

Communique on the 40th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child, Maseru, Lesotho, 23 November-01 December 2022

The African Committee of Experts on the Rights and Welfare of the Child finalized its 40th Ordinary Session which was held in hybrid manner physically in Maseru, Lesotho as well as virtually from 23 November to 01 December 2022.

The Session was attended by Representatives of children, Representatives of Member States, Representatives of the African Union Commission and AU Organs, Representatives of UN Agencies, and Representatives of Civil Society Organizations.

The Opening Ceremony of the Session had remarks from:

- Representative of children, Child Haufi Thatho;
- Representative of the CSO forum, Ms. Felistus Motimedi;
- Representative of the Network of African National Human Rights Institutions (NANHRI), Mr. David Barissa;
- Representative of the African Commission on Human and Peoples' Rights, Hon. Commissioner Marie Louise Abomo;
- President of the African Court on Human and Peoples' Rights, Hon. Lady Justice Imani Aboud;
- Representative of the Department of Health, Humanitarian and Social Affairs, Mr Lefhoko Kesamang;
- High Commissioner of the Republic of South Africa to the Kingdom of Lesotho, H.E. Constance Seoposengwe;
- Chairperson of the Committee, Hon Joseph Ndayisenga;
- Queen of the Kingdom of Lesotho, Her Majesty Queen Masenate Mohato Seeiso.

During its seating of the 40th Ordinary Session, the Committee adopted various decisions as highlighted below:

1. The Committee held a Day of General Discussion on Children's Rights in the Digital Environment and together with the participants adopted the Outcome Statement of the Day of the General Discission.
2. The Committee considered the first periodic report of the Republic of Congo.
3. The Committee considered the complementary reports on:
 - The Initial Report of the Republic of Botswana;
 - The second Periodic Report of the Republic of South Africa;
 - The first Periodic Report of the Kingdom of Lesotho, and;
 - The First Periodic Report of Côte d'Ivoire.

4. The Committee considered and issued rulings on the way forward of the below Communications:
 - i. Communication No: 0016/Com/004/2020 submitted by African Centre for Justice and Peace Studies (ACJPS) on behalf of Ms. Umjumah Osman Mohamed against the Republic of the Sudan;
 - ii. 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) against the Federal Republic of Nigeria;
 - iii. Communication No: 0019/Com/001/2022 submitted by Institute for Human Rights and Development in Africa and Mr. Solomon Joojo Cobbinah (on behalf of school-girls living in villages along the River Offin in the Ashanti Region of Ghana) against the Republic of Ghana;
 - iv. Communication No: 0020/Com/002/2022 submitted by Lawyers Associated for Human Rights in Africa (on behalf of Children of Jehovah's Witnesses) against the State of Eritrea;
 - v. Communication No: 0021/Com/003/2022 submitted by People Serving Girls at Risk and Equality Now (on behalf of Esnart Kenesi) against the Republic of Malawi;
 - vi. Communication No: 0022/Com/004/2022 submitted by institute for Human Rights and Development in Africa (IHRDA) against the Republic of Burundi.

5. The Committee held hearings and issued decisions on the below Communications:
 - i. Communication No: 0013/Com/001/2020 submitted by APDF and IHRDA on behalf of AS a minor against the Republic of Mali;
 - i. Communication No: 0015/Com/003/2020 submitted by Taha Fadul, Nisreen Mustafa, Somia Shampaty and Nawras Elfatih (on behalf of Abbas Mohamed AL-Nour Musa Al-Emam, Modathir Alrayah Mohamed Badawi and Fadoul Almoula Aljaili Nourallah) against the Republic of The Sudan.

6. The Committee considered a request for advisory opinion which it has received for the first time and issued a decision on its jurisdiction to be seized of the request.

7. The Committee considered and adopted as amended the following documents:
 - The Concept Note for DAC 2023;
 - The Study on the Mapping of NHRIs' Structures and Functions on Child Protection in Africa;
 - The Study on Children without Parental Care;
 - The Guidelines on Children with Disabilities.

8. Furthermore, upon the request of its partners, the Committee endorsed:
 - Guiding framework on ACERWC-RECs Collaboration developed by ACPF;
 - Children Affected by Armed Conflict Strategy & Implementation Plan developed by Save the Children, and;
 - Standard of Operations for Troop and Police Contributing Countries on Release & Reintegration of Children Formerly Associated with Armed Forces and Armed Groups developed by Save the Children.

9. The Committee decided to hold a Day of General Discussion and further develop a General Comment on Article 28 of the Charter on Drug Abuse upon the request

of the Drug Control Unit of the Department of Health, Humanitarian Affairs, and Social Development of the African Union Commission.

10. Pursuant to the discussions and recommendations that followed the Day of the General Discussion on Children's Rights in the Digital Environment, the Committee decided to develop Guidelines on Children's Rights in the Digital Environment provided that funds are availed by the organization who put forward the request during the Discussion namely Mtoto News.
11. Moreover, the Committee decided to develop Guidelines on Parental Responsibilities if funding is availed by the requesting partner, SOS International.
12. The Committee reviewed the TORs for its Special Mechanisms focusing on the terms of offices of its Country and Special Rapporteurs, themes of Special Rapporteurs and the country allocation to its Country Rapporteurs. The revised ToRs, allocation of Countries and themes for Special Rapporteurs are available on the website of the Committee and also on the 40th Ordinary Session report.
13. The Committee decided to broaden the scope of its Working Group on the Implementation of Decisions to enable the Working Group to undertake follow up of the decisions of other organs of the African Union including the policy organs pertaining to children's rights.
14. The Committee considered and decided on applications for affiliate status from 16 NHRIs in Africa namely NHRIs from Burkina Faso, Benin, Egypt, Gambia, Kenya, Malawi, Mali, Mauritania, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Togo, Zambia, and Zimbabwe.
15. The Committee Considered and decided on applications for observer status from:
 - Initiative for National Growth (Nigeria);
 - Maat for Peace, Development and Human Rights (Egypt);
 - Youth Net and Counselling (YONECO) (Malawi).
16. The Committee decided to undertake the below country missions in 2023 within its State Reporting, Communication, Investigation mandates:
 - Advocacy missions for reporting to the Republic of Togo, the Republic of Equatorial Guinean, the Arab Republic of Egypt, and the Republic of Cape Verde;
 - Advocacy missions for ratification to the Republic of South Sudan and the Republic of Tunisia;
 - Follow up missions to monitor the implementation of decisions on Communications to the Republic of the Sudan, the Republic of Cameroon, or the Republic of Senegal;
 - Follow up missions to monitor the implementation concluding observations and recommendations to Gabonese Republic, People's Democratic Republic of Algeria, Republic of Angola and Republic of Sierra Leone;
 - Investigation mission to the State of Eritrea and Democratic Republic of Congo.
17. The Committee adopted the theme for the Day of the African Child 2024 to be ***'Planning and Budgeting for Children's Rights: Progress since 2010'***.

18. The Committee decided to look for a Head of State which can be a champion of children's rights in Africa to achieve high level advocacy for children's rights.
19. The Committee decided to hold its 41st Ordinary Session on 20-30 March 2023.
20. The Committee adopted as amended the report of the 40th Ordinary Session.

Done in Maseru, Lesotho at the 40th Ordinary Session on 01 December 2022