

35th VIRTUAL ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS & WELFARE OF THE CHILD (ACERWC)

Final Communiqué

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) has just finalised its 35th Ordinary Session which was held virtually from 31 August – 08 September 2020.
2. The Session was attended by Representatives of Member States, Representatives of UN Agencies, and Representatives of the Civil Society.
3. The Opening Ceremony of the Session was graced by various personalities including Billy Omondi Representative of children; Ms Ms Felistus Motimedi, Representative of the CSO Forum; Mr Gilbert Sebihogo, Executive Director of Network of African National Human Rights Institutions (NANHRI); Hon. Begoto Miarom, Chairperson of the African Union Advisory Board on Corruption and the current Chair of the African Governance Architecture; Hon Najat Maalla M'jid, the Special Representative to the Secretary-General on Violence against Children; Hon Solomon Ayele Dersso, Chairperson of the African Commission on Human and Peoples' Rights; H.E Baye Moctar Diop, Ambassador of Senegal and Chairperson of the subcommittee on Human Rights, Democracy and Governance; and H.E. Amira Elfadil, the AU Commissioner of Social Affairs. The Session was officially opened by the Chairperson of the Committee, Hon Joseph Ndayisenga.
4. Hon. Aboubekrine El Jera has sworn in as a new Member of the Committee in

replacement of the late Hon Mohamed Hmeyada who passed away on 02 March 2019.

5. The Committee paid tribute to one of its Members, the late Hon Dr Azza El Ashmawy, who was the First Vice Chairperson, who passed away on 16 April 2020.

6. The Committee deliberated on child protection in the situation of Covid-19 where it heard experiences from Angola, Egypt, Ethiopia, Senegal, and South Africa. The Committee also received statements on the issue of children's rights and Covid-19 from the Special Representative to the Secretary General of UN on Violence against Children (SRSG-VAC); as well as CSOs including Center for Reproductive Rights, Initiative for Social and Economic Rights, African Child Policy Forum, Plan International, Zimbabwe National Council for the Welfare of Children; and Save the Children International. The deliberations highlighted that Covid-19 has resulted in school closure, increased violence and sexual abuse, increased child poverty, separation from parents, compromises right to health and right to life and survival.

7. The Committee considered the 2nd Periodic Report of the Republic of Kenya on the implementation of the Charter and the Committee's previous recommendations. The Committee will issue its concluding observations and recommendations to the State party and undertake country visit to the State Party to monitor the implementation of its current recommendations.

8. The Committee launched a mobile Application on Agenda 2040 and the Charter which contains child friendly version. The Application is intended to popularize the Charter and Agenda 2040 as well as inform users about the work of the Committee.

9. The Committee invited the Government of the Democratic Republic of Congo (DRC) to provide updates on the situation of children in the Kasai region. The Committee acknowledged the political will of the Government towards accepting the Committee for country visits and for pursuing ratification processes. The Committee indicated that accountability for violation of children's rights should be enhanced, and the Government should work towards ensuring a situation where children's rights violations are not tolerated. The Delegation informed the Committee that the DRC

has ratified the Charter at domestic level and that the Ratification Document will be deposited at the Office of the Legal Counsel of the African Union Commission in a few weeks' time.

10. The Committee considered 06 Communications. It accepted the request for an amicable settlement submitted by the Applicants on Communication No. 0011/Com/001/2018 C. the Republic of Sudan. It declared admissible the Communication No. 0012/Com/001/2019 against the United Republic of Tanzania.

11. It decided to join the Communications No. 0015/Com/003/2020 and No. 0017/Com/005/2020 against the Republic of Sudan. It adjourned Communication No. 0013/Com/001/2020 against the Republic of Mali and Communication No. 0014/Com/002/2020 against the Republic of South Africa waiting for reply from the concerned States.

12. The Committee adopted as amended the following Working Documents: Revised Rules of Procedures; State Party Reporting Guidelines; Complementary Report Guidelines; Guidelines on Observer Status of Non-Governmental Organizations and Associations; Guidelines on Conduct of Investigations; and Revised Guidelines on Communications.

13. The Committee adopted the General Comment No 6 on Article 22 of the African Charter on the Rights and Welfare of the Child on Children in Situations of Conflict. The General Comment identifies the nature of State obligation under article 22, identifies the main elements of the rights therein, and assess the interplay of article 22 with international humanitarian law standards. It brings added values in setting the age of recruitment at 18 unequivocally, addressing issues of tension and strife, and acknowledging the extraterritoriality nature of conflicts.

14. The Committee expanded its **Special Mechanisms procedure** by adopting resolution on the establishment of **Working Groups** to support the execution of its mandate. In this regard, the Committee adopted resolutions on the establishment of three Working Groups namely:

- a. Working group on the implementation of the decisions of the ACERWC;
- b. Working group on children's rights and climate change; and
- c. Working group on children's rights and business.

15. The Committee deliberated on activities in relation to Charter @ 30 and decided to organize high-level conferences in November where Representatives of Member States, Children's Representatives, UN Agencies, CSOs, and technical experts will hold series of meetings. As part of the Workshops, among other things, the Committee will be organizing a stakeholders' forum to discuss the findings of the five years review on the implementation of Agenda 2040 and set priorities for the coming 5 years period of the implementation of the Agenda.

16. The Committee considered applications for observer status and made the following decisions:

- Granted observer status to Association des Femmes Chefs de Famille (AFCF) with No OBS/033/2020;
- Granted observer status Graca Machel Trust with NO OBS/034/2020.

17. The Committee decided to undertake a study on the impact of Covid-19 on children and selected two of its Members, Hon. Nanikie Nkwe and Hon. Hermine Kembo to be the focal persons for the Study.

18. The Committee assigned Hon Aboubekrine El Jera to be a Special Rapporteur on Health, Welfare and Development.

19. The Committee decided to hold its upcoming Session which includes the workshops on the Celebration of the **30th anniversary of the Charter on 23 November – 04 December 2020**.

Done virtually at the 35th Ordinary Session on 08 September 2020.