



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

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**40th SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
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REPORT

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) held its 40th Ordinary Session from 23 November to 01 December 2022. Among the noteworthy activities during the Session was the consideration of the Periodic Report of the Republic of Congo, the Complementary Reports of CSOs from the Republic of Botswana, the Republic of Cote d'Ivoire, the Kingdom of Lesotho, and the Republic of South Africa. The Committee also considered various documents including the draft Guidelines on Children with Disabilities, the draft report on the status of implementation of the ACERWC Decisions and Recommendations, the draft report on children's rights and business, the draft report on the status of children with disabilities, the draft report on the impact of climate change on children in Africa, the draft report on Children without parental care, and the draft guidelines on children's rights during elections. Regarding Communications, various hearings were conducted. The Committee considered Communication No: 0013/Com/001/2020- APDF and IHRDA on behalf of AS a minor against the Republic of Mali. It also considered 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. The paragraphs below summarizes the main issues of the agenda items.

II. ATTENDANCE

2. The 40th Ordinary Session was attended by Representatives of Member States, Representative of 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 and National Human Rights Institutions, Representatives of the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights, Representatives of UN Agencies as well as international, regional and local non-governmental organizations.

ITEM 1: Procedural Matters and Organisation of work

3. Prior to the Opening Ceremony of the 40th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), the Committee convened to consider some preliminary procedural matters. After the adoption of the agenda, the Committee finalized the allocation of moderators for the Day of General Discussion (DGD), the allocation of Members for the consideration of observer and affiliate status applications. Rapporteurs and co-rapporteurs were also assigned for the purposes of consideration of State Party Reports, Complementary Reports and Communications.

ITEM 2: OFFICIAL OPENING CEREMONY

i. Remarks by the children's representative

4. The children's representative, Haufi Thatho, was the first to give opening remarks at the 40th Ordinary Session of the ACERWC. This was a message of peace and gratitude on behalf of the children of Lesotho and Africa. She called on the continent to ensure children's rights to survival, development, protection and participation and recognised all children present. She acknowledged that children's rights are slow but developing progressively and thanked States and development partners for their support this far, and she encouraged the further facilitation of child participation in this regard.

5. She stressed on the need for age-appropriate and sensitive guidance, particularly in the digital environment, and further recognized the impact of Covid-19 on education and other rights. Finally, she thanked fellow African Children for standing together for the rights of all children.

ii. Remarks by the Representative of the CSOs Forum

6. Ms. Felistus Motimedi presented on behalf of the CSO Forum. She explained her mandate of the day as representing civil society organisations working on the issues of children across the African continent through this platform. She provided an outline of the recently concluded CSO Forum session under the theme: Promoting and protecting children's rights in the digital era, which resulted in fruitful discussions, the adoption of a new Constitution and the finalization of the CSO Forum's 2026 Strategic Plan. She called for the recognition of the demonstrated commitment of CSOs in developing complementary reports up for consideration at the 40th Ordinary Session and warmly acknowledged the activities of the ACERWC, particularly the draft General Comment on Female Genital Mutilation.

7. Ms. Motimedi called on the Committee to support CSOs to assist Member States in finding amicable ways to permanently solve conflicts in the interest of the children affected and thanked the Committee for the standing slot for CSOs and children at its sessions and welcomed the continued collaboration.

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

8. Mr David Barissa gave his opening remarks on behalf of the Network of African National Human Rights Institutions (NANHRI). He recognised that the pandemic created global socio-economic crises of considerable magnitude, which destabilised the lives of the most vulnerable, particularly the children of Africa. He emphasised the importance of the relationship between NHRIs and the Committee for resolving these crises and their impact on children. He explained that NANHRI is the regional umbrella body which brings together 46 of the NHRIs on the continent under the vision of a continent of effective NHRIs committed to enhancing human rights. On this note, he encouraged all African NHRIs to file for affiliate status with the Committee. He explained that NHRIs then capitalise on their influence as the bridge between the regional and national levels.

9. Speaking on the AU theme of strengthening resilience and food security, he remarked that half of all Member States have high rates of child stunting. He called

on all stakeholders to do better to comply with the ACERWC, which provides for the right to adequate nutrition within the framework of primary health care. Further, he emphasized the need to adequately address the scourge of climate change and consequential drought, which is already keeping children out of school. He called for all to join hands to end the harmful practices that violate the dignity of Africa's children and to resolve the war and conflicts which continue to ravage the continent, robbing children of their rights. He finished with a reminder that complacency is equivalent to complicity in measures to address child trafficking.

iv. Remarks by the Representative of the African Commission on Human and Peoples' Rights (ACHPR)

10. Hon. Commissioner Marie Louise Abomo gave her opening remarks on behalf of the African Commission on Human and Peoples' Rights (ACHPR). She first acknowledged the child representative and explained that giving the child the first slot at the opening was done purposefully as children are the priority of this session. The Honourable Commissioner expressed her gratitude for the collaboration between the ACERWC and the ACHPR which is premised on the foundation of the instruments which guide these treaty bodies. She informed the participants that the Commission had collaborated with the Committee to draft a General Comment on Ending Child Marriage, and was in advanced stages on another General Comment on ending Female Genital Mutilation.

11. Recognising that the collaboration between the Commission and the Committee has not yet reached its apex, the Honourable Commissioner noted that more work remains for the two organs to embark on. She reasoned that just as the African proverb says that it takes a village to raise a child, she was clear that it is only through the consolidated efforts of all present that the full realisation of the child's rights may be achieved. In conclusion, the Honourable Commissioner commended the work that has been done and offered her well wishes for a fruitful session.

v. Remarks by the African Court on Human and Peoples' Rights (AfCHPR)

12. Hon. Lady Justice Imani Aboud from the African Court on Human and Peoples' Rights (AfCHPR) thanked the Chairperson of the Committee for extending an invitation to the AfCHPR to remark in this opening ceremony. She asserted that the three key human rights supervisory institutions within the AU framework are integral to the entire African human rights system and informed the audience that the Court has advised that the Committee should have direct access to it. She welcomed the spirit of cooperation- which continues to improve- between the Court and the Committee.

13. The Honourable Lady Justice further mentioned that the consideration of State Party Reports is an invaluable opportunity to enhance complementarity within the African human rights system through calling for State Parties to also ratify the protocol establishing the African Court. Recognising the immense value of the

activities of this session, the Honourable Lady Justice provided her warm wishes for a successful 40th Ordinary Session.

vi. Remarks by the Representative of the Department of Health, Humanitarian and Social Affairs

14. The Representative of the Commissioner of Health, Humanitarian and Social Affairs, Mr Lefhoko Kesamang, in his remarks, commended the Committee for the successful organisation of this first physical session after the Covid-19 pandemic. He further highlighted the need to be mindful of the devastating consequences of this pandemic on children's rights, including grave physical, emotional and psychological effects due to the measures instituted to prevent the spread of the pandemic. He took the opportunity to call upon Governments to address these consequences and ensure that children enjoy their rights, referring to the Committee's Guiding Notes to Member States of the AU on Covid-19 and its implication on children's rights and welfare, as well as the continental assessment report on the impact of COVID-19 and the Guidelines on the safe return to schools.

15. Mr Lefhoko Kesamang noted that children in vulnerable situations, such as girls, children in remote areas, children with disabilities, children in situations of conflicts and children on the move, should be taken into account in all our actions. He mentioned several initiatives implemented by his Department concerning children's rights. Among these initiatives, there have been activities to eradicate child marriage, including country visits. He also mentioned the African Union's Continental Strategy and action plan on online child sexual exploitation and abuse, as well as the climate change and resilience to development strategy 2022-2032.

16. He further noted that the year of nutrition and the theme is particularly important for children's rights in Africa, given that children are at high risk of malnutrition. He mentioned that the AU has an African regional nutrition strategy which aims to eliminate hunger and malnutrition. He concluded by urging Member States to commit and invest in nutrition to mitigate the nutrition challenges in Africa, Member States were also urged to allocate sufficient budgets for the nutritional well-being of children. He urged all the other partner organizations and stakeholders to support Member States' initiatives in addressing the child-related nutrition challenges on the continent. Finally, he commended the efforts of the ACERWC, Member states and other stakeholders for their efforts in making children's rights a reality in Africa.

vii. Remarks by Her Excellency Constance Seoposengwe, Representative of RSA High Commissioner

17. In her remarks to the 40th Ordinary Session, Her Excellency Constance Seoposengwe, the High Commissioner of the Republic of South Africa, gave an overview of the measures adopted by South Africa to guarantee the protection of children's rights and the implementation of the African Children's Charter. Ms Seoposengwe ensured that children's rights are vital to South Africa and highlighted the legal, structural, institutional, and financial efforts employed by the country to realize children's rights, such as the adoption of the Children's Act, the Child Justice Act and the establishment of the Ministry of Women, Youth and Persons with

Disabilities which is mandated with the coordination and monitoring the implementation of the CRC and the ACRWC.

18. Furthermore, Amb. Seoposengwe emphasized the vulnerability of children, which was further aggravated as a result of the Covid-19 pandemic, as an example, she mentioned gender-based violence, child labour, exploitation and trafficking. She then called on states to employ greater political will to realize the change and ensure that the needs and interests of children are observed across all government sectors in all African Countries.

19. Another point that was raised by Amb. Seoposengwe included girls and adolescents' reproductive health care, which was interrupted during the Covid-19 pandemic. She added that this resulted in their exposure to teenage pregnancies and HIV infections. Concurrently, she stressed the importance of paying attention to mental health issues and the experiences of young men and boys. Young men and boys were most vulnerable to substance abuse, criminal behaviours and alcohol which contributed to a low quality of life of young people and low levels of education. Ambassador Seoposengwe also underpinned the importance of deliberations and actions for children's rights, such as the ones undertaken by the African Children's Committee.

20. Lastly, Amb. Seoposengwe expressed her great excitement over the level of participation of youth during the COP27 meeting and their passion for preserving the environment and saving planet earth. She also called on states to take concrete action to ensure children exist within safer families and communities because 'it takes a village to raise a child.'

viii. Remarks by the Chairperson of the ACERWC- Honorable Joseph Ndayisenga

21. The Chairperson of the Committee, Hon. Joseph Ndayisenga welcomed and commended everyone for participating in the 40th Ordinary Session of the ACERWC and first physical session since the Covid-19 pandemic, held in the Kingdom of Lesotho.

22. He extended his gratitude to Her Majesty the Queen of the Kingdom of Lesotho, and to King Letsie III for their contribution to promoting and protecting the rights of children in Lesotho and in Africa. In the same line, the Chairperson recognised and extended his gratitude to the Ambassador of South Africa to the Kingdom of Lesotho, the Representatives of the children; the Representative of the Commissioner of the Department of Health, Humanitarian Affairs and Social Development of the African Union Commission; to the Office of the High Commissioner for Human Rights, the Representatives of the Organs of the African Union in charge of Human Rights, to the Network of National Human Rights Institutions, for their presence and commitment in promoting and protecting children's rights, as well as all the partners whose efforts have made this session possible.

23. The Chairperson recalled that the Committee's Working Groups, namely the Working Group on Children's Rights and Climate Change, the Working Group on the

Rights of Children with disabilities, the Working Group on Children's Rights and Business and the Working Group on Implementation of Decisions, composed of Committee Members and External Experts, have had their meetings from the 21st to the 22nd November, before the official Opening of this Session. He shared some of the activities undertaken during these Working Group Meetings, including presentation of continental studies, discussions on the main challenges faced by children and recommendations to address these challenges. He took the opportunity to urge all stakeholders to make use of the documents developed within the working groups, assist in the dissemination process and assist the Working Groups in the activities to be undertaken in 2023.

24. The Chairperson further highlighted that as part of the intersession activities, the Committee undertook a follow-up mission on the implementation of its Concluding Observations and recommendations in the Republic of Ghana, following the presentation of its Initial Report. He also highlighted that the Committee undertook an investigation mission on children affected by the conflicts in the Cabo Delgado region in the Republic of Mozambique. In the same line, he underlined that the Working Group on Children with Disabilities of the Committee undertook an investigation mission on the situation of children with albinism in the Republic of Malawi, to evaluate the nature and gravity of the violations that children with albinism face in Malawi, as well as to assess the status of implementation of the decision on the Communication submitted by the Institute of Human Rights and Development against the Republic of Malawi. He recalled that these missions allowed the Committee to make recommendations to the Governments of these State parties and informed that the final reports of these missions would be adopted during this Session.

25. The Chairperson noted that despite all the efforts, some children continue to face violations and some of these violations are reported to the Committee. Among these, are the situation of children affected by Armed Conflicts, the case of children on the move, Internally Displaced Children, the impact of climate change on children and harmful practices such as forced marriages and Female Genital Mutilations. He noted that to face these challenges, there is a need for synergy of action from all the stakeholders. He used the opportunity to call upon all the stakeholders to combine their efforts towards protecting and promoting children's rights in Africa.

26. The Chairperson further commended NHRIs with affiliate statuses for their commitment to children's rights and invited the other NHRIs to consider applying for affiliate status for more collaboration with the Committee. He indicated that during the intersession, the Committee's Secretariat received 16 requests for affiliate status. Addressing CSOs, the Chairperson requested the CSOs that do not have the Observer status yet, to send their applications in conformity with the relevant rules and regulations. For those with Observer status, the Chairperson requested that they submit reports to the Committee by the same rules. He took the opportunity to suggest that the CSO Forum, with assistance from the Kingdom of Lesotho, considers opening an office in Maseru to facilitate collaboration and synergy of action.

27. The Chairperson did indicate that during this session, the Committee would be considering the periodic report of the Republic of Congo, as well as complementary reports from CSOs from the Republic of Botswana, South Africa and the Kingdom of Lesotho, together with reports produced by children themselves.

28. The Chairperson also indicated that the theme for the Day of General Discussion this year is on children's rights in the digital environment. He noted that presentations and discussions on several topics in relation to this theme will be made and that an outcome statement will be adopted by the Committee in order to raise awareness among the various stakeholders on the promotion and protection of children's rights in the digital environment.

29. He further indicated that the Guidelines on the rights of children with disabilities in Africa, the Draft General Comment on Children's adequate nutrition, the Continental Study on children without parental care, the Study on NHRIs and children's rights among others will be considered during this session. In addition and according to its protection mandate, the Chairperson indicated that the Committee will be conducting hearings as well as considering other Communications. He used the opportunity to call upon partner organizations to work towards strengthening the Committee's protection mandate.

30. He reiterated his call to Member State to comply with their reporting obligations in conformity with the African Children Charter and requested States parties concerned to withdraw their reservations for full enjoyment of rights guaranteed by Charter of all the children of Africa.

IX. Remarks by Her Majesty Queen Masenate Mohato Seeiso: Queen of the Kingdom of Lesotho

31. Her Majesty Queen Masenate Mohato Seeiso began her remarks by paying tribute to all the officials attending the Opening Ceremony. She further welcomed everyone attending this session and wished fruitful deliberations to the participants. Speaking to the session's theme, she mentioned that 'promoting and protecting the rights of children in the digital world is a very relevant theme, given that the entire globe is driven by advancement and technology. She used the opportunity to call upon States to align their developmental programs with fast-advancing technology.

32. She also mentioned that technology sometimes presents a danger for the people using them, especially for the youth and children. She indicated that all sectors of our societies must protect children from the dangers of these technologies, given their vulnerabilities. She urged all State Parties to the Charter to embrace technologies and make good use of all its benefits while also urging them to adopt legislations and control measures to prevent violations of children's rights in the digital world. She stated that Lesotho is developing a national child protection policy which will address challenges brought about by the use of cyberspace.

33. She called upon State Parties to assist the ACERWC in its mandate of protection and promotion of the rights of African children by availing financial and human resources for the implementation of the provisions of the Charter.

34. She pointed out that despite the achievement brought by the efforts and actions of various stakeholders in terms of advancing the rights of the African child, some violations of their rights are still occurring, including child marriage, recruitment into arms groups, child labour, sexual exploitation and abuse and child trafficking.

35. She reiterated the commitment of the Government of the Kingdom of Lesotho to support the ACERWC Secretariat in conducting its activities and expressed the commitment of the Government to provide land for the construction of offices for the Secretariat in line with the host agreement signed between the Government of the Kingdom of Lesotho and the AUC. She emphasized that the Committee will consider, during this session, the complementary report by local CSOs from the Kingdom of Lesotho, as per the periodic report by the Government, submitted in May 2022.

36. She urged all the key stakeholders and members of the African Union to affirm their commitment to promoting and fulfilling the rights of children in their respective countries. She further calls upon the AU Member States who have not yet ratified the ACRWC to consider doing so and to the already parties of this Charter to take relevant and decisive actions towards realising the children's rights. She concluded by paying homage to the children of Africa and requesting everyone to invest in children.

ITEM 3 : REMARKS BY REPRESENTATIVES OF MEMBER STATES

37. Several State Parties representatives were given the opportunity to address the Committee and made brief statements during the session. These are the Republic of Congo, the Kingdom of Lesotho, the Republic of Botswana, the Republic of Kenya, the Republic of Mozambique, the Republic of Nigeria, the Republic of Algeria and the Republic of Mauritius. They gave brief overviews of the situation of children in their countries and presented some initiatives undertaken to ensure that children enjoy their rights. These initiatives include the development of laws, policies and programs. They also presented some of the challenges they face in this regard.

ITEM 4 : REMARKS BY NHRIS WITH AFFILIATE STATUS

38. Representatives from two NHRIs with affiliate statuses, namely Cameroon and Ethiopia presented some of their achievements in their respective countries. They equally presented some of the challenges faces in the realization of the rights of children in invited other NHRIs to apply for affiliate status for more collaboration with the Committee.

ITEM 5: REMARKS BY ORGANISATIONS WITH OBSERVER STATUS

39. The following partners submitted brief statements during the Session informing the Committee about the various initiatives they are undertaking, child rights issues in the continent and forwarding possible areas of collaboration with the Committee: Plan international, ACPF, CHR -University of Pretoria, Centre for Reproductive Rights, Dullah Omar Institute, World Vison International, Human Rights watch and Initiative for Social and Cultural Rights.

ITEM 6: PRESENTATION AND DISCUSSION- GUIDELINES ON CHILDREN WITH DISABILITIES

40. The Consultant Shikuku Obosi presented the draft Guidelines for action on the rights of children with disabilities in Africa by indicating that the purpose of the Guidelines is to advise the African regional bodies, RECs, and AU Member States to systematically examine their legal and policy frameworks, administrative measures, services, and standards for the protection of the rights of children with disabilities. He further provided an overview of the Guidelines and shared the fundamental principles of children's rights and disability inclusion, the rights of children with disabilities and the States Parties' obligations, among others. Moreover, Shikuku Obosi indicated that States Parties should ensure that they have the appropriate governance and accountability systems and take all necessary and specific initiatives and measures to ratify and/or implement the African Children's Charter; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with disabilities in Africa; and other human rights instruments. Shikuku Obosi further provided examples of priority actions for implementation by States Parties by indicating that States parties shall, among others, clarify the responsibilities of the policy and executive organs or agencies for the care and protection of children with disabilities; increase the visibility of children with disabilities in official statistics by conducting more research on issues that affect them; and, collaborate with development partners and organizations of persons with disabilities (OPDs) to identify existing gaps and priorities and allocate resources effectively and equitably to support the extra costs of disability.

41. The Committee thanked the Consultant for presenting the draft Guidelines for Action on the rights of children with disabilities in Africa and agreed to share the draft Guidelines with relevant stakeholders for further input and comments. The Committee further suggested that the draft Guidelines should benefit from the findings of the continental study on the status of children with disabilities in Africa that is currently being undertaken within the ACERWC Working Group on children with disabilities in Africa to harmonize both documents and avoid repetitions.

ITEM 7: PRESENTATION AND DISCUSSION- STUDY ON THE STATUS OF IMPLEMENTATION OF THE ACERWC DECISIONS AND RECOMMENDATIONS

42. The presentation was made by the Consultant Prof. Benyam Dawit Mezmur. He started by giving a brief background of the study, highlighting that in light of the "implementation crisis" of decisions of human rights bodies, including the ACERWC and due to the range of factors that induce state compliance with the ACERWC's decisions, the level of implementation of decisions, or the lack thereof, at the ACERWC led to the undertaking of a detailed assessment. Following the background, Prof. Mezmur then set the objectives and the methodology of the study. He mentioned that the main objective of the study is to assess the level of implementation of decisions and recommendations of the ACERWC. He indicated that, in addition to the literature review and examination of experiences from other jurisdictions, data collection was carried out using a questionnaire for States, NHRIs, CSOs, and Secretariat/members of the ACERWC.

43. The Consultant highlighted with the intention to shed some light on examples of opportunities, challenges, and where possible trends in respect of implementation and follow-ups, almost all of the Concluding Observations that have been issued by the Committee are reviewed. Additionally, he emphasized the measurability of some of the recommendations that the ACERWC has issued under the clusters of general measures of implementation, legislative measures, Budgetary allocations, Translating the Charter into local languages, Capacity of institutions (departments, NHRIs), Domestic legal status of the Charter, Minimum ages, Socio-economic rights are examined.

44. Regarding the issues of concern raised in the study that has significant implications for implementation, the presenter emphasized on the terminology used in recommendations, the sense of urgency, the use of General Comments, the Standard recommendation on implementation, the role of the National Mechanism for Follow-Up and Prioritized issues for urgent action and Time allocation / short reporting cycle. The consultant further indicated that the implementation of decisions on communications issued by the committee under its protective mandate is also tabled in the study, shedding light on the follow-up measures that the committee has undertaken. The presenter also underscored that the idea of appointing a Special Rapporteur on the follow-up to implementation of decisions within the ACERWC has been enunciated in the study.

45. Finally, he, concluded by providing the major findings, recommendations, and conclusions of the study. After the presentation, the Committee highlighted the need to address the issues that are being raised in the recommendations in respect of budgetary allocations for the committee, actions that need to be undertaken to facilitate implementation as well as meaningful follow-ups related, among others, to the role of NHRI's in states, the role that children actually should play in the implementation and the follow up to the implementation, the importance of national action plans and the improvement of the level of obligation of States in the implementation of children's rights.

ITEM 8 : PRESENTATION AND DISCUSSION- STUDY ON CHILDREN'S RIGHTS AND BUSINESS

46. The presentation was made by the Consultant, Professor Julia Sloth-Nielson. She started by giving a background of the study and highlighted the methodology and limitations of the study. She further highlighted the context of the study, indicating that the study discusses the international legal framework and normative policy context on business and human rights; specific sectors (mining, oil and gas, energy, agriculture, fisheries, travel and tourism, informal economy, and advertising and social media); positive case studies and regulatory environment; National Action Plans (NAPs) for business and human rights; remedies for rights violations; conclusion and recommendations. She informed that overall, the study has identified many hazards for children in the business context that imperil the fulfilment of their rights. She indicated that the major challenges are the lack of enforcement of existing standards and the diminishing access to social security for children and their parents, which leads children to work, especially in family businesses. She

emphasized the need for ongoing engagement between governments and businesses so as to forge solid partnerships to promote children's rights in each sector, and the need for improved access to social security for children and their caregivers.

47. After the presentation, the Committee and the participants commended the draft report, highlighting that it is relevant and timely, considering the adverse impacts of business practices on children's rights and the need for businesses to mitigate them. Several issues were raised concerning the study, to which the consultant clarified. Some of the issues raised include the need for the study to reflect how certain vulnerable groups of children such as girls and children from minority groups are impacted by business practices and the need to analyze health threats and other fatalities on children by business practices. Further, it was suggested that the study should have more information about children's access to social security and how businesses enhance social security, considering that social protection has diminished in many African countries. It was also highlighted that the study should have more information relating to NAPs on business and human rights and highlight more best practices from which other countries can draw from. Furthermore, it was suggested that the study examine the issue of child participation vis-à-vis child labour, considering that some children work in the informal sector to support their parents and families.

48. Regarding recommendations of the study, the participants suggested that the study should also include recommendations on alternatives for social protection measures, and the need for the African Union to offer guidance to Member States on the development of NAPs on business and human rights.

ITEM 9 : DAY OF GENERAL DISCUSSION ON CHILDREN'S RIGHTS IN THE DIGITAL WORLD

I. Panel I- Children's rights in the digital sphere: Focus on African Perspectives

49. Honorable Theophane Nikyema chaired the first panel of the Day of General Discussion.

50. The Panel addressed Children's rights in the digital sphere: Focus on African Perspectives. The kick-off panel started with a presentation by Ms. Mona Aika, from UNICEF. Her presentation focused on the Opportunities and Challenges with regard to children's rights in the digital sphere in Africa. Ms. Mona Aika started by highlighting the important role Digital technology plays in children's rights. She continued by pointing to the existing international and regional framework on children's rights enshrined in the CRC and the ACRWC. The presenter concluded by proposing solutions in response to the concerns that children face online, including the importance of involving children themselves and empowering them to navigate safely online, the need for children to have access to information from credible sources, the need to work with parents and caregivers, the need of schools and educators to adhere to the safety measures of children and making sure that reports are addressed and referred to the right channels for child protection services.

51. The second presentation by Children's Representatives from Lesotho, DRC, Eswatini, Rwanda and Ethiopia was on Children's perspectives: Online dangers and their impact on children's rights. In their respective presentations, the children took participants through the limitless opportunities that the digital sphere offers to children, the dangers of using the Internet by children in the digital world, including cyberbullying, mental health concerns associated with internet use, the danger of inappropriate, damaging reputation, online scams and Identity theft. They further emphasized the negative impacts faced by children online, such as depression, drug addiction, criminality and drop in grades. In conclusion, the presenters made recommendations to Governments on behalf of all children to develop legislation and enforce laws that shield children from the online digital world to ensure the safety of children and thus ensure harsh punishment for cyber-crimes, to ensure sensitization and education about the dangers that children face when using the internet and adapt to the new normal. Overall, the presenters made a call requesting the AU to hold the governments accountable to make sure they develop and implement cyber laws. The children also made recommendations to their peers and their parents.

52. Ms. Jenifer Kaberi from Mtoto News presented the final presentation in this panel on Internet access as a rights issue in the context of strategies for achieving universal and meaningful access to the internet by children in Africa. She highlighted that the same rights that children have offline must also be protected online. Accordingly, children must enjoy all rights enshrined in the UN CRC and the ACRWC, both physically and online. She further emphasized the existing regional and international legal framework on internet access as reflected in Aspiration 2 – Goal 2 of Agenda 2063, the AU digital transformation strategy 2020-2030 and the AU convention on cyber security and personal protection (the Malabo convention), the general comment 25 of UNCRC and the General Comment No. 7 on article 27 on Sexual Exploitation of ACRWC. She further highlighted the barriers to internet access in Africa before highlighting the solutions. Concluding her presentation, she made policy recommendations, recommending the review of the African Union Digital transformation strategy to include a component of children and lifelong learning strategy, encouraging the Member States to rectify the Malabo Protocol and the Committee to develop a guideline/strategy on accelerating child rights in the digital world.

53. Following the presentations, discussions among participants brought some issues forward, including the need to involve the business community to be part of the digital governance frameworks to facilitate access and ensure that children are safe online, for children who are exploited online and do not report the need to encourage reporting, the need to use already existing frameworks and request member states to domesticate the Malabo Protocol and for those who haven't ratified it yet to accelerate the process, the need to stress upon Member States to prioritize guaranteeing the right of children to be connected while considering the protection, age, and appropriate information mentioned in this meeting.

***ii.* Panel II- The legislative and institutional responses in the promotion and protection of children's rights in the digital sphere in Africa**

54. The panel on the Legislative and Institutional Responses of African Countries on the Promotion and Protection of Children's Rights Online was introduced by Hon. Kembo, who also welcomed everyone present.

55. The first presentation, on international and regional human rights standards and commitments on online child protection and their implementation in Africa, was introduced and Ms. Opal Sibanda was invited to take the stage. In her presentation, Ms Opal Sibanda reviewed International and Regional Human Rights Standards and Commitments on Online Child Protection and their Implementation in Africa. In this regard, she emphasized that, despite the availability of standards, there is lack of comprehensive regulations on the online protection of children. In terms of international standards, she discussed the provisions of the Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Prostitution, and Child Pornography, as well as the CRC Committee's General Comment No. 25 on Children's Rights in the Digital Environment, among others. She also highlighted the extent to which regional standards, such as the ACRWC, Agenda 2040, and ACERWC's General Comment on Article 27 on Sexual Exploitation of the ACRWC of the Committee and the AU Convention on Cybersecurity and Personal Data Protection, address online child safety (Malabo Convention), as well as other regional standards and initiatives at the AU level.

56. Regarding the Malabo Convention, considering that children are not explicitly mentioned, she asked the participants if there should be a separate section or explicit provisions relating to the processing of children's data or the Malabo convention in chapter two adequately addresses child protection online, particularly in terms of privacy and personal data protection. In respect of the ACRWC, she stated that, despite the absence of a dedicated provision under the ACRWC addressing the protection of children in the digital environment, the ACERWC's establishment of a Working Group on Children's and Business is an important step for Member States to engage with the Committee on what measures they have taken to ensure that children are protected in the digital environment. She concluded her presentation by emphasizing that while the AU and Member States have launched and carried out several initiatives, there is still a need to encourage Member States to adopt laws and policies that effectively and comprehensively protect children's rights online, as well as develop guidelines or regulations on how businesses can address the negative impacts of their practices on children.

57. Following Ms. Opal's presentation, Dr. Richard Wamimbi presented on 'Taking the African Union's Plan of Action and Strategy' on OCSEA forward with an Emphasis on African Perspectives. Dr. Wamimbi provided a brief overview of the OCSEA Strategy and Plan of Action 2020-2025 (Strategy), which aims to implement a comprehensive and coordinated effort, as well as to mutually reinforce a set of activities to galvanize Member States, key stakeholders, and partners to accelerate actions addressing OCSEA, such as prevention, protection, and prosecution. He also emphasized the Strategy's vision, mission and goals, objectives, anticipated outcomes, and strategic approaches, as well as coordination and execution, monitoring and evaluation, and next steps. He further noted that the AUC is now hosting a Member-State workshop in South Africa from December 8th to 10th for the

adoption of the Strategic Plan, as well discuss promising practices and build commitment with Member States.

58. Mr. Gitau David, a Criminal Intelligence Officer at INTERPOL, presented on addressing cross-border issues on child online safety: extraterritoriality and international mutual legal assistance and cooperation. Mr. Gitau presented several initiatives undertaken by INTERPOL concerning online child protection through its Crime Against Children Unit, the main goal of which is to bring together law enforcement agencies and all stakeholders who collaborate closely with the AU to build capacity and partnership. In terms of the scope of the problem, he stated that over 85 million images depicting child abuse were circulated on the internet in 2021, with approximately 29.1 million reports made to the network. He also added that a substantial portion of these reports contain geographical indicators pertaining to African countries, which necessitates collaboration across countries in terms of investigations. Mr. Gitau went on to outline the primary efforts and tools that INTERPOL's Crime against Children Unit is using to protect children's online safety, such as the International Child Sexual Exploitation Database (ICSE) and Victim Identification Taskforce. He also emphasized on the ongoing collaboration with the AU and UNICEF to assist Member states in developing capacity in this area.

59. Several issues were raised in the discussion that followed the presentation, including the importance of strengthening systems and platforms that promote the safety of children online, particularly by removing negative content that is harmful to children, opportunities for the Committee to fill in the gaps and adopt certain normative standards, and possible avenues for the Committee to draw inspiration from other sources and where civil society organizations can help. Other issues raised include how to link a child-rights-based approach with what the Strategy intends to do, extraterritoriality issues, and the importance of regulation in communities where the internet phenomenon is penetrating progressively and where it is concerned with issues of illiteracy and poverty, as well as the importance of paying special attention to vulnerable groups of children, such as girls, and the importance of digital literacy for communities.

iii. Panel III- A focus on contemporary online child rights violations in Africa

60. The third panel of the Day of General Discussion was chaired by Honorable Wilson Almeida Adão. The panel addressed the contemporary online child rights violation in Africa. The panel started with a presentation made by Prof. Maria Usang Assim from the Dullah Omar Institute. Her presentation focused on children's privacy and personal data protection in the digital sphere: African Countries' Responses. Based on the provisions of Article 16 of the CRC and Article 10 of the ACRWC, Prof Usang indicated that the right to privacy extends beyond the home or family environment and the right to privacy includes protection from unlawful attacks on honour or reputation and harmful correspondence and associated risks such as online violence, pornographic materials and mental health issues/triggers that children (especially teenagers) face online, among others. She stated that Article 10 of the ACRWC has a unique addition to the role of parents and caregivers/guardians in children's exercise of the right to privacy. Prof Usang indicated that across the

continent, there is no legislation that comprehensively protects children's general right to privacy, including data privacy, considering issues of consent, age verification, evolving capacities, etc. She, however, indicated that individual States have taken and are taking some commendable steps in terms of legal protections for data privacy in general. Prof Usang ended her presentation by indicating that she provided a summary of ongoing research and more elaborate information and detailed explanations will be shared with the ACERWC once the research will be finalized.

61. Next on the panel was a presentation from ECPAT International by Willy Buloso. The presentation focused on new and emerging forms of online child sexual exploitation in Africa: African Countries Responses. Willy Buloso indicated that OCSEA includes situations involving digital, internet and communication technologies at some point during the continuum of abuse or exploitation. He further indicated that OCSEA can occur fully online or through a mix of online and in-person interactions between offenders and children. Willy Buloso also stated that internet-using children are being subjected to OCSEA and the offenders of OCSEA are often someone the child already knows. He stressed that few children report OCSEA experiences, they don't tell anyone; and, if they do, they tend to disclose to friends, siblings and sometimes caregivers and very few formally report to a helpline or the police. Willy Buloso concluded his presentation by making the following recommendations:

- Undertake national-scale awareness and education for caregivers, teachers, children and the public on the risks of OCSEA;
- Expand avenues for help-seeking; upskill the child protection workforce on these new risks and harms and support national mechanisms like helplines to better address OCSEA; and,
- Create/maintain police units for OCSEA; train all police officers on this topic; record and monitor crimes related to OCSEA.

62. The third presentation on this panel was made by Dr. Elvis Fokala from the Centre for Human Rights, University of Pretoria. His presentation focused on the merits of a child's right to play in a digital age in Africa. Dr. Fokala indicated that the travaux préparatoires and the intention of Article 12 of the African Children's Charter were to improve child's self-esteem and confidence by allowing them to play and enjoy themselves with friends; have physical activities or moments they could exercise and interact with themselves. Moreover, Dr. Fokala stated that the application and implementation of the right to play as provided in the African Children's Charter has currently and globally shifted to online platforms and article 12 did not provide online activity while enjoying the right to play. He also indicated that Article 12 of the African Children's Charter does not come alone, it comes with other secondary rights such as the right to rest and leisure. Furthermore, Dr. Fokala indicated that a small number of AU Member States have the right to play in their children's Act or their constitution. He further indicated that the right to play is usually forgotten and is not effectively implemented at the local and national levels. He concluded by indicating that they are different aspects of the right to play and every child should fully enjoy the right to play. Dr. Fokala ended his presentation by providing the following recommendations:

- Recognize at the continental and State levels that the right to play is increasingly taking place online and ensure that appropriate measures are in place to protect children's right to privacy;
- Rethink the objectives of article 12 and how to shift the objectives of 1990 to bring it to the reality of 2022 which includes the online aspect and take all appropriate measures to ensure that our children are protected in online platforms;
- Ensure there is uniformity in the enjoyment of the right to play and take all appropriate measures to develop strategies or standards for States that will balance the child's right to physical and digital play, and,
- Rethink how the internet is gradually shifting the objectives of certain rights provided in the African Children's Charter and ensure children are effectively protected in online and offline environments.

63. The fourth presentation was made by Cleophas Maragai from Save the Children on child influencers and social media: child exploitation in the digital age. In his introduction, he indicated that we have a new generation of parents that are opening social media accounts for their children before they are born; and the moment they are born, they are on social media. He further indicated that visual apps such as TikTok and Instagram tend to attract more younger viewers. He stressed that the uncontrolled presence of children on social media, especially words facing social media where children can share their information, presents some danger. He indicated that children are looking to have more followers, and; he highlighted the excitement that comes with having many followers together with the disappointment that they can have if they do not have many likes, present significant danger for children and they can experience mental health issues. He further mentioned the mental well-being of children and children's emotions when we are putting them online and exposing them to some feelings that they are not able to manage. He stressed that they are people that are going to abuse children; the latter are not going to understand what is happening and they will be asking themselves questions about why this is happening is to them. Cleophas indicated that children are going through a lot of challenges and children's rights violations provided under article 15 of the African Children's Charter and many other articles in the Charter. He indicated that at the country levels, we have very aspirational legislation and many policies but the implementation of such legislation and policies concerning the digital world is very challenging. He concluded his presentation by providing the following recommendations:

- There is a need to strengthen child protection systems and ensure that our legislations can practically address the issues of child abuse and violence in the digital world and hold social media companies accountable;
- Conduct several studies on issues related to children's rights and the digital environment and create mechanisms that ensure a win-win solution for all the actors involved;
- Take all appropriate measures to address the emerging challenges of children's rights in the digital world and ensure that protection measures and mechanisms are in line with the ACRWC; and,

- Sensitize the parents and service providers on the matter of abuse beyond the physical aspect.

64. The last presentations of this panel were made by Betty Odallo from the Centre for Reproductive Rights and Dr Tugwell Chadywanembwa from Plan-AU Liaison Office. Their presentations focused on the digital environment and its implications on adolescent girls' right to be protected from sexual abuse and exploitation; a case of Kenya, Uganda, Zambia and Liberia. Betty Odallo presented on the accessibility to and use of the internet by indicating that adolescents from the abovementioned countries stated that they use the internet to share information, make friends and network; entertainment, watch movies, as well as online learning; job and scholarship applications and spread awareness around HIV and SRHR, among others. Moreover, adolescents indicated that unnecessary advertisements; pornography materials; exposure to misinformation; abuse and violence; fake online romantic relationships; fake opportunities such as job offers and scholarships that lure children into harmful, abusive and exploitative situations are some of the challenges faced by adolescents while using the internet. Furthermore, Tugwell Chadywanembwa indicated that adolescents provided the following recommendations to ensure child-friendly digital spaces:

- Restrict adverts on porn on social media sites (there should be apps for that and not adverts on media sites);
- Increase conversations between law and policymakers, private actors and adolescents when making and enforcing laws and policies that affect internet use;
- Sensitize parents on how to help adolescents to protect themselves and stay safe online;
- Create sites and other online platforms where adolescents can access verified, accurate and trustworthy information;
- Digitize SRHR information and service provision for adolescents to facilitate privacy;
- Empower adolescents to be part of the solutions to online exploitation and abuse e.g. buddy system; and,
- Government should also ban pornography.

65. Betty Odallo and Dr Tugwell Chadywanembwa concluded their presentation by making the following recommendations:

- Undertake studies on the opportunities and challenges in the digital environment and strengthen the effort of all relevant stakeholders to make the internet safe for children;
- Take all appropriate measures to ensure that the online environment is child-friendly and gender-sensitive; and,
- Collaborate with relevant stakeholders to create a conducive environment for adolescents to navigate the digital environment.

66. At the end of panel III, it was recommended to develop strategies to ensure that children are aware of their responsibilities vis-à-vis each right they have as provided under article 31 of the African Children's Charter and for the Committee to utilize the mechanisms that it has to expand the interpretation of children's rights in the digital environment.

iv. Panel IV- Working collectively to promote and protect children's rights in the digital sphere

The role of businesses: Striking a balance between children's participation and protection rights

67. The presentation was made by Sylvia Musalagani from META. In her introduction, she highlighted that META takes a comprehensive approach to making its platform a safer place for teenagers, including writing clear policies and developing cutting-edge technology to help prevent abuse in the first place. She indicated that META is committed to supporting parents, caregivers and educators with policies, resources and tools to support the safety and well-being of youth online. For instance, META developed a process to help the company apply the Convention on the Rights of the Child directly to the products and experiences built at META. Further, META complemented its own internal research with input from global data protection regulators to create Meta's Best Interests of the Child Framework, which distils the "best interests of the child" standard into six key considerations that product teams can consult throughout the development process. She further indicated that META is committed to working with child-safety stakeholders to build and support the child-safety ecosystem. Some of the initiatives undertaken through collaboration with some stakeholders include the launching of a digital literacy program dedicated to Sub-Saharan Africa which provides accessible learning modules and resources to build skills for a digital world, and the launching of a Child Sexual Abuse Material awareness campaign to raise awareness on the issue and provision e-learning modules to the child helpline partners - to build their staff's capacity on child sexual abuse material and how to process it when it's reported to them.

68. In conclusion, she emphasized that in order to be meaningful, online child safety regulation should uphold the best interests of the child; be sufficiently flexible to be applied across different services; allow room for companies to respond in a way that matches their particular risk profile; take into account technical limitations, available resources, legal and privacy considerations; encourage industry transparency and collaboration to respond to the evolving nature of threats; and increase interoperability among regulators and regulations globally. After her presentation, the participants made some reflections especially on the need for child sensitive policies, and the need for businesses to ensure that protection measures in place do not discriminate against certain groups of children.

v. The role of parents: Balancing the tension between parental responsibility and children's right to freedom of expression and privacy

69. The presentation was made by Dr. Shimelis Tsegaye from African Child Policy Forum. He started by highlighting that the digital environment has transformed parenting and there is anxiety about child online safety versus awareness of the educative potential of digital media. He indicated that parents usually exercise parental mediation in order to support their children online and to regulate how their

children are interacting in the online environment. He gave an overview of the various digital parenting practices and highlighted that the challenges with regard to digital parenting practices include excessive parental media use, digital parenting within child headed families, abusive or neglectful parents, traditions and gender dynamics wherein there is reluctance to discuss sexual matters with teenagers. He therefore indicated that a delicate balance needs to be struck between ensuring that children enjoy their privacy and freedom of expression online and ensuring that they are protected.

70. He concluded by indicating that there is a need for parents to respect the evolving capacities of children when supervising them online and that there is a need to support parents and caregivers to develop the technological understanding, capacity and skills necessary to assist children in relation to the digital environment. After the presentation, discussions were made on a number of issues including the need for parents to establish positive relations with their children to enable them to freely talk to them about their experiences online, and the need to enforce African values in supervising children as they explore the digital environment.

vi. Online safety in schools: The role of schools and Education Ministries

71. The presentation was made by Fikerte Tadesse from PLAN-AU Liaison Office. She highlighted that the internet can be a powerful tool for children to connect, explore, learn, and engage in creative and empowering ways, thus the digital environment is important to children's lives and rights. She indicated that nowadays, technology has come to play a central role in teacher management, particularly in facilitating the use of information for educational development and in producing the teaching workforce needed for the twenty-first century. The COVID-19 pandemic further accelerated the shift to online engagement in many aspects of children's lives, including in education.

72. She mentioned that despite the opportunities online, the online environment can expose children to several risks. She also highlighted some of the challenges related to online learning which include the lack of devices and internet connectivity which makes it difficult to reach the majority of students via the internet; poor internet connection; lack of coordinated response in the education sector; lack of proper planning and structuring regarding lessons provided on online platforms; lack of a monitoring system to track and ensure student learning and; and unpreparedness to change from the traditional mode of teaching and learning to a more digital mode. She concluded by highlighting the need for the development of relevant regulatory policy frameworks in relation to online education, to integrate digital technology in the teaching-learning process, and technical capacity trainings for teachers to address child online safety concerns.

vii. Experiences in implementing projects and programs related to online child protection

73. The presentation was made by Sakhile Dlamini from World Vision. She indicated that World Vision, with support from its partners has undertaken a number of initiatives in facilitating children's access to the internet as well as continued learning during the COVID-19 pandemic. Some of the initiatives include mobile learning-based platforms, holiday virtual learning programs where children receive literacy and numeracy activities via the WhatsApp mobile platform through their parents, as well as the donation of laptops to children and young people. World Vision has established a remote monitoring and learning support framework to accompany and backstop student learning via multiple platforms, including radio lessons, peer support groups and printed materials for students without access to phones. She further indicated that World Vision has a generic policy brief; 'It takes A world to End Online Violence against Children' which emphasizes on governments to take legislative and educational measures to address online violations.

74. She concluded by recommending that African Governments develop and enforce laws and regulations against all forms of online violence, abuse and exploitation, including criminalizing online offences against children. Other recommendations include ensuring children's access to information technology and provision training to help them minimise and manage online risks; support parents and caregivers with knowledge and skills to inform and protect their children from online violence; and ensure communications and internet business centres follow safeguarding protocols related to children's access to and safety when using equipment in their facilities. She further urged the African Union to guide Member States in raising awareness and in developing policies related to online child protection. Lastly, she urged ICT businesses to create a safe online environment for children by implementing the Guidelines for Industry on Child Online Protection, and to report online violations against children immediately to local law enforcement and/or to a national hotline and to coordinate any actions.

ITEM 10: APRM'S PRESENTATION

75. Her Excellency Ambassador Inonge Mbikusita-Lewanniki, in her presentation, gave an overview of the APRM Review process. She began by explaining that the APRM is an institution of the African Union voluntary arrangement, voluntarily acceded to by Member States of the AU. She noted that the primary purpose of the APRM is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated economic integration, in line with the NEPAD strategic framework goals.

76. Following that, she mentioned the five areas of APRM review, which are: Democracy and Political Governance, Economic Management and Governance, Corporate Governance Broad-based Socio-economic Development State Resilience to Shocks and Disasters. Her Excellency Ambassador Inonge, proceeded to present the APRM Member States and explained the process through which the review is done. She noted that National Structures are first established, following which a Country Self-assessment is conducted and then a Preliminary Program of Action is developed. After that, the APRM carries out a Country review mission and drafts the Country Review Report. A Panel of Validation is then conducted, and the Review

Report is submitted to the APRM Forum for peer review. The report is then published, including the National Program and the implementation process starts.

77. With regards to the linkage between the APRM and the ACERWC, Her Excellency Ambassador Inonge indicated that in addition to the targeted reviews, the APRM base Document, such as the APRM Questionnaire of the comprehensive country review across the five thematic areas, also examines key governance challenges in civil and human rights such as Protection of children, Child mortality and health care, Prosecution of child labour practices, Nutrition & Education, Observance of Key Protocols such as The African Charter on Rights and Welfare of the Child, or The ILO Convention on The Worst Forms of Child Labour.

78. To conclude, Her Excellency Ambassador Inonge provided recommendations to the Committee in terms of engaging with national APRM focal points who are the Ministers in charge of APRM, NGOs, national governing councils, etc; as well as engaging the APRM secretariat. She also recommended that the Committee requests Governments to digitalize national days of children such as the DAC on videos and video games.

79. After the discussions, the Chairperson extended its congratulations for this collaboration between the APRM and the ACERWC, and suggested that the APRM, in reviewing the State Parties, takes into account the implementation agendas of the Committee as well as all the decisions and recommendations. He indicated that the country review reports could be used by the Committee when considering the State Party' reports as well as when conducting country follow up missions.

ITEM 11 : CONSIDERATION OF THE PERIODIC REPORT OF THE REPUBLIC OF CONGO

80. The ACERWC received a delegation from the Republic of Congo for the consideration of the combined second, third and fourth periodic reports for the period 2014-2020 on the implementation of the African Charter on the Rights and Welfare of the Child. The delegation was led by H.E. Irène Marie Cécile MBOUKOU KIMBATSA née GOMA, Minister of Social Affairs, Solidarity and Humanitarian Action.

81. In her opening statement, H.E. the Minister indicated that the periodic report covers a period marked by the economic crisis due to the collapse of the price of petrol on the world market and the COVID-19 pandemic. The Minister informed the Committee that the preparation of the report followed a participatory process, including all ministerial sectors as well as civil society actors concerned with children's rights issues. H.E. Madam Minister affirmed that the recommendations made by the Committee following the previous report served as a guide, not only for data collection, but also for the structuring of this report. She further indicated that the report contains the measures taken to respond to the recommendations grouped under the following main clusters: general implementation measures; definition of the child; general principles; civil rights and freedoms; family environment; health and welfare; education, leisure and cultural activities; special protection measures. The Minister also highlighted the developments in national legislation and practice and

several initiatives that the Government has undertaken to improve the compliance of legislation and practice with the provisions of the Charter.

82. Following the presentation, the Committee members commended the State party for its efforts in protecting the rights of the child and for the consultative process that had been implemented in the preparation of the State party's report. They requested clarification on the draft Code of Persons and the Family, the progress made and difficulties encountered in the establishment of a national statistical system, the existence of a centralized database, the measures undertaken to ensure that data and indicators are transmitted to the relevant ministries and used for policy development, monitoring and evaluation, programs and projects aimed at ensuring the effective implementation of the Charter, the coordination of interventions on the protection of children's rights, the definition of the child provided by the Family Code and restated by Article 1 of Act No. 4-2010 of June 14, 2010 and the reasons for the non-conformity of the age with the Charter and the measures taken to harmonize the definition of the child with the provisions of the Charter, child marriage, the measures taken for the establishment of inclusive schools in terms of non-discrimination of girls/boys, pregnant girls, indigenous children and children living with disabilities, birth registration, the killing of children by police officers, the children's parliament, the adoption of children, alternative measures taken in the face of decreasing budgets devoted to the protection and promotion of children's rights the protection of children during the Covid-19 pandemic, as well as children with albinism, the creation or rehabilitation of institutions for children without a family environment, education, leisure and culture, the accessibility of public buildings for children with disabilities, the translation of the Charter into the national language, the law on asylum seekers and the status of refugees, children affected by armed conflicts, the situation of child labor.

83. In response to questions raised by the Committee, the delegation provided clarifications. The delegation informed the Committee that the draft Code of the Persons and the Family is currently in the approval process and has already received a favorable opinion from the Supreme Court and is awaiting adoption by the Council of Ministers and then by the Parliament. With regard to the progress made and the difficulties encountered in setting up a national statistical system, it was specified that the Republic of Congo is in the process of equipping the country with an effective statistical arsenal in order to strengthen the National Statistical System (NSS). Also, with the support of the World Bank, there is a centralized database within the framework of the Integrated Management System of Statistical Information (SIGISTAT). It was further stated that the statistical data and indicators that can enable sectoral ministries to develop, monitor and evaluate policies, programs and projects aimed at the effective implementation of the Charter, are contained in the statistical yearbooks of the National Institute of Statistics. Regarding the coordination of interventions on the protection of children's rights, it was indicated that the strategic framework for strengthening the national child protection system adopted in 2015 provides for the establishment of a coordination and monitoring mechanism for children's rights. Concerning the harmonization of the definition of the child with the provisions of the Charter, the delegation emphasized that this concern will be considered in the reform of the Code of Persons and the Family, the draft of which is currently awaiting the approval of the Supreme Court. Regarding child marriage, it was specified that the Republic of Congo, as part of the process of elaboration and

implementation of a legal and institutional framework in conformity with the African Charter on the Rights and Welfare of the Child, has committed itself in the preliminary draft of the Code of the Persons and the Family. In addition, measures have been taken to establish inclusive schools in terms of non-discrimination of girls/boys, pregnant girls, indigenous children and children living with disabilities. Similarly, the right to education and compulsory education until the age of 16 are guaranteed to all children without discrimination by Article 29 of the Congolese Constitution. The delegation indicated that measures have been taken to allow pregnant girls to continue their education. It was added that the Congolese state and its partners have established a special education system for indigenous children in schools called ORA (Observe, Reflect and Act) which prepare for the integration of indigenous children into the formal school system. Regarding the registration of births, it was indicated that the civil status has been extended to all public and private health facilities and that every year in Congo since 2018 in all the main centers of civil status, a census is carried out with the aim of knowing the number of minors and adults born on the national territory who do not have a birth certificate. As for the Children's Parliament, the delegation stressed that the draft decree on the creation, organization and functioning of the Children's Parliament is currently awaiting adoption by the Council of Ministers. Regarding the Act on the adoption of children, it was informed that the draft law on the matter is currently awaiting the approval of the Supreme Court.

84. Also to protect children during the Covid-19 pandemic, the delegation said that the national center for the prevention and treatment of psychological trauma in Brazzaville has organized in 2020 and 2021, with the support of UNICEF, awareness campaigns on barrier measures and vaccination against Covid-19. Regarding the protection of children with albinism, the delegation said that legally they had the same rights as all other Congolese and that the Government was taking action on their behalf, particularly in the fight against their marginalization and exclusion and for better access to appropriate care, these include: consultations for the purpose of screening for precancerous lesions; the distribution of skin protection kits; the promotion of the integration of children into school; socio-professional integration and awareness-raising of the population on albinism and non-discrimination against albinos. The delegation indicated that a series of measures have been taken for the creation or rehabilitation of institutions for children deprived of parental care, as there are 42 centers accommodating 937 children situated in Brazzaville, Pointe-Noire and Dolisie. It was also specified that the translation of the Charter into the national language is included in the 2023 activity program of the Ministry of Social Affairs. Regarding the accessibility of children with disabilities to public facilities, the Minister added the existence of Law No. 6-2019 of March 5, 2019 on the Code of Urban Planning and Construction, which provides for measures relating to the accessibility of people with reduced mobility to public facilities, including schools and universities. It was also reported that in recent years, the Government has embarked on a program aimed at making public buildings accessible to persons with disabilities, through the construction of access ramps in several public buildings in several cities. Regarding the issue of family reintegration of children affected by armed conflicts, the Minister informed that her country has a national center for prevention and treatment of psychological trauma in Brazzaville. In 2019, this center sensitized 805 school children on stress-trauma, distributed 57 prospectuses, took in charge eight (8) child victims of trafficking and a six (6) year old girl victim of rape. In addition, the

Minister indicated that the partners also play the same role at the level of departments that host the majority of refugees from the DRC, CAR and Rwanda. Regarding the protection of refugees, it was indicated that the Congo now has a law that establishes the right to asylum and refugee status. Finally, the delegation stated that Congolese legislation prohibits all forms of child labor and all offenders are subject to the rigors of the law. Similarly, a corps of labor inspectors visits companies for inspection missions.

85. In conclusion, the Committee thanked the delegation of the Republic of the Congo for the constructive dialogue and the measures taken to improve the promotion and protection of children's rights in the country. The Committee encouraged the Republic of Congo to take additional measures to ensure the full implementation of the Charter. The Committee thanked the delegation and announced that the concluding observations and recommendations will be formulated and communicated to the State party.

ITEM 12 : PRESENTATION AND DISCUSSION-STUDY ON THE IMPACT OF CLIMATE CHANGE ON CHILDREN IN AFRICA

86. Professor Benyam Dawit Mezmur presented the Inception Report of the Continental Study on the Impact of Climate Change in Africa (the Study). Prof Mezmur's presentation provided a brief background of the study and emphasized that climate change is wreaking havoc on the lives of children in all four corners of the African continent. He went on to say that, in terms of raw numbers, no group is more susceptible to the impacts of climate change than children. Following a quick summary of the background, he outlined and discussed the Study's objectives and central points that should inform the Study's "African context" and emphasized that the study will build on and, as appropriate, differentiate from several other works relating to the topic, as well as efforts that will be deployed to eliminate unnecessary duplication and add value to the existing discourse on the topic methodology. He also emphasized some of the Study's key thematic areas and the proposed methodology. He said that the Inception Report has already benefited from the efforts of members of the Working Group on Climate Change and Children's Rights, who, among other things, correctly advised that the Study's objectives be merged.

87. Participants provided input and suggestions to improve the draft Inception Report following Prof. Mezmur's presentation. The primary points raised include the need for climate financing and accountability to be highlighted more clearly in the Study. In addition, participants shared their opinions and emphasized the necessity of the study capturing children's perspectives, the role of children in climate change mitigation and adaptation, monitoring the accountability of states in platforms such as COP 27, and considering having a child-friendly version of the Study. Other points raised include the significance of collaboration among the various actors in addressing the impact of climate change on the rights of children in Africa, who are currently working in silos, as well as the need to take into account the disproportionate impact of climate change on children in countries such as Ethiopia, and the coping methods that may be given by the Study to address the issue of climate change adequately.

ITEM 13 : PRESENTATION AND DISCUSSION- STUDY ON CHILDREN WITHOUT PARENTAL CARE

88. Doctor Nedy Matshalaga presented the final draft report of the Continental Study on CWPC. She highlighted the background, objectives, methodology of the Study, the root causes and drivers, the nature and magnitude of CWPC in Africa, and the legal and normative framework. This was followed by a continental overview of the status of CWPC, the normative frameworks for CWPC, as well as an overview of the most common care options in Africa. She concluded her presentation by highlighting the Study's findings and recommendations.

89. After her presentation, Members of the Committee and participants shared their feedback and suggestions on the report. During the discussion, participants commented on how timely the study is given the changes that are occurring in African family structures, and the main issues that came up were whether the study covers civil registration and the determination and proof of their citizenship and statelessness, which are two of the many issues faced by CWPC, and conceptual issues related to the term trafficking being used in relation to South Africa as opposed to smuggling. Other issues expressed include the definition of CWPC not covering children in kinship care, the necessity to create a database to establish indicators for the many components of CWPC across the continent, and the inclusion of the status of children living in IDP camps in Ethiopia and whether the study included almajiri children in Nigeria as part of the category of CWPC.

ITEM 14: PRESENTATION AND DISCUSSION- STUDY ON THE STATUS OF CHILDREN WITH DISABILITIES.

90. Mr. Dagnachew Wakene shared the objective of the continental study on the status of children with disabilities in Africa; the methodology utilized to undertake the study by indicating that ten AU Member States were identified as countries case study (Mauritania and Guinea -West Africa; Tanzania and Ethiopia -East Africa ; Namibia and Lesotho -Southern Africa ; Central African Republic and the Democratic Republic of Congo -Central Africa; and, Algeria and Egypt -North Africa). He further shared the existing regional legal and institutional frameworks and the national, constitutional, legislative and policy frameworks on children with disabilities. Moreover, Mr. Dagnachew Wakene presented the preliminary findings of the continental study on the status of children with disabilities by sharing the positive strides made. He highlighted that the study's findings show that there are nearly 240 million children with disabilities (1 in 10 of all children worldwide), 80% of whom exist in developing nations. He stated that children with disabilities include those with physical, sensory, intellectual and mental disabilities. He further highlighted that there is a widespread stigma and marginalization against children with disabilities which makes living a dignified life and enjoying rights on an equal basis with others impossible. He indicated that the findings of the study show that 98% of children with disabilities in developing countries do not attend school; registration at the birth of children with disabilities in almost all of the countries case studies is very low;

children with disabilities are hidden at birth due to social stigma, and they are oftentimes subjected to exploitation, violence and abuse; among others.

91. He further shared the gaps observed which hinder children with disabilities from fully enjoying their rights, such as inadequate budgeting for children with disabilities; lack of disaggregated data on children with disabilities; exclusion of children with disabilities and/or their organizations from mainstream policy development discourses; duplication of efforts and inadequate synergy/collaboration among relevant stakeholders to effectively protect and promote the rights and welfare of children with disabilities, among others. He also indicated that the findings of the study show that children with disabilities who are in aggravated circumstances of marginalization, such as children with multiple disabilities, girls with disabilities, children with albinism and refugee and internally displaced children with disabilities, are forgotten in legislative or policy frameworks meant to protect and promote the civil and political, economic, social, and cultural rights of children. He concluded his presentation by providing recommendations to the AU Member States and other relevant stakeholders to ensure the protection, promotion and fulfilment of the rights of children with disabilities.

92. The Committee thanked Mr. Dagnachew Wakene for sharing the findings of the continental study on the status of children with disabilities in Africa and recommended the consultant to include in his analysis, information on how climate change, conflict situations and other emergency situations are affecting the realisation of the rights of children with disabilities. The Consultant thanked the Committee for the comments received and indicated that he would incorporate all the comments and input in the revised draft report on the continental study on the status of children with disabilities in Africa.

ITEM 15: PRESENTATION AND DISCUSSIONS- ACERWC'S GUIDELINES ON CHILDREN'S RIGHTS DURING ELECTIONS

93. Ms. Amy Tuchten from the Secretariat introduced the draft Guidelines on children's rights during elections. Ms. Tuchten described the rationale for developing the Guidelines, the structure, and the content of the Guidelines. After the presentation, recommendations are made for the Guidelines to include sections on necessary legislative measures, the best interests of the child, the role of independent electoral bodies, awareness-raising and localized early warning mechanisms, child participation, and the introduction of election-related reporting requirements for the Committee's State Party reporting mechanism.

94. The key issues raised by the floor included experiences from Nigeria, Malawi, Cameroon and Niger. Concerns were raised regarding whether the use of schools as polling stations should be prohibited outright or if a more contextual approach to the issue should be endorsed. Further to this were concerns around the use of teachers as election officials and whether election days should only occur on weekends and be declared nationwide public holidays. It was also recommended that formal agreements between electoral bodies and political parties regarding protecting

children during election periods should be required within political party constitutions in addition to the proposed legislative measures.

95. Finally, the severity of harmful practices and other forms of violence against children- which increase around elections- was highlighted. This includes the killing and maiming children with albinism, which the Committee has observed on fact-finding missions. It was concluded that all comments and recommendations would be incorporated into a revised version of the Guidelines.

ITEM 16 : PRESENTATION AND DISCUSSIONS - STUDY ON NHRIS AND CHILDREN'S RIGHTS

96. Ms Adiam Zemenfes from the Secretariat of the Committee made a presentation on the draft Report on the Mapping of National Human Rights Institutions (NHRIs) Structures and Function on Child Protection in Africa. The presentation highlighted that the Mapping was undertaken to assess the structures and functions NHRIs in African have put in place for child rights and protection, identify gaps in this regard, document best practices and draw recommendations for NHRIs to strengthen their child protection structures and functions. The presentation also indicated that the Mapping identifies the role of NHRIs on child protection, their engagement with other sectors and stakeholders including children as well as the Committee.

97. During the presentation, it was highlighted that 48 Countries in Africa have NHRIs with 32 accredited by the Global Alliance of National Human Rights Institutions (GANHRIs). The presentation informed that a questionnaire was sent to all NHRIs to complement the desk review and that only 16 NHRIs responded. It was highlighted that NHRIs have various mandates and structures for child protection across the continent. Concerning the structures of NHRIs, the presenter informed participants that there are various structures for child protection within NHRIs in Africa, including appointing Commissioners for children accompanied by Directorates or Units in the Secretariats, appointing Commissioners only, the establishment of Directorates or Units with a mandate to deal with children's issues, incorporating sub-commissions for children within NHRIs, formulating working groups on children's rights, the establishment of children's desks, and appointment of focal persons with legally established mandates. The presentation further highlighted that some countries have separate structures for children outside of the main NHRIs where they establish independent ombudsmam focused only on children's rights. During the Presentation, it was highlighted that some NHRIs do not have any form of structure on children's rights issues and even in most NHRIs where structures exist, children's issues are often merged with other subject matters such as gender, migration, and vulnerable groups, among others. Concerning the functions of NHRIs on children's rights, the presentation highlighted that the Mapping identified some common functions such as investigation of child rights issues, producing reports on children's rights, receiving complaints on child rights violations, advocating for child law reforms, and providing legal aid for children. The presentation further alluded to the finding of the Mapping that most NHRIs work with the line Ministry dealing with children's rights issues, however, there is no formal or clearly defined relationship.

The presentation also spelt out a good practice where there are formal structures for the representation of NHRIs within the coordination mechanisms for children's rights.

98. Finally, the presentation highlighted some of the recommendations put forward on the Report of the Mapping, which includes the establishment of NHRIs in countries where they do not exist; the establishment of permanent and formally established structures for children's issues within NHRIs which are well resourced and provided with the necessary human resource; establishment of a clear link between NHRIs and line Ministries dealing with children's issues; enhanced function of NHRIs on children's rights including advocating for the ratification of and reporting on the Charter as well as the implementation of decisions and recommendations of the Committee; application for affiliate status and submitting reports on children's rights in their respective countries.

99. Following the presentation, Members of the Committee and participants, including representatives from NHRIs and the Network of African National Human Rights Institutions (NANHRIs) provided comments and inputs. Some of the issues raised during the discussions include the need to update some of the data provided in the Report particularly with regard to the number of NHRIs in Africa and the number of NHRIs accredited, as well as to ensure that the recommendations of the Mapping include capacity building of NHRIs, strengthening enforcement mechanisms of decisions by NHRIs, ensuring accreditation of NHRIs, and enhancing their functions to increase the engagement of children with the Committee. Moreover, it was suggested that the report includes recommendations for NHRIs to increase awareness about the Charter and the Committee, particularly among local NGOs, increase their engagement with NANHRIs, and increase their budget allocation for child rights issues. Furthermore, suggestions were made in relation to the need for the Committee to have a standard question and recommendation to States in the reporting procedure regarding child rights structures within NHRIs, to provide detailed recommendations to NHRIs about their role in child rights to avoid duplication of roles between the NHRIs and the coordinating body for children's issues and to identify the mode of engagement with ombudsman institutions established outside of the structures of NHRIs. In conclusion, it was recommended that NHRIs with affiliate status hold a meeting before the Session of the Committee in collaboration with NANHRIs and the CSO forum to increase their engagement with the Committee.

ITEM 17 : PRESENTATION AND DISCUSSIONS ON THE CONCEPT NOTE FOR DAC 2023

100. Opal Sibanda from the Secretariat of the ACERWC shared the background, rationale and objectives that will guide the commemoration of the DAC 2023. She indicated that children are exposed to various risks online and the digital era has fundamentally changed the way children exercise and realize their rights. She stated that the objective of the DAC 2023 commemoration is to raise awareness and encourage African countries to promote and protect children's rights online. Moreover, she shared the existing initiatives at the international and regional levels, including the initiatives of the ACERWC in promoting and protecting the rights of

children in the digital sphere and the existing initiatives in the Regional Economic Communities and the AU Member States. Furthermore, she shared the gaps observed in the digital environment by indicating that there is no universal access to the internet and ICT devices for children; the issue of internet shutdowns in African countries; and gaps in child-specific legislation and policies regarding the digital environment, among others. Furthermore, she shared the expected outcomes and activities that are planned to be undertaken to commemorate the DAC 2023. She concluded her presentation by providing recommendations to the AU Member States and other relevant stakeholders on the activities that can be undertaken to commemorate the DAC 2023 at the local and national levels.

101. The Committee thanked Opal Sibanda for presenting the Concept Note of the DAC 2023 commemoration and recommended that the AU Member States and other relevant stakeholders develop a work plan on how they are going to celebrate the DAC 2023. The Committee further encouraged the AU Member States to report to the ACERWC on the measures and activities undertaken to commemorate the DAC at the local and national levels. The Committee indicated that the draft Concept Note will be adopted during this 40th Ordinary Session, and it will be shared with the AU Member States to prepare for the commemoration of the DAC 2023. The Committee recommended partners and other relevant stakeholders to support the AU Member States in the preparation, celebration and submission of the reports on the activities and measures undertaken to commemorate the DAC 2023.

ITEM 18 : PRESENTATION AND DISCUSSIONS BY THE DRUG CONTROL UNIT OF THE AU

102. Dr. Abiola Olaleye from the African Union Commission Department of Health, Humanitarian Affairs & Social Development (HHS) presented on Drug Use Problem in Africa: A Call for Action. The session highlighted that Africa is not only a major transit area for trafficked drugs but also an expanding cultivating, producing and consuming region, accentuating the complexity of drug markets. It was noted that the COVID-19 pandemic increased the expansion of illicit economies, resulting in increased drug trafficking due to weak interdiction capacity, economic challenges and social disengagement. It is estimated that by 2050, the number of people using drugs will likely increase by 25% worldwide, whereas, in Sub-Saharan Africa, it is expected to increase by about 150% within the same period. The Drivers of drug use in Africa include High unemployment; a persistently young population; increasingly affluent and rapidly urbanizing conditions; availability of drugs online; poverty, and liberal societies, influenced by westernized culture. Dr. Abiola emphasized the role of the AUC in Drug Control in the Development of policy documents and frameworks; Facilitation of declarations and decisions by Member States; Global best practices and alliances with regions with similar challenges; Development of Action Plan on Drug Control and Illicit drug trafficking and drug use surveillance. In particular, the presenter highlighted the preliminary findings of the 2016-2021 PAENDU Report, whereby 15.84% of children age group (10-19 years) are using drugs and on drug treatment/rehabilitation services. The presentation further noted the significant implications of drug use among children whereby children and young people who use substances often experience multiple problems, including difficulties in

academics, health (including mental health challenges), poor peer relationships, and involvement with the juvenile justice system. Moreover, addiction is a chronic disease characterized by drug seeking and use that is compulsive or difficult to control, despite harmful consequences. The earlier that drug use begins, the more likely it will progress to addiction.

103. Dr. Abiola concluded the presentation by forwarding three calls for action. 1) Aligned with the Cairo Declaration-The Fourth Ordinary Session of the African Union Specialized Technical Committee on Health, Population and Drug Control (STC-HPDC4) call on Member States to take appropriate measures (including legislative, administrative, social and educational) to prevent and protect children from early initiation of drug use, and from the effects of parental and societal illicit drug use, through appropriate education at school on social skills and habits. 2) In relation to African Charter on The Rights and Welfare of the Child, there is a need to develop a General Comment to amplify Article 28 on the Protection of Children from Drugs. 3) Need for a school-based prevention programme to bolster educational outcomes and strengthen youth resilience to drug use and its vulnerabilities in the Member States.

104. After the presentation, various comments were forwarded from the Committee members and other participants. The ACERWC emphasized the need for specific data and research on the prevalence of illicit drug use in children in Africa for further recommendations and actions as illicit drug use affects the various rights of children, including protection against child abuse. The ACERWC will further discuss and decide on the need to develop a General comment on Article 28.

ITEM 19 : PRESENTATION ON "INTERACTION BETWEEN ONLINE CHILD SEXUAL EXPLOITATION AND SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM: THE LEGAL CHECKLIST

105. Willy Buloso presented an overview of a Legal Checklist that has been put in place by ECPAT to assist states in improving their mechanisms for combating the online sexual exploitation of children. The presenter highlighted that only a few countries have legislation on online sexual exploitation and that, most of the time, these legislations are incomplete. He explained that the checklist is a comprehensive document that will address all the aspects related to online child sexual exploitation, composed of 24 points, including prosecution of online grooming, extra-territorial competence for dealing with child online sexual exploitation across borders, adoption of standards of protection of children in the tourism sector, adoptions of laws to protect children from expatriates and volunteers, etc.

106. He highlighted that the Checklist has been adopted in the Asian and the Inter-American systems and recommended that the Committee endorse the checklist to enable the assessment, through the checklist, of the actions of African countries in combatting child online sexual exploitation.

107. He noted that endorsement of the list would also result in coordinated action against child online sexual exploitation. He mentioned that the use of the checklist would enable to combat cross border criminality as well as avoid to avoid the principle of double punishment. He noted that, among other things, this checklist would enable to development of a list of sexual offenders, which could be used by an immigration officer to deny access to a certain country and to apply, for example, the principle of more severe punishment for recidivists.

108. Following the presentation, the Members of the Committee, while making recommendations and suggestions to improve the content of the document, the committee indicated that it had taken note of the actions to be taken.

ITEM 20: PRESENTATION AND DISCUSSION ON: CONTINENTAL CAAC STRATEGY & IMPLEMENTATION PLAN AND STANDARD OPERATING PROCEDURES FOR TROOP AND POLICE CONTRIBUTING COUNTRIES ON RELEASE AND REINTEGRATION OF CHILDREN FORMERLY ASSOCIATED WITH ARMED FORCES AND ARMED GROUPS

109. Due to technical issues, the presentation could not be made. The Chairperson suggested that the document is examined internally and a decision is made during the close session of the Committee.

ITEM 21: LAUNCH OF CHILD LAW RESOURCES

110. This presentation aimed at presenting the updated version of the Child Law Resource (CLR), which is ACPF's online database of international, regional and national legal instruments and policy documents related to children in Africa. He indicated that the CLR provides legal resources and easy access to laws and policies in order to promote and share good practices. He noted that the database is unique in that it contains almost all child-related human rights instruments and all legislation related to child law by country, a country summarise for 27 countries as well as recommendations.

111. The Committee Members and participants congratulated ACPF for the initiative and made suggestions, such as requests to upload simplified versions and versions in the local language to make the platform accessible and child friendly. In conclusion, the committee encouraged ACPF to continue updating the database.

ITEM 22 : CONSIDERATION OF CSO COMPLIMENTARY REPORT ON THE INITIAL REPORT OF THE REPUBLIC OF BOTSWANA

112. The Committee considered and deliberated on the complementary report on the Initial Report of the Republic of Botswana. The State Party's Report will be considered during the 41st Ordinary Session.

ITEMS 23 : CONSIDERATION OF CSO COMPLEMENTARY REPORT ON THE PERIODIC REPORT OF THE REPUBLIC OF SOUTH AFRICA

113. The Committee considered and deliberated on the complementary report on the Periodic Report of the Republic of South Africa. The State Party's Periodic Report will be considered during the 41st Ordinary Session.

ITEM 24 : CONSIDERATION OF CSO COMPLEMENTARY REPORT ON THE PERIODIC REPORT OF THE KINGDOM OF LESOTHO

114. The Committee considered and deliberated on the complementary report on the Periodic Report of the Kingdom of Lesotho. The State Party's Periodic Report will be considered during the 41st Ordinary Session.

ITEM 25 : CONSIDERATION OF CSO COMPLEMENTARY REPORT ON THE PERIODIC REPORT OF THE REPUBLIC OF COTE D'IVOIRE

115. The Committee considered and deliberated on the complementary report on the Periodic Report of the Republic of Cote D'Ivoire. The State Party's Periodic Report will be considered during the 41st Ordinary Session.

ITEM 26 : PENDING COMMUNICATIONS

116. **Communication No: 0013/Com/001/2020-** The Committee conducted deliberated on the Communication No: 0013/Com/001/2020 submitted by APDF and IHRDA on behalf of AS a minor against the Republic of Mali and decided on the merits of the Communication.

117. **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- The Committee deliberated 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 and decided on the merits of the case.

118. **Communication No: 0017/Com/001/2021-** The Committee considered the admissibility 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) against the Federal Republic of Nigeria. After deliberating on the submission of the arguments of the Complainants on admissibility, the Committee decided to grant additional 30 days for the Respondent State to submit its argument on the admissibility of the Communication.

119. **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- the Committee decided for the applicants to review the Communication and resubmit.

120. **Communication No: 0019/Com/001/2022-** The Committee considered the admissibility of Communication No: 0019/Com/001/2022- 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. After deliberating on the submission of the arguments of the Complainants on admissibility, the Committee decided to grant additional 30 days for the Respondent State to submit its argument on the admissibility of the Communication.

121. **Communication No: 0021/Com/003/2022-**People Serving Girls at Risk and Equality Now (on behalf of Esnart Kenesi) against the Republic of Malawi- the Committee decided to consider the admissibility of the Communication during its 41st Session.

122. **Communication No: 0022/Com/004/2022-**Institute for Human Rights and Development in Africa (IHRDA) against the Republic of Burundi- the Committee decided to consider the admissibility of the Communication during its 41st Session.

ITEM 27: REQUEST FOR AN ADVISORY OPINION

123. The Committee considered a request for an advisory opinion (001/AO/01/2022) submitted by the Institute for Human Rights and Development in Africa. Upon deliberating on the jurisdiction of the Committee, it was decided that the Committee can be seized of the matter. The Committee has also set the manner and procedures formulating its opinion on the matter, which will be handed down during the 41st Session of the Committee.

ITEM 28: INTERSESSION ACTIVITIES

124. The item was analysed and adopted. The Secretariat was requested to compile all these activities and share them with all members of the Committee.

ITEM 29: DELIBERATION ON BUDGET 2022/2023

125. The Secretariat of the Committee presented the Committee's budget absorption rate for the year 2022 and the approved budget for 2023. Accordingly, the absorption rate for 2022 is expected to be 92% by the end of December 2022 while the approved 2023 total budget is USD 2,839,243 including partners. It was also noted that recruitment of 7 new Secretariat staff will commence in the first quarter of 2023. The Secretariat of the Committee also presented and discussed the direct and indirect support of partners, including EU, GIZ and others. It was noted that the strategic support from EU and GIZ included the recruitment of long-term and short-term consultants as well as Short term support for specifically identified activities. The Members further discussed the challenges related to the execution of the budget and proposed the way forward.

ITEM 30 : 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

126. The Committee heard both parties and deliberated on the arguments on the merits concerning Communication no: 0013/com/001/2020- APDF and IHRD on behalf of as a minor against the republic of Mali.

ITEM 31 : HEARING ON 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

127. The Committee heard both parties and deliberated on the arguments on the merits concerning 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.

ITEM 32: SPECIAL MECHANISMS-REVIEW OF TORS AND MODALITY OF WORK

128. The Committee reviewed its TORs for Country and Special Rapporteurs whereby it decided to extend the term of office of its Country and Special Rapporteurs to five years. Moreover, the Committee revised some of the themes for its Special Rapporteurs and assignment of countries to its Country Rapporteurs. The Committee also decided to revise the TOR for the Special Rapporteur on Children in Vulnerable situations to ensure that the mandate covers the issues not included under the mandates of other Special Rapporteurs. The revised countries and themes for Country and Special Rapporteurs are as follows:

Name	Country Rapporteur	Special Rapporteur
Hon. Wilson de Almeida Adão	Mozambique, Sao-Tome, Cabo Verde, Guinea Bissau, Egypt	<i>Special Rapporteur on Vulnerable Situations</i>
Hon. Theophane Nikyema	Benin, Cameroon, Liberia, Gabon, Chad,	<i>Special Rapporteur on Child Justice</i>
Hon. Robert Nanima	Nigeria, Malawi, Eswatini, Namibia, Tanzania,	<i>Special Rapporteur on Children in Conflict Situations</i>
Hon. Karoonawtee Choramun	Angola, Burundi, CAR, Zimbabwe, Congo Republic	Special Rapporteur on Birth Registration and Nationality
Hon. Moushira Khattab	South Africa, Lesotho, DRC, Sudan, Libya.	Special Rapporteur on to Education

Hon. Aboubekrine El Jera	Morocco, Algeria, Comoros, Saharawi Arab Democratic Republic, and Niger	<i>Special Rapporteur on Health</i>
Hon. Aver Gaver	Botswana, Kenya, Rwanda, Sierra Leone, Zambia	<i>Special Rapporteur on Violence against Children</i>
Hon Joseph Ndayisenga-	Djibouti, Madagascar, Equatorial Guinea, Mauritius, Tunisia	<i>Special Rapporteur on Children on the Move</i>
Hon Hermine Kembo Takam Gatsing	Burkina Faso, Cote d'Ivoire, Ethiopia, Gambia, and Ghana	<i>Special Rapporteur on Child marriage and Other Harmful Practices</i>
Hon Sidikou Aissatou Alassane	Guinea, Mali, Mauritania, Senegal, Togo	<i>Special Rapporteur on Child Participation</i>
Hon Anne Musiwa	Eritrea, Somalia, Uganda, South Sudan, Seychelles.	<i>Special Rapporteur on Children without Parental Care</i>

129. Moreover, 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.

ITEM 33: REQUEST FOR OBSERVER STATUS

130. The Committee considered three applications for observer status and adopted the below decisions:

- Decided not to grant observer status to Initiative for National Growth as it has not been three years since its registration, and it has no prior engagement with the Committee as per its Criteria for Granting Observer Status. The Committee decided that the Organisation re-applies for observer status upon fulfilling the missing criteria;
- Decided to request Maat for Peace, Development and Human Rights to engage with the Committee as per its Criteria for Granting Observer Status, and re-apply for observer status after it engages with the Committee;
- Decided to request clarification from Youth Net and Counselling (YONECO) about its registration date in Malawi.

ITEM 34: REQUEST FOR AFFILIATE STATUS FROM NHRIS

131. The Committee considered applications for Affiliate Status from 16 NHRIs in Africa and adopted the below decisions:

- Decided to Grant Affiliate Status to the NHRIs from Benin, Burkina Faso, The Gambia, Malawi, Mauritania, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Togo, Zambia;

- Decided to grant Affiliate Status to NHRIs from Kenya, Mali, and Zimbabwe provided that they submit the missing documents which the Committee will request through a letter.

ITEM 35: ADOPTION OF DECISIONS

132. In a closed Session, the Committee deliberated on the documents it considered in open sessions and adopted decisions on the way forward of the documents. Accordingly, the Committee adopted as amended:

- The Concept Note for DAC 2023
- The Study on the Mapping of the Structures and Functions of NHRIs on Child Protection in Africa;
- The Study on Children without Parental Care
- The Guidelines on Children with Disabilities

133. The Committee also adopted the Outcome Statement of the Day of General Discussion which was held during the Session on Children's Rights in the Digital Environment.

134. Moreover, the Committee decided to consider and adopt the below studies during its 41st Ordinary Session.

- Study on the Status of Implementation of Decisions of the ACERWC; and
- Study on Children's Rights and Business in Africa

135. After the consideration of requests for endorsement of documents from partner organizations, the Committee endorsed the below documents:

- 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.

136. Following the deliberations on requests to the Committee to develop documents, 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 Ministers in charge of Social Development during the STC -4. .
- To develop Guidelines on Children's Rights in the Digital Environment provided that funds are availed by the organisation who put the request forward, namely Mtoto News
- To develop Guidelines on Parental Responsibilities if funding is availed by the requesting partner, SOS International.

137. Regarding Communications on which hearing was held, the Committee adopted its decision on Communication No: 0013/Com/001/2020 submitted by APDF and IHRDA on behalf of AS a minor against the Republic of Mali and requested the

Secretariat to draft the decision accordingly. In relation to 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, the Committee noted the Respondent State's willingness to settle the case amicably which was expressed during the hearing and decided to formally request the Applicants their willingness to settle the Communication amicably. If both parties agree on the amicable settlement, the Committee decided to facilitate the amicable settlement under its auspicious.

138. The Committee deliberated on pending State Party Reports which it has received from Chad, Djibouti, Mozambique, and Senegal and decided to give one month to the CSO coalitions in those countries to submit their reports. The Committee further decided that if no CSO reports are received within the 30 days, it will proceed to consider the State Party reports during its 41st Ordinary Session.

139. Concerning its country visits in 2023, the Committee decided to undertake the below country missions 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, Republic of Algeria, Republic of Angola and Republic of Sierra Leone.
- Investigation mission to the State of Eritrea and Democratic Republic of Congo

140. 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.

141. 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'***.

142. The Committee decided to hold its 41st Ordinary Session on 20-30 March 2023.

ITEM 36: ADOPTION OF SESSION REPORT AND COMMUNIQUE

143. The Committee adopted as amended the report of the 40th Ordinary Session.

ITEM 37: CLOSING REMARKS

144. Hon Joseph Ndayisenga, Chairperson of the Committee, started his remarks by thanking Members of the Committee, the Secretariat, and the Participants of the Session for making the 40th Ordinary Session successful. The Chairperson expressed his gratitude to the various personalities who presented remarks at the opening ceremony of the Session as well as Member States who participated and gave brief statements. Reflecting on the program of the Session, the Chairperson highlighted that the Committee achieved the objectives of the Session. The Chairperson indicated that the Committee was able to hold the third meeting of its Working Groups, considered the State Party Report of the Republic of Congo, and considered complementary reports on the State Party reports of the Republic of Botswana, Republic of Cote D'Ivoire, Kingdom of Lesotho, and the Republic of South Africa. Hon Ndayisenga further indicated that the Committee held a fruitful Day of General Discussion on Children's Rights in the Digital Environment. The Chairperson also indicated the Committee in its seating considered various Communications, held hearings, considered studies and guidelines which are being developed by the Committee, and considered applications for Affiliate and Observer Status. The Chairperson highlighted that the Committee adopted the theme for the Day of the African Child 2024. While announcing that the Committee has decided to look for a champion on children's rights in Africa, the Chairperson called for enhanced implementation of the Charter and Agenda 2040 by State Parties. Finally, the Chairperson thanked all who supported the Session including the interpreters and officially declared the session closed.