



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

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

Comitê Africano dos Direitos e
Bem-Estar da Crianças

اللجنة الأفريقية المعنية بحقوق الطفل ورفاهه

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**37th SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
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REPORT

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

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) held its 37th Ordinary Session virtually from the 15th to the 26th of March 2021. Among the noteworthy activities during the Session was the swearing in of newly elected Members of the Committee; consideration of the Periodic Report of the Republic of Guinea and the Initial Reports of Guinea Bissau and the Republic of Seychelles. The Committee also considered various documents including the draft Model Law on CAAC, inception report of the continental study on the impact of COVID-19 on children, the draft General Comment on Article 27, and the draft Child Participation Guidelines. With regard to Communications, hearings were held on implementation of the ACERWC's Decision in the matter of the Institute for Human Right and Development in Africa and Finders Group Initiative on behalf of TFA (a minor) and the Government of Republic of Cameroon. A day of General Discussion was also held on Sexual and Reproductive Health Rights of Adolescents, following which an outcome statement was issued by the ACERWC summarizing the findings and highlighting the recommendations of the Committee on Sexual and Reproductive Health Rights of adolescents in Africa.

II. ATTENDANCE

2. The 37th Ordinary Session was attended by the Representative of the Government of Lesotho, Representatives of Member States, the Commissioner of Social Affairs of the African Union Commission, Children's Representatives, Civil Society Organisations, Network of African National Human Rights Institutions, Representatives of the African Court on Human and Peoples' Rights, Representatives of the African Commission on Human and Peoples' Rights as well as international, regional and local non-governmental organizations.

ITEM 1: OFFICIAL OPENING CEREMONY

i. Remarks by children's representative

3. The children's representative Nour Elhouda from Tunisia expressed gratitude to the CSO Forum for providing a sustained forum for children to interact and express their views. She also thanked the Committee for enhancing child participation in its ordinary session and congratulated the Committee for its efforts in promoting and children's rights in Africa. In her remarks, she highlighted that 2020 was a challenging year for children as COVID-19 interrupted their childhood and presented challenges such as closure of schools, caregivers losing their jobs, and loss of caregivers. She indicated that as schools are re-opening, many children have not been able to go to school due to lack of funds, pregnancies and others had joined the labour market. She further indicated that as schools re-open, COVID-19 remains a threat due to lack of masks, water, and soap, and in some cases lack of enough classrooms to guarantee social distancing.

4. The children's representative further mentioned that despite technology's importance in this era, some children still don't have access to technology and are left behind in the fourth industrial revolution due to lack of access to the internet and related gadgets . She further highlighted that the increase in the use of technology has resulted in emerging forms of online exploitation and abuse among children.

5. In her conclusion, she made recommendations to the Committee in addressing the challenges she highlighted that include, developing guidelines and strategies on the safe return to school during the COVID-19 pandemic, including pregnant girls; provision of psychosocial support to children, provision of masks, water, and soap; conducting training on sexual reproductive health rights; provision of internet and gadgets to enable children to have access to technology; and strengthening reporting mechanisms and platforms for victims to report online abuses in safe and secure environments.

ii. Remarks by the representative of the CSO Forum

6. The CSO forum was represented by Felistus Motimedi. She congratulated the Committee for conducting the virtual session at a time when the continent is still grappling with the effects of the COVID-19 pandemic. She also welcomed the newly elected members of the Committee and expressed gratitude to the outgoing members for their work and interaction with the Civil Society Organisations during their term. She reiterated the CSO Forum's commitment in supporting the Committee in facilitating the implementing the African Children's Charter. She congratulated the Democratic Republic of Congo (DRC) for signing and ratifying the Charter, calling on the remaining States to do the same. She also welcomed progress on improved reporting by Member States, notably Seychelles whose report is to be presented during the Session.

7. She highlighted that the 18th sitting of the CSO Forum noted that COVID-19 positive cases have increased within the children population in African states. While commending the Committee for commissioning the study on effects of COVID-19 on children, she called upon the Committee to work with the African CDC to standardise reporting COVID-19 and children by Member states for full appreciation of data (gender/age/area) and interventions to be employed. She also indicated that the Forum joins other stakeholders in calling for the availability of safe and affordable COVID-19 vaccines in African states and urging the Committee to work with the Africa CDC to develop vaccination guidelines that ensure that children and those that serve them are not left out in the vaccination roll out and provision of free PPEs across the continent.

8. She indicated that the Forum is concerned with the continued violation of children rights in parts of the continent, leading to attack of schools and predisposing children to trauma and violence. She called upon the Committee to hold Member States accountable to Article 16, 22, and 23 of the African Children's Charter as well as the adoption and domestication of the Model law on children in conflict zones.

9. She highlighted that during the 18th CSO Forum Meeting, the Forum reflected on how CSOs can sustain their interventions on the implementation of the African Children's Charter, particularly leveraging on technology. She highlighted that the Forum recommends the Committee to encourage Member States to harness discussions between governments, the Committee, and CSOs with the business

sector on issues concerning access to technology, internet, and electricity, especially by children with disabilities, children living in the remote areas, girls, and other disadvantaged children and facilitate interventions that will promote access to technology by children especially for learning purposes during the pandemic. She further called for the development of guidelines on children and technology in Africa as well as a joint policy framework with specific guidelines to the MALABO Convention, to ensure the safety of children interacting in the social media platforms.

10. She also called upon the Committee to recognize cross cutting issues affecting children such as climate change; health and environmental disasters; availability and allocation of land; health; economic issues and urged Member States to report on cross cutting issues in State Party reports.

11. The CSO Forum's representative also recommended that the Committee holds Member States accountable in providing psychological support to children, frontline workers and caregivers as the COVID-19 pandemic has affected them emotionally and psychologically. She further highlighted that the use of media has been recommended as a useful advocacy and educational tool by the CSO Forum and therefore called upon the Committee to adopt a General Comment on use of media to standardise practice over and above Article 7 and 27 of the African Children's Charter and ensure that information is packaged appropriately for children.

12. Ms Motimedi stressed the need for documentation of children's rights issues to ensure that there is empirical evidence which is key in understanding the scope of the problems, identifying the appropriate interventions, and lobbying governments. In this regard she commended the Committee for the studies already undertaken. She however called upon the Committee to work with other stakeholders such as the CSO Forum to ensure that these are disseminated widely and used to hold Member States accountable to reporting on some of the variables.

13. She further urged all stakeholders to ensure active and sustained participation of children in issues affecting them and also urged the Committee to disseminate the Child Participation Guidelines widely. She concluded by calling upon the CSOs to play their role without fear or favour as an approach for strengthened enforcement of laws that protect children in the continent; facilitating public education and awareness raising, poverty eradication and service delivery, engagement with religious and community leaders, promotion of alternative rites of passage, and provision of protection and support services.

iii. Remarks by the representative of Network of African National Human Rights Institutions

14. Mr Gilford Kimathi made remarks on behalf of NANHRIs. He commended the outgoing members of the Committee for their work during their tenure and highlighted that the NANHRIs will continue working with the new members. He also appreciated the work and commitment demonstrated by other partners such as National Human Rights Institutions and Civil Society Organisations in their continued engagements and support to the Committee. The NANHRIs commended the Committee for its exemplary work and success in advancing children's rights in the continent.

15. In his remarks, Mr Gilford highlighted that the Committee's success has enhanced its cooperation with the international and regional institutions, and organisations concerned with the promotion and protection of the rights and welfare of the child which has seen the granting of observer status to 34 such organizations. He also

mentioned other successes of the Committee such as undertaking a continental study on the impact of COVID-19 on children, developing Guidelines on the Child Participation and initiating a discussion on sexual reproductive rights of adolescents.

16. While noting the successes, Mr Gilford mentioned that there are still challenges that compromise the continental realization of children's rights. They include non-implementation of the African Children's Charter, especially with regards to the involvement of children in armed conflict and refugee children. He also drew the attention of the Committee and members states to children who have been left behind- especially those in vulnerable situations such as girls, children with disabilities, children living in poverty, children belonging to minorities and indigenous groups, and child victims of violence, conflict and crime.

17. He called upon Member States to implement the principles and provisions of the Charter as they constitute a crucial reference for the implementation of the Sustainable Development Agenda and for the safeguarding of children's rights in the prevailing context of child prostitution and pornography and other pressing concerns, including the risks associated with climate change and the use of internet. He concluded by reiterating that NANHRIs will continue supporting the National Human Rights Institutions and the Committee in the promotion and protection of children's rights.

iv. Remarks by the representative of the African Court on Human and Peoples' Rights

18. In his remarks, Hon Justice Sylvainn Ore, President of the African Court on Human and Peoples' Rights reaffirmed the African Court's commitment in enhancing children's rights and ensuring strengthened cooperation between the African Court and the Committee, particularly in addressing children's rights issues. He indicated that despite the achievements in protection of children's rights in the continent, various challenges continue to be faced by children. He mentioned that some of the challenges are poor enrollment rates in schools, discrimination of girls, negative impacts of environment degradation, slavery, and abduction of school children especially in the Northern part of Nigeria. He stressed that there is a need to strengthen the fight against child rights violations and particularly protect children in armed conflict. He also commended the Committee for developing a CAAC Model Law and highlighted that he believes it will go a long way in supporting children in armed conflict.

19. The President of the African Court also indicated that COVID-19 has brought challenges to the continent such as health threats, closure of schools, and disruption of livelihoods. He indicated that children, as vulnerable groups are the most affected and therefore there is a need to assess the impact of COVID-19 on children so as to come up with informed interventions.

20. He concluded by reiterating that the African Court assures the Committee that it will support all the Committee's efforts in the protection of the rights and welfare of children and urged Member States to adopt legal frameworks that protect children and also implement recommendations from the Committee. He further encouraged Member States and stakeholders to support the African Union and its organs in the protection of children's rights in the continent.

v. Remarks by the representative of the African Commission on Human and Peoples' Rights

21. In his statement made on behalf of the Chairperson of the African Commission on Human and Peoples' Rights, H.E. Commissioner Rémy Ngoy Lumbo, Vice Chairperson of the African Commission on Human and Peoples' Rights, reiterated the African Commission's support to the Committee and highlighted the importance of human rights issues within the architecture of the African Union. He commended the Committee for its work in ensuring the implementation of the African Children's Charter in the continent and further congratulated the Organ for its successful relocation to the Kingdom of Lesotho while appreciating the Government of the Kingdom of Lesotho for hosting the Committee and collaborating the African Commission and its organs.

22. Commissioner Lumbo, indicated that the AU Commission and its organs are currently going through reforms and most of the work will be done virtually, thus affecting some necessary interactions that are usually conducted with Member States and stakeholders. He encouraged all the AU Commission organs to be efficient and accountable during this pandemic. He also indicated that during the AU Heads of States Summit, Member States highlighted that they will make efforts to acquire enough COVID-19 vaccines for the citizens though children will not be prioritised in the vaccination program as some vaccines are not suitable for children.

23. He concluded by highlighting that the African Commission will continue working with the Committee, Member States, and stakeholders in various initiatives towards the promotion and protection of children's rights.

vi. Remarks by the representative of the Government of the Kingdom of Lesotho

24. H. E. Mantsenki Mphalane commended the Committee for its relentless work in monitoring the implementation of the African Children's Charter. She further congratulated the new members of the Committee and applauded the work done by the outgoing members of the Committee.

25. She highlighted that whilst the African Children's Charter has been widely ratified, which is notable progress, the continent is still facing serious challenges that place children in difficult situations that prevent them from reaching their full development potential. The challenges include sale of children, trafficking and abduction, lack of access to health and health care services, child labour, child marriage, lack of access to free and compulsory education, children with disabilities, and inequalities as a result of poverty. She also highlighted that children and young people have been affected by the impact of COVID-19 and emphasized the need to address these challenges. In that regard, she encouraged all stakeholders to work concretely to ensure that children's issues are given more prominence during the pandemic.

26. She went on to congratulate the Governments of the Republic of Guinea; Republic of Guinea Bissau, Republic of Seychelles and the Federal Democratic Republic of Ethiopia for having submitted their periodic and complimentary reports for consideration at the 37th Session. She encouraged other Member States to follow suit and submit their outstanding reports and further implement the recommendations made by the Committee.

27. In conclusion, she guaranteed that the Kingdom of Lesotho remains fully committed to work with the Committee and other stakeholders in addressing challenges in the realisation of children's rights and to support the development outcomes for the continent such as Agenda 2063, Agenda 2040 and the Sustainable Development Goals (SDGs), the outcome of which are to be realized by 2030.

vii. Remarks by the Commissioner of Social Affairs

28. H.E. Mrs Amira Elfadil Mohammed, Commissioner for Social Affairs congratulated the Committee on its successful relocation to the Kingdom of Lesotho and thanked the Government of the Kingdom of Lesotho for welcoming and supporting the Committee in executing its mandate. She further commended the Committee for organizing yet another virtual session despite the unprecedented challenges presented by the COVID-19 pandemic. She also congratulated the newly elected Members of the Committee and thanked the outing members of the Committee for their invaluable contribution during their tenure.

29. She highlighted that children continue facing challenges during the COVID-19 pandemic that include increased physical and sexual violence, child poverty, lack of access to basic needs, lack of access to education as some children are not benefitting from remote learning due to inaccessibility to electricity, internet and other learning materials. She encouraged Member States to take effective measures to ensure that children's rights are protected and to implement the Guiding Note issued by the Committee on the protection of children's rights during the pandemic.

30. She informed that Africa CDC through its COVID-19 response mechanism continues to raise awareness and provides daily updates on the outbreak of COVID-19 in African countries, among other things. She emphasized the need to provide age disaggregated data on the rate of Covid-19 infections in the continent.

31. The Commissioner indicated that the AU continues to play a more proactive role in coordinating a Pan African response to Online Child Sexual Exploitation and Abuse (OCSEA) through its organs including the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), and the Pan African Parliament (PAP). Amongst the achievements are the development of the first draft Continental Plan of Action on Online Child sexual Exploitation and Abuse (OCSEA) which will also inform the African Union Commission to institutionalize and galvanize continental action, and the Commissioning and completion of a study to map current responses to Online Child Sexual Exploitation and Abuse (OCSEA) on the continent and publishing of a detailed report on potential responses that Member States can use to address the crime.

32. She further indicated that the Department of Social Affairs of the African Union continues to recognise disability as a priority and to advance disability rights in the continent. She highlighted that following the adoption of a Plan of Action to end Attacks and Other Human Rights Violations Targeting Persons with Albinism in Africa, the Department is developing an implementation matrix on ending attacks and other abuse on persons with albinism. Moreover, she said that the Department of Social Affairs of the African Union also continues to advocate for the eradication of child marriages, harmful cultural practices, female genital mutilation, and online child sexual exploitation in the Continent. And will be implementing various projects in that regard in 2021. She informed that the AU's Department of Culture will start the development of an Arts Education Policy aimed at advocating for the introduction of subjects related to arts at an early age in the school curricula in line with the theme of the year 'Arts, Culture and Heritage: Levers for Building the Africa We Want.'

33. In her conclusion, the Commissioner commended the Committee for its hard work and for tackling contemporary child protection issues in the continent. She also commended Member States, stakeholders, and partners for their work and urged them to remain resilient despite the challenges faced.

viii. Welcoming remarks by the Chairperson of the ACERWC

34. The Chairperson of the Committee, Hon. Joseph Ndayisenga welcomed everyone present and commended everyone for participating in the virtual session. He highlighted that the 37th Session was the first session to take place after the Secretariat of the Committee relocated to Maseru. He congratulated the Committee for its successful relocation and thanked the Government of the Kingdom of Lesotho for hosting the Secretariat of the Committee. The Chairperson welcomed and congratulated the newly elected members and re-elected members. He further expressed gratitude to the outgoing members for their contribution to the Committee.

35. The Chairperson highlighted that the COVID-19 pandemic has had large-scale secondary impacts that have increased risks in the realization of children's rights and well-being. He informed that the COVID-19 pandemic has had an impact on the education, health, safety and protection of children, especially girls, children from vulnerable groups and low-income families. He reminded Member States that they have the obligation to continue to guarantee access to quality health, education and protection services as well as the other rights set out in the African Children's Charter. He highlighted that the Committee has among other things developed a guiding note for AU Member States on measures to be taken to ensure respect for children's rights during the COVID-19 pandemic. He further highlighted that the Committee in collaboration with its partners is conducting a continental study on the impact of Covid-19 on children and the inception report will be discussed during the 37th Session.

36. The Chairperson highlighted that in the 36th Session, the Committee celebrated the 30th anniversary of the adoption of the African Charter on the Rights and Welfare of the Child. He indicated that in celebrating this anniversary, the Committee developed a study on the assessment of the state of children's rights in Africa and a study on the harmonization of children's laws in Africa. Further, the Committee organized regional workshops on the status of the implementation of the Charter, and issued final declarations specific for each African region to inform actions that require the attention of stakeholders to advance children's rights in Africa. He further highlighted that the 30th anniversary also coincided with the first anniversary evaluation of the implementation of Agenda 2040. The Chairperson pointed out that the Committee calls on the players rights of the child to make good use of this assessment which indicates the measures that should be implemented works to achieve the 10 aspirations of Agenda 2040. He further reminded the audience that the Day of the African Child will be celebrated under the theme "30 years after the adoption of the Charter: accelerate the implementation of Agenda 2040 for an Africa fit for children." He called upon on all stakeholders to celebrate the Day of the African Child while assessing the role of various stakeholders in order to strengthen collaboration so that all the aspirations of Agenda 2040 as well as the provisions of the African Children's Charter are fully realized.

37. The Chairperson also informed that the Committee in collaboration with the Institute of Dullah Omar Western Cape University in South Africa organized an online course on the communication procedures within the Committee in order to promote the use of the communication procedure by stakeholders. This training, he said will be organized every year to strengthen the capacities of organizations working in the promotion and protection of human rights in general and children in particular so that they can better understand the mandate of the Committee relating to consideration of Communications.

38. The Chairperson informed that during the 37th Session, the Committee looks forward to considering the reports of the States Parties of the Republic of Guinea, Guinea Bissau and Seychelles as well as the complementary report of the CSOs of the Federal Democratic Republic of Ethiopia on the implementation of the African Children's Charter. While commending these States, the Chairperson urged State Parties to comply with their reporting obligations. He further urged all States Parties that have not yet submitted or are late in submitting periodic reports to comply with their obligations. In addition, he made a call to CSOs to continue to support the mandate of the Committee and to ensure that supplementary reports are submitted on time.

39. In his conclusion, the Chairperson congratulated the Democratic Republic of Congo which recently deposited the instruments of ratification of the African Children's Charter. He urged States that have not yet ratified the Charter to do so whilst those that have made reservations to withdraw them to ensure the full protection of children's rights. The Committee he said, is always ready to expand its partnership, to collaborate and to work with the various actors to ensure the full realization of the rights enshrined in the African Children's Charter. With his remarks, the Chairperson declared the 37th Ordinary Session of the Committee officially open

ITEM 2: SWEARING IN OF THE NEWLY ELECTED MEMBERS OF THE ACERWC

40. The following were sworn in as new Members of the Committee;

- Hon. Wilson Adou
- Hon. Karoona Chooramum
- Hon. Anne Musiwa
- Hon. Theophane Nikyema
- Hon. Robert Doya Nanima
- Hon. Aver Gavar (Re-elected)
- Hon Aboubekrine El Jera (Re-elected)

ITEM 3: FAREWELL CEREMONY FOR THE OUTGOING COMMITTEE MEMBERS

41. A farewell ceremony was held for the following outgoing Members of the Committee;

- Hon. Benyam Dawit Mezmur
- Hon Marie Christine Bocoum
- Hon. Maria Mapani-Kawimbe
- Hon. Clement Mashamba
- Hon. Nanikie Nkwe

ITEM 4 : PROCEDURAL MATTERS

42. The Committee considered and adopted the draft Agenda of the Session.

ITEM 5: REMARKS BY ORGANISATIONS WITH OBSERVER STATUS

43. UNICEF and the following Organisations with Observer Status before the ACERWC made brief remarks: Plan International, Save the Children, Graca Machal Trust, ACPF, Equality Now, World Vision, Initiative for Social and Economic Rights, Under the Same Sun, Center for Human Rights, Defence for Children, and EACHrights. The representatives gave remarks on the initiatives they are undertaking in advancing children's rights in the Continent and reiterated their commitment to work with the Committee in the execution of its mandate.

44. In their remarks, the organisations recommended the Committee to;

- Make substantive efforts to improve the situation of children in armed conflict and to strengthen its working relations with the Peace and Security Council in that regard.
- Encourage Member States to implement the Safe Schools Declaration.
- Encourage Member States to address the impact of COVID-19 on children's rights, particularly the right to education.
- Provide guidelines and strategies that expand social protection benefits to children.
- Encourage Member States to adopt appropriate and effective legal and policy frameworks that tackle issues of online exploitation and abuse of children.
- Encourage Member States to increase economic investment in services and sectors that promote, protect, and fulfil children's rights.
- Encourage Member States to utilise the Abidjan principles on the provision of education.
- Encourage Member States to invest in use of technology in learning and ensuring that children have equal access to technology.

ITEM 6 : DAY OF GENERAL DISCUSSION ON SEXUAL AND REPRODUCTIVE HEALTH RIGHTS OF ADOLESCENTS

Panel I: The legislative and institutional responses of African Countries on adolescents' SRHR

45. Mr. Ayalew Getachew Assefa from the ACERWC Secretariat presented on the International and regional human rights standards and commitments on Adolescents' Sexual Reproductive Health Rights (ASRHR) and their implementation in Africa. He indicated that adolescents still face a lot of issues including the rights for girls to have control over and decide on matters related to their sexuality, including sexual and reproductive health , discrimination and violence; access to information/education on SRHR and access to appropriate services and counselling ; the level of responsibility of parents, guardians, health care providers (third party involvement) to decide on the

medical care and nurturing, including SRH needs of adolescents children (autonomy versus parental responsibilities); the minimum age for medical decision-making including to consent to abortion services, treatment and testing for STIs and use of contraception services; teenage pregnancy ;harmful practices such as child marriage and FGM; sexual and gender based violence against girls particularly; the right of adolescents to privacy, confidentiality, respect and informed consent versus respecting cultural values and religious beliefs as well as the rights, duties and responsibilities of parents; and, issues related to the principles of autonomy, the best interests of the child, participation, equality and non-discrimination which are the basis of the Committee's engagement.

46. He highlighted several activities that the ACERWC has undertaken to address ASRHR matters including addressing child marriage; Harmful Traditional Practices (HTPs), sexual exploitation, discrimination of children who become pregnant in schools and general/basic health services in the Concluding Observations and recommendations. The Committee jointly with the African Commission on Human and Peoples' Rights (ACHPR) has developed a joint General Comment (GC) on ending child marriage that proposes recommendations that specifically address SRHR. He concluded by indicating that the GC on article 27 of the ACRWC that is on process will also enhance the already existing principles to protect the ASRHR in Africa.

47. The next presentation was by Dr. Laura Bonareri, the Board Director of the National Council for Children's Services (NCCS) of the Republic of Kenya who shared the experience of the Adolescent Sexual and Reproductive Health Youth Friendly Services in Kenya. She defined an adolescent as a person who is between the age of 10 and 19 years according to WHO and is transitioning from childhood to adolescence; physical growth, sexual maturation, emotional development and cognitive development are taking place within this person in relation to their parents, guardians, society, themselves and the community where they live. Dr. Laura then highlighted the pertinent areas of ASRHR that Kenya needs to address including the pubertal transition; the sexual debut (when the adolescents begin engaging in sex); sexual gender-based violence; child marriage and harmful practices; childhood pregnancies and motherhood; HIV and AIDS and STIs; marginalized and vulnerable adolescents. Moreover, Dr. Laura stated that Kenya uses the data of the demographic health survey that is collected every 5 years when developing policies . According to a survey done regarding the age at first intercourse of adolescents who are aged between 15 to 24 years; the data of sexual debut shows that at the age of 15, 10 to 20% of the adolescents have engaged in sex; by the time the adolescents are 18 years, almost half of them have engaged in sex; and, at 20 years, $\frac{3}{4}$ of the adolescents have engaged in sex. This data brings a shift into the thinking with regard to the provision of sexual and reproductive services for this group of the population. The data shows that females are more vulnerable across years. When schools were closed due to the COVID-19 pandemic in 2020, Kenya had a huge rise in the number of children who experienced sexual gender-based violence. Dr. Laura highlighted that the Country has realized that there is a need for all players on board to mitigate and come up with solutions towards issues around ASRHR. Kenya has received some recommendations on how to educate and inform the adolescents to defer their sexual activity; structures Kenya needs to put in place which are not only biomedical but also behavioral that could help the adolescents to defer their sexual activities; how Kenya

mentors the adolescents as they grow in schools and communities to increase their self-esteem, awareness and provide accurate and timely SRH information and services; how Kenya provides services to the adolescents in a way that it is sensitive to their ages, their cultures and religion. Hence, Kenya needs to re-engineer its SRHR interventions to be responsive to the needs of the adolescents within their ages, context and location.

48. Concerning the legal and policy environment in Kenya, Dr. Laura highlighted that there are subgroups that are not articulated within the existing laws and the available policies and guidelines are not harmonized. She suggested different recommendation including conducting a situational analysis that will include a comprehensive assessment of existing laws, policies, guidelines and interventions; develop a Kenya ASRH revolution roadmap which includes a harmonized comprehensive package with a deliberate implementation framework; and, review, participate in or advocate for a review of the existing laws, policies and guidelines on ASRH.

49. The final presentation in this Panel was by Evelyne Opondo, Senior Regional Director for Africa, Center for Reproductive Rights who presented on age-based restrictions and their impact on the ASRHR. She provided a situational analysis of ASRHR in Africa by indicating that 23% of the population in Sub-Sahara Africa is aged between 10 to 19 years; 25% of 15 to 19 years-old reported having sex before the age of 15 and 50% have had sex by the age of 17 years. In Africa, teenage births account for more than half of all the births; 60% of unsafe abortion in Africa occur among married and unmarried girls and young women; complications during pregnancy or childbirth is one of the leading causes of death for girls aged 15 to 19 years. She further indicated that 2 million adolescents living with HIV worldwide and approximately 70% of those live in Sub-Sahara Africa. She likewise highlighted that this statistic shows the urgent need for all stakeholders to address adolescent's sexual reproductive health needs in Africa. Moreover, she indicated that adolescents have different vulnerabilities and they are from different vulnerable groups. Evelyne stated that when countries are making their laws and policies, they should take into consideration the adolescents and their points of need which will vary from one adolescent to another. However, laws and policies touching adolescents across the continent tend to address adolescents as a homogenous group; and hence countries have had a singular approach to address the adolescents' issues.

50. Regarding the challenge related to the age-based restrictions and how this impacts the ASRHR, Evelyne defined the age-based restriction by referring to laws, policies and practices that put an age limit to adolescents' access to sexual and reproductive health information and services. She further highlighted that most restrictions are intended to protect adolescents without seeking to balance the natural development and lived realities of adolescents. She further indicated that the statistics that we have across Africa show that the average age of sexual debut is 15 years in Angola, 16 years in Mozambique and 12 years for girls and 15 years for boys in Rwanda. This shows that many adolescents are already engaging in sexual activity before they reach the age of maturity. But laws and policies have not adjusted to take it to the cognizant of this lived reality of adolescents. Evelyne further indicated that in Africa, the age of consent varies from some of the lowest, 13 years, in Comoros, to the highest, 18 years in Kenya, Uganda, Eswatini and Tanzania, etc. However,

countries criminalize consensual sexual conduct between adolescents. Criminalization, therefore, leads to several consequences including the incarceration of adolescents particularly boys because they are the ones ending up in the negative side of the law than the girls. Criminalization fuels stigma and myths around adolescent sexuality and affects the ability of this age group to access comprehensive SRH information and services. This is against the best interest of the child and other rights that are protected under the African Charter including their right to health. With regards to the age-based restrictions for accessing services, she indicated that some countries in the region do not have clear laws and policies that determine the age of consent for accessing SRH services while others require parental/third party authorization for accessing services. However stigma is associated with adolescent's sexuality which makes it difficult for them to talk to their parents or approach them to request any sort of guidance in accessing these services especially when they are already sexually active. In addition to this, many countries have a disconnect between policies and legislations that are passed by parliament which are inconsistent and health care providers are not sure of the status of the law as regards provision of services to adolescents. Therefore, there is a need for clarity for the harmonization of laws and policies so that adolescents are clear on when they can access these services; and, the health care providers are clear on when these services can legally be available and accessible to the adolescents. Additionally, she highlighted that the failure to recognize the evolving capacity of adolescents and their normative development as far as their sexual and reproductive health is concerned, infringes on their rights to health, equality, dignity and privacy and exposes them to stigma and discrimination. In her conclusion, Evelyne provided some recommendations to improve the ASRHR such as decriminalization of consensual and non-exploitative sexual activity among adolescents; revision of laws and policies to recognize adolescents' capacity to access the full range of reproductive health services including the removal of the third-party authorization requirements; and, adoption of measures that ensure the availability, acceptability, accessibility and quality youth-friendly reproductive health information and services. Another recommendation to issue clear guidance by drafting a General Comment (GC) on the ASRHR.

51. The Committee thanked Evelyne for the comprehensive presentation that provides the data related to the ASRHR and the challenge related to the restrictions based on age to access the SRH services and information as well as the recommendation to the Committee to draft a GC on the ASRHR. The Committee considered that this General Comment is also necessary to address cultural specificities in Africa and enhance the implementation of the African Children's Charter given taking into account the COVID-19, SDGs and Agenda 2040 among others.

Panel II: SRHR of adolescents in specific circumstances

52. The second panel of the Day of General Discussion was chaired by Honorable Moushira Khattab. The Panel addressed SRHR issues of adolescence in difficult circumstances. The kick off panel, started with a presentation made by Willard Nengomasha of Plan International. His presentation focused on retention of girls who get pregnant. The presentation was premised on the ACRWC's Article 11 (6) which

provides for “State Parties to the present Charter shall take all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue their education. Despite this provision, the presentation noted that 24 African countries lack a re-entry policy or law to protect pregnant girls’ right to education. Gabon, Kenya, Malawi and Rwanda are among 26 African countries that have adopted “continuation” or “re-entry” policies and strategies to ensure that pregnant girls can resume their education after giving birth SRHR of adolescents in specific circumstances.

53. The presentation ended by making two key recommendations:

- 1) Multisectoral approaches are necessary to address a number of concerns that include, for instance, high poverty levels affecting family livelihoods and leading to unwanted pregnancies among others.
- 2) The ACERWC to conduct a coordinated continental campaign to support education for pregnant and married girls as well as adolescent mothers. Such a campaign would build on achievements of the Campaign to End Child Marriage in Africa and other continental initiatives.

54. The panel also had a presentation from the Centre for Reproductive Rights by Betty Odallo. The presentation outlined some challenges which children in conflict settings face in accessing Sexual Reproductive Health and Rights (SRHR) services. The presentation was premised on a research which the organization had undertaken in the northern part of Nigeria. In view of the challenges which children, especially girls face, the presentation made the following calls to actions:

- 1) That the African Union and its member states should look into and address themselves to the pervasive, systemic and broad nature of SRHR violations against children affected by conflict and displacement, in particular adolescent girls, because the violations mentioned on lack of access and denials of access to SRHR services and information are not conclusive. This should be followed by recommendations to states and humanitarian organizations on service delivery and accountability standards to adopt, in order to stem SRH violations.
- 2) For the African Union human rights mechanisms to urge states in conflict or states addressing displacement to report on access to SRHR for girls in their jurisdictions, in order to secure accountability.
- 3) For the states, humanitarian service providers, other implementing partners in conflict and displacement settings to come together to prioritize and ensure availability, accessibility, and acceptability of quality sexual and reproductive health services and information in humanitarian settings, without discrimination, as a standard part of humanitarian responses; and ensure that these are offered by health service providers equipped to deal with adolescents. They should also ensure that the design, implementation, and evaluation of these humanitarian responses include the meaningful participation of adolescents.
- 4) For states and humanitarian service providers should implement a human rights-based approach to accountability. This can be realized if: adolescents are facilitated and enabled to make claims for their SRHR through awareness raising and education on reproductive rights; adolescents are enabled to make complaints when they feel their rights are violated; duty-bearers respond to

complaints of violations by offering remedies and by instituting changes; and if remedies offered and changes instituted are monitored for sustainability.

55. Overall, the presentation made a call for systemic changes leading to more effective and equitable SRHR services and information for adolescents who experience conflict or who experience displacement. This aspiration can only be achievable using rights-based approaches to service delivery and accountability.

56. The last presentation on this panel was made by Dr Shiphrah Kuria of AMREF Health Africa. Her presentation was on the inclusion of adolescents in SRHR services provision during the COVID-19 responses. In the presentation, several countries were used as case studies, namely Ethiopia, Zambia, Kenya, Uganda, Malawi and Senegal.

57. The presentation noted a plethora of challenges in access to SRHR services for adolescents namely:

- 1) Limited ability of the already strained healthcare systems to handle increased demands,
- 2) Glaring income gaps and job losses due to movement restrictions,
- 3) A spike in sexual and gender based violence among adolescents and youth,
- 4) Disruption of learning affecting millions of youth
- 5) Increased stress and depression that have challenging the mental health and wellbeing of adolescents and youth.

Panel III- Multidisciplinary approach to SRHR of adolescents

58. The panel was composed of Dr. Patricia Machawira from UNESCO Regional Office for Southern Africa and Dr. Jeannette Afoude from Plan International and focused on Multidisciplinary approach to SRHR of adolescents

59. Dr Machawira started by addressing the role of the education sector in ensuring that adolescents have access to comprehensive and scientifically accurate sexual and reproductive health information. In her presentation she gave the status in South and East Africa region regarding young people on sexual and reproductive health, focusing on the need for Comprehensive Sexuality Education (CSE) in schools as a curriculum-based process for teachers. She gave example of countries that supported the CSE provision in school curriculum and how CSE is important in addressing responsive measure to issues such as HIV and early pregnancy and GBV. She stressed on the importance of religious and traditional leaders support for CSC provision in schools, taking the case of Zambia where CSE was introduced in the curriculum.

60. She expanded on the significance of improving in-school sexuality education and the importance of reaching all children and adolescents. She also noted the role and support of UNESCO in contextualising the global guidance in line with the country's own curriculum and training of teachers in the delivery of comprehensive sexuality education. She further emphasized the importance of reaching teachers in pre-service, in service and continuously improving their teaching skills for the subject in term of delivering CSE.

61. Dr Machawira concluded by making the following recommendations:

- **Political Support** for CSE is very important in ensuring that the concept and benefits of CSE are well understood by those in positions of decision-making and power, and those with influence over cultural and religious norms in a country
- **Curricula** should cover a broad range of topics, starting early and advancing with increasingly complex age-appropriate content. Guidance exists to guide comprehensive, age-appropriate curricula.
- **Teacher preparation** and support can be enhanced with the provision of quality teaching and learning support tools
- Regular and structured **monitoring of sexuality education programmes** is necessary to track the progress of implementation and to facilitate decision-making.
- **A safe, secure school environment** is important for the implementation of effective sexuality education.

62. The second presentation on this panel was made by Dr. Jeannette Afoude focusing on the Access to reproductive health services including menstrual hygiene materials

63. Dr Afoude started by addressing the difficulties young people face that are related to gender norms and sexual and reproductive health and rights. The obstacles faced in accessing sexual and reproductive health services and menstrual hygiene materials include Legal restrictions, Cultural barriers, Gender barrier, Physical or logistical restrictions, Unfriendly services and High-cost fees.

64. She further presented the Plan international strategy and services to improve access to reproductive health services and menstrual hygiene.

65. She informed that Plan gives access to accurate information and menstrual hygiene and clean sanitary equipment as the Organization's policy includes the provision of public and private Water Sanitation and hygiene services for young women to meet their needs and enable them to practice good menstrual hygiene and management.

66. Dr. Afoude further noted that access to sexual and reproductive health services and effective implementation of the Menstrual Health and Hygiene must be defended as it is important for the achievement of girls' and women's rights, relating to the key objective of the Sustainable Development Goals (SDGs) which includes access to information through comprehensive sexuality education, services to prevent, diagnose and treat STIs and HIV, and family planning advice, and an environment that listens to and defends them.

67. She concluded by making a call for African Union Member States who have imposed tax on Sanitary pads to remove such tax and also to support local manufacturing on sanitary pad products to ensure the accessible at costs that can be afforded by vulnerable girls. In light of this she also called upon all African Union Member States to undertake initiatives that would ensure that girls from vulnerable families are supported with sanitary pads

68. In conclusion, Hon, Kembo from ACERWC chairing the session noted that adaptability, accuracy, and also affordability is needed on matters pertaining to SRHR.

Panel IV- The ACERWC's draft General Comment on Article 27 of the ACRWC and SRHR of adolescents in Africa

i. The role of the draft General Comment on Article 27 of the ACRWC in enhancing the implementation of sexual reproductive health rights of adolescents in Africa

69. The presentation was made by Prof. Julia Sloth-Nielsen. She gave a brief background of the Draft General Comment, highlighting that its intentions are to clarify the nature of the State party obligations in respect of article 27 of the African Children's Charter which provides for protection of children from all forms of sexual exploitation and abuse. She indicated that these obligations apply in both the offline and online environment and that although NGOs and Civil Society Organisations are often at the forefront to combat and provide redress for victims, the State is the main duty bearer under article 27 and the obligations under article 27 are not subject to progressive realisation but are immediately realisable.

70. She informed that the Draft General Comment gives definition and terminological clarification for example on the age of sexual maturity, age of marriage as well as the age of sexual consent, emphasizing that consent is legally irrelevant and sexual acts against children constitute rape. She further highlighted that the substance of the Draft General Comment commences with the four general principles that underpin the rights in the African Children's Charter. Regarding the best interests of the child, complaints of sexual abuse should be investigated with due diligence and violations should be redressed. Regarding non-discrimination, rights of victims of sexual abuse should be guaranteed in a non-discriminatory manner, and this includes the retention of pregnant girls to school. Regarding the right to life, survival and development, prosecutions should be done without delay and victims should be provided with remedial services, including post exposure sexual and reproductive health services. With regard to participation, this includes the provision of legal advice at no cost and a range of evidentiary aids in sexual abuse prosecutions.

71. She further went on to highlight that the Draft General Comment mentions the evolving capacities of children wherein protective goals related to the age of sexual consent are highlighted. She indicated that although the Draft General Comment does not recommend a specific age in light of sexual consent, it however recommends decriminalization of peer to peer sexual intercourse among children as long as it is consensual, non-exploitative and the children's ages are in close range because more harm comes from driving sexual activity among adolescents underground and denying them access to sexual reproductive health services. She further highlighted that age of sexual consent laws should be non-discriminatory between boys and girls, same sex and opposite sex.

72. She further highlighted that the Draft General Comment discusses child sexual abuse material, with emphasis on how criminal law must accommodate all forms, including newly emerging forms. However, sexting, extortion, and a child's exemption from prosecution for self-generated materials is recommended, though subsequent adult dissemination should attract sanctions.

73. She further highlighted that the Draft General Comment discusses extra territoriality and mutual legal assistance in the context of international tourism and of online offences across borders. Cases of sexual abuse, she said, should not be retracted as a result of payment of compensation and that alternative dispute resolution should not be used where it does not respect the victim's rights.

74. In concluding, she spoke about the legislative, administrative, protective and preventative measures to be taken by the States in implementing article 27 of the Charter. She highlighted that of particular importance to note is the need for sexual reproductive health services to be provided to children at all levels of the health system. This includes post abortion services for victims of sexual abuse, non-prosecution of adolescents for termination of pregnancy, training of health care workers, availability of post-exposure prophylaxis and high quality HIV testing for victims of sexual abuse at no cost. In addition, consent of parents, guardians or any other third party should not be a requirement for adolescents to access sexual reproductive health services.

ii. Stakeholders views on the principles included in the draft General Comment on Article 27 regarding sexual reproductive health rights of Adolescents

75. Following the presentation on the role of draft General Comment on Article 27 of the ACRWC in enhancing the implementation of sexual reproductive health rights of adolescents in Africa, stakeholders were invited to share their views on the principles included in the draft General Comment regarding sexual reproductive health rights of adolescents. The stakeholders who shared their views are National Child Development Agency, UNFPA, and Children's Dignity Forum. In sharing their views, they emphasized these recommendations with regard to the General Comment and to State parties;

- The need to strengthen comprehensive sexual and reproductive health rights education curriculum implementation in schools at all levels, starting from early childhood.
- The need to mainstream ending GBV components into the comprehensive sexual education curricula as well as for children out of school.
- The need to expand educational outreach targeting youth, like youth friendly centers through mass media campaigns, emphasizing correct SRHR information to adolescents.
- The need to develop and implement a behavioral change communication strategy for community mobilization, education on SRHR promotion and parental guidance.
- The need to strengthen access to contraceptives and SRHR services to adolescents in youth friendly spaces.

- The need for a multi-sectorial approach in responding to victims of child sexual abuse.
- In adopting legal frameworks, the need to ensure that there is alignment of laws and there is no contradiction of laws especially laws on age of marriage and age of consent to sexual intercourse.

The need to broaden the topic of abortion/ termination of pregnancy, especially in respect to pregnancies that are a result of sexual abuse in the Draft General Comment.

ITEM 7 : CONSIDERATION OF PERIODIC REPORT OF THE REPUBLIC OF GUINEA

76. The delegation of the Republic of Guinea led by Her Excellency Dr. Aissata, Minister of Social Action and Childhood briefly presented the summary of the combined periodic report of the Republic of Guinea on the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC). H.E. the Minister further stated that the summary contains actions taken to address the recommendations that have not been implemented or fully addressed in the Committee's concluding observations of the initial report of the Republic of Guinea on the status of implementation of the ACRWC. The delegation also shared the developments in domestic law and practice that have occurred and several initiatives that the Government has taken to improve compliance of legislation and practice with the provisions of the Charter.

77. Following the presentation , the Committee thanked H.E the Minister for her comprehensive presentation and also raised several concerns to the Delegation. Some key concerns included the situation of children in conflict with the law and the alternative measures to detention; discrimination against children based on the status of their birth (in or out of wedlock); child participation; right to education in general and during COVID-19 and Ebola crisis; child marriage; status of child trafficking in the country, among others.

78. In response to the Committee's questions, the Delegation responded to the question related to children in conflict with the law and the alternative measures to detention by indicating that the Government has taken measures to avoid as much as possible the imprisonment of children. In the case where children are already incarcerated, the Government of Guinea engages in ways to get the children out of prison and place them in protective institutions. The delegation indicated that inside prisons and detention centers, there are specific areas reserved for children. Every year the Ministry of Justice, Terre des Hommes and the Ministry of Social Action and Childhood advocate for the creation of these centers and the improvement of the living conditions of the prisoners who are under 18 years old. The delegation however admitted that the Guinean Republic does not have enough such public centers. The delegation further shared that the discrimination against natural or incestuous children has been eliminated in Guinean law; the natural children, incestuous children and legitimate children are on an equal basis concerning the rights enshrined in the Children's Code. Concerning the question that has been asked if the Government of Guinea has created independent institutions to concentrate on the participation of children or to take into account the rights of children, the delegation highlighted that

the Government created 6 years ago the National Independent Institution of Human Rights that has installed a legal clinic, a center of listening, orientation and advice. Social Assistants have been recruited at the clinic to receive the claims and all complaints related to the violation of children's rights. The delegation indicated that in line with the legislation on the protection of children's rights, the Republic of Guinea provided new provisions in the Penal Code and the Code of Criminal Procedure to allow civil society organizations to bring cases of violation of children's rights before the Courts. The delegation further confirmed that child trafficking is a reality in the country and the Country has been classified in the category of 2/3 of the States that make little efforts to fight human trafficking. The delegation highlighted that the Country is still facing issues of internal and cross-border trafficking. Concerning the right to education, the delegation noted that the education in the public sector is still facing issues in addressing key education concerns in terms of recruitment; remuneration; quality of education; insufficient budget allocated to education; lack of infrastructure and limited capacity of the teachers; among others. The delegation shared that during the present COVID-19 and EBOLA periods, at the first phase, the classes were closed, but the pedagogical institute initiated distance learning. Modules were developed and learning was done online. Voluntary associations of teachers were set up to give courses via television and the internet. Although these efforts are commendable, the delegation admitted that the entire territory could not be covered, due to issues related to electricity, internet connection, and even the capacity to possess the devices that allow distance learning. The Government of Guinea is making a lot of effort to improve the education budget. And in recent years, there has been a significant increase in the budget. In actual practice, the 2020 finance law effectively allocated 15% of GDP to the Ministry of National Education. The delegation highlighted that to address the issue related to child marriage and sexuality, an initiative called 'strengthening the girl's voice' was created to allow girls in communities to learn with their peers both girls and boys, through activities called educational talks. These activities were organized to strengthen their capacities and their leadership, under the coordination of social workers and community leaders. However, it has been noted that youth centers or health centers where children especially girls can get information on reproductive health measures are insufficient and not sufficiently decentralized. Concerning social protection, the delegation shared that the Republic of Guinea has a national agency for economic and social instruction. In the past year 2020, this agency has provided direct financial assistance to 37,173 households. The national agency is also contributing to the schooling of children, addressing the issue of child marriage and the improvement of infrastructures that promote access to health and education services. On the issue of child-sensitive budgeting, several advocacy actions have been carried out. This process has led to a budget line in the national public investment budget, but the process continues, and advocacy continues so that this line and the resources allocated to it are increased in favor of the Children of Guinea.

79. In conclusion, the Committee thanked the Delegation of the Republic of Guinea for the constructive dialogue and the measures that the Country has undertaken to improve the promotion and the protection of children's rights in the country. The Committee encouraged the Republic of Guinea to take further measures that ensure the full implementation of the Charter. The Committee thanked the Delegation and informed that the concluding observations and recommendations would be prepared and communicated to the State Party in due course.

ITEM 8 : CONSIDERATION OF STATE PARTY REPORT: GUINEA BISSAU

80. The Delegation of the Republic of Guinea Bissau, including a representative from the Children's parliament briefly presented the measures that have been undertaken by the Government in the implementation and domestication of the African Charter on the Rights and Welfare of the Child. They informed that various laws have been put in place for the protection and promotion of children's rights. The presenter highlighted that the Government has a series of public policies, programs and actions in a wide range of sectors in the implementation of the Charter whilst structures have been set up to protect children's fundamental rights. The delegation however highlighted that there are challenges in the implementation of the Charter, the dominant being lack of resources.

81. Following the presentation by the Delegation, the Committee commended Guinea Bissau for its efforts in implementing the provisions of the Charter and for submitting its report as well as highlighting the challenges faced, an indication of willingness to move towards the betterment of children's rights. Several concerns were raised by the Committee Members on which they engaged the Guinea Bissau Delegation. Some of the key concerns are the specific measures taken to implement the Charter and the steps taken in combatting violence against children, considering that a 2016 report indicated that about 80% of children faced violence. The Committee further noted budgetary constraints in the implementation of the Charter and inquired as to the measures taken to address these. Further, the Committee interrogated the issue of lack of updated and disaggregated data on children's issues. Regarding the general principles underpinning children's rights, the Committee raised concerns on discrimination of children born out of wedlock, girls and boys, and marginalised groups. The Committee further sought clarification on the measures adopted by the Government to address child protection issues such as inclusive education, particularly for children with disabilities; protection of unaccompanied minors and survivors of child trafficking; birth registration; health, and harmful cultural practices against children. Lastly, the Committee requested the Government of Guinea Bissau to share what has been done to ensure protection of children's rights during the COVID-19 pandemic.

82. In responding to the concerns of the Committee, the delegation offered clarifications on the issues raised. Regarding the specific measures taken to implement the Charter, the Delegation highlighted that various structures have been set up to deal with the protection of children's rights and these structures work with various CSOs. The Delegation further highlighted that various laws have been adopted for example Law No. 6 to strengthen the protection of women and children against violence. There has also been training of some duty bearers on how to handle cases of violence against children, whilst violence perpetrated on children by duty bearers for example police officers are addressed. Regarding budget constraints, the Delegation confirmed that there is a lack of resources among the structures set up to protect children's rights. The Institute of Women and Children, for example, was allocated 0.7% of the budget. NGOs have however been complementing the governments' efforts in protecting children's rights. Regarding non-discrimination, it was highlighted that all children are treated equally and efforts are being made to

ensure that children in the urban and rural areas have equal access to their rights. It was further highlighted that efforts are being made to ensure disability inclusion in the education sector through capacity strengthening and collaboration with CSOs. The Delegation went on to highlight that shelters/centres have been set up to accommodate unaccompanied children and survivors of child trafficking. In some instances, informal spaces are utilised wherein families offer to take care of the children- these are scrutinised first. Community structures have also been set up in combatting child trafficking, including near the borders. Regarding birth registration, community awareness campaigns are conducted and there has been creation of registry plans and services, which has led to improvement in the registration of births. On the issue of health, it was shared that policies have been adopted whilst community health centres and vaccination programs have been established to ensure that children are vaccinated against diseases such as Polio, tuberculosis, malaria, among others. The Delegation went on to share that capacity building and community sensitization initiatives are undertaken to combat harmful cultural practices against children. Lastly, regarding COVID-19, the Delegation highlighted that a contingency plan for preventing and combatting the virus has been adopted and there are protocols and strategies in place to ensure that schools are safe for children. The Government has further ensured that WASH services are available and there have been trainings and sensitisation of teachers, communities and children on COVID-19 prevention measures.

83. In conclusion, the Delegation of the Republic of Guinea Bissau highlighted that some clarifications will be sent in writing to the Secretariat and that the Delegation was ready to receive the recommendations from the Committee and implement them to ensure the enjoyment of children's rights. The Committee thanked the Delegation and informed that the concluding observations and recommendations would be prepared and communicated to the state party in due course.

ITEM 9 : CONSIDERATION AND ADOPTION OF THE OUTCOME STATEMENT OF THE DAY OF GENERAL DISCUSSION

84. The Participants adopted an outcome statement which contains calls and urges to Member States of the African Union, the African Union Commission, the Committee, and the civil societies on measures to be undertaken on the gaps identified during the discussions.

ITEM 10 : PRESENTATION AND DISCUSSION ON CAAC MODEL LAW

85. The session started with an introductory remark from the CAAC focal person in the ACERWC Secretariat, Dr Musa Chibwana. He noted that the Model Law had been presented at the 36th session and some inputs had been received from the Committee then. The purpose of the presentation therefore was to make the new Committee members appreciate where the process was pending their consideration for adoption of the Model Law. Taking on from Dr Musa's introduction, Prof. Maria Usang from DOI noted that the Model Law will serve as a yardstick for dealing with children in situations of conflict on the continent. She further noted that the law will provide best practice language, and will be impeccable for ease of adoption or adaption by member states in their laws dealing with the children affected by armed conflict. The presentation

posited that because of the Model Law's supposed dynamism, it will be possible or easy for member states to transpose or transplant its contents without much effort as it describes and explains its adoption or adapting process. The presentation further noted that the Model Law will assist policy makers and legislative drafters to address all the relevant areas in need of legislative reform without usurping the authority of national legislatures to determine the content, extent, style and form of their national laws. After the presentation of the draft model law, the Committee members made contributions to improve the draft Model Law and subsequently adopted as amended.

ITEM 11 : PRESENTATION AND DISCUSSION ON THE DRAFT GUIDELINES ON CHILD PARTICIPATION

86. The presentation of the draft Child Participation Guidelines was done by Yvonne Tagwireyi, Dr Elvis Fokala and Jennifer Kaberi. In giving the background to the presentation, Jennifer noted that during the Committee's 34th Ordinary session, a decision was made to develop guidelines on child participation. The decision was made after presentations and consideration of the findings of a mapping study conducted on child participation in Africa by Save the Children International. The study noted implementation gaps at the national level, and limited systematization of children's participation in the activities of the Committee. After the introduction, Yvonne Tagwireyi then walked the meeting through the draft guidelines. Her presentation noted that the purpose of the guidelines is to provide a direction for the effective implementation of child participation in the activities of the Committee. The presentation further noted that the guidelines reflect the necessary institutional mechanisms and structures that State Parties to the ACRWC need to put in place for the effective and meaningful participation of children. This will inform the systematic process of children's participation at the national level to ultimately enable child participation in the activities of the Committee. After the presentation, both partner representatives and Committee members made comments to the draft Child Participation Guidelines. Overall, the Child Participation Guidelines were received favorably by the Committee members and it was agreed that the consultants will liaise with the ACERWC secretariat in addressing issues raised.

ITEM 12 : PRESENTATION AND DISCUSSION ON THE INCEPTION REPORT OF THE CONTINENTAL STUDY ON THE IMPACT OF COVID-19 ON CHILDREN

87. The presentation was done by the team leader Johan Verheyden Consultancy Group, the team that will be conducting the continental Assessment of The Impact of Covid-19 On the Rights and Welfare of Children in Africa. He introduced his team; Hajer Gueldich a legal scholar & AU expert and Violet Odala a Child Rights expert & public policy specialist. He informed that the multinational and pluri-disciplinary team of researchers will look at how the pandemic has impacted on each of the 10 Aspirations of the Agenda 2040 without losing sight of the broader socio-economic realities in which children on the continent grow up.

88. Hadjer gave insight on the impact of COVID-19, how the pandemic has imposed changes across the continent on economic models and health care system. She noted the importance of measures that governments of continent need to take on the rights and well-being of children.

89. Mr Verheyden continued the presentation by giving the overall and specific objective of the study. The overall objective of the service is to assess the impact of COVID-19 on the Rights and Welfare of Children in Africa. The assessment shall facilitate the collection of information on and analysis of the nature of the impact of the pandemic on children in African Union (AU) Member States (MS). The specific objective include the Assessing the impact of the pandemic on the implementation of the relevant Aspirations of Agenda 2040 - Africa's Agenda for Children ;Gather good practices on mitigating the impact of the pandemic on children; Predict the near future impact of the pandemic based on the trends from the continent, as well as lessons learnt from other continents; Identify how children particularly in vulnerable situations are currently coping within the Pandemic and Assess if appropriate recovery programmes, particularly for vulnerable children, are in place.

90. He also provided a roadmap for the assessment based on the different themes:

91. The presenter stated that assessing the impact of COVID-19 on the rights and welfare of children in all 55 MS of the AU in working days given is too ambitious and therefore calls for a carefully selected sample of the AU Member States in order to provide a meaningful picture of the situation on the African continent. The selection of the countries of case study will be based on criteria: These include AU subregions, Regional Economic Communities (RECs)languages ; ranking on the UN sustainable development goals index as well as other criteria such as 'concurrent issues' like ongoing conflict, and epidemiological data. He presented the proposed selected countries for approval.

92. He also noted that there will be recommendations based on the findings from the various elements of the assessment for Member States, Regional Economic Communities, Civil Society Organizations, Media and the private sector to advance or improve the Rights of children and their well-being during and after the pandemic.

93. The presenters propose the structure of the report to be firmed on the four 'cardinal principles' of the African Charter on the Rights and Welfare of the Child and 'Best interests of the Child', 'Protection rights', 'Security rights' and 'Children's participation rights.

94. At the end of the presentation, interventions and input were made from the committee members and partners.

ITEM 13 : HEARING ON IMPLEMENTATION OF THE ACERWC'S DECISION ON COMMUNICATION NO. 006/COM/002/2015

95. The Delegation of the Government of Cameroon, led by David Koulagna, provided an update on the implementation of the recommendations of the Committee on its decision on the case 'Institute for Human Right and Development in Africa and Finders Group Initiative on behalf of TFA (a minor) and the Government of Republic of Cameroon'. The Delegation informed the Committee that the implementation of the decisions of the Committee and also other regional and international mechanisms are coordinated by the inter-ministerial committee following up the decisions of international and regional mechanisms on human rights. With regards to the first recommendation of the Committee pertaining the prosecution of the perpetrator, the Delegation informed that that the Court of Appeal has overthrown the decision of the

Hight Court on 20 March 2021 and the case is now referred back for retrial by the High Court which currently is at the stage of preliminary inquiry. In addition, the Delegation highlighted that there are many other cases filed against perpetrators of sexual violence in the past years. The Delegation underlined that the decision of the Committee on the compensation of 50 Million CFA to the victim is not yet implemented but is being worked on by the inter-ministerial Committee. The Delegation alluded to the fact that 500,000 CFA has been provided by the Government pending the payment of the full compensation to support TFA. The Delegation stressed that due to its support, TFA is now attending school. Reporting on the Committee's recommendation to adopt legislation on sexual violence, the Delegation informed that no law has been adopted but various policy documents are crafted on child protection including the national policy document on child protection which also has an action plan, and the national policy on early childhood development. The Delegation further stated that there are legal frameworks for child protection and enabling access to services in an effort to respond to all forms of violence against children and cater for survivors. Pertaining to the Committee's recommendation on training of police and judges, the Delegation highlighted that judges and prosecutors are trained on protection of human rights during pre and in-service trainings in two modules namely protection of children's rights and police for minors whereby police are trained on techniques of investigation to find out whether children are victims. Moreover, the Delegation alluded to the 'justice for children' project run in collaboration with UNICEF to train police and judges as well as to the trainings provided by the Ministry of Social Affairs. In relation to the recommendation to establish child specific police units and court benches, the Government provided that no such unit or bench has been established, however, there are focal person in the police and some judges handle child issued even if not appointed as judges for child courts. Moreover, the Delegation informed that it has implemented the recommendation of the Committee to provide support to survivors and particularly in the current case, the Delegation informed that TFA received psychosocial support through a social worker assigned by the Ministry of Social Affairs. Additionally, the Delegation reported that it has undertaken measures to continue awareness creation on eradication of sexual violence including on the celebration of national day on the elimination of violence against women, and sensitizing community leaders on child marriage. The Delegation concluded by expressing its availability and good faith to cooperate with the Committee to implement its guidance and recommendations from this hearing.

96. Following the report by the Government of Cameroon, the Applicants of the Communication were invited to share their observations where they expressed their concern that there is no evidence on the case before the Court of Appeal. The Applicants further informed the Committee that, as reported by the Delegation, no compensation is paid to TFA, no legislation is put in place to address sexual violence, and no specialized police unit or courts have been established. Furthermore, the Applicants indicated that TFA did not receive any psychosocial support according to the information they obtained from TFA herself. The Applicants appreciated the efforts put in place by the Government of Cameroon in training police and judges, however, they expressed concern that the report of the State is not specific and evidence based as it lacks to highlight the number of trainees, and places of training. The Applicants while noting that some progress has been achieved in terms of enrolling TFA in school, there is lack of implementation of the recommendations of the Committee and that the State is providing general actions that do not address the specific condition of TFA

and the specific decisions of the Committee. The Applicants concluded their intervention by urging the Committee to request the State to fully comply with its decision, including the order of compensation and to submit bi-annual report to the Committee on measures undertaken.

97. After hearing both parties on the status of the implementation of its decision and recommendations, the Committee noted that some aspects of its recommendations have been implemented, however, there is lack of implementation of most of its decisions. The Committee therefore requested the Government of Cameroon to:

- Provide timeline and roadmap for the implementation of all of its recommendations, mainly the payment of the compensation and the enactment of legislation to eradicate sexual violence;
- Provide evidence on the reported decision of the Court of Appeal and also a timeline for the court proceeding of the retrial;
- Ensure that the trainings are targeted towards not only knowledge but also behavior and demeanor of the police and judges while dealing with issues of child protection; and
- Report on the status of the implementation of the decision bi-annually.

98. The Committee informed that its country rapporteur of Cameroon will follow-up the matter and monitor the implementation by closely working with both parties. The Committee urged for full implementation of its decisions in the interest of the victim and all Cameroonian children and expressed its desire to get a report on the full implementation of its decisions during its next sitting.

ITEM 14 : CONSIDERATION OF THE DRAFT GENERAL COMMENT ON ARTICLE 27

99. The Committee deliberated on the Draft General Comment on article 27 of the African Charter on the Rights and Welfare of the Child and it was adopted as amended.

100. Communication No: 0012/Com/001/2019- In the matter between Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) and the United Republic of Tanzania

101. After noting that the hearing for Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v the United Republic of Tanzania case could not be conducted due to the sudden passing away of the President of the Respondent State, H.E. John Magufuli, the Committee decided to table the hearing for the Communication during its upcoming session.

102. Moreover, the Committee considered the application for amicus curie to this Communication by the United National Working Group on Discrimination Against Women and Girls and decided to allow the intervention by the later as amicus curie as the request was found to be in line with Section XVII of the Committee's Revised Guidelines on Consideration of Communications.

ITEM 15 : CONSIDERATION OF ADMISSIBILITY RULING OF THE COMMUNICATIONS

103. The Committee considered Admissibility Communications and decided the following;

- **Communication No: 0013/Com/001/2020** Institute for Human Rights and Development in Africa (IHRDA) and Association pour le Progrès et la Défense des Droits des Femmes (APDF) (on behalf of AS) against the Republic of Mali- declared admissible
- **Communication No: 0014/Com/002/2020** Ramphele Attorneys (on behalf of Thlodi Tloubatla and Thibedi Tloubatla) against the Republic of South Africa- declared not admissible
- **Communication No: 0015/Com/003/2020** Taha Fadul, Nisreen Mustafa, Somia Shampaty & Nawras Elfatih (on behalf of Abbas Mohamed AL- Nour Musa Al- Emam, Modathir Alraya Mohamed Badawi & Fadoul Aljaili Nourallah) (Taha Fadul *et al*) against the Republic of Sudan- Communication to be sent back to the Complainants to address issues raised by the Committee
- **Communication No: 0016/Com/004/2020 African Centre for Justice and Peace Studies (ACJPS) (on behalf of Ms Umjumah Osman Mohamed) against the Republic of Sudan-declared admissible**

ITEM 16 : PRESENTATION OF THE ACERWC COMMUNICATION STRATEGY

104. The Committee adopted the proposal to develop the dissemination strategy as well as the annual publication on selected themes. The Committee further proposed to link the theme of the publication with aspirations of Agenda 2040 and the theme for the Day of the African Child.

ITEM 17 : PRESENTATION OF 2022 ACTIVITIES AND 2021 BUDGET ABSORPTION

105. The Secretariat of the Committee presented the Committee's budget absorption rate for the year 2021 and the draft budget for 2022. The Members discussed the challenges and proposed the way forward.

ITEM 18 : PRESENTATION OF THE DISSEMINATION STRATEGY FOR CAAC RELATED ACTIVITIES

106. The Secretariat presented about the proposal on the dissemination strategy for knowledge products on children and armed conflict. Based on article 42 of the Charter which mandated the Committee to collect and document information on matters covered by the Charter, the presentation highlighted that such documentation be

produced with a view point of African knowledge and should be well disseminated for wider use. The Presentation alluded to some of the documents that have already been produced by the Committee in relation to the issue of children affected by armed conflict including General Comment on article 22 of the Charter on Children in Situations of Conflict; Stock take study on mainstreaming of child protection in African Union; Policy briefs on Radicalization of children, on Accountability for child rights violations provided in Aspiration 9 of Agenda 2040, and Access to quality social services for children in situations of conflict; and the Impending study on Terrorism and children in Africa. The presentation highlighted that the main stakeholders for the dissemination of the knowledge products include Relevant organs of the AU, mainly Peace and Security Council, Pan African Parliament, African Union Commission, the African Commission on Human and People's Rights and the Economic, Social & Cultural Council (ECOSOCC). It was also indicated that Regional Economic Communities and civil society organization will be targeted.

107. Moreover, the presentation underlined the proposed dissemination tools. The proposed tools include, among others;

- Translation of the knowledge products into all the AU working languages;
- Utilizing the two standing slots with the Peace and Security Council to have the knowledge products influence decision making;
- Conducting dissemination workshops, series of seminars with the identified stakeholders on the content of the products;
- Hosting open sessions where direction on the discourse is provided; and
- Use social media platforms.

108. The Committee's approval was sought on the development and subsequent implementation of the dissemination strategy of the knowledge products produced; and the production of a yearbook or child rights publication each year on an identified or agreed theme.

ITEM 19 : PRESENTATION ON THE DRAFT CHILD FRIENDLY VERSION OF THE ACRWC & ACCP PROJECT

109. Mr Samuel Norgah from Plan International presented on the Draft Child Friendly Version of the African Children's Charter. He gave an update on the draft Child Friendly Version, highlighting its components. He indicated that the Final Child Friendly version of the Charter will be available in the next session. Two Committee Members. Hon. Aboubekrine and Hon. Anne Musiwa were appointed to work with the team. The Committee indicated that the Secretariat will update on the remaining Committee members who will work with Plan International.

110. Anteneh Bizuayehu made a presentation on the ACCP Project, highlighting the activities conducted, key milestones, progress, challenges, and plans since the project is coming to an end. The Committee indicated that the Secretariat will update on the names of the Committee Members who will participate in the Round Table.

ITEM 20 : APPOINTMENT OF COUNTRY AND SPECIAL RAPORTEURS

111. The Committee in filling some of the vacant positions in country rapporteurs, and special rapporteurs, updated the allocation of its members as follows;

Name	Country Rapporteur	Special Rapporteur
Hon. Wilson de Almeida Adão	Mozambique, Sao-Tome, Cabo Verde, Mauritius, Egypt	<i>Special Rapporteur on Children in Vulnerable Situations</i>
Hon. Theophane Nikyema	Benin, Cameroon, Uganda, Namibia, Liberia	<i>Special Rapporteur on Children in Conflict with the Law</i>
Hon. Robert Nanima	Nigeria, Chad, Malawi, Eswatini, CAR	<i>Special Rapporteur on Children and Armed Conflict</i>
Hon. Karoonawtee Chooramun	Tanzania, South Sudan, Zimbabwe, Angola, Burundi	Special Rapporteur on the Right to Name, Birth Registration, and Nationality
Hon. Moushira Khattab	South Africa, Lesotho, DRC, Sudan, Seychelles	Special Rapporteur on the Right to Education
Hon. Aboubekrine El Jera	Morocco, Algeria, Comoros, Saharawi Arab Democratic Republic, and Tunisia	<i>Special Rapporteur on Health, Welfare and Development</i>
Hon. Aver Gaver	Botswana, Kenya, Rwanda, Sierra Leone, Zambia	<i>Special Rapporteur on Violence against Children</i>
Hon Joseph Ndayisenga-	Djibouti, Guinea Bissau, Madagascar, Equatorial Guinea	<i>Special Rapporteur on Children on the Move</i>
Hon Hermine Kembo Takam Gatsing	Burkina Faso, Cote d'Ivoire, Ethiopia, Gambia, Ghana and Niger	<i>Special Rapporteur on Child marriage and Other Harmful Practices</i>
Hon Sidikou Aissatou Alassane	Guinea, Mali, Mauritania, Senegal, Togo	<i>Special Rapporteur on Child Participation</i>
Hon Anne Musiwa	Eritrea, Somalia, Congo Republic, Gabon, Libya,	<i>Special Rapporteur on Parental Responsibilities and Child Responsibilities</i>

ITEM 21 : APPOINTMENT OF MEMBERS OF WORKING GROUPS

112. The Committee assigned its members to the already existing four working groups and identified chairpersons for each working group in the following manner;

113. Members of the Working Group on the Rights of Children with Disabilities are:

- Hon. Aver Gavar (Chairperson)
- Hon. Aboubekrine El Jera
- Hon. Anne Musiwa
- Hon. Wilson de Almeida Adão

114. Members of the Working Group on Children and Climate Change are:

- Hon Sidikou Aissatou Alassane (Chairperson)
- Hon Theophane Nikyema

- Hon Joseph Ndayisenga
 - Hon. Robert Nanima
115. Members of the Working group on Children and Business are;
- Hon Hermine Kembo Takam Gatsing (Chairperson)
 - Hon Theophane Nikyema
 - Hon Moushira Khattab
 - Hon. Karoonawtee Chooramun
116. Members of the Working group on implementation of decisions :
- Hon. Aboubekrine El Jera (Chairperson)
 - Hon Joseph Ndayisenga
 - Hon Sidikou Aissatou Alassane
 - Hon Aver Gavar

ITEM 22 : CONSIDERATION OF APPLICATIONS AND APPOINTMENTS OF EXTERNAL EXPERTS TO THE WORKING GROUPS

117. The Committee considered and adopted the evaluation criteria for the selection of the external experts for the working groups that will have external experts as members and assigned the chairpersons of the concerned working groups to work with the secretariat in selecting the external experts from the applications received.

ITEM 23 : ADOPTION OF THE TOR FOR THE WORKING GROUPS ON CHILDREN IN CONFLICT SITUATION

118. After presentation and discussions on the TOR for the Working group on Children in Conflict situations, the document was adopted by the Committee;

ITEM 24 : ADOPTION OF DECISIONS

119. After considering the various requests the Committee received from various civil society organizations, the Committee;

- Decided to develop guidelines and strategies on the safe return to school by children during the COVID-19 pandemic and also to integrate this aspect on the continental study it is undertaking on the impact of Covid-19 on children;
- Decided to organize day of general discussion on standardizing the provision of information to children to ensure that information is packaged appropriately for children, and to ensure the safety of children interacting in the social media platform;
- Decided to develop guidelines and strategies that expand social protection benefits to children; and
- Develop and implement a behavioral change communication strategy for community mobilization, education on SRHR promotion and parental guidance.

120. The Committee adopted as amended the following documents;
- General Comment on article 27 of the Charter on sexual violence against children;
 - Model law on children and armed conflict;
 - TOR on the working group on children and armed conflict; and
 - Outcome statement of the Day of General Discussion on the Sexual and Reproductive Health and Rights of Adolescent Children.
121. The Committee identified the dates for its upcoming session to be on 15-26 November 2021.

ITEM 25: ADOPTION OF SESSION REPORT AND COMMUNIQUE

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

ITEM 26: CLOSING REMARKS

123. In his closing remarks, Hon Joseph Ndayisenga, Chairperson of the Committee, indicated that the Session was a successful Session as the Committee was able to fulfil most of its main tasks including the organization of the Day of General Discussion on the Sexual and Reproductive Health and rights of Adolescent Children; the consideration of periodic State Party reports of Republic of Guinea and initial report of the Republic of Guinea Bissau; consideration of complementary report on the report of the Federal Democratic Republic of Ethiopia; and consideration of various presentations and discussion after which the Committee issued decisions. The Chairperson indicated that the Committee was not able to consider the report of Republic of Seychelles as the Government did not respond to the invitation of the Committee for the consideration of the report. The Chairperson, highlighting that the Committee appointed rapporteurs on thematic areas, thanked Hon Marie-Christine Bocoum, who was the previous mandate holder of the AU Special Rapporteur on Ending Child Marriage representing the Committee. Moreover, the Chairperson stressed that the Committee's decision to Included external experts in the workings groups will improve the work of the committee. The Chairperson urged States that have not yet ratified the Charter to ratify and those that have entered into reservations to withdraw their reservations for a better Africa for our children. In concluding his statement, the Chairperson thanked the high personalities that participated in the opening ceremony, the Members of the Committee, the secretariat, participants and interpreters.
124. Finally, the Chairperson officially declare the 37th Ordinary Session closed.