children, it was indicated that training on the rights of the child is given in magistrates' schools and conferences organized for this purpose. It was also mentioned that a special training is given to the Police units that deals with matters concerning children.

47. On the celebration of the DAC, the delegation indicated that the Government is doing its best to popularize it with the police department being the responsible organ. The representative from the department of the police mentioned that the organization of discussions and conference that target students and parents usually feature the celebration of the Day.

48. In relation to respect for the best interest of the child, the Delegation mentioned that the best interest of the child overrides other interests. Concerning coverage of birth registration, it was emphasized that Algeria met the MDG. Furthermore, it was indicated that there is 100 percent performance in terms of birth registration in the country. In addition it was informed that the civil registration system is digitalized to enhance effectiveness. The Delegation further informed that nomadic populations also can access birth registration from nearby local governments. The Delegation informed that Algeria is a host for a number of migrants and UNHCR, in its report, revealed that Algeria is a country that respects the right to education, access to birth registration, access to health services for migrants.

49. With regards to banning of corporeal punishment, the Delegation stated that Algeria adopted a law that prohibits violence. However, it was informed that corporeal punishment in the house setting is not banned.

50. In relation to freedom of religion, it was underlined that though Islam is the national religion in Algeria, equitable treatment is given to all established religions.

51. Concerning the prevalence of HIV it was informed that the rate is below 0.01 percent. In addition it was informed that there is free medical service for HIV patients and 90 percent of mother to child transmission is under control. Furthermore, it was mentioned that maternal health care is given free of charge.

52. On the issue of children with disability, it was informed that the government provides for financial assistance, coverage of health insurance, free access to health services, access to school materials and transportation. It was also mentioned that a specialized care facility is established to cater for the needs of children with mental disability and children with visual impairment. It was also indicated that there is inclusive education for children with disability.

53. It was clarified that there is no disparity between urban and rural areas in terms of access to education. Age of schooling is informed to be at 6 years old; school enrollment is showing an increase while there is a decrease in rate of drop outs. It was also indicated that primary education is compulsory and gender disparity is decreasing. It was said that children of nomadic families can have access to education through nomadic schooling.

54. In relation to child begging especially by migrant children, the Delegation underscored that child begging is unlawful act though there are few children begging on the streets. Furthermore, it was indicated that, once the police is noticed about children in the streets it takes measure to send the children to institutions.

55. With regard to trafficking of children it was stated that the State Party adopted the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons and raised year of imprisonment for offenders from 10 to 20 years.

56. In conclusion, the head of the Delegation thanked the Committee for seriously considering the State Party report and pledged to implement the Recommendations of the Committee. He also assured the Committee to provide additional information and statistical data once the Delegation is back to the capital. Highlighting on the fact that 2016 marks a Year of Human Rights for the African Union, he extended an invitation for the Committee to visit Algeria.

57. Finally, the Chairperson of the Committee appreciated the Delegation and stated that the Committee, after a careful consideration of the reports, will send recommendations to the Government and undertake a mission to follow up the implementation of the recommendations.

#### **ITEM 10: CONSIDERATION OF STATE PARTY REPORT: CONGO REPORT**

58. Mrs. Emilienne Raoul, Minister of Social Affairs, Humanitarian Actions and Solidarity presented the initial State Party Report of the government of the Republic of Congo on the implementation of the African Charter on the Rights and Welfare of the Child.

59. Mrs. Raoul started her presentation by sincerely apologizing the delay in submission of the initial State Party report. She mentioned that because of the civil war in the 90's, Congo was in a state of emergency. It was said that as the result of the war the population suffered from internal displacement, serious malnutrition, and high number of abandoned children. It was mentioned that the 2004 oil price increase gave the country the chance to rebut and to be rebuilt through an accelerated urbanization. This was informed to lead to an increase in the budget particularly for the health, education, and social affairs services.

60. In highlighting some measures of the government to the promotion of children's rights, she mentioned that the government provides free medical care for children between the age of 0 and 15, free text books and free registration, reduced unemployment, controlled inflation and increased the salary of public officials. It was indicated that there is a decline in infant, child, and maternal mortality. However, it was informed that school enrolment rate is decreasing. It was also mentioned that the State Party has adopted norms and standards for the protection of orphan and vulnerable children.

61. It was presented that the State Party launched a vast social protection program to support poor families. It was also indicated that since the end of 2014, the State Party adopted a strategic framework to protect children from abuse, negligent, and exploitation. In conclusion of the presentation, Mrs. Raoul mentioned that the government of Congo is committed to give practical responses for concerns of the Committee, to improve its coordination mechanisms, and to follow up previous interventions on matter concerning children.

62. Following the presentation of the Delegation, the Committee raises concerns among others on the existence of a subcommittee for children under the National Human Rights Commission, involvement of CSOs in the preparation of the report, the way forward in promoting the rights of children and training of actors, availability of mobile services for children of indigenous groups, rate of birth registration and the situation of stateless children, preventive measures against measles outbreaks and natural disaster, services available for children with disability, the mechanism in place to implement the Children Act, services available for unaccompanied migrant children, banning of corporeal punishment, challenges and opportunities as a result of oil extraction, and the issue of children with albinism. Members of the Committee further sought clarifications or additional issues such as provision of health services, elimination of child marriage, access to education, prevention of diseases, juvenile justice, recruitment of children as soldiers, internal displacement and services available for refugees, adoption procedures, and situation of children of imprisoned mothers.

63. In addressing the questions from the Committee on measures taken to curb child marriage, the Delegation informed that the family code was promulgated in 1984. This is informed to bring a sociological advancement for the girl who would get married at the age of 16 if the parents and the judge agreed. It was also informed that the review of the codes is ongoing and many Ministries including the Ministry of Social Welfare are involved.

64. On the issue of birth certificates, the Delegation agreed that a large number of children have no birth certificates as the people do not understand the importance of registering births. However, it was indicated that the government has been conducting campaigns to educate the population on the importance of the certificates. It was also mentioned that birth certificates are given free at the maternity health centers at birth.

65. The Committee was informed that corporal punishment was at two levels, in the family and at school and monitoring whether children are punished in the former is difficult. However, it was highlighted that teachers are sensitized during their trainings and corporal punishment is prohibited and clearly stated in the rules and regulations of every school.

66. On the question about the budget, the Delegation informed the Committee that when the funds approved by the Ministry of Finance are not enough, the Ministry of Social Affairs,

Humanitarian and Solidarity mobilizes funds for children with Partners like UNICEF, WFP, and WHO.

67. On the Children's Parliament, the Delegation informed that plans were already underway to establish a National Children's Parliament.

68. Regarding the issue of the data collection, the Delegation said that Congo like many other African Countries does not have data on various issues but is already in the process of collecting data through the National Social Action Development Program.

69. On the issue of access to education, it was said that there is low attendance of children in school for the indigenous children and the government is encouraging attendance by building more schools where there are none especially near the forests and the marshy areas. It was stated that literacy rates are generally low because of the previous wars and the Government is providing informal schooling for those who cannot attend regular school.

70. On children with Albinism, the Delegation informed the Committee that children with albinism are not mistreated in Congo and the Government provides ointment for their sensitive skin and promotes respect for their rights.

71. It was indicated that FGM is not an issue in Congo except for the rare cases in the immigrant communities.

72. On the issue of breast feeding, it was informed that the Government of Congo through the media advocates for mothers to breast feed their children.

73. It was mentioned that there are a large numbers of refugees from neighboring countries including Rwanda and DRC. It was highlighted that with the assistance of the UN agencies, the refugees are provided with vaccinations, vitamins, deworming and provision of education through construction of schools in the camps.

74. On children with disabilities, the Delegation informed that there are rehabilitation centers as well as provision of needed facilitation such as braille for children with visual impairment, teachers for sign language as well as ramps in schools to enable children with physical disabilities access education among other types of facilitation by the Government. It was informed that many children with disabilities had completed university education.

75. On the issue of the benefits that children get due to oil extraction in the Country, the Delegation said that the oil companies purchase school equipment, build health centers and so on as part of their contribution to the communities. However, it was indicated that prostitution is rife in the areas where oil is exploited.

76. On the query on the status of child soldiers in the country, the Delegation informed that there are none currently as those who may have been 10 years during the war are now in their 30s. It was also informed that the Government provided treatment for those child soldiers who were heavily traumatized and 248 children went through the centers for support.

77. In relation to the polio epidemic, the Delegation said that the Ministry of Health had identified about 500 cases and that the illness had been introduced from a neighbouring

country. Prior to this the Country was said to be polio free for 5 years and the Ministry of Health and partners responded immediately.

78. Treatment for HIV/AIDS is said to be free and there is a system in place to stop mother to child transmission. It was highlighted that the Government is providing treated mosquito nets for children under 5, pregnant and nursing mothers.

79. With regards to child trafficking, and the 2012-2015 Plan of Action on combating child trafficking, the Committee was informed that there has been trafficking of children between Benin and Congo and an agreement was reached to prevent the menace

80. In her concluding remarks Ms Rau said that the Delegation was delighted to attend the process and the questions reflected the reality on the ground. On behalf of the government of Congo, she assured that for the questions the Delegates were not able to reply, would look into ways to give answers through written submission.

81. The Chairperson of the Committee concluded by thanking the Delegation for the constructive dialogue and the frankness of the Delegation in responding to the questions. He stated that the Committee, after a careful consideration of the report, will send recommendations to the government of Congo and will undertake a mission to follow up the implementation of the recommendations.

#### **ITEM 11: CONSIDERATION OF STATE PARTY REPORT: GABON REPORT**

82. The Head of the delegation, H.E. Dr. Seraphin MOUNDOUNGA, 2<sup>nd</sup> Vice -Prime Minister of the Gabonese Republic in charge of Justice and Human Rights, Keeper of the Seals, started the presentation by thanking the Committee and explaining that political transition is the reason for the delay of submitting the Report to the Committee.

83. H.E. MOUNDOUNGA stated that the report was prepared in a participatory manner. He also informed the Committee that since 1966 Gabon has introduced free and compulsory education for children for the ages of 6-16 years. He highlighted that free education covers school fee, teaching materials and health services. In addition, the Government of Gabon has a scholarship scheme for higher education. It was also mentioned that Gabon has established a center for maternal and infant care. With regard to harmful traditional practices, it was indicated that Female Genital Mutilation is not practiced in Gabon. The Head of the Delegation also mentioned that corporal punishment is not practiced and that Gabon has ratified the Convention on the Abolishment of Capital Punishment. In relation to definition of the child, it was underlined that there are various types of minorities such as civil and political minorities. Political minors are those children below the ages of 18 years while civil minors are those below 21 years, which he mentioned that to be harmonized as it might create confusion. H.E. MOUNDOUNGA stated that fragile and economically disadvantaged families receive support from the Government in the form of allowance for school resumption and health insurance. Finally, concerning children in conflict with the law, it was indicated



that there is a separate chamber for such children; that the judges who deal with juvenile are trained; and that juvenile cases are held in camera.

84. Following the brief presentation by the Head of the Delegation, Members of the Committee raised some remarks and questions. The Committee commended the Government of Gabon for preparing the report, for having a high level delegation. Committee members also raised questions in relation to, among others, the existence of a sub-committee for children within the National Human Rights Commission; coordination from national to community level in the implementation of the Charter; participation of children in the celebration of DAC, measures taken to harmonize various types of minorities; how the children get involved in the Youth Parliaments; the reduction of the budget allocated for children; measures taken to fight ritual killings of children; measures taken to end corporal punishment; access to birth registration by all children in Gabon including rural, indigenous and migrant children; protection of children with albinism and pigmies. The Committee sought clarifications on how the Government selects families that need its support; provision of free medical care for birth and infant care; what the government is trying to raise the minimum age of marriage to 18 years for both boys and girls; how the Government ensures that children with disabilities have access to public services; what the Government intends to adopt a National Child Protection Policy; and what measures the State Party takes to protect pregnant girls in school settings. Moreover, the Committee requested clarification on measures taken to ensure universal birth registration and the financial support from the Government to the CSO who are providing social protection services.

85. Responding to the questions the Delegation of the Republic of Gabon mentioned that the NHRC is an independent administrative Organ established by a Decree. Hence it is up to the Commission to decide on matters concerning establishing sub-committees. Regarding the difference between the Observatory and the NHRC, it was mentioned that the Observatory is composed of public services in charge of children's rights while the NHRC is an independent body established in accordance with the Paris Principles.

86. Concerning the popularization of the African Children's Charter, the delegation indicated that the Charter is being widely circulated in French language. The fact that literacy rate reached 90% and enrolment rate reached 98%, it makes it easier for the Government to disseminate the Charter.

87. With regard to child participation, the Delegation underscored that they have a youth parliament with a minimum age of 16, however, it was indicated that they have not yet established a children's parliament.

88. In relation with the allocation of budget to the implementation of the Children rights the Delegation informed that they are using 3.5% of the GDP or 11% of the State budget for children. Only for the educational sector, 8 % of the GDP is used to ensure insurance coverage for children and youth. In addition they have scholarship for children, allowance for the family for school resumption and 5000 CFA is given per month for every child for poor family.

89. With regard to the ritual killing in Gabon, it was underlined that the Government is trying to fight it among other things through establishing a special court which deals with economic and ritual killing practices. The New criminal code also puts life imprisonment for ritual killing. Moreover, cases of ritual crimes alleged in the newspapers are not made known to the prosecutor who has received only five cases that are being investigated.

90. Concerning abortion, the delegation mentioned that the new criminal law tries to contextualize abortion without liberalizing abortion. Abortion is permissible in certain conditions. Accordingly, the Delegation stated, Art 381 Al 2 of the Penal Code enumerates conditions for abortion, which includes puts the conditions such as malformation, life compromise of the mother, rape, incest, severe distress of minors.

91. On corporal punishment, it was indicated that it is prohibited by law particularly in all settings including the family, schools and detention centers. The delegation mentioned that if there are reports brought to the Authorities' attention, the Government is ready to take action against the perpetrators

92. After His reflection on the questions, the Head of the Delegation thanked the Committee and appreciated the depth to which it assessed the report. He congratulated the Committee on behalf of the President of Gabon and Ministry of Social Affairs. He also stressed on the need to invest on the youth and provide training for the same and thanked the Committee for the recommendations it made during the discussion.

93. Finally, the Chairperson of the Committee welcomed any additional information which the Government of Gabon wishes to send. He indicated that the Committee will issue concluding observations and recommendations and he called upon the delegation to take necessary steps to implement the recommendations of the Committee. Moreover, he thanked the Ambassador of Gabon to the AU for his continued support to the Committee in the Permanent Representatives Committee. He also alluded to the fact that the Committee is open if the Government of Gabon would like to host the Sessions of the Committee in the future and undertake a mission to follow up the implementation of the recommendations.

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

94. The initial report of the Kingdom of Lesotho on the implementation of the African Charter on the Rights and Welfare of the Child was presented by the head of Delegation Mr Molahlehi Letlotlo, Minister of the Ministry of Social Development.

95. Mr Letlotlo opened his statement by congratulating both the new Chair and the outgoing Chair. He apologized the Committee for the delay in the submission of the report which was due to the absence of one bureau that works on children issue. It was informed that the establishment of the Ministry of Social and Development resulted in improved coordination and henceforth to the submission of the report. It was mentioned that the report is submitted to the committee after submission to the Social Cluster of the Parliament and to the various Ministries.

96. In highlighting some of the measures taken by Lesotho to implement the Charter, it was mentioned that the State Party enacted a comprehensive Child Protection and Welfare Act

(CPWA); established child protection units; ratified international instruments such as the 1983 Hague Convention and the first and second Optional Protocols on the CRC; endorsed the MDG, and enacted various legislations. In terms of promoting positive societal values, it was said that the State Party under carried promotional activities on breast feeding, male circumcision, and discouraging traditional practices incompatible with the Charter. It was informed that copies of the Charter has been simplified and distributed. The Delegation acknowledged that there is variation in the various laws on definition of the child and there is a need to harmonize the laws in line with the Charter.

97. As a way of promoting the right to life, it was stated that a reproductive health policy and immunization policy was adopted and prohibited termination of pregnancy except for medical reasons. It was also mentioned that a child cannot be subject to either life imprisonment or death.

98. It was submitted that inadequate human capacity, topography of the country, negative societal values and attitudes, high infant mortality, high number of orphans due to HIV, and concealment of abuse within the family remains to be the challenges of the State Party in the implementation of the Charter.

99. Following the presentation members of the Committee raised questions on various issues such as harmonization of laws in line with the Charter, coordination of various sectors, access to birth registration, protection from employment that hamper the development of children, access to medical services, protection of children born out of wedlock, access to the children's court for children living in rural areas, children with disability, provision of child friendly ECD centers, school enrolment and completion rate, and facilities available for children within the juvenile justice system. In addition, the Committee sought clarification on prevention of imprisonment of mothers with infants, extraterritorial application of anti-trafficking law, the practice of adoption, measures taken to address stunting problems, immunization coverage, protection for orphan and vulnerable children, and protection for children with albinism.

100. In responding to the questions raised by the Committee, the Delegation informed that the current Labor Law is under review and the practice of cattle herding does not deprive boy herds of their right to education, health and decent wage. It is said that the review of the Law will extend the power of Labor Inspectors to the informal sector. It was mentioned that maternal health care is available in village structures and the government advocates for antenatal care. It was informed that the Birth and Death Registration Act has outdated provisions that derogate children's right for descent name and is subjected to review in line with the CPWA. It was indicated that the State Party will harmonize laws that are inconsistent both with the Charter and the CPWA.

101. It was mentioned that though the principle of non-discrimination is enshrined under the CPWA, due to societal values and attitudes girls who fall pregnant face discrimination and as a result do not go back to school.

102. The Delegation informed that the State Party carried out assessment on vital registration and following the assessment established satellite registration offices at a community level.

103. On the issue of supporting the family it was informed that under the Ministry of Trade and Cooperatives, families are supported to engage in income generating activities.

104. Regarding the issue of stunting, it is mentioned that nutritional units are established in hospitals and increased the supply of micro-nutrients. Furthermore, it was mentioned that the King of Lesotho is the champion for nutrition.

105. In relation to training for caregivers of children with disability, it was indicated that the MOSD annually holds trainings for care givers, launched disability mainstreaming plan, and that there is a special training unit for children. It was indicated that every year a budget for purchase or orthopaedic materials is allocated by the MOSD.

106. With regard to children with albinism, it was acknowledged that they face discrimination and the government has budget constraints to address their needs for skin care products.

107. On the issue of ECD, it was indicated that a full-fledged policy is implemented by the Ministry of Education. It was also informed that inspection of ECD centers is regularly undertaken. It was stated that Ministry of Education in collaboration with NGOs work in establishing schools in places where there is high number of herd boys.

108. Regarding the issue of orphan and vulnerable children it was indicated the National Orphans and Vulnerable Coordination Committee (NOVCC) was established. It was indicated that the coordination is also done at community council levels

109. It was underlined that diversion is usually preferred over detention of juvenile offenders. In instances where children are sentenced for imprisonment, it was said that the maximum period of detention does not exceed a maximum of three years. With regard to access to the children's court, it was mentioned that though the children's court is located in Maseru there are subordinate courts in districts. It was informed that training was given to village chiefs on restorative justice. The Delegation informed that there are 166 established Restorative Justice Committees.

110. On human trafficking, it was said that there is a national coordination body within the Ministry of Home Affairs, a cross border campaign with neighbouring country, and rescue operation was undertaken.

111. The additional value of the establishment of the MOSD is said to be an increase budget, expansion of activities at district and community level, and wide range of advocacy to promote the rights of the child was under taken.

112. In his closing remark Mr Letlotlo expressed his gratitude for the Committee. He stated that the State Party is aware of the challenges it has and is committed to address them through various actions such as partnership with the formal and informal sector, revision of the Labor Law, expansion of birth registration, and designation of magistrates in all districts. He indicated that despite the aspiration towards the promotion and protection of children rights, budgetary constraints may continue in hampering efforts.

113. The Chair of the Committee closed the discussion, by thanking the State Party for the multi-sectorial Delegation and for frank presentation of challenges faced. He stated that the Committee, after a careful consideration of the report, will send recommendations to the Government and undertake a mission to follow up the implementation of the recommendations.

### **ITEM 13: PRESENTATION AND ADOPTION OF DRAFT DAC 2016 CONCEPT NOTE (CLOSED SESSION)**

114. The Secretariat of the ACERWC has presented the draft concept note for the DAC 2016. After discussions, the Committee has adopted the Concept Note with the amendments to be sent online to the Secretariat.

### **ITEM 14: PRESENTATION BY THE SPECIAL RAPPORTEUR ON ENDING CHILD MARRIAGE IN AFRICA (CLOSED SESSION)**

115. Dr. Fatima Sebaa, Special Rapporteur on ending child marriage presented her mandate as Special Rapporteur and informed that she had been designated by the Committee in October 2014 and the appointment approved by the Executive Council of the African Union .

116. She informed the Committee that each year 15 million girls are married off before the age of 18 and also that among the 41 Countries that have the highest rate of child marriage, 30 are from Africa.

117. Among the activities that Dr Fatéma has undertaken as the Special Rapporteur were the meeting at the margins of the January 2015 AU Summit when the President and First Lady of the Republic of Chad hosted a High Level breakfast meeting to accelerate efforts to end child marriage. Among the issues discussed was the strategy to reduce child marriage in Africa to zero by the year 2020. She was informed of a meeting in 2015 organised by Plan International where she attended together with Ms Nyaradzayi Gumbonzvanda, the AU Goodwill Ambassador on Ending Child Marriage, and Commissioner Soyata Maiga ,Special Rapporteur on the Rights of Women in the African Commission for Human and People's and Rights and they presented their activities for 2015 so that partners would and pledge their support.

118. Over the four year period, Dr Fatéma informed that 30 Countries have been selected for the launching of the Ending Child Marriage Campaign and the following have already launched the Campaign: Burkina Faso, Chad, DRC, Ethiopia, Madagascar, Niger, Nigeria, Uganda, Zambia and Zimbabwe, while Sudan is soon to launch.

119. During a meeting for Women Parliamentarians in Gabon, she raised the issue of Ending Child marriage and to her dismay the Parliamentarians said that the idea of ending Child Marriage was foreign hence she said that there was need for advocacy on the dangers of child marriage to target Parliamentarians too.

120. Another meeting that she brought to the attention of the Committee was one in Casablanca, Morocco whose objective was to set a global partnership to end child marriage and develop strategies to give visibility in the African Campaign to end child marriage at all levels be it global, continental, and national and community levels. During this meeting she emphasized the fact that Child Marriage is not a cultural but a social issue.

121. The Day of the African Child 2015 whose theme was **25 years after the adoption of the African Children's Charter: Accelerating our collective efforts to end child marriage in Africa**, was another successful campaign on ending child marriage that was held in Soweto, South Africa in June 2015. The event included a march from Mandela House to Hector Peterson Memorial in Soweto, speeches and an intergenerational dialogue.

122. In October 2015, Dr Fatéma also informed that she attended the launching of the Mali Ending Child Marriage Campaign which was graced by the first Lady of the country.

123. Among the contacts that she has established since becoming the Special Rapporteur are the Commonwealth Office as well as the Canadian Embassy in Algeria who are ready to assist African Countries to eradicate Child Marriage.

124. The challenges that she mentioned include political instability, lack of resources, lack of coordination among various ministries as well as Child Marriage not being a priority in many Countries.

125. She also said that it was important for Child Marriage to be comprehensively reported on during State Party Reporting on the implementation of the Charter and that there should be collaboration on the issue with all AU organs dealing with Human Rights as well as Partners and CSOs.

126. After her presentation the Committee raised some issues including the duration of the campaign, the mid-term evaluation of her mandate, the initiative as the Special Rapporteur to undertake some projects, the involvement of the Committee in the Special Rapporteur work, the correct terminology between early or child marriage, the issue of girls being trafficked in the name of marriage.

127. The Committee also raised questions on the strategies to fight child marriage and promoting the education of girls as well as the necessity to know the determining factors of child marriage.

128. The Special Rapporteur responded by first informing that her mandate is two years and renewable. On the issue of terminology, she explained that child marriage is the correct word to be used and also it important to amend article 21 of the Charter. On the issue of trafficking, she mentioned that the issue has been raised and some Governments in Africa were working to stop the practice. She further emphasized the importance of research in the fight against Child Marriage.

129. The Chairperson of the Committee thanked Dr Fatima for the work done and assured the Committee's support for the realization of its mandate.

**ITEM 15: PRESENTATION OF THE DRAFT 25 YEAR AGENDA FOR CHILDREN'S RIGHTS (CLOSED SESSION)**

129. The consultant developing the Agenda, Professor Frans Viljoen, presented a brief framework of the 25 years Agenda for Children in Africa. In his presentation, Prof. Viljeon underlined that the aim of the Agenda is to assess past achievements as well as to identify challenges and priority actions. He highlighted that the Agenda will be adopted first by the Committee and eventually by the AU assembly. It was informed that the Agenda will contain broad statements from Agenda 2063; specific targets and indicators; and comprehensive priority areas. The methodology for the development of the Agenda is mainly desk review and interviews.

130. Prof. Viljeon proposed for the title of the Agenda to be 'Fostering Africa's Future'. He also indicated that the Agenda will be composed of 10 aspirations and various sub-aspirations within the main aspirations. In addition, the Agenda will highlight the achievements, challenges and future actions in each aspiration. The 10 aspirations are:

131. A child-friendly legal and policy framework based on international law is effective at the continental level and in all States:

- A child-friendly national legislative and policy framework is in place in all States;
- An institutional framework prioritizing children is in place in all States;
- Africa's children are born healthy and grow up as well-nourished healthy children;
- Africa's children benefit from quality education;
- Africa's children are protected against violence and abuse;
- Africa's children are free from the impact of armed conflicts;
- African children's views matter;
- Collective efforts prioritise and improve the well-being of most-at-risk children; and
- Resource are mobilised in furtherance of fostering Africa' child-centred future.

132. Prof Viljoen further elaborated the first and the fifth aspirations. In terms of the implementation and monitoring of the Agenda, Prof Viljoen underscored that implementation is dependent on various stakeholders including the media which has a vital role. It was informed that the committee will conduct the monitoring and evaluation through annual stakeholder review leading to annual state of Africa's Children report to the AU assembly. He also highlighted the need for data based child advocacy.

133. Following the presentation, Committee members made suggestions on the possibility to merge the aspirations on policy framework (aspiration 1), institutional framework (aspiration 3) and resource mobilization (aspiration 10); to include aspirations on access to justice, responsibilities of the child, and civil and political rights. Furthermore, it was

suggested that including the submission of more communications before the Committee in the Agenda will have a connotation that violations are presumed after 25 years and it was further suggested that eradication of violations should be the main objective of the Agenda.

134. Commenting on the suggestions of the Committee members, Prof Viljoen mentioned that merger and addition of aspirations is possible. In relation to civil and political rights, he indicated that they are included in the Agenda as sub-aspirations. Regarding the suggestion on communications, Prof. Viljoen highlighted that increased submission of communications is included in the Agenda to make it more realistic as there will likely be violations in Member States. He added that in such cases the Committee should be the avenue for redress and this value of the Committee should be enhanced. Furthermore, he mentioned that the establishment and nature of the Committee entails the same.

135. Finally, the Chairperson of the Committee thanked the consultant for the draft Agenda and passed gratitude for World Vision International for supporting the development of the Agenda.

#### **ITEM 16: CONSIDERATION OF COMMUNICATIONS (CLOSED SESSION)**

136. The Secretariat presented to the Committee a Communication received against State Parties. After the presentation, the Committee appointed a working group to work on the admissibility of the Communications.

#### **ITEM 17: PRESENTATION OF THE DRAFT GENERAL COMMENT ON SYSTEMS STRENGTHENING AND GENERAL MEASURES OF IMPLEMENTATION**

137. Based on its decision during the 23<sup>rd</sup> Session and the request made by partners, the Committee decided to develop a general comment on child protection systems strengthening and general measures of implementation provided that :

- Priority is given for the finalization of the General Comment on the Responsibilities of the child;
- A work plan is prepared for the development of the general comment; and
- All the necessary resource for the implementation of the work plan is secured.

#### **ITEM 18: CONSIDERATION OF OBSERVER STATUS APPLICATIONS (CLOSED SESSION)**

138. The Committee considered applications for Observer Status and Granted an Observer Status to Zimbabwe National Council for the Welfare of Children.

#### **ITEM 19: INTERNAL MATTERS (CLOSED SESSION)**



139. The Committee held a discussion on issues related to expenditure of its budget for 2015, and the planned budget for its activities in 2016 and decided to make a discussion on its budget a standing agenda item of its sessions as appropriate.

140. Ms. Nena Thundu from the Department of Social Affairs updated members of the Committee on the AU Campaign to End Child Marriage and responded to questions raised by Members. During the discussion, it was clarified that subject to new developments, the Campaign will continue after the initially planned two years' timeframe. She also explained that the expiry of the two year mandate of the Special Rapporteur on Ending Child Marriage will come to an end in June 2016, It was also re-confirmed that since the appointment of the Special Rapporteur was done through the Decision on the Executive Council as requested by the Committee through its Report in June 2014, the mandate to appoint and renew the mandate of the Special rapporteur falls within the power of the Committee.

141. Members of the Committee debriefed on the constructive dialogue they held with State Parties with the view of strengthening effective management of the time and content of the dialogue. It was mentioned that the Working Methods Document of the Committee adopted in 2014 should be used effectively as it answers a number of questions in relation to the constructive dialogue. Following the discussion, the Committee agreed that the time to be allocated for statement of heads of delegation will be a maximum of fifteen to twenty minutes. It was also agreed that rapporteurs will be given a total of eight minutes to raise questions while other members of the Committee will individually be given a maximum of two minutes each. These timeframes will be implemented with some level of flexibility as attendant circumstances necessitate.

## **ITEM 20: ADOPTION OF THE DRAFT REPORT**

142. Due to time constraint the report was adopted online incorporating amendments made by members of the Committee.

## **ITEM 21: CLOSING CEREMONY**

143. The closing ceremony of the Session took place during the Closing of the conference marking the 25th anniversary of the adoption of the African Charter on the Rights and Welfare of the Child.

144. In his closing remarks, the Chairperson of the Committee, Prof Benyam Dawit Mezmur highlighted the various activities that the Committee undertook during the 26<sup>th</sup> session and the Conference.

145. He also emphasized the importance of the upcoming Africa's Agenda for Children's Rights in terms of setting measurable goals and priority areas towards the implementation of the African Children's Charter for the coming 25 years which in turn ensures better protection of children's rights in Africa.

146. Moreover, on behalf of the Committee, the Chairperson expressed his gratitude to partners, the Secretariat, and the interpreters for all their support. Finally, he officially declared the conference and the 26<sup>th</sup> Session closed.