



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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**39th SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
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REPORT

THIRTY- NINE 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 39th Ordinary Session virtually from the 21 March to 1 April 2022. Among the noteworthy activities during the Session was the consideration of the Initial Report of the Republic of Seychelles, the Periodic Report of the Republic of Eritrea and the Republic of Uganda. The Committee also considered various documents including the activities of the ACERWC Working Groups; the report on the continental study on the status of teenage pregnancies in Africa, the draft Joint General Comment on FGM, the ACERWC's Guidelines on safe return to schools after/during Covid-19 pandemic, the Mapping NHRIs on child protection, the Guidelines for Action on the Rights of children with disabilities, the study on the status of implementation of the ACERWC Decisions and Recommendations. With regard to Communications hearings of the Deponents of the Affidavits concerning 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) against the United Republic of Tanzania and on the merit concerning 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 the Sudan.

II. ATTENDANCE

2. The 39th Ordinary Session was attended by the Representatives of Member States, the Commissioner of Health, Humanitarian Affairs and Social Development of the African Union Commission, Children's Representatives, Civil Society Organizations, Network of African National Human Rights Institutions, Representatives of the African Court on Human and Peoples' Rights, Representatives of UN Agencies as well as international, regional and local non-governmental organizations.

ITEM 1: OFFICIAL OPENING CEREMONY

i. Remarks by children's representative

3. Alamin Ahmed, a child representative from Kenya, started his statement by appreciating the Committee for holding its 39 Ordinary Session and allowing children to be part of the conversations. He indicated that through the facilitation of the CSO Forum, the children of Africa met virtually on the 12th of March 2022 to deliberate on the effects of climate change on their wellbeing. He shared the negative consequences of climate change on the enjoyment of the rights and welfare of the child including in increasing violence against children within communities and families. After highlighting the issues of climate change and children's rights, Alamin recommended the CSOs to campaign and make governments aware of the effects of climate change on children; educate the communities including children on the 3Rs- reusing, recycling and reducing; advocate for climate-friendly practices and support government to develop policies that help to tackle climate change, among others. Moreover, Alamin Ahmed

recommended the ACERWC to educate the stakeholders on the effects of climate change; urge State Parties to the Charter to report on the effects of climate change on children's rights; urge countries to adopt policies and laws that protect children from the effects of climate change; integrate climate education in schools and communities; and draft a General Comment on climate change.

4. Furthermore, Alamin Ahmed recommended the governments find an alternative for charcoal as a source of energy; introduce policies that will help to end some of the activities that lead to climate change such as banning the use of charcoal and introduce an affordable sustainable sources of clean energy such as solar power; work hand in hand with non-governmental organizations in sensitising communities on dangers and the negative impacts of climate change and how the future of the children can be improved through providing a sustainable environment for them; among others. In his conclusion, Alamin Ahmed indicated that himself together with the children of Africa are committed to taking initiatives to reduce the effects of climate change on children through their commitment to respect the natural resources and limit the use of single-use items such as plastics; establish clubs in school to educate children on climate change and effects of climate change, use the internet to educate their peers on the negative effects of climate change and engage stakeholders to be involved in climate justice. Moreover, Alamin Ahmed thanked the ACERWC for establishing a Working Group on children's rights and climate change. However, Alamin Ahmed stated that there is no representation of children and youths within the Working Group to raise their concerns. He, thus, requested the ACERWC to reconsider and have child and youth representatives from these two groups. Alamin Ahmed ended his speech by appreciating the opportunity given by children to express their views and inviting the ACERWC to join the children's campaign to heal our planet by planting 200 million trees and cleaning our communities.

ii. **Remarks by the Representative of the CSOs Forum**

5. Felistus Motimedi started her remarks by congratulating the ACERWC on holding its 39th Ordinary Session despite COVID-19 challenges. She reiterated the CSOs Forum's support to the mandate of the Committee through complimenting and advocating for an Africa that respects, protects, and promotes the rights of its children. She indicated that the child-focused CSOs in Africa met on the 15th and 16th of March 2022 under the theme ***"Building systems to adequately serve children and adolescents in the era of climate change"***, to share knowledge on existing frameworks that can be used by the CSOs to design interventions that facilitate to heal our planet and specifically our continent so that our children can have safe environments to build homes and give their grandchildren.

6. Ms Motimedi highlighted the challenges that children in various parts of the Continent including the fact that over 2.3 million children have been displaced in Tigray, Ethiopia, Mozambique, and millions of others do not have access to basic services such as food, clean water and sanitation, humanitarian assistance, among others. Hence, Felistus Motimedi urged concerned parties such as the Federal Government of Ethiopia, the Republic of Mozambique and the Republic of Sudan to find amicable ways of solving the issues permanently to allow children to enjoy their rights.

7. Felistus Motimedi further highlighted that the 39th Ordinary Session is being held in the backdrop of increasing climate change within Southern, Eastern and Horn of Africa that have had a huge impact on the lives of children. She recommended the private sector finance climate change initiatives and partner with the government and communities to develop climate-friendly business models. She further recommended the ACERWC to add children and young people to the Working Group on climate change in Africa; hold a Day of General Discussion on Climate Change; prioritize availing reliable evidence on climate change and its impact on education; support children to develop a pan-Africa peer training manual on climate change advocacy-child master trainers train other children; encourage the incorporation of gender perspectives into national policies action plans suitable development and climate change; among others.

8. Felistus Motimedi also recommended the CSOs to play their role with no fear or favour as an approach for strengthened enforcement of laws that protect children in their diversities within the continent, particularly those dealing with climate change; facilitate public education and awareness-raising, poverty eradication, service delivery, and engagement with religious and community leaders, among others. In conclusion, Felistus Motimedi thanked the ACERWC for allowing the CSOs Forum and children to make their submissions. She ended her speech by reiterating the CSOs Forum's commitment to continue working with the ACERWC in the execution of its mandate.

iii. Remarks by the UN Representative

9. Dr. Edward Addai started his remarks by thanking the ACERWC for allowing the UN Community to make this remark during the opening ceremony of the 39th Ordinary Session of the ACERWC. In his statement, Dr. Addai indicated that relevant stakeholders need to be creative to address the issues related to children's rights in Africa. He indicated the ever-increasing child population on the Continent and the need to prioritize the realization of children's rights to give every child in Africa hope for a better future.

10. Furthermore, Dr Addai stressed that the COVID-19 pandemic, conflicts and climate change have threatened the progress that Africa is making in the survival and development of children. Hence, he called on relevant stakeholders to be creative and to commit to the realization of the rights of every child in Africa. Moreover, Dr. Addai highlighted that the changing traditional African structure means that while child rights are not changing, childhood is changing and the number of children without parental care is increasing in Africa. Thus, he recommended to strengthening the family system as a foundation of our collective efforts.

11. He further highlighted that access to technology and the internet bring in opportunities for achieving child rights in Africa. However, such services also bring challenges such as online child sexual exploitation and abuse, especially in the context of changing family structure and challenges in overseeing children supervising children. He, therefore, recommended advocating for making the internet safer as we advocate for the regional digital devices.

12. Dr. Addai congratulated the Committee for its efforts and commitments to improve the rights and welfare of children in Africa. He particularly appreciated the work of the Committee in relation to production of continental studies, the consideration of the State Party report, the establishment of the thematic working group on children's rights and business, children's rights and climate change, children with disabilities and the implementation of the decision of the Committee, among others. In this regard, Dr. Addai recommended establishing another working group on children without parental care.

13. Dr. Addai ended his speech by indicating that UNICEF is pleased to be part of this partnership and remains committed towards the Committee and the partners for making the realization of the rights of the child a reality in Africa.

iv. Remarks by the Chairperson of the Network of African National Human Rights Institutions (NANHRI)

14. Mr. Gilbert Sebihogo stated that the invitation for NANHRI to be part of the 39th Ordinary Session of the ACERWC is an affirmation of the confidence the Committee has in the NANHRI to work in partnership and complementarity in ensuring that the rights of children in Africa are respected, promoted and fulfilled.

15. In his statement, Mr. Sebihogo highlighted that the 39th Ordinary Session of the ACERWC is an important occasion to reflect on the importance of children's rights in Africa and an occasion to remind all relevant stakeholders of the importance of firmly ensuring the protection of children's rights by collectively strengthening all efforts to uphold and promote the rights of children in Africa. Mr. Sebihogo further indicated that the 39th Ordinary Session presents to all relevant stakeholders an opportunity to strengthen our actions towards realizing the seven Aspirations which have to be realised by 2063. Thus, Mr. Gilbert Sebihogo indicated that NANHRI would like to take note and applaud all actors' efforts in ensuring the realization of the goal by working towards Africa We Want where No Child is Left Behind.

16. Mr. Gilbert Sebihogo emphasised the importance to work in partnership to allow all relevant stakeholders to intervene in different roles based on the collective mandates and capacities. He further highlighted that even though some relevant stakeholders may not have a direct mandate at the national level, collaboration with domestic actors becomes a pillar of mobilising, aggregating and funnelling the resources to ensure that structures to accelerate recovery during and beyond the pandemic are in place. He also highlighted that it is crucial to set up monitoring and reporting structures. He, therefore, indicated that for this reason, National Human Rights Institutions are essential players at the national level. He further indicated that NANHRI and other regional bodies can amalgamate on their collective experiences, and share this, to leverage for best practice.

17. Furthermore, Mr. Gilbert Sebihogo indicated that in October 2021 the NANHRI in collaboration with the ACERWC held a joint regional sensitization workshop for NHRIs on reporting to the ACERWC and participation in its ordinary session. Since, then one NHRI- Cameroon has been granted affiliate Status, while Ethiopia is in the process of applying for this affiliate Status. He appreciated and welcomed the grant of NHRI

affiliate status by the ACERWC. He also highlighted that the NANHRI continues to mobilize others to apply, and at the same time work towards requesting an expedited process. He likewise highlighted that having Affiliate statuses not only provides a formal avenue of directly engaging and contributing to the sessions and activities of the Committee, but also allows NHRIs to follow up on the implementation of its decisions. He ended his speech by reiterating the NANHRI's commitment to supporting the work of the ACERWC in delivering on its mandate

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

18. Honorable Justice Imani Aboud started her statement by thanking the ACERWC for inviting the African Court on Human and Peoples' Rights to the opening ceremony of its 39th Ordinary Session. Moreover, she indicated that in establishing the African Court in 1998, Member States of the AU pledged to judicial protection of Human Rights in Africa. She further highlighted that the main mechanism set out in the Protocol establishing the African Court to achieve such a goal is the complementarity between the African Court and the African Commission on Human and Peoples' Rights (ACHPR). She also indicated that the Court in 2014 delivered an advisory opinion in which it stated that African Human Rights should be considered holistically and should necessarily include the 3rd Human Rights Organ of the AU, that is the ACERWC. She further highlighted that after this advisory opinion, the Executive Council of the AU requested to submit an amendment proposal which is currently under consideration to allow the ACERWC to file cases directly before the African Court. Moreover, Honorable Justice Imani Aboud stated that the complementarity between the African Court, the ACHPR and the ACERWC serves to draw attention to the need for an increased engagement between the three institutions toward more tangible cooperation. She further indicated that it is already of great satisfaction that all three institutions have been close to the operations of one another in recent years.

19. Furthermore, Honorable Justice Imani Aboud indicated that the consideration of the State Party report on the implementation of the ACERWC is an invaluable opportunity to enhance complementarity in the African Human Rights system. In this regard, Honorable Justice Imani Aboud recommended the ACERWC call upon the AU Member States to ratify the Protocol establishing the African Court and consider depositing the Declaration allowing direct access to the African Court. She further indicated that a greater adherence of States to the African Court will reinforce the protection of children's rights in Africa by completing the ongoing amendment for the Committee to have standing before the Court.

20. Honorable Justice Imani Aboud highlighted that the Court has begun to receive children's rights-sensitive cases. She also indicated that while examining these cases, the Court is empowered by Articles 60 and 61 of the Banjul Charter to draw inspiration from soft law including the General Comments and other interpretative guidelines generated by the ACERWC. In addition to this, Honorable Justice Imani Aboud indicated that the outcome of the recent first retreat of the legal officers of the three institutions held in February 2022 in Maputo, the republic of Mozambique reveals that complementarity is an effective mechanism for achieving the individual mandates of each of the three organs and cooperation can be developed wider and deeper.

21. In her conclusion, Honorable Justice Imani Aboud appreciated the work of the ACERWC and indicated that the African Court is committed to ensuring that the ACERWC and the African Court continue to increase their cooperation.

vi. Remarks by the Chairperson of the PRC Sub-Committee on Human Rights

22. H.E Ambassador Taonga Mushayavanhu thanked the Committee for inviting him to make a statement at the Opening Ceremony of its 39th Ordinary Session. Ambassador Mushayavanhu welcomed the scheduled consideration of the State Party report on the implementation of the ACRWC of the Republic of Congo, Seychelles, Uganda and the State of Eritrea. He stressed that despite some development, it remains a concern that among the 50 States that have ratified the Charter, only 41 submitted the report on its implementation. Hence, Ambassador Mushayavanhu encouraged the Member States to comply with their reporting obligations. He further called on the countries that have not yet ratified the Charter to make it a priority, and encouraged the ACERWC to continue engaging with those Member States that have not submitted their report or ratified the Charter to undertake these collective obligations.

23. Ambassador Mushayavanhu indicated that the COVID-19 pandemic continues to be the biggest challenge of our continent to realize the rights of our children, in particular the right to education. He stressed that the long-term school shutdown risks creating harm for children, their future and their communities. In addition, the impact of the COVID-19 pandemic on the education sector has been more resulting in poor nutrition, increased exposure to violence and exploitation, child pregnancies and mental health challenges for children. He further stressed that there is a need to cope with the hygiene facilities and infrastructure to effectively control the COVID-19 pandemic in many of our schools in our continent. Moreover, Ambassador Taonga Mushayavanhu stressed that access to vaccines remains a great challenge for many learners, teachers and their communities. Hence, he urged the ACERWC to recommend the relevant stakeholders to continue working with the government and search for the most effective interventions to mitigate those challenges.

24. In addition, Ambassador Mushayavanhu highlighted the major challenges that children with disabilities are facing, and the increased risks of harm that children in conflict and crises situation face, children in conflict situation. Hence, Ambassador Mushayavanhu encouraged the Member States who are in situations of conflict to implement such recommendations at the local and national levels. He also recommended that the ACERWC along with other African Peace and Security Architecture members collaborate with the AU Peace and Security Department in the consideration of policies on child protection in the AU Peace Support Operations and take all appropriate measures to maintain child protection in African Peace and Security Architecture.

25. In his conclusion, Ambassador Mushayavanhu indicated that there is a need to address the issues of climate change by allowing children to take part in the decision-making processes. Ambassador Taonga Mushayavanhu reiterated that the Sub-Committee on Human Rights, Democracy and Governance remain engaged to

support the ACERWC in their effort to protect and promote the rights and welfare of children.

vii. Remarks by the Commissioner of Health, Humanitarian and Social Affairs

26. The Director of the Department of Health, Humanitarian and Social Affairs, Mariama Cissé, made remarks on behalf of the Commissioner of the Department of Health, Humanitarian and Social Affairs. In her statement, Mariama Cissé congratulated the ACERWC for holding its 39th Ordinary Session. She further stated that this is an indication that the Committee remains resilient and committed to executing its mandate enshrined in the African Children's Charter, as well as to achieving the goals of Agenda 2063 and Agenda 2040 despite the challenges encountered. Moreover, Mariama Cissé called on the Member States to give the highest priority to children's rights in their policies and responses to the COVID-19 pandemic. As we continue fighting the COVID-19 pandemic, Mariama Cissé commended the Member States for taking measures to ensure that children are protected and enjoy their rights during the COVID-19 pandemic. She further urged the Member States to continue prioritizing children's rights in all their responses to the COVID-19 pandemic and ensure that children's rights are not infringed in the process.

27. Moreover, Mariama Cissé indicated that the African Union remains dedicated and continues to play a role in realising children's rights in the continent. In this regard, she shared several initiatives that have been implemented in line with the AU mandate. She further highlighted that the Department of Health, Humanitarian and Social Affairs of the AU continues to advocate for the eradication of violence against children in the continent. In the year 2022, several activities have been planned regarding the elimination of child marriages. These include, among others, the development and adoption of continental policies, the strengthening of State experts, the media, national and religious leaders, the development of Continental Strategy and Action Plan that fight against online child sexual exploitation and abuse. and the production of advocacy and monitoring/evaluation tools.

28. Furthermore, Mrs. Mariama Cissé highlighted major challenges online sexual exploitation, an increase in public health problems due to the increased availability and use of psychoactive substances introduced to the continent and produced locally. Some regions are experiencing high numbers of people suffering from substance use disorders, especially children.

29. She also highlighted that the year 2022 has been declared 'the Year of Nutrition' by the AU Policy Organs. In this regard, Mariama Cissé indicated that the year will be commemorated under the theme 'Strengthening resilience in nutrition and food security on the African continent: Strengthening agro-food systems, health and social protection systems for the acceleration of human, social and economic capital development.' She, therefore, indicated that this theme is of particular importance as far as child rights are concerned in Africa considering the alarming numbers of stunting and malnutrition in Africa.

30. Mrs Mariama Cissé concluded by reiterating that the AU remains committed to working with the Committee, Member States, National Human Rights Institutions, UN Agencies, Civil Society Organizations, and the children themselves in advancing children's rights in Africa.

viii. Remarks of the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child

31. The Chairperson of the ACERWC, Hon. Joseph Ndayisenga welcomed and commended everyone for participating in the 39th Ordinary Session. In his statement, the chairperson appreciated the efforts of the AU Member States and other stakeholders in implementing the provisions of the ACRWC and for their fruitful collaboration in ensuring that the realization of children's rights is a reality in Africa. Moreover, the chairperson indicated that the 39th Ordinary Session of the Committee is the fifth session held virtually in the context of COVID-19. He further stated that the COVID-19 pandemic continues to have negative consequences on the implementation of the Charter and the realization of children's rights in Africa. He highlighted the major challenges that children continue facing including the case of harmful practices such as FGM and child marriage; child labour online sexual exploitation, and school dropout, among others

32. Besides, the chairperson recognized that children face several challenges related to climate change; situations of armed conflicts that continue to increase across the continent; violations of children's rights, direct and indirect risks to children's rights caused by the corporations; discrimination, stigmatization and exclusion of children living with disabilities in almost all areas of life, among others. In addition to this, the chairperson highlighted another persistent challenge, namely the limited implementation of the Committee's decisions to address child rights violations that prevent children from benefiting the effective protection. To address these challenges, the chairperson indicated that the Committee established the Working Groups on Children's Rights and Climate Change, Children's Rights and Business, Children with Disabilities and the Working Group on the Implementation of its Decisions.

33. Moreover, the chairperson indicated the various activities the Committee has undertaken including the follow up missions to Namibia and Chad, the training for journalists, activists, students and CSO members from the five regions of Africa; and the joint retreat of lawyers from the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child was held with the participation of the Chairpersons of the three organs and the heads of their secretariats. The chairperson also highlighted some items that will be discussed during the 39th Ordinary Session namely the consideration of the periodic reports of the Republic of Congo; the State of Eritrea and the Republic of Uganda as well as the initial report of the Republic of Seychelles on the implementation of the ACRWC, the adoption of the report of the continental study on the situation of teenage pregnancy in Africa; the presentation on the Committee's Guidelines on Safe Return to Schools after/during the Covid-19 pandemic; the Mapping of National Human Rights Institutions on Child Protection, among others.

34. In addition to this, the chairperson invited the AU Member States and other relevant stakeholders to commemorate the Day of the African Child (DAC) on June 16 which will be celebrated under the theme ***"Eliminating Harmful Practices Affecting Children: Progress on policies and practices since 2013."***

35. In his conclusion, the chairperson indicated that the ratification of the ACRWC enables the child to benefit from effective protection against violations of the rights enshrined in the Charter. Hence, the chairperson urged States that have not yet ratified the Charter to do so, and those that have made reservations to withdraw them to enable all children in Africa to enjoy the effective protection of the rights enshrined in the Charter. The chairperson ended his remarks by indicating that the Committee is always ready to broaden its partnership, to collaborate and work with the various actors to ensure the full realization of the rights enshrined in the ACRWC. It is on this note of thanks and good wishes that the Chairperson declared open the proceedings of the 39th Ordinary Session of the ACERWC.

ITEM 2 : PROCEDURAL MATTERS

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

ITEM 3 : PRESENTATION ON THE ACTIVITIES OF THE ACERWC WORKING GROUPS

Report on the activities of the Working Group on the Rights of the Child and Climate Change

37. Hon. Sidikou Aissatou Alassane, the Chair of the Working Group on the Rights of the Child and Climate Change, began her remarks by welcoming participants of the 39th ordinary session of the African Committee of Experts on the Rights and Welfare of the Child. Following that, Hon. Sidikou presented the Working Group's establishment, mandate, and composition. She stated that the Working Group was established in accordance with the Revised Rules of Procedure of the ACEWRC and is comprised of four Committee Members and four External Experts.

38. The Chairperson further added that the Working Group had met twice since its inception, and that at the second meeting, the group discussed its planned activities for 2022, which among others include developing a continental study on the impact of climate change on the rights and welfare of children in Africa, as well as a strategy for preventing, mitigating, and combating its effects. In terms of progress, the Chair stated that the Group has developed a TOR for the continental study as well as a draft resolution that makes a number of recommendations to States Parties in relation to the implementation of the rights of children in the context of climate change. Hon Sidikou concluded her remarks by urging partner organizations and all stakeholders to provide financial and technical assistance to the Working Group in carrying out its mandate.

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

39. Hon. Hermine Kembo, Chairperson of the ACERWC's Working Group on Children's Rights and Business started by giving a background on the establishment of the Working Group and its composition. She highlighted that the goal of the Working Group is to promote the integration of child rights-based approach to business practices with a view to addressing business-related child rights challenges in Africa. She highlighted that the Working Group intends to undertake a number of activities in the year 2022 and notably, there has been progress in the implementation of some of the activities, particularly the continental study on children's rights and business; drafting of a statement to be issued on the World Day Against Child Labour in June 2022; as well as a Resolution on Corporate responsibility in promoting and protecting children's rights in the digital sphere in Africa.

40. She however highlighted that despite the progress noted, the Working Group is facing some challenges such as lack of resources, particularly financial resources to implement the planned activities and other potential activities. She called upon partner organizations and other stakeholders to support the activities of the Working Group on Children's Rights and Business.

41. The partner organizations and other participants commended the ACERWC for establishing the Working Group and pledged their support for the activities of the Working Group on Children's Rights and Business. It was recommended that the ACERWC should encourage Member States and CSOs to report on the thematic area (children's rights and business) in the State Party reports and complementary reports respectively. It was further recommended that the ACERWC should make commitments to involve children in the meetings of the Working Group.

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

42. The Report on the activities of the Working Group on the Implementation of Decisions and Recommendations was presented by the Chairperson of the Working Group, Hon. Aboubekrine El Jera. He stated the mandate of the Working Group and emphasized that the lack of implementation of decisions and recommendations by State Parties continues to be a major challenge for the Committee. Hon. El Jera further highlighted the activities planned for 2022, which include the finalization of a Study on the Status of Implementation of Decisions; undertaking follow-up missions to States on the implementation and compliance with recommendations and decisions, as well as conducting workshops and consultations with NHRIs and CSOs.

43. Hon. El Jera also took the opportunity to underscore the challenges facing the Working Group in effectively discharging its mandate, in particular the lack of financial and human resources. In this regard, he appealed to all relevant stakeholders to support the mandate and activities of the Working Group, and to continue their efforts in sensitizing State Parties on the importance of the implementing and complying with

decisions and recommendations issued by the Committee. He also requested partner organizations to avail their expertise to the Working Group.

44. In response to the presentation, participants representing organizations and other partners expressed their commitment to supporting the mandate and activities of the Working Group. Particular emphasis was made on the need to intensify follow-up missions and to highlight the challenges facing an effective implementation of decisions by State Parties. The importance of including CSOs and NHRIs in the reporting and monitoring process was also underscored. A recommendation was made to ensure that the relevant thematic group of CSOs Forum should work closely with the Working Group for better synergies and complementarities. Finally, it was also proposed that a representative of children should participate in the activities of the Working Group.

Presentation on the activities of the ACERWC working groups- on children with disabilities

45. Honorable Theophane Nikyema made a brief remark on the activities of the ACERWC's Working Group on Children with Disabilities. He started by giving a background on the establishment of the Working Group on children with Disabilities and its composition. He further indicated that the aim of the Working Group on children with Disabilities is to promote the inclusion of children with disabilities in all spheres of life by using a child rights-based approach that ensures the protection of their rights and welfare as enshrined in the African Children's Charter and other regional and international Human Rights instruments. He also indicated that the Working Group is going to undertake several activities in the year 2022. Moreover, Honorable Theophane Nikyema shared the progress related to the implementation of some of the activities that the Working Group on children with Disabilities has made so far, such as the continental study on the status of children with disabilities in Africa; the Guidelines for Action on the Rights of Children with Disabilities in Africa ; and, the draft Resolution on the situation of children with albinism in Africa.

46. Moreover, Honorable Theophane Nikyema highlighted that, despite the progress in undertaking its planned activities, the Working Group on children with disabilities is facing financial and technical challenges to undertake all its planned activities. Hence, Honorable Theophane Nikyema called upon the partner organizations and other relevant stakeholders to support the Working Group on children with disabilities in undertaking the 2022 planned activities.

47. The partner organizations and other participants appreciated the ACERWC's initiative for establishing the Working Group on children with Disabilities and committed to supporting the implementation of the planned activities of the Working Group on children with disabilities. However, the partner organizations and other participants requested to involve children with disabilities while undertaking the activities of the Working Group on Children with Disabilities. They further requested to ensure that such participation of children is effective, not symbolic. Honorable Theophane Nikyema responded by indicating that all the questions raised were well noted and he will take them to the attention of the WG on children with disabilities. He

further responded by indicating that the WG on children with disabilities welcomed the support from the Member States, children, CSOs and other relevant stakeholders.

ITEM 4: REMARKS BY ORGANISATIONS WITH OBSERVER STATUS

48. Organizations with observer status made brief remarks to the Committee during the Session. These were Plan International, Graça Machel Trust, Centre for Reproductive Rights, Dullah Omar Institute, Defence for Children International, Initiative for Social and Economic Rights, Institute for Human Rights and Development in Africa (IHRDA), East African Center for Human Rights, Terre des Hommes Netherlands, and World Vision. The representatives of the above-mentioned organizations gave remarks by indicating the initiatives they are undertaking in advancing children's rights on the continent. They also reiterated their commitment to continue working with the Committee in the execution of its mandate. In their remarks, the organizations recommended the Committee to:

- Convene a Day of General Discussion on ECD and investment in early years;
- Convene a Day of General Discussion on the matter of children's rights in the digital world;
- Develop a General Comment on the right to education and the importance of public education;
- Develop a General Comment on the Right to Adequate Nutrition;
- Develop a framework to guide the AU Member States on private involvement in service delivery in such a way that promotes the rights of children;
- Encourage States to utilize the Abidjan principles on the provision of public education and the regulation of private involvement in the education sector;
- Call on the Member States to invest in online and internet security to ensure the safety of children online and ratify the Malabo Convention;
- Recognize children as equal stakeholders and key agents of change in addressing the climate and environmental crisis, including by establishing child-friendly mechanisms and platforms to facilitate children's formal engagement in climate policymaking;
- Include a child and a youth representative in the Working Group on Children's Rights and Climate Change; and,
- Take a leading role in galvanizing child-focused deliberations in the soon-to-be-adopted Common African Position on Climate Change and Conflict and at the Summit to secure a better future for African children.

ITEM 5 : PRESENTATION ON PROPOSED GUIDELINES ON VIOLENCE AGAINST CHILDREN & A GENERAL COMMENT ON ARTICLE 14 (2C)

Report on the Presentation on proposed Guidelines on Violence Against Children

49. Ms. Saba Lishan, a Technical Officer for the African Partnership to End Violence Against Children (APEVAC) at the African Child Policy Forum (ACPF), in her presentation, discussed the context, rationale, objectives, scope, methodology, and roadmap for the proposed Guidelines on Violence against Children (VAC). In respect of the context of the proposed Guidelines, she noted that evidence from the AU on the first ten years of Agenda 2063 implementation, as well as an assessment of the first phase of Agenda 2040 implementation by the Committee and the UN Secretary General Reports on countries' delivery on the SDGs' targets, all indicate that delivery on the goal of VAC remains slow and uneven among member states. She noted that while a growing number of Member States are taking significant steps to strengthen their child protection environment, many countries are struggling to address both persistent and emerging challenges that increase children's risk of violence, abuse, and exploitation. She further stated that, as a result of the Covid-19 pandemic, Member States are being forced to make trade-offs that jeopardize already-weak social protection programs that are critical for preventing VAC.

50. She further highlighted that the proposal to develop guidelines for ending VAC in Africa is based on a number of considerations, including the need to support accelerating the implementation of Agenda 2040 and other VAC-related frameworks; the need to build and sustain political will and action for increased violence prevention; the need for a reference tool for the Committee to guide a national action on addressing VAC; the need for a reference tool to deliver on targets of coming implementation phases (2025, 2030 and 2035) in preventing and responding to VAC; and the need for a harmonized and integrated approach to the implementation of and reporting on Agenda 2063, Agenda 2030 and Agenda 2040.

51. She stated that proposed guidelines are intended to:

- provide practical guidance to State Parties on the approaches and specific measures to be taken for preventing and responding to VAC;
- provide State Parties with a framework to monitor and assist progress towards VAC targets and that lead pathways to the final targets of Agenda 2040;
- provide States Parties with the tools enable harmonised implementation and monitoring of VAC targets within the Agenda 2063, 2030 and agenda 2040 with regards to advances in laws, policies, programs and budget allocations;
- provide guidance to the State Parties on strengthening political commitment and leadership for addressing all forms of VAC and translating it into concrete efforts; and
- support the Committee's promotional and monitoring mandates for ending VAC agenda to the thematic rapporteur on VAC, and
- provide a framework for coordination and collaboration between Member States, the Committee, and other Pan-African regional and global mechanisms and structures.

52. In terms of methodology, she stated that the guidelines for ending VAC in Africa will be developed through a desk-based review of available documents that will guide State Parties in monitoring implementation and reporting on all three Agendas. She added that secondary literature reviews of key stakeholders, technical reports, and consultations with key global and continental monitoring institutions will supplement these resources. She also stated that the ACERWC will support the development of the guidelines through the thematic rapporteur on VAC in collaboration with APEVAC and ACPF.

53. Following her presentation, reflections were held, during which Committee Members and participants praised the Concept Note for being well-written and comprehensive. More comments were made about the methodology and the need to include the obligations of other duty bearers in addition to the State Parties. Other observations concern dissemination strategies and the importance of remembering that children are the end users of the guidelines. Members of the Committee also raised the issue of the research setting, proposing that it cover children in all settings, including children in conflict, refugees, and internally displaced children, and that in cases where the study does not cover these children, this be noted as a limitation of the study.

54. Following the comments of the Committee Members and participants, Ms Saba stated that the recommendations and comments have been taken into consideration and will be properly reflected and addressed.

Presentation on Proposed General Comment on Article 14(2) (c)

55. Dr. Admark Moyo presented ACP's request for the ACERWC to consider developing a General Comment on article 14(2)(c) of the Charter on 'the right to adequate nutrition'. During his presentation, Dr. Moyo discussed the definition of child hunger, as well as the rationale as to why a General Comment on the right to adequate nutrition is needed, as well as the study's scope, objectives, methodology, and timeline. In respect of the background to the study, he highlighted that hunger contributes to 45 percent of all childhood deaths in Africa, with 90 percent of African children failing to meet the criteria for a minimum acceptable diet and about 60 percent failing to meet the scientifically recommended minimum meal frequency. He emphasised that half of African countries are currently falling short of meeting the child hunger-related targets outlined in the African Regional Nutrition Strategy (2015-2025), and that approximately 32% of children (0-4 years of age) are stunted, 59 million hunger children are stunted, and 14 million suffer from wasting.

56. He further noted that child hunger is a violation of the child's rights to food, health, life, survival, and development, as well as the provisions that provide for the right to adequate nutrition, such as article 14(2)(c), which requires States Parties to take relevant measures to ensure the provision of adequate nutrition to ensure the best attainable state of physical, mental, and spiritual health for every child. He also mentioned a lack of clarity on what these provisions entail, not only in the African context, but also on a global scale. To that end, he emphasised that the development of this General Comment provides an important opportunity for the Committee to address an issue that is as relevant to Africa as, if not more so than, many other issues

in the context of Africa. He continued by stating that the proposal for the General Comment was inspired by the AU's leadership and African Heads of State and Government's commitment to making 2022 a year of nutrition for Africa, which is critical. He discussed the scope of the General Comment, which among others aims to:

- provide guidance on the definition, scope, dimensions, and approaches to tackling hunger from a child rights perspective;
- set normative principles and standards on how States Parties would integrate access to food as a human right for all children;
- describe the scope of States Parties obligations that arise from international and regional instruments in preventing and combatting child hunger at all levels of society;
- create awareness on the impacts of hunger on the enjoyment of children's rights and mobilize commitment to acting, intervening and combatting child hunger in Africa;
- elaborate the legislative, programmatic, administrative, and other measures to be adopted by States Parties in addressing hunger as a child rights issue; and
- lay out the role of NHRIs, RECs and other regional mechanisms, CSOs, community-based organisations, and development partners in addressing hunger from a child rights perspective

57. He also brought to the Committee's attention the possibility of dedicating a Day of General Discussion to the right to adequate nutrition, especially given that the issue has not received much attention from treaty bodies as a human rights issue.

58. In terms of methodology, he assured Committee Members and participants that the General Comment would be based on the four General Principles and follow child-rights-based approach. Regarding the timeline, he highlighted key steps in the development of the General Comment, which include adoption of the Proposal by the ACERWC, organisation of technical group, and two roundtables for discussing the draft, and stated that they expect to finalize the process for the 40th or 41st session of the ACERWC, and expressed their willingness to be guided by the Committee.

59. Following Dr. Moyo's presentation, participants congratulated the Committee and ACPF for the initiative and emphasized the importance of the General Comment as nutrition has become such an important factor in whether or not children will thrive, survive, and develop. In addition, Members and participants shared their thoughts, primarily on the importance of referring to the jurisprudence of the UN Committee on Economic, Social, and Cultural Rights, as the ACRWC does not distinguish between civil and political rights and socio-economic rights. In this regard, it was deemed critical by the participants to investigate the history and context of international child-rights standards in order to highlight the fact that, when it comes to the Charter, there was a deliberate refusal to separate the two categories of rights when it comes to children. Participants emphasized that children do not have the luxury of time and emphasized the importance of ensuring that, while there may be internal limitations or qualifiers within each right, those stumbling blocks are removed and the level of urgency with regard to the right to adequate nutrition is made clear in the General Comment. Other comments relate to the need to dedicate a section on the four General Principles of

the ACERWC where they come out clearly in relation to the right to adequate nutrition and a section that gives a detailed guidance on the contents of article 14(2)(c) to clarify State Parties and other stakeholders' obligations towards children in that context. It was also suggested that there is a need to take advantage of the added value that the charter brings to the table in terms of the promotion and protection of children's rights and that added value would speak to all environments where children may be found and the need for them to have adequate nutrition. The question of whether non-state actors in actual control of a given country are obligated to provide adequate nutrition to children in that country was also raised.

60. The Secretariat indicated that once the committee has deliberated on the requests from the ACPF for the committee to consider developing the General Comment on this matter and the Guidelines on VAC, it will return to set the way forward and incorporate the comments and inputs received during this session and the closed session.

61. Hon. Joseph Ndayisenga, Chairperson of the Committee, ended the session by expressing his sincere gratitude to the all Members of the Committee, participants and children and indicated the time and agenda for the following day, including the consideration of the State of Eritrea Periodic Report.

ITEM 6 : CONSIDERATION OF PERIODIC REPORT OF THE STATE OF ERITREA

62. In opening the third day of the 39th ordinary session, the ACERWC welcomed the Eritrean delegation, thanking and congratulating them for submitting its combined 2nd and 3rd periodic report. The head of the Delegation presented the delegates, which representatives of the Ministries of Health, Education, Justice, Foreign Affairs, the Embassy of Eritrea to Ethiopia as well as the Ministry of Labour and Social Welfare- the line ministry primarily charged with overseeing children's issues, with a strong working relationship with the National Union of Eritrean Women- and summarised the report. The Delegation reiterated Eritrea's commitment to this constructive and comprehensive reflection on implementing the African Charter on the Rights and Welfare of the Child, and the other major international conventions. Particularly, the State of Eritrea voiced its commitment to ensuring all children are treated equally, and to eliminate all discrimination based on ethnicity and religious affiliations. Addressing the reports surrounding the Warsay-Yikealo Secondary School at Sawa Military Camp, the delegation clarified that students of secondary education are expected to attend Warsay-Yikealo to finish 12th grade. It was stated that national service training is in the same facility because of cost constraints, but in no way affects the 12th grade students there. While many children are still out of school because of the legacy of colonialism and military upheaval, families had been encouraged to send children to school, leading to an increase in enrolment by 20 000 children. Regarding healthcare, safe maternity was emphasised, and ensuring the basic vaccination of the child, which was said to stand at more than 90%, was highlighted. To improve birth registration rates, training of community leaders had been underway to capacitate this service. The Delegation affirmed that all measures are being taken to ensure children survive and reach their full potential, with particular emphasis on the possible future impacts of climate change, addressed by educating children about desertification and environmental degradation. A commitment to eliminating harmful practices was said

to be undertaken using a bottom-up approach, with few cases said to be reaching the Court due to preferred culture of solving wrong-doing 'inhouse.' Regarding measures pertaining to COVID-19, a society wide approach to interventions was said to have been successful, adding to an already strong capacity for crisis response in Eritrea. While children, overall, had lost a year of school, crush programmes had been initiated for senior levels. 9722 positive cases had been reported, only fifteen of which were children, and only one active case currently remaining in hospital. No child deaths due to COVID-19 had been registered in the State of Eritrea.

63. Following the presentation by the Delegation, the Committee commended the State of Eritrea for its efforts in implementing the provisions of the Charter, and for their availability. The floor was then opened for the first thematic group of questions. The Committee Members raised concerns and asked for clarification on the State of Eritrea's intent to put in place policies, laws, and strategies to ensure the constitutional rights of Eritrean children are implemented. It was noted that children's rights issues dealt with across multiple line ministries and clarification was requested regarding whether there was specific line ministry intended for children. Further questions dealt with the management of data concerning children in Eritrea, and what measures had been taken to improve the rate of birth registration in the State of Eritrea. The extent to which CSOs and NGOs, as well as child representatives, had been involved in the preparation of the report was implored upon. Multiple questions pertaining to costed action plans and budgeting processes were raised. Questions regarding the measures being taken to accommodate children with disabilities, and further clarification was sought on the state of healthcare for children in Eritrea. The status of implementation and challenges being faced in addressing harmful practices in the State of Eritrea was also raised.

64. In responding to the issues raised by the Committee, the Delegation offered clarifications pertaining to an array of issues. Regarding CSO and child participation in compiling the periodic report, it was affirmed that the national unions for women, youth, workers, and persons with disabilities had contributed to the report. Regarding child participation, two students had been involved from each zoba, with children also being encouraged to participate in the unions. Pertaining to birth registration, it was clarified that the Ministry of Health does register any child born in clinics, and that the Ministry of Local Government is the responsible agency for birth registration. It was further affirmed that, because of a lack of resources, the implementation of the ACRWC had been hindered, but that all articles will certainly be implemented with time. The State of Eritrea took a firm stance on issues related to trafficking and illegal migration, stating that this is a global issue which the State of Eritrea is committed to addressing to the best of its abilities, including the work of the Khartoum initiative, of which President of Eritrea was the chairperson in 2019. Clarifications were made pertaining to several Eritrean laws and policies, and the progress of the new laws brought into force in 2015 was discussed further. The Delegation reiterated on its efforts to review and self-assess legislative frameworks to bring them in line with international instruments. A multi-sectoral approach to children's issues in Eritrea was further endorsed. All questions pertaining to Sawa, children on the move, and harmful practices were addressed- with a strong intervention by the National Union of Eritrean Women. Regarding harmful practices, it was stated that the rates of FGM had dropped from 95% to under 5% since Eritrea's independence, with 2013-2017 data indicating

the submission 250 cases relating to the breach of the proclamation outlawing FGM, of which 160 cases had since been decided, while a number remain before the Court. The value of relations with developmental partners including UNICEF and the UNFP were highlighted in addressing children's issues. Measures taken in the context of COVID-19 were reiterated and clarified upon to a further degree.

65. The Committee commended the spirit of cooperation with which the first set of questions were answered and proceeded to the second thematic cluster of issues. Questions regarding the family were raised, including a request for clarification on the mechanisms in place for the protection of children in street situations, and for ensuring that children without parental care have a roof over their heads, with note of any challenges or successes. The Committee requested information on the extent to which COVID-19 had impacted on examination results. Information on the measures in place relating to children of imprisoned caregivers were requested, as well as disaggregated data pertaining to children in conflict with the law. Further statistics regarding children in alternative care was requested, and the numerous challenges at middle school level were noted and clarification on the strategy to address these challenges were sought. As regards leisure and culture, it was asked if there are challenges in place preventing the establishment of a child parliament. The state of child labour and the situation for refugee children and internally displaced children was enquired upon, with special mention made for children affected by armed conflict.

66. The Delegation of the State of Eritrea then addressed the concerns raised by the Committee. A comprehensive set of measures and resources were said to be available for children without parental care, and a community-based approach to children in street situations was endorsed, with a particular regard for the root causes for each affected child. Regarding refugees, it was affirmed that there are no refugees in Eritrea, but that when there were refugees, they were provided with education and health services. Regarding possible underage recruitment, it was reiterated that the proclamation on national service is clear, with national service recruitment being handled through administrative structures, where a preliminary assessment is made regarding age, physical and mental abilities. No misuse or corruption had yet been detected within these structures. Regarding education under COVID-19, the Delegation acknowledged that all students except Grade 11 had lost one academic year to the pandemic. While internet connectivity is said to be bad in Eritrea, educational programmes had been aired on national tv. The Delegation remarked upon the difficulty the State of Eritrea had in accommodating small children's educational needs under COVID-19, and the role of parents at home to encourage children to read and do exercises, was emphasised. Before the onset of COVID-19, the Ministry of Education had begun to work on a disaster and emergency preparedness strategy for the education sector, which has since been completed. Regarding the issue of middle school retention and dropouts- a priority for the Ministry of Education- it was stated that more are being built in more convenient locations, and efforts were underway to better accommodate nomadic children in Eritrea. The strategy to address poverty more generally, it was stated, had been deliberated on in a multisectoral manner, with regard for issues related to malnutrition as a priority area. Regarding awareness-raising and implementation in the elimination of child marriage, age clearance was said to be required for a marriage to be permitted at the zoba level, with administration then checking ID cards, which are only issued once a person turns

18. Regarding possible problems of corruption, no such thing had been detected. However, double-checking mechanisms including the requirement for HIV clearance reports, which must be provided and given clearance before a marriage is permitted, were illustrated. It was stated that the National Union of Eritrean Women had been well-entrenched in all villages and 'works with open eyes,' and that anti-FGM and underage marriage committees were also well-established in every village, and that marriage requests had often been denied- with up to 800 requests being denied in a single village in a single year. Regarding the criminal justice system, it was affirmed that imprisonment, as a matter of principle, is treated as a last resort, with procedures pertaining to children in conflict of the law being informal and closed off from the press, and the ultimate focus being to ensure that the affected child becomes a productive member of society. Lastly, it was stated that child labour in Eritrea is non-existent.

67. With all questions having been thoroughly addressed, the Committee thanked the Delegation for its participation and announced that the concluding observations and recommendations would be prepared and communicated to the State Party in due course.

ITEM 7 : CONSIDERATION OF THE REPUBLIC OF UGANDA PERIODIC REPORT

68. The Delegation of the Republic of Uganda headed by H.E. Hon. Sarah Mateke Nyirabashitsi, Minister of State for Youth and Children Affairs in Uganda, presented a brief highlight about the situation of children's rights in Uganda in the presence of many high-level officers of the National Children Authority (NCA), Ministry of education and sports, Ministry of Gender, Labour and Social Development (MGLSD), Ministry of Health, Uganda Human Rights Commission (UHRC), and Child Rights Clubs (CRCs).

69. In the initial remarks made by H.E. the Minister, it was provided that Uganda adopted a number of plans and policies to facilitate and guide the implementation of the child-related laws in the area of civil, economic, social, and cultural rights. The main objective of all laws is to ensure, enable and guide the enjoyment of the children's rights in all spheres. H.E. confirmed that there are several bodies and entities which are charged with the protection and promotion of children's rights in Uganda. In way to make the development of the 2019 Report takes place, the report has been developed through a consultative process that involved both national and sub-national consultations which have been held with key stakeholders in government departments, ministries, agencies as well as civil society, without ignoring children. H.E focused on the duty lies upon every citizen towards children's protection, and mentioned the general measures of implementation which includes enabling legislative and policy frameworks for children rights, economic, social, and cultural rights, civil rights and freedoms.

70. Following the presentation, the chairperson of the ACERWC commended the State Party for its efforts in the protection of children's rights and for the excellent presentation the Ugandan Delegation submitted. The Members of the Committee then requested questions for clarification including on: status of implementation of the laws and policies, institutional coordination's mechanism, and harmonizing laws. The

Committee Members further requested clarification on impact of Covid-19 on householders and children, health care procedures taken for monitoring diseases, identifying child marriage, and vulnerable children protection. In addition, they requested clarification on children's empowerment, children with disabilities rights, status of corporal punishment, children adoption, safeguarding juvenile children, policies for armed conflicts children, and children's policies outcomes

71. In response to concerns regarding the institutional coordination mechanism, the Delegation underlined that the role of coordinating all interventions of all participants lies in the ministry of Gender, Labor, and Social Development and that there are several partners including UN Agencies and CSOs supplement the government's efforts to ensure that Uganda's children enjoy their constitutional rights through providing financial, human, and technical resources. Traditional and cultural institutions as well as faith-based organizations and the media are also working towards promoting the rights and responsibilities of the children of Uganda. In response to health concerns, the Delegation clarified that the majority has been vaccinated and its budget has been progressed. The Delegation clarified that Education in Uganda is affordable from the primary to the secondary schools and totally free. Nonetheless, there's a reduction in the number; not all children could return back to schools as a reason of all challenges faced their mothers and families. Concerning age of marriage, school reentry and rehabilitation, the Delegation clarified that The Children Act as amended (2016) forbids child marriage; The Constitution states that the right to marry and found a family is endowed on persons above 18 years of age. The National Adolescent Health policy recognizes the rights of girls to return to school after pregnancy and that there were teen pregnancy/end child marriage campaigns conducted that reached approximately four and a half million people.

72. The Ugandan Delegation further in response to concerns regarding vulnerable children, confirmed that there is a high incidence of vulnerable children whose survival and requirement requires special protection. The Uganda National Household Survey 2009/10 rated 38% of the children in Uganda as vulnerable; while 8% (1.3 million) lived in critically vulnerable situations. The 2014 Census revealed that 60% of children are vulnerable. There were more child-headed households in rural areas (64%) than in urban areas (36%). Concerning children empowerment, the Delegation clarified that The Children Act as amended (2016) provides that a child has a right to express his or her views, belief, and opinion on any matter that affects his or her wellbeing. In addition, UHRC is engaging the youth in secondary schools through facilitating the formation of Human Rights Peace Clubs and building the capacity of the already existing ones. Concerning children with disabilities, the Delegation confirmed that the National Development Plan (2010/11 – 2014/15) prioritized the requirement for all schools to be constructed on the principle of inclusiveness and accessible physical infrastructure for students with disabilities. Concerning corporal punishment, the Ministry of Education and Sports had banned corporal punishment in schools and disseminated a Handbook on 'Alternatives to Corporal Punishment' to raise awareness on the ban.

73. In addition, the Ugandan Delegation in response to concerns regarding children adoption, confirmed that the framework provides for a continuum of care. All children

in institutional care must have an exit strategy– reunification, kinship care, community-based alternative care, fostering, or domestic adoption. Concerning safeguarding children, the Delegation clarified that a concerted effort by the government and partners to screen all refugee children that enter Uganda through official border points. Children are screened for among others, medical intervention needs, nutrition levels, immunization, and psychological trauma (including involvement in conflict). The government strives to meet the most urgent needs especially medical and psychosocial support. They respect all children who don't have homes and they consider how to resend them back to their homes and countries. Concerning children victims of armed conflict, the Delegation clarified that under the Standard Operating Procedures, children in the care of UPDF are provided food, shelter, medical care, and protection from violence, abuse, and neglect until they are handed over to civilian authorities under the auspices of UNICEF, UN, or humanitarian agencies.

74. As a conclusion, the Ugandan Delegation presented some clarifications regarding the outcomes and the lesson learned. The Delegation clarified that Government's efforts have elicited progress toward meeting targets. There was a remarkable decline in all levels of all spheres and especially of childhood mortality compared to 2000-01. Nonetheless, there are still gaps in the interventions as 135,000 children still die per year of preventable disease; as the promotion and protection of the children's rights are facing many challenges. As a lesson learned, it is noticed that the participation of school children is more than those who don't go to schools, and that proves the importance of the education and the priority of its budget to be progressed.

75. The ACERWC thanked the Delegation for its clarifications given on the issues raised. Hence, on the second cluster, the Committee Members submitted questions for clarification including on: Judicial officers' trainings, rehabilitation of children victims of exploitation or abuse, and the alternative care of custody.

76. The Delegation, on their response, confirmed that all details have been submitted on the periodic report. They underlined the coordination and the integration among the local government, the national child authorities, key stakeholders, police, children, and the concerned civil society organizations. The delegation further clarified the following; regarding child justice, most of the issues' details are on the pages from 41 to 44. The submitted report by the State Party has laws, plans, and policies that have been updated up to date. The republic of Uganda has its national authorities and plans to protect children's rights which lasts for five years, and it includes visiting prisons. The Delegation confirmed that the judicial officers and police are guided and trained well. And further, for facilitating reporting cases, they clarified that the national Child Helpline was established by MGLSD in 2014 to be a toll-free emergency number (116) that children or adults can use to report situations of violence against children and abuse. It has facilitated the reporting of cases of child abuse by victims and community members.

77. The Delegation confirmed that "Justice for Children Programme" mainstreams child protection into the planning, implementation, and monitoring frameworks of law enforcement agents. Coordinators are deployed at the district level to work with government agencies such as the police, probation and social welfare officers, state attorneys, and family and children courts to ensure that children at risk of violence or

who have suffered violence are protected through legal and social measures. Concerning the alternative care of custody, in cases where children are in conflict with the law for more serious offenses, efforts have been made to safeguard their welfare; as an example for the best interest of the child, Remand Homes have been equipped with basic equipment. The Children Act as amended (2016) provides for visitation committees to visit such places and ensure that they are properly run and maintain the children's best interests. The Delegation ended its participation to the 4th day of the 39th ordinary session hosted by the ACERWC, by responding to the concern regarding sexual exploitation, they confirmed that there are sectoral strategies for combating trafficking in children and sexual exploitation of children and they are doing their best to eliminate all negative harmful practices against children. They also promote many programs in communities to explain how to treat children.

78. After deliberation, the Chairperson of the Committee closed the session by thanking the Delegation and informing that the Committee will send its concluding observations and recommendations.

ITEM 8 : CONSIDERATION OF THE REPUBLIC OF SEYCHELLES INITIAL REPORT

79. The delegation of the Republic of Seychelles, led by the Minister of Employment and Social Affairs. H.E Patricia Francourt, presented the Initial Report of the Republic of Seychelles on the status of implementation of the African Children's Charter. The head of the delegation briefly highlighted the efforts that made by the Government in the protection and promotion of children's rights. She stated that despite the challenges and the social, economic and environmental vulnerabilities that come with being the smallest state in Africa, the Republic of Seychelles has been able to take important measures and put in place relevant strategies that effectively promote and ensure the welfare and the best interest of the child. In that regards, the delegation indicated that primary and secondary education is free and accessible in the Republic of Seychelles. It has also been mentioned that the Republic of Seychelles has put in place strategies such as the Seychelles Early Learning framework that is contributing to the advancement of early childhood care and education. In addition, it has been noted that the corporal punishment in schools and at home have been prohibited by the laws of the Republic of Seychelles. Moreover, the new Civil Code includes provisions that recognise the welfare and the best interest of the child, especially by removing the expression "illegitimate child" that was used to designate a child born outside of marriage.

80. Following the presentation by the Delegation, the Committee extended its thanks to the Government of the Republic of Seychelles for submitting its report despite the challenges mentioned, and also for the efforts made by the Government of Seychelles to implement the provisions of the Charter. Several concerns were raised by the Committee Members on which they engaged the delegation of Seychelles. Some of the key concerns were the issues of domestication of the provisions of the Charter and other international instruments, in order to ensure their direct application. The Committee also engaged the delegation on the measures taken for the implementation of relevant outstanding laws, policies and strategies on the protection of the rights of

the child. The delegation was also interrogated about the budget allocation at the government level to child related programs, especially the budget allocated to education including extra curriculum activities. The Committee also raised the issue of a specialised division for child protection in the Human Right Commission.

81. Furthermore, the Committee commended the Government of Seychelles for the harmonised definition of the child. However, the delegation was questioned as to the minimum age for child labour and issues around commercial exploitation of children, and how the government criminalises the worse forms of child labour. The delegation was also questioned on the age of criminal responsibility in Seychelles, and the existence of specialised tribunals for children in conflict with the law. With regard to the principle of non-discrimination, the Committee interrogated the delegation on how issues of gender-based violence and domestic violence such as forced and early marriage, education of pregnant girls, are handled.

82. In responding to the concerns of the Committee, the delegation offered clarifications on the issues raised. Regarding the budgetary allocation, the delegation reassured the Committee as to the availability of appropriate budget for children related policies and programs. The delegation admitted that there is no specific division for children in the Ombudsman Office, but reassured the Commission of the existence of space when it comes to children protection issues. They mentioned that the mandate of the Seychelles Human Rights Commission includes the issues of child protection. With Regards to the existence of platforms for the participation of children in the decision making of matters that concern them, the delegation highlighted that there is a National Youth Parliament which is a very proactive institution that enables the participation of children. The delegation also highlighted that the ministry of employment is aware of the risk of children labour and takes necessary measures to ensure that the minimum age is respected. Regarding the principle of non-discrimination, the delegation highlighted the existence of a teenage pregnancy policy that provide guidance on how pregnant girls can continue their education or reintegrate schools after giving birth.

83. The Committee further enquired about the access to abortion and the effectiveness of the sexual and reproductive healthcare mentioned in the report, as well as the measures taken by the government to ensure that children effectively benefit from the sexual and reproductive healthcare services. The delegation was also interrogated on the existence of state residential centres for children, as well as the regulations and procedures that apply to them. They were also asked to provide information on whether Seychelles as registered cases of street children, the statistics if any and the measures taken to overcome the phenomenon. The Committee Members raised the question of the attendance monitors that was mentioned in the country report. They interrogated the delegation on how they operate and how they are trained. Following up on the question of the budget, the Committee Members propose that the Government put in place a system of budget tracking for the efficiency and the efficacy of the expenses allocated to children.

84. The delegation provided further clarifications with regards to the aforementioned issues. The delegation explained how the government is committed to tackle the effects of poverty, especially on children by providing social assistance to children with

special conditions. The delegation reassured the Committee on the fact that the attendance monitors are trained and sensitized about children rights issues, and that there are given the abilities to provide counselling for children, especially girls so that they are able to get proper support from them, even in relation to their sexual and reproductive health.

85. In conclusion, the Delegation of the Republic of Seychelles 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 announced that the concluding observations and recommendations would be prepared and communicated to the state party in due course.

ITEM 9 : PRESENTATION OF THE REPORT ON THE CONTINENTAL STUDY ON THE STATUS OF TEENAGE PREGNANCIES IN AFRICA

86. The presentation on the final draft of the study on the status of teenage pregnancy in Africa was done by Dr. Admark Moyo from African Child Policy Forum (ACPF). In giving the background, he highlighted that the study was commissioned by the ACERWC during its 36th Ordinary Session held on 23 November-04 December 2020 following the request made by partner organisations including Plan International and Center for Reproductive Rights. The issue of teenage pregnancy had also for some time been on the agenda of the ACERWC and the ACERWC had previously noted from its interaction with State Parties in its various mandates that teenage pregnancy is a continental issue that affects many countries. Dr. Moyo indicated that the main objective of the study is to explore, assess and analyse the status, prevalence, drivers and consequences of teenage pregnancy as well as the legal, policy and programmatic frameworks that prevent and respond to teenage pregnancy in Africa. Dr. Moyo gave an overview of the study, highlighting the methodology, the key findings of the study and recommendations. The evidence in the study will help inform the formulation of Pan-African frameworks on the issue of teenage pregnancy, including those under the mandate of the ACERWC.

87. After the presentation, both partner representatives and Committee members made comments to the draft final study. Some of the major comments included the need to highlight limitations of the study; the need to highlight ethical considerations of the study; the need for the practical application of the child rights based approach throughout the study and in the recommendations; the need to have disaggregated data specifically related to children below the age of 18 years; the need for the scope of the study to cover other contexts of fragility such as children involved in domestic work and children who are sexually abused in educational institutions in exchange for grades; the need for recommendations addressed to other players other than Member States; the need for the development of a dissemination strategy to be brought out strongly in the recommendations; and lastly, the need to develop an advocacy tool from the findings of the study targeted at parliamentarians. Overall, the final draft was received positively by the Committee members and the consultants will incorporate the feedback in the final draft.

ITEM 10 : PRESENTATION ON THE JOINT GENERAL COMMENT ON FGM

88. The Consultant, Dr. Nkatha Murungi, presented the outline for the General Comment on Female Genital Mutilation (FGM). She stated that the aim of the presentation is to seek guidance and input from the Committee on the proposed structure and timeline for its finalization given that it is still at the inception stage. She stressed that this exercise is being conducted in a context of a persistent high prevalence of FGM despite the range of measures that are already in place, including normative, policy and advocacy initiatives, to eliminate FGM at regional and national levels. The rates of FGM have especially spiked during the COVID-19 pandemic, which calls for urgent actions to redoubt efforts in the elimination of FGM in Africa. Dr. Murungi highlighted the causes, drivers and impediments to eliminate FGM such as socio-cultural and religious beliefs; economic marginalization; inadequate legislative and political will, as well as weak institutional capacities for coordinated responses.

89. The Consultant stated that the General Comment will be guided by regional and international legal and policy normative frameworks such as the African Charter on the Rights and Welfare of the Child, the Maputo Protocol, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC); Agenda 2063 and Agenda 2040, as well as advocacy initiatives such as the Saleema Initiative. She underlined that the key considerations and principles for the General Comment shall be based on gender equality from a feminist theory perspective, intersectionality, protection of dignity and the interaction of women and children's rights.

90. The Consultant emphasized that the General Comments respond to the need for providing states with specific guidance on what is required for fulfilling their obligation to eliminate FGM; to facilitate a harmonized response to FGM in Africa and clarify the scope of other necessary measures to end FGM. It shall also include a situational analysis, definitions, as well as the scope and objectives of the General Comment. Finally, the General Comment shall clearly present a dissemination and monitoring strategy with specific obligations for states and other relevant stakeholders such as community leaders, CSOs and partners.

91. After the presentation, Members of the Committee applauded the Consultant for the comprehensive work done so far on the proposed structure and content for the General Comment. The Committee also provided comments, suggestions, reflections and recommendations to be considered when finalizing the General Comment. They stated that the General Comment should provide the rationale for this exercise in particular that legislation seems to have not been the most effective measure for tackling FGM in Africa. Particular emphasis was made on the fact that FGM is gender crime and a way to control of women's sexuality and bodies. Members further reflected on the need to hold the parents and community leaders accountable and responsible in the prevention of FGM. On the dissemination strategy, they pointed out that it should be deliberate and include victims, national human rights institutions, the judiciary system, parliament and at the regional level the RECs. School curricula should include sensitization on FGM to ensure that girls receive the necessary information early on.

92. The Committee concluded by requesting that particular attention should be given to cross-border FGM as many perpetrating this practice attempt to evade legal repercussions in countries that have legal measures prohibiting FGM. The General Comment should also highlight the practice of FGM among African Diaspora and to point out the international frameworks that exist in their respective countries.

93. In response to comments by Members of the Committee, the Consultant welcomed and took note of their remarks and input to improve and enrich the General Comment on FGM. She assured the Committee that there will be systematic engagement with all stakeholders working to eliminate FGM in Africa. She stated that there will be a comprehensive Accountability Framework and a targeted dissemination strategy.

ITEM 11 : PRESENTATION ON THE ACERWC'S GUIDELINES ON SAFE RETURN TO SCHOOLS AFTER/DURING COVID-19 PANDEMIC

94. The ACERWC secretariat briefly presented the context of the development of the Guidelines on Safe Return to school during COVID-19 pandemic. It was recalled that the Terms of Reference of the guidelines has been presented and discussed by the ACERWC secretariat during the 38th ACERWC session. Afterwards, a consulting firm was hired in collaboration with the Network of African National Human Rights Institutions (NANHRI) to develop the guidelines that support Member States actions to ensure safe return of children to school during the Covid-19 pandemic, which considers equity, resource implications, and feasibility. It was also noted that Hon. Moushira Special rapporteur on the rights to Education and Hon. Aboubekrine-Special rapporteur on Health, welfare and Development are engaged in the development of the guidelines.

95. Dr. Josephine Ojiambo, the lead consultant from the Peter Ojiambo foundation presented the draft guidelines into five sections. The first section introduced and provided background of the guidelines whereby she emphasized the guiding principles include Non-discrimination & Equality, the Best interests of the child, Child Participation, and Survival and Development. It was noted that the Guidelines were formulated through an evidence-based process; literature review and ongoing online conversations. Section two highlighted the existing challenges and recommendations/guides to Member States as related to Vulnerable Children (specifically the girl child, children with disabilities; children on the move and children affected by armed conflict) and Safe Return to School. Section three dealt on the existing challenges and the recommendations to Member States related to ICT and Safe Return to Schools. Section four underscored the accountability measures for the Safe Return to Schools, which specifically pointed out the Child Protection and Safeguarding Challenges and recommendation to Member States to enforce Legislation and Policies on Ending Violence against children at National and Sub-National level. Dr. Josephine concluded her presentation by discussing on section 5, which detailed the Auxiliary measures including sufficient funding and resources; the need for multi – agency contribution in the safe return to school program; Non-

compliance and lack of reporting on the guidelines and the need to set up reporting mechanisms on the application of the guidelines.

96. After the presentation various comments were forwarded from the Committee Members and other participants. The comments include the caution to adhere to the non-discrimination principles and include all children; consideration of WHO/CDC recommendation/guidelines on COVID-19 vaccination to children; recommendation to add a section on Corporate Social Responsibility in particular to access funding from ICT companies and Pharmaceuticals companies; look into Urban and rural disparity related to access to ICT/online education; include recommendation on mainstreaming complain and redress system due to increased violence children; include the role of RECs on refugees and Children on the move; emphasis to CSOs and NHRIs roles in safe return to Schools; a recommendation related to support the roles of private schools and the need to provide practical recommendations related to accountability mechanism related to reporting of member states and role of CSOs.

97. The chair of the session, Honorable Anne Musiwa thanked all presenters and recommended the consultant and the secretariat to incorporate the comments and finalize the guidelines on safe return to schools during COVID-19 pandemic to ensure adoption of the guidelines by the ACERWC during the next session.

ITEM 12 : PRESENTATION- MAPPING NHRIs ON CHILD PROTECTION

98. The Consultant, Dr Violet Odala, presented a brief highlight about the initial findings of the Mapping of National Human Rights Institutions (NHRIs) on their structures and functions on child protection. She indicated that desk review and questionnaire were used to gather information from 47 NHRIs in Africa by giving due regard to their ratification and reservations status. She also noted that only 10 NHRIs provided response on the questioners namely NHRIs from Cote d'Ivoire, Ethiopia, Madagascar, Malawi, Mali, Namibia, Nigeria, Rwanda, The Gambia, and Togo. In providing insight about the engagement of NHRIs with the human rights organs, she highlighted that 22 NHRIs have affiliate status before the African Commission on Human and Peoples' Rights and only one NHRI has an affiliate Status before the Committee. Dr Odala underlined that all NHRIs have high level members who have different designations in different countries such as commissioners or advisors. With regards to their structures on child rights, the Consultant indicated that the structures vary from country to country ranging from a specific directorate, or a unit, to a child rights desk which is not a full-fledged program. She also informed that some NHRIs handle children's matters with other general human rights issues.

99. Moreover, in her presentation, Dr Odala, underlined that all the 10 NHRIs that provided response to the questioner have an engagement with child focused agencies as well as the Network of African National Human Rights Institutions (NANHRI). The presentation also highlighted that NHRIs engage with the Committee in various ways such as participation in the State Party reporting procedure, submission of affiliate status application before the Committee, developing an assessment report on the implementation of the recommendations of the Committee, and participation in the

various forums organized by the Committee. The Consultant informed the participants of the Session that some NHRIs use the African Charter on the Rights and Welfare of the Child and Agenda 2040 in their activities such as review of laws and policies, capacity building activities, receiving complaints, and undertaking investigations. Furthermore, it has highlighted that most of the NHRIs in Africa contribute to actual processes or strategic advocacy for review of laws and policies to ensure that there are strong and child-friendly legal frameworks. With regards to budgeting for children's rights, the Consultant indicated that most NHRIs do not have a specific budget allocated for children's rights issues. However, NHRIs from Cote d'Ivoire and Ethiopia have specific amount allocated for children's rights. Dr Odala also highlighted that most NHRIs have various ways of engaging children in their activities including in the celebration of international days, holding consultation with children, and receiving complaints from children. However, she noted that some NHRIs reported in the questionnaire that they do not engage children in their activities.

100. Dr Odala highlighted some of the gaps and challenges that NHRIs are facing in relation to their works on child rights issues including lack of specialized child rights structures in their setups, lack of knowledge about the Charter and the Committee, lack of technical expertise for child rights programming, and inadequate financial resources for child rights issues, among others. Furthermore, Dr Odala, provided some recommendations for the integration of children's rights on the structures and functions of NHRIs in Africa such as increased engagement with the Committee through the affiliate status as well as in various forums, enhanced participation of NHRIs in the State Party reporting procedure, participating and leading on the celebration of the Day of the African Child, conducting capacity building activities on children's rights, and increased collaboration with child rights networks.

101. Following the presentation, discussions were carried out which suggested for the need to collaborate with other actives of the African Union Commission and popularize the findings of the Mapping in various forums of the Commission. Moreover, it was suggested that one of the recommendations of the report of the Mapping should request NHRIs to include children's rights issues in their reporting and to focus on children's rights issues in their thematic reports.

ITEM 13 : GUIDELINES FOR ACTION ON THE RIGHTS OF CHILDREN WITH DISABILITIES

102. Mr. Shikuku Obosi, made a presentation on the draft Guidelines on Actions for Disabilities in Africa. He indicated that the guidelines for action on children with disabilities in Africa adopt a relevant rights model which contains seven inter-related components such as citizenship and social inclusion, recognition; agency, voice; capabilities; equality; and self-realisation. Moreover, Shikuku Obosi shared conceptual clarifications on definitions 'disability' and ypes of impairment. He further highlighted the barriers which prevent children with disabilities from accessing basic services such as attitudinal barriers; environmental barriers; communication and information barriers; systems and policy barriers; financial barriers; among others.

103. Furthermore, Shikuku Obosi indicated that the guidelines for action on children with disabilities provide the guiding fundamental principles for disability inclusion and children's rights whereby several recommendations are provided to the AU Member States to ensure the effective protection of children with disabilities in Africa. In this regard, Shikuku Obosi highlighted that the guiding fundamental principles recommended the AU Member States, among others things, to ensure they have the appropriate governance and accountability systems to implement the African Children's Charter, CRPD and ratify the Africa Disability Protocol.

104. In addition to this, Shikuku Obosi highlighted the rights of children with disabilities such as the protection rights (protection from violence, abuse and neglect, child labour and exploitation, sexual exploitation, abduction, trafficking and slavery); social and economic rights (right to quality and inclusive education, right to health, right to rehabilitation, affordable, reliable and appropriate life-changing assistive technologies, right to an adequate standard of living, among others); and, participation rights (access to information, right to liberty and security of the person, freedom of expression and opinion; right to self-representation; right to participate in sports, recreation and culture); among others. Shikuku Obosi further highlighted the States Parties' obligations including the obligation to respect, protect and fulfil the rights of children with disabilities in Africa. Moreover, Shikuku Obosi indicated that the guidelines for action on children with disabilities in Africa provide several recommendations to the African Union Monitoring Mechanisms (The ACERWC and the ACHPR); CSOs and other non-state actors (CSOs, UN Agencies, the private sector, community leaders, faith-based organisations, academia, and media); among others.

105. After his presentation, the Committee thanked Shikuku Obosi for a detailed engagement and appreciated the methodology utilized while developing the guidelines. However, the Committee recommended to include the initiatives of the ACERWC such as the Agenda 2040 in the Guidelines. Concerning the socio-economic rights, the Committee recommended to utilize a Committee's approach to the enjoyment of the socio-economic rights by recommending the AU Member States take all appropriate measures to ensure the enjoyment of all rights as enshrined in the ACRWC.

ITEM 14 : PRESENTATION- STUDY ON THE STATUS OF IMPLEMENTATION OF THE ACERWC DECISIONS AND RECOMMENDATIONS

106. In his presentation of the Inception Report of the Study on the Status of Implementation of Decisions and Recommendations, Prof. Benyam Mezmur, as the Consultant for the Study, stressed the importance and timeliness of undertaking this exercise given the challenges of slow implementation and non-compliance with the Committee's decisions and recommendations by States. He started with sharing the background, rationale and objectives of the Study, as well as clarifications of the concepts and terminologies used when referring to follow-up and monitoring of decisions. He further indicated that the Study will examine the existing structures of monitoring, reporting and follow-up at the national level and draw lessons from states with best practices.

107. Prof. Mezmur emphasized that the Study will come up with recommendations that are realistic, measurable and implementable by States, while taking into consideration general national variables such as coordination mechanisms, status of the decision in domestic law, human and financial resources, as well as the extent of consultation with victims and other stakeholder. He also highlighted the methodology for the Study, which includes data collection, using case templates to highlight best practices, comparative information and statistical data. He concluded by underscoring that special considerations will be given to concluding observations and individual complaints mechanisms.

108. After the presentation, the Committee Members commended the consultant for the report. The Committee identified certain areas that the consultant may wish to consider for the Study such as the need to measure and track the level of implementation by each state, as well as have database to access such information. Members of the Committee also stressed the issue of budgetary allocation by states for the implementation of decisions. With regards to the tendency of states' non-compliance with recommendations, the Committee recommended that the study proposes measures to overcome such challenge.

109. In response to the concerns raised, the consultant assured the Committee that the comments will be taken into consideration and that the Study takes inspiration from similar practices by other African human rights bodies like the African Commission on Human and Peoples' Rights. He also agreed that there is a need for having a qualitative assessment criteria based on an A to E grading system (A being the most satisfactory and E the least satisfactory) to showcase the actions and progress made by State Parties. He concluded by stressing the need to ensure that information related to the Committee's decisions and recommendations is accessible to children and grassroots organizations and in the different languages.

ITEM 15 : PRESENTATION ON CHILD FRIENDLY VERSION OF THE CHARTER

110. Mr. Samuel Norgah, Director of Plan International AULO presented on the revised version of the Child-friendly based on the comments made during the 38th ACERWC session. He noted that they have received fruitful comments from the Secretariat of the ACERWC related to terminologies to align with the ACRWC (Charter); size and length of the child-friendly version and eligibility. Based on the comments, Mr. Norgah confirmed that the current version is aligned with the charter; summary version is prepared; eligibility of the document enhanced by changing the background colors to white and increasing fonts; prepared the document in three languages (English, French, Portuguese). Mr. Norgah also demonstrated the poster version of the Child-Friendly Charter in English and French. The remaining comments that are not addressed are preparation of digital version and disability friendly version of the Child-friendly version of the Charter pending the adoption of the document by the ACERWC.

111. Following the presentation of the revised Child-Friendly version of the Charter, the Committee applauded Save the Children International and Plan International for coming up with a well revised Child-friendly version of the Charter that will enhance African children's awareness and knowledge of the ACRWC taking into consideration language, age, and disability, cultural or social diversity of children across Africa. The Committee will further discuss on the item in the close session and advise on the way forward.

ITEM 16 : HEARING OF THE DEONENTS OF THE AFFIDAVITS CONCERNING 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) AGAINST THE UNITED REPUBLIC OF TANZANIA

112. The Committee held hearing of one of the Deponents of the Affidavits submitted by the Applicants of Communication No: 0012/Com/001/2019. The Committee also received reflections from the Applicants and the Respondent State on the testimony of the Deponent and new developments taking place in the Respondent State with regards to some of the allegations of the Communication. The Committee requested the Respondent State to submit the reported new development to the Secretariat of the Committee for its consideration.

**ITEM 17 : TOR ON THE CONTINENTAL STRATEGY ON CHILDREN AFFECTED BY ARMED CONFLICTS (CAAC)
TOR ON STANDARD OPERATING PROCEDURES ON RELEASE AND REINTEGRATION OF CHILDREN ASSOCIATED WITH ARMED GROUPS**

113. The Committee deliberated on the planned activities on the development of Continental Strategy on Children Affected by Armed Conflict (CAAC) and the Standard Operating Procedures for Troop and Police Contributing States Parties on handover of children associated with armed groups. The Committee noted that similar initiatives are already underway as Save the Children International (SCI) has already commenced the process of development of same documents. After deliberation suggested that the Committee proposed for SCI to present the documents at the upcoming session of the Committee, for the Committee to make its contributions for their finalisation.

ITEM 18 : PRESENTATION ON THE OUTCOME OF THE JOINT RETREAT FOR THE COMMISSION, COURT & COMMITTEE

114. The Secretariat has presented to the ACERWC members the outcome of the joint retreat organised between the Legal officers of the three Human Rights Organs namely, the Court, the Commission and the Committee.

115. After deliberation, the ACERWC members welcomed the initiative and adopted the outcome document.

116. They then call for the implementation of the conclusions and the recommendations of the joint retreat

ITEM 19 : HEARING ON THE MERIT CONCERNING 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 THE SUDAN

117. The Committee had a hearing on the merits concerning Communication N°: 0016/Com/004/2020-African Centre for Justice and Peace Studies (ACJPS) on behalf of Ms. Umjumah Osman Mohamed against the Republic of Sudan. The Committee decided that there is a need to conduct an investigative mission in the Republic of Sudan so as to gather more information concerning the communication. The Committee will thus engage the Government of Sudan and make arrangements to conduct an investigative mission, and thereafter make a decision during the ACERWC 40th Ordinary Session.

ITEM 20 : DISCUSSION ON CHILDREN WITHOUT PARENTAL CARE

118. The Committee deliberated on the way forward for finalizing the Continental Study on Children without Parental Care. In its deliberation, the Committee decided to organize a validation workshop, and decided on the position it will take on issues of the definition of children without parental care, the recommendations towards institutional care and deinstitutionalization of children, as well as the issues of vulnerable children. The Committee further decided to table the Study for adoption during its upcoming session provided that its comments and concerns are addressed.

ITEM 21 : PRESENTATION ON BUDGET 2023

119. The Secretariat of the Committee presented the Committee's budget absorption rate for the year 2022 and the draft budget for 2023. The Members discussed the challenges and proposed the way forward.

ITEMS 22 : PRESENTATION ON INTERSESSION ACTIVITIES

ITEM 23 : HEARING ON THE MERIT CONCERNING COMMUNICATION NO: 0013/COM/001/2020- APDF AND IHRDA ON BEHALF OF AS A MINOR AGAINST THE REPUBLIC OF MALI

120. The ACERWC has decided to postpone the hearing on the matter after the request of the applicants

**ITEM 24 : PRESENTATION ON COMMUNICATION 0017/COM/001/2021
AGAINST NIGERIA**

121. The Committee conducted a preliminary review of Communication No 0017/Com/001/2021 submitted by Child Rights and Rehabilitation Network, Institute for Human Rights and Development in Africa and Center for Human Rights (On Behalf of Children Affected by Witchcraft Accusations in Nigeria) v Federal Republic of Nigeria and noted that the Respondent State has not submitted its argument on the admissibility of the Communication despite the 30 days extension it has been provided with. The Committee, therefore, decided to grant another 60 days extension for the Respondent State to submit its arguments on the admissibility of the Case and further decided to consider the admissibility of the Communication in the upcoming 40th Ordinary Session even if the Respondent State does not submit its arguments on admissibility.

BRIEFING ON COMMUNICATION NO 004/COM/001/2014

122. The Committee considered the final report submitted by the Republic of Malawi on the implementation of the Amicable of Settlement regarding Communication No. 004/Com/001/2014 concerning the Institute for Human Rights and Development in Africa against the Republic of Malawi. While noting that the Government has undertaken commendable measures to implement the Amicable Settlement, the Committee noted that the review of legislation has not been finalized yet. Hence, the Committee decided to undertake investigation mission before closing the Communication.

**STATUS OF THE COMMUNICATION NO: 0015/COM/003/2020- ABBAS
MOHAMED AL-NOUR MUSA AL-EMAM AND OTHERS AGAINST THE SUDAN**

123. The Committee also assessed the status of Communication No: 0015/Com/003/2020- Abbas Mohamed AL-Nour Musa Al-Emam, Modathir Alrayah Mohamed Badawi, and Fadul Almoula Aljaili Nourallah, by The Legal representatives (a group of lawyers): Taha Fadul, Nisreen Mustafa, Somia Shampaty and Nawras Elfatih against the Sudan and noted that the Respondent State has not submitted its arguments on the Merits. The Committee decided to grant additional 30 days for the Respondent State to submit its arguments on the merit of the Case and further decided to hold hearing of the Communication during its 40th Ordinary Session even if the State Party does not submit its arguments on the merit.

ITEM 25 : PRESENTATION OF THE COMMUNICATION NO :0018/COM/002/2021 ON BEHALF OF FADIMATOU MOHAMADOU & 9 OTHERS AGAINST THE REPUBLIC OF CAMEROON

124. The Communication N°18 has been presented to the ACERWC. After deliberations, the ACERWC has taken a Decision on the admissibility of the case and the applicants will be informed accordingly.

ITEM 26 : SPECIAL MECHANISMS- MODALITY OF WORK

125. The Committee evaluated the working modalities of its special mechanisms namely, thematic and country rapporteurs as well as its working groups and noted some challenges which hinder the effective utilization of its special mechanisms. Some of the challenges identified include overlapping thematic areas of thematic rapporteurs, language barrier on country rapporteurs, term of country rapporteurs, and membership to working groups. In this regard, the Committee designated the Secretariat to revisit mandates and provide a recommendation to rectify the issues so that the Committee can deliberate and decide on the proposal during its 40th Ordinary Session.

ITEM 27 : ADOPTION OF DECISIONS

126. The Committee deliberated on various issues including requests from partners and issued the below decisions:

127. The Committee granted an Affiliate Status to the National Human Rights Commission of the Federal Democratic Republic of Ethiopia after evaluating its application documents.

128. The Committee considered and adopted as amended Resolutions developed by its various Working Groups namely:

- Resolution N ° 16/2022 on the Implementation of Decisions and Recommendations of the Committee;
- Resolution N ° 18/2022 on Integrating a Child Rights-Based Approach to Climate Change Responses;
- Resolution N ° 17/2022 on the Protection and Promotion of Children's Rights in the Digital Sphere in Africa; and
- Resolution N °19/2022 on the Situation of Children with Albinism in Africa

129. Furthermore, the Committee decided to Develop Guidelines on Violence Against Children.

130. Moreover, the Committee Endorsed the Child Friendly Version of the African Charter on the Rights and Welfare of the Child which is developed by Save the Children and Plan International.

131. The Committee deliberated on appointment of External Experts and Children as members of the Working Groups and decided to further assess the modality in which it can engage children in the Working Groups and decided to advertise the vacant position of one External Expert for the Working Group on Children with Disabilities.

132. The Committee identified thematic areas and provisions of the Charter on which it will develop General Comments namely:

- The Right to Adequate Nutrition of Children on article 14(2)(c) of the Charter; and
- The Right to Education of Children on article 11 of the Charter.

133. The Committee also identified themes for Days of General Discussions to be held in the upcoming Sessions of the Committee. The themes are:

- Children's rights in the digital world;
- The Rights of Children with Disabilities; and
- Early Childhood Development and Investment in Early Years.

134. The Committee decided to undertake fact finding missions through its Working Groups in the following manner:

- Fact finding by the Working Group on Children's Rights and Business to Democratic Republic of Congo, the Republic of Guinea and the Republic of Benin;
- Fact finding by the Working Group on Climate Change to the Republic of Angola and the Central Republic of Central African Republic;
- Fact finding by the Working Group on Children with Disabilities to the Republic of Malawi and the Republic of Burundi; and
- Fact finding by Working Group on Implementation of Decisions to the Republic of Cameroon and to the Republic of Senegal to follow-up the implementation of the decision of the Committee on its Communications Procedure.

135. The Committee considered and adopted as amended the following documents:

- The Continental Study the Status of Teenage Pregnancies in Africa; and
- Guidelines on Safe Return to Schools After/During the Covid-19 Pandemic

136. The Committee decided to hold its upcoming Session on 10-21 October 2022.

ITEM 28: ADOPTION OF SESSION REPORT AND COMMUNIQUE

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

ITEM 29: CLOSING REMARKS

138. In his concluding remarks, Hon Joseph Ndayisenga, Chairperson of the Committee, expressed his gratitude for the various personalities who availed themselves for the opening of the 39th Ordinary Session of the Committee including the child representative, Chairperson of the PRC Sub-Committee on Human Rights, Democracy and Governance, Ambassador Taonga Mushayavanhu, President of the African Court on Human and Peoples' Rights, Hon. Justice Imani Aboud, and Director of the Department of Health, Humanitarian Affairs and Social Development, Mariama Cissé, on behalf of the Commissioner of the Department, H.E. Amb Minata Samaté Cessouma. Hon. Ndayisenga highlighted that the Session was successful as the Committee was able to consider State Party reports of Eritrea, Uganda and Seychelles. He further indicated that the Committee was not able to consider the State Party report of Congo as the State Party could not be present for the consideration. Hon. Ndayisenga also highlighted that the Committee considered various Communications, Studies, General Comments, and Guidelines and was able to adopt various decisions including the date for the upcoming 40th Ordinary Session. Hon. Ndayisenga once more requested Member States who have not ratified the Charter to do so, State Parties who have placed reservations to withdraw their reservations, and State Parties to report to the Committee on time as well as implement the Committee's recommendations and Agenda 2040. The Chairperson also alluded to the fact that the Day of the African Child will be commemorated on 16 June 2022 with the theme 'Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice since 2013'.

139. Finally, Hon. Ndayisenga thanked Members of the Committee, staff of the Secretariat, partners of the Committee, participants and interpreters for their contribution during the 39th Ordinary Session.

140. The Chairperson of the Committee, Hon. Ndayisenga, declared the 39th Ordinary Session of the Committee officially closed.