



Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant
Comit  Africano de Peritos os Direitos e Bem-Estar da Crian a
لجنة الخبراء الإفريقية المعنية بحقوق الطفل ورفاهه



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

**42nd SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
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REPORT

OUTLINE

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INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) held its 42nd Ordinary Session from 08 to 17 November

2023. Among the noteworthy activities during the Session was the consideration of the Reports of the Republic of Benin, the Republic of Chad, the Republic of Senegal and the Republic of Mozambique, as well as the Complementary Reports of CSOs from the Republic of Niger, the Republic of Rwanda, Republic of Zimbabwe, and the Republic of Malawi. The Committee also considered various documents, including the draft General Comment on the Right to Education, Draft VAC Guidelines, the study on children's rights and climate change, Agenda 2040 Actin Plan, The Economic Case for Investing in Children in Africa: Investing in Our Common Future (2021 and Good Practices on Child-Sensitive Economic Policies in Africa (2022 The Committee also considered various pending Communications. The paragraphs below summarize the main issues of the agenda items.

ATTENDANCE

3. The 41st Ordinary Session was attended by Representatives of Member States, the Commissioner of Health, Humanitarian Affairs and Social Development of the African Union Commission, Children's Representatives, Civil Society Organizations, Network of African National Human Rights Institutions and National Human Rights Institutions, Representatives of the African Commission on Human and People's Rights, AU-ECOSSOC, and the African Governance Architecture Secretariat, Representatives of UN Agencies as well as international, regional and local non-governmental organisations.

ITEM 1: Procedural Matters and Organisation of work

4. Prior to the opening ceremony of the 42nd Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee), the Committee convened to consider some preliminary procedural matters. After adopting the agenda, the Committee proceeded to allocate Members for the consideration of affiliate status applications. Rapporteurs and co-rapporteurs were also assigned to consider State Party reports, Civil Society Organization (CSO) complimentary reports and Communications.
5. Election

ITEM 2: OFFICIAL OPENING CEREMONY

6. The opening ceremony of the 42nd Ordinary Session of the ACERWC began with a welcome by the Secretariat of the ACERWC, expressing appreciation to all present, and invited the distinguished speakers to give their opening remarks.

REMARKS BY THE CHILDREN'S REPRESENTATIVE

7. Alloke Gisèle (15), a child representative from Benin, was honored to present remarks during the opening ceremony of the 42nd Ordinary Session on behalf of African children. She reflected on the discussions held during the Civil Society

Organization (CSO) forum. She highlighted that the CSO forum's discussions revolved around children and climate change, particularly in the context of the recently held Africa Climate Summit. The forum provided a platform for children to contemplate their future in the face of climate change and its ongoing impact. During the discussions, children explored the ways in which climate change affects their rights. They also discussed strategies for active engagement in climate action and formulated recommendations that could contribute to the outcomes of the session.

8. Ms Gisèle emphasized the various ways in which climate change could affect children's rights, including disruptions to their enjoyment of rights, leisure, and even life. The children discussed methods to actively address the challenges posed by climate change, such as raising awareness within their families and communities about the risks associated with climate change. They also explored the possibility of participating in events, festivals, and activities related to environmental conservation. Ms Gisèle pointed out several obstacles to children's participation in climate action and proposed solutions. These included the need for more knowledge and awareness about climate change, support for children in accessing resources for climate action, addressing language barriers, and overcoming cultural barriers that limit children's participation.
9. The children formulated recommendations for various stakeholders, including schools, teaching establishments, CSOs, and the African Union (AU). They highlighted the need for education about climate change and platforms for children to engage in climate action projects. Governments were encouraged to support climate action programs led by children, such as tree planting in schools, enact laws to protect the environment, and provide resources for children to express their concerns about climate. Ms Gisèle praised the CSO forum for organizing the session for children and expressed gratitude to the Committee for the opportunity to participate in the 42nd Ordinary Session on behalf of African children. She eagerly anticipated taking part in the activities related to children's rights and climate action.

REMARKS BY REPRESENTATIVE OF THE CSO FORUM

10. Ms Felistus Motimedi, speaking on behalf of the civil society, began by highlighting the significant representation of CSOs from five regions of Africa at the 42nd Ordinary Session. She expressed the importance placed on the Committee's proceedings by the active participation of numerous CSOs. She thanked ACERWC and its leadership for the strong partnership with civil society, noting that CSOs are regarded as partners, and even Committee members participate in CSO forum sessions. Ms Motimedi congratulated ACERWC for hosting the 42nd Ordinary Session, which signifies a commitment to addressing children's issues seriously. She also praised the improvements in child participation.
11. The CSO forum, which met on November 6th and 7th in Addis Ababa, discussed the theme of reflection on children's vulnerabilities. This theme provided an opportunity to identify the factors that make children vulnerable, gaps in addressing these vulnerabilities, and strategies for improvement and mitigation. Ms. Motimedi

assured the Committee of the CSOs' support in dealing with their responsibilities, including monitoring and advocating for the promotion and protection of children's rights. Various vulnerabilities were identified during the CSO forum, which could hinder children from enjoying their rights. These included harmful practices such as child marriage and female genital mutilation (FGM), early pregnancies, limited access to healthcare, children living on the streets, exposure to online sexual exploitation, exposure to climate change, and the adverse effects of civil unrest.

12. She presented several recommendations from the CSO forum, which included the need to avoid an adult-centred approach and ensure the active participation of children in processes such as needs assessment and the evaluation of interventions. Additionally, the recommendations called for an increase in awareness of treaties related to children's well-being and the promotion of ratification of protocols and rights linked to social security. The recommendations further highlighted the need to prioritize transforming human capital with a focus on education, particularly for young girls, emphasizing digital literacy and innovation. Lastly, the recommendations rejected proposals that aim to alter treaty-based mandates within the African human rights system and instead advocated for widespread consultations with stakeholders, including children and CSOs.

REMARKS BY THE REPRESENTATIVE OF THE NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS (NANHRI)

13. Commissioner Rigbe Gebrehawaria from the Ethiopian Human Rights Commission presented opening remarks on behalf of the NANHRI Executive Director and expressed great pleasure in addressing the distinguished gathering at the 42nd Ordinary Session of the Committee. She highlighted the unique and privileged position of the child in African society, as recognized by the African Charter on the Rights and Welfare of the Child (the Charter/ACRWC). Commissioner Rigbe acknowledged the growing relationship between National Human Rights Institutions (NHRIs) and the Committee, with 20 African NHRIs holding affiliate status.
14. She emphasized the importance of putting the voice of African children at the heart of every policy conversation in the continent, echoing support for the AU theme of the year, "Accelerating the implementation of the African Continental Free Trade Area" (AfCFTA). She raised questions about why human rights and children's rights have not been mainstreamed in the implementation of AfCFTA and called for the prioritization of the voice of African children in the five-year review of the agreement scheduled for 2024. Commissioner Rigbe called for the silencing of guns in Africa, emphasizing the disproportionate impact of war and conflict on children. She expressed concern over the number of children affected by conflict and sexual violence and called for peaceful transitions of government. She highlighted the need to address apartheid and genocide, showing solidarity with the children and people of Gaza. She called for international attention to the humanitarian crises in Sudan and the Democratic Republic of Congo.
15. Commissioner Rigbe discussed efforts to address the health and reproductive rights of women and girls, pledging to advocate for the removal of reservations on

article 14 of the Maputo Protocol and age-appropriate education on health and reproductive rights. She urged Member States and stakeholders to reconsider what constitutes development in an African context, expressing concern over evictions and displacements done in the name of development. She emphasized the importance of respecting human rights, human dignity and African principles in development projects. In conclusion, Commissioner Rigbe assured the Committee of NANHRI's commitment to promoting and protecting the rights and welfare of the African Child. She looked forward to cooperation in the dissemination and implementation of outcomes and wished the gathering fruitful deliberations.

REMARKS BY THE REPRESENTATIVE OF UN SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON VIOLENCE AGAINST CHILDREN (SRSG-VAC)

16. Dr. Najat Maalla M'jid, the UN Special Representative of the SRSG-VAC, emphasized the importance of eradicating all forms of violence against children, with a particular focus on harmful practices such as child marriage and FGM. She highlighted that Africa has been a top priority since she assumed her position and has engaged with several countries, providing support, guidance, and sharing promising practices. Ending violence against children is an urgent concern, exacerbated by various factors, including preexisting and ongoing crises, global financial challenges, long-lasting and new conflicts, widespread violence, political instability, significant forced displacement, social inequalities, food insecurity, and gender discrimination.
17. Dr. M'jid pointed out that despite repeated commitments and ongoing efforts, challenges persist in terms of effective implementation. Many cases of violence against children go underreported and unprosecuted, and most victims and survivors do not receive the necessary support and justice. She highlighted the significant human and economic costs associated with violence against children and stressed the economic benefits of investing in children and child protection. Dr. M'jid emphasized the importance of partnerships across various sectors, involving both formal and informal service providers and, crucially, children themselves.
18. Dr. M'jid advocated for a shift from a donor-driven approach to a context-specific, resource-oriented, and mutually beneficial partnership, including South-South and North-South collaborations. She underscored the influential role that religious and community leaders can play as advocates for children's protection from violence. She reiterated that ending violence is a key component in achieving both Agenda 2030 and the African Agenda 2040. Dr. M'jid expressed her commendation for the Committee and the African Commission on Human and Peoples' Rights (ACHPR/the Commission) for the joint general comment on FGM, scheduled for launch on November 10, during the 42nd Ordinary Session. She recognized this as a significant milestone document that strengthens the outcomes of the AU FGM conference held the previous October, highlighting the pressing need to invest in the prevention of violence against children from an early age, involving and empowering children as part of the solution.

REMARKS BY THE REPRESENTATIVE OF UNICEF

19. Dr Laila Omar Gad expressed her honor to be present at the gathering and began by commending the child representative for her compelling presentation on the discussions about climate change. On behalf of UNICEF, Dr. Laila offered congratulations to the Committee for organizing the significant 42nd Ordinary Session and extended warm congratulations to the new members of the Committee. She also acknowledged the former Chairperson. She reiterated UNICEF's commitment to a strong partnership with the Committee and expressed eagerness for an even stronger collaboration to fulfill their shared responsibility in promoting and protecting child rights.
20. Dr Laila commended the Committee for the successful completion of the Joint General Comment on Female Genital Mutilation and the extensive deliberations on the special situation of Children without Parental Care. She also looked forward to presentations and discussions on the general comment on Education, which would build momentum toward 2024, designated as the year of education in Africa. She praised the Committee for pursuing timely thematic studies through its Working Groups, including those on business and children's rights, climate change and children, and children with disabilities. Additionally, she mentioned pertinent studies and draft policies such as the AU Child Safeguarding Policy.
21. Dr. Laila noted the significant progress made in the promotion and protection of children's rights in Africa over the past three decades. However, she acknowledged that numerous children and young people still faced considerable challenges and an uncertain future. She underlined the impact of conflicts, poverty, and climate-related disasters on children and families. Dr. Laila emphasized the importance of prioritizing holistic solutions to address root causes and improve the prospects of children. Despite facing multiple interconnected challenges, she called for collective efforts to mitigate these issues. She urged scaling up investments and partnerships to enhance the resilience of children, intensifying support for children living through conflict, disasters, and displacement, improving data collection to ensure no child is left unaccounted for, strengthening continental institutions to build more robust social systems, and increasing investments in policy, health, and education. She concluded by thanking the Committee for hosting the session and for their foresight in undertaking several essential studies.

REMARKS BY THE REPRESENTATIVE OF ECOSOC

22. Mr William Carew, Head of the ECOSOCC, expressed his honor and privilege to address the gathering during the 42nd Ordinary Session of the Committee. He began by expressing appreciation to the Committee, with which they share the African Governance Platform, for their relentless efforts in promoting and protecting the rights and welfare of children in Africa. Mr. Carew extended congratulations to the newly elected members of the Children's Committee, recognizing the responsibility they hold in safeguarding children's rights on the continent.
23. He acknowledged the progress made by the AU in pursuing Agenda 2063 and its First Ten Years Implementation Plan, with a focus on silencing the Guns in Africa

for a peaceful and prosperous continent. However, he highlighted recent civil and military unrest and the surge in Unconstitutional Changes of Governments in parts of Africa as potential threats to these gains. Mr. Carew emphasized the need to protect children during these periods, as they are often the most affected, even though they are not the main actors in these unrests. Mr. Carew stressed that the protection of children's rights cannot be delayed, as each day lost in a child's life is an opportunity lost for their development. He called for strong partnerships and platforms involving all stakeholders and emphasized the role of civil society in augmenting these efforts. As they enter the Second Ten Years Implementation Plan of Agenda 2063, he called for prioritizing the role of civil societies in promoting and protecting children's rights in Africa.

24. Mr. Carew urged the strategic positioning of African civil societies to realize the citizen-centered vision of the AU, which envisions an Africa where development is driven by its citizens. He commended civil societies present at the session, particularly those who provided complementary reports on developments related to children's rights in various member states. Mr. Carew encouraged all CSOs to actively engage in the AU's efforts to safeguard the rights and welfare of the African child. Mr. Carew expressed his hope that future ordinary sessions of the Committee would prioritize themes related to the role of civil societies in advocating for the rights and welfare of children in Africa, recognizing the crucial efforts of civil societies in implementing the Children's Committee's mandate. In conclusion, Mr. Carew congratulated the Committee for the successful convening of the 42nd Ordinary Session and expressed hope that the outcomes of the session would significantly contribute to the promotion and protection of children's rights in Africa and the realization of the desired future for the continent.

REMARKS BY THE AGA SECRETARIAT

25. Ambassador Salah S. Hamad, Head of the AGA Secretariat of the African Union, expressed great honor and privilege to address the esteemed assembly at the 42nd Ordinary Session of the Committee, held in Addis Ababa, the African political capital, on behalf of the Chairperson and all Members of the African Governance Platform of the AGA. He congratulated the Honourable Chairperson and the diligent members of the ACERWC for organizing the Ordinary Session and recognized the hard work of the ACERWC Secretariat. He extended his gratitude to all the delegates of AU Member States and participants for their attendance and participation, emphasizing the importance of the session's deliberations in enhancing the effectiveness and efficiency of the African Human and Peoples Rights System in promoting and protecting children's rights in Africa, especially during times of crisis in many AU Member States. He stressed the challenges faced by the African continent, including underdevelopment, poverty, inequality, marginalization, and exclusion.

26. Amb. Salah urged a focus on addressing these issues alongside the effective implementation of Agenda 2063 to ensure that African children enjoy their rights, such as the right to food, safe water, sanitation, health, education, housing, clothing, and a clean environment. He highlighted the decades of human rights challenges in Africa, resulting from factors like war, poverty, corruption, autocratic

governance, and the exclusion of marginalized groups. He noted the commitment of Heads of State and Government to promote and safeguard freedom, justice, equality, and human dignity through the Human and People's Rights Decade. He called on all AU Member States to cooperate with AU organs with human rights mandates and submit regular reports to facilitate the smooth implementation of the Human Rights Agenda, upholding shared values instruments.

27. He emphasized the importance of the 42nd Ordinary Session of the ACERWC in consolidating the gains in promoting and protecting children's rights in Africa. He urged Member States to uphold human rights, particularly those of children, without discrimination or abuse, as enshrined in the African Charter on the Rights and Welfare of the Child and AU Shared Values' Instruments. Amb. Salah concluded by thanking the African Committee of Experts on the Rights and Welfare of the Child and its Secretariat for organizing the gathering and invited the assembly to contribute ideas and suggestions to make the session a success. He thanked the audience for their kind attention.

REMARKS BY THE COMMISSIONER OF HEALTH, HUMANITARIAN AND SOCIAL AFFAIRS

28. Mr Lefhoko Kesamang, representing the H.E. Commissioner Minata Cessouma Samate of the HHS, presented opening remarks wherein he commended the Committee for their outstanding efforts in organizing the successful session. He expressed gratitude to all the participants in the Committee's session, recognizing their collective dedication to protecting and promoting children's rights in Africa, and extended heartfelt congratulations to the newly elected members of the esteemed Committee of Experts, acknowledging their dedication and commitment to the cause of children's rights in the continent.

29. He detailed the Department of Health, Humanitarian Affairs and Social Development's campaign to end child marriage, female genital mutilation, and other harmful practices since 2014. He highlighted the critical commitments made by global leaders towards ending harmful practices by 2030. Mr Kesamang discussed various capacity-building workshops and consultative workshops aimed at promoting sensitive and ethical reporting on harmful practices and accountable implementation of child protection initiatives. He concluded by commending the Committee of Experts for their hard work and commitment to promoting and protecting children's rights in Africa. He also commended Member States and various stakeholders for their unwavering commitment to a brighter future for African children despite the challenges they face.

REMARKS BY THE CHAIRPERSON OF THE ACERWC

30. The Ag. Chairperson, Hon. Anne Musiwa, expressed appreciation to all the participants who had gathered for the 42nd Ordinary Session of the ACERWC

Addis Ababa, Ethiopia. Hon. Musiwa conveyed gratitude to various individuals and organizations for their unwavering commitment to the promotion and protection of children's rights, including the Representatives of the Children, the Representative of the Commissioner of the Department of HHS of the AUC, the Representatives of the Organs of the AU in charge of Human Rights, the Representatives of the Organs of the United Nations in charge of Human Rights, the Representatives of the CSO Forum, and the NANHRI. She also acknowledged the invaluable contributions of all partners who made the session possible.

31. The Chairperson highlighted the meetings held by the Committee's Working Groups, which included the Working Group on Children with Disabilities, the Working Group on Children's Rights and Climate Change, and the Working Group on Children's Rights and Business. These meetings took place from November 6th to November 7th, preceding the official commencement of the session. She urged all stakeholders to leverage the resources generated by these Working Groups and actively support their initiatives in 2024. Hon. Musiwa noted that the agenda of the Session included the official launch of the continental study on Children without Parental Care and the Joint General Comment on Female Genital Mutilation of the Committee and the Commission, and the swearing-in ceremony for newly elected members. The Committee would also review periodic reports from the Republic of Benin, the Republic of Chad, the Republic of Mozambique, and the Republic of Senegal, as well as evaluate complementary reports presented by CSOs from the Republic of Niger, the Republic Malawi, the Republic of Zimbabwe, and the Republic of Senegal. .
32. Hon. Musiwa also outlined the upcoming presentations and discussions scheduled to take place during the Session, such as the ACERWC continental study on the impact of climate change on children's rights and the draft General Comment on Education, as well as the African Union Child Safeguarding Policy. There will also be presentations by organizations like Equality Now and African Child Policy Forum (ACPF), and the Committee will examine Pending Communications. The Ag. Chairperson emphasized the importance of Member States fulfilling their reporting obligations and urged those with reservations to withdraw them to ensure the full enjoyment of rights guaranteed by the Charter for all African children. She concluded by declaring the Session open. Mr Wendyam Philippe Sekone then announced the new Members of the Bureau, following the election overseen by the Office of the Legal Council, which took place during the closed session. The following were elected as Members of the Bureau:
- Chairperson: Hon. Wilson Almeida Adão
 - Vice Chairperson: Hon. Aver Gavar
 - Rapporteur: Hon. Anne Musiwa

ITEM 3: SWEARING IN CEREMONY OF THE NEWLY ELECTED MEMBERS OF THE COMMITTEE

33. The following were sworn in as new Members of the Committee:
- Hon. Sabrina Gahar

- Hon. Ghislain Roch Etsan
- Hon. Poloko Ntshwarang

ITEM 6: REMARKS BY REPRESENTATIVES OF MEMBER STATES

34. Several State Party representatives including: Botswana, the Kingdom of Eswatini, Nigeria, the Democratic Republic of Congo, Senegal, Zimbabwe, and Eritrea made statements. They provided a brief overview of the situation of children in their respective countries and highlighted some initiatives undertaken to ensure that children enjoy their rights, such as developing laws, policies, and programs, while presenting some of the challenges faced.

ITEM 5 : REMARKS BY NHRIS WITH AFFILIATE STATUS

35. Representatives from NHRIs with affiliate status, namely Benin, Cameroon, Kenya, Malawi, Niger, Togo, and Zambia, presented achievements in their respective countries. They equally presented some of the challenges faced in the realization of the rights of children and invited other NHRIs to apply for affiliate status for increased collaboration with the Committee. The NHRIs that were recently granted affiliate status, among the ones that addressed the participants, took the opportunity to thank the Committee for granting them the status and briefly presented the structure of their NRHIs and their activities.

ITEM 6: LAUNCHING THE ACERWC'S STUDY ON CHILDREN WITHOUT PARENTAL CARE

36. The Committee's study on Children Without Parental Care (CWPC), conducted in collaboration with key partners, including the African Child Policy Forum, SOS Children's Village, and UNICEF, was launched in the presence of H.E. Sahle-Work Zewdie, the President of the Federal Democratic Republic of Ethiopia, and Representatives of the Member States, Representatives of National Human Rights Institutions, UN Agencies, Representatives of African Union Commission and Organs responsible for Human Rights, Civil Society Organizations, and Child Representatives. The study aimed to comprehend the challenges faced by vulnerable children and propose effective solutions for their well-being.

37. Children representatives Rokya Bassène from Senegal and Linka Ndizeye from Burundi express gratitude to the Committee for providing a platform to address the concerns of children without parental care in Africa. The children's representatives' collective plea emphasised the urgent need to safeguard the rights and welfare of these children, highlighting recommendations for comprehensive support and collaboration among stakeholders.

38. Mr. Christopher made a remark on behalf of the Working Group on Children without Parental Care in Africa. The group is aligned with The African Charter on the Rights and Welfare of the Child, Article 4, aiming to ensure that all children in Africa grow up in secure family environments. Recognising the diverse field of child care reform, there is a call for systematic acknowledgement of various voices and stakeholders in policy-oriented research. While pointing out conceptual and research misrepresentations, Mr. Christopher emphasized the study's value as a repository of normative frameworks and promising practices. Mr. Christopher concluded by noting the working group's readiness to actively contribute technical expertise to support the Committee's activities on Children without Parental Care, offering gratitude for the opportunity to contribute to this significant work.
39. African Child Policy Forum Executive Director Dr. Joan Nyanyuki in her remarks, commends the Committee for recognizing the rights of children without parental care, highlighting the lack of attention in laws and policies for an estimated 35 million affected children. ACPF's long-standing efforts are underscored, with a focus on key strategies, including prevention measures addressing conflict and poverty, as well as the forthcoming Africa Report on Child Wellbeing. Dr Joan emphasised the importance of deinstitutionalisation in childcare, advocating for a family and community-based approach, and stressed the necessity of a coordinated "all-of-government approach" with the involvement of civil society partners to address the challenges faced by these children.
40. In her remarks, Dr. Laila O. Gad, Representative of the UNICEF Office to the AU and ECA, extended gratitude to the Committee for launching the Children Without Parental Care Continental Study. Dr. Gad acknowledges the members of the Children Without Parental Care working group's commitment and hopes the study prompts actions for the protection and promotion of the rights of children without parental care in Africa. Emphasising the need to address the root causes of family-child separation, strengthen child protection systems, and despite decades of advocacy, Dr. Gad underscored UNICEF's commitment to accelerating efforts to end institutionalisation, prevent family-child separation, redirect resources to family-based care, improve data collection, and mainstream child rights across AU initiatives.
41. Dr. Dereje Wordofa, International President of SOS Children Villages International, expressed gratitude to the Committee for the groundbreaking Continental Study on children without parental care in Africa. Acknowledging the distressing realities faced by children without parental care, he noted the study's findings prompted a call for a paradigm shift in conceptualisation and action. Dr. Dereje outlined SOS Children's Villages' proactive approach, emphasising the prevention of family separation and empowering communities. He urged collective commitment,

collaborative efforts, and increased investments to protect every child facing vulnerability in Africa. Dr. Dereje called for comprehensive policy direction and a General Comment on Children without Parental Care, aligning with Agenda 2040 and the African Charter on the rights and welfare of the Child. Dr. Dereje appealed to leave no child behind, fostering collaboration for a better future in line with Agenda 2063.

42. Hon. Wilson Almida Adao, the Chairperson of the Committee, welcomed participants to the launch and underscored that the event stemmed from the Committee's decision during its 34th Ordinary Session in November 2019, reflecting a determination to comprehensively research Children Without Parental Care and those at risk. He noted that the continental-wide study aimed to guide policy-makers, governments, NGOs, and communities by addressing the lack of comprehensive evidence on the circumstances, challenges, and underlying causes faced by these children. The chairperson reaffirmed that the Committee is committed to this cause, anticipated working closely with partners to make a lasting impact and urged collaborative efforts for an Africa fit for children.
43. Honorable Anne Musiwa, the Committee Special Rapporteur on Children Without Parental Care (CWPC), delivered a statement on the major findings and recommendations of the continental study on children without parental care in Africa. The Special Rapporteur underscored the urgency of a unified understanding of CWPC across African regions, calling on State Parties to align their normative frameworks with UN guidelines. Honorable Musiwa also emphasized on the establishment of comprehensive statistical databases and the integration of CWPC issues into national policies highlighted key initiatives for systematic and effective protection. Honorable Musiwa highlighted the recommendations of the study, which included implementing community-based care options, social protection measures, and strengthening child protection systems to create a nurturing and secure environment. Honorable Musiwa, in her capacity as the Special Rapporteur, also proposed the development of a General Comment on CWPC, informed by further assessments and lived experiences, showcasing a comprehensive strategy for addressing the challenges faced by children without parental care.
44. H.E Sahle-Work Zewde, the President of the Federal Democratic Republic of Ethiopia, in her remark, extended gratitude to the African Union Commission and the African Committee on the Rights and Welfare of the Child for their tireless effort in putting together a comprehensive continent-wide document, which she believes will go a long way in encouraging evidence-based policy making to the continental challenges. H.E. President Sahle-Work noted that the study outlines the challenges faced by these children, stressing the need for desegregated data and policy harmonisation. Her Excellency calls for an action plan based on study recommendations, aligning with Agenda 2063. President Sahle-Work concludes

by affirming the Government of Ethiopia's commitment to children's rights and offers collaboration for the welfare of children without parental care, and officially declares the launch of the study on 'Children without Parental Care in Africa.

ITEM 7: REMARKS BY ORGANISATIONS WITH OBSERVER STATUS

45. Organizations with observer status who addressed the Committee during the Session are Forum for African Women Educationalists (FAWE), African Child Policy Forum, Save the Children International, Plan International, World Vision, Center for Human Rights, Institute for Human Rights and Development in Africa (IHRDA), Equality Now, Child Fund International, Center for Reproductive Rights, African Movement of Working Children, SOS Children's Village International, and Graca Machel Trust. During their remarks, the Organizations highlighted the various activities they have undertaken with regards to child protection issues and further requested the Committee to:

- Put some emerging and persisting issues on its agenda such as child poverty, armed conflict, climate change, and protection of the child in the digital environment.
- Urge Member States to ratify, implement and report on the Charter by paying particular attention to investing on children, medicalisation of FGM, child marriage, access to sexual reproductive health services and rights, child labour, food security, sustainable response to humanitarian situations, among others.
- Increase the participation of children and continue to be the voice of children
- Take leadership on the climate change agenda on behalf of African Children and disseminate the findings of the Study on Climate Change and Children's Rights during COP28.
- Implement its decision during the 41st Ordinary Session to hold Day of General Discussion on Children with Albinism.
- Provide Guidance for State Reporting on Children with Albinism which the UN Independent Expert on the Enjoyment of Human Rights by Persons with Albinism requested.
- Provide Guidance on the protection of intersex children in line with Resolution 552 of the African Commission on Human and Peoples' Rights
- Continue to engage the Government of The Gambia to maintain its FGM law
- Develop a General Comment on Children without Parental Care

46. The Organizations also expressed their firm commitment to working with the Committee to ensure the implementation of the Charter and other norms and standards set by the Committee as well as its decisions and recommendations.

ITEM 8: REMARKS BY DEVELOPMENT PARTNERS

Remarks by the European Union Delegation

47. Mr. Thomas HUYGHEBAERT, Head of Policy and Cooperation of the European Union Delegation to the African Union started his remarks by thanking the Committee for inviting the Delegation to its 42nd Ordinary Session. Mr. HUYGHEBAERT expressed that the EU accords significant importance to the protection of children's rights which is enshrined in the EU founding treaty and is a joint priority of the EU-AU Partnership. He expressed that the Delegation's appreciation to the role the Committee plays in ensuring the implementation of the African Charter on the Rights and Welfare of the Child and engaging Member States to harmonize their laws with the Charter. In his remarks, Mr. HUYGHEBAERT underlined that child are often the first victims in today's world where conflict, violence and human rights abuse is on the rise. In this regard, he amplified that the Delegation focuses on strengthening child protection systems to ensure the protection of children from violence, exploitation, and abuse. Mr. HUYGHEBAERT outlined that strengthening protective environment involves components such as: increased commitment and capacity for child rights protection, adopting and enforcing legislation, addressing negative attitudes, norms, and practices, enhanced open deliberations on child rights issues with media and CSOs, and establishing effective monitoring and oversight mechanism. Mr. HUYGHEBAERT alluded to the European Union's 2.5 million Euro support to the Committee within the broader support to the African Governance Architecture aimed to achieve Agenda 2063's Aspiration for 'An Africa of good governance, respect for human rights, justice and the rule of law'. He further expressed appreciation that through the European Union's contribution, the Committee has engaged Member States to ratify, implement, and report on the Charter, developed studies and guidelines on children's issues, enhanced collaboration with other organs of the African Union such as the Banjul Commission and the African Court. While celebrating the partnership of the EU and the Committee, Mr. HUYGHEBAERT called for enhanced implementation of the project in in the remaining one-year period and underlined the importance of coordination and collaboration of the Committee with various actors including Member States, RECs, NHRIs, AU Organs, CSOs and children. Mr. HUYGHEBAERT expressed the commitment of the EU to continue its collaboration with the Committee and concluded by congratulating the new Members of the Committee and the newly elected Bureau.

ITEM 9: PRESENTATION AND DISCUSSION- STUDY ON THE IMPACT OF CLIMATE CHANGE IN AFRICA

48. The Draft Report of the Continental Study on the Impact of Climate Change on the Rights of Children in Africa was presented by the Consultant, Prof Benyam Mezmur. In his presentation, Professor Mezmur detailed the background, scope, methodology, key findings and recommendations of the Continental Study. He noted that the study focuses on addressing the disproportionate impact of climate change on children across the continent. Moreover, he stressed that special consideration is given to flooding and drought, with a goal of prioritizing the development of jurisprudence and guidance from the ACERWC. He noted that the

draft report incorporates a gender-sensitive approach and explores the 'greening' of human rights provisions in the context of climate change.

49. Additionally, it was emphasised that the study addresses critical issues such as non-discrimination, access to information, disproportionate impact on specific groups, the best interests of the child, children's rights to participation, and the right to be protected from violence. Prof Mezmur added that the Study further scrutinizes the role of the judiciary, child care in the context of disasters, the right to food, education, health, and the impacts of climate-induced migration on children's rights. He further underscored that mitigation and adaptation through law and policy, especially the role of Regional Economic Communities (RECs), national state actors, climate finance, NHRIs, and the business sector in addressing climate change and children's rights are covered in the Study.
50. Prof. Mezmur concluded by outlining recommendations for the ACERWC, highlighting the need for internal, semi-internal, and external engagements to address the study's findings and promote the rights of children in the context of climate change. The study calls for a multi-pronged approach involving the ACERWC, AU, and external bodies to ensure effective mitigation and adaptation strategies safeguarding children's rights.

ITEM 10: PRESENTATION AND DISCUSSION ON THE AFRICAN UNION CHILD SAFEGUARDING POLICY

51. Mr. Blessing Mushohwe provided a comprehensive overview of the African Union Child Safeguarding Policy, highlighted the importance of the policy and its broad scope of application, which extends to AU office staff, affiliates, and development collaborators in various capacities. He explained the policy statements, reporting and responding mechanisms to child safeguarding issues, guiding principles, roles, and responsibilities in child safeguarding programming, monitoring and reviewing of the policy, and entry into force of the policy. Additionally, he briefed about the AU child safeguarding code of conduct as an annex to the policy. Before participating in any AU-related activities, staff members must sign this code of conduct.
52. Following the presentations, there were productive discussions among participants that will undoubtedly enhance the policy document. Some of the comments and recommendations from participants are as follows:
53. The participants mentioned that a child safeguarding policy should include clear guidelines and procedures for preventing, identifying, and reporting any potential risks or instances of harm to children. It should also outline the roles and responsibilities of individuals and organizations involved in protecting children and provide training and support to staff working with children and families. Other essential elements to include are measures for ensuring confidentiality and privacy, reporting mechanisms for incidents, and clear communication with families and

relevant authorities. The policy should be regularly reviewed and updated as necessary to ensure it remains practical and up-to-date with current best practices. Inter Aila, participants recommended the document become more explicit on its scope of application and definition of key terms to understand the policy. They advised the Committee to ensure the practical applicability of the policy's provisions in the actual situations with the enactment of implementation guidelines in consultation with the legal office and other departments of the AU.

54. The policy is expected to address the procedure for diplomatic immunity in terms of accountability, investigation of cases, and the presumption of innocence criminal procedure principles in matters of perpetrators. Furthermore, the participants recommended revisiting and making the policy in line with Other AU policies in general and peace and support operations of the AU ethical codes of conduct in particular and ensuring child participation with their level of maturity in different activities that engage children.
55. The participants echoed that reporting mechanisms should be available in different formats, including technology-based means that ensure confidentiality and privacy. Furthermore, the programming in the policy should also include awareness, training, and capacity-building programs, which should be part of the policy for all staff of the AU and its affiliates. The chairperson concluded the discussion by giving the consultant a chance to reflect on some of the issues raised and ways forward by the chair to incorporate all the comments and feedback for better policy improvement before presenting it to the next level.

ITEM 11: PRESENTATION AND DISCUSSION ON THE DRAFT GENERAL COMMENT ON THE RIGHT TO EDUCATION

56. The consultant, Dr. Elvis Fokala, presented the draft General Comment on the right to education which is aimed at clarifying and strengthening the right to education as protected under article 11 of the African Children's Charter, its interconnection with the principles of children's rights interpretation and to accentuate States Parties' obligations and commitment to ensure that education drives Africa's development. The General Comment supplements and complements the standards set by the various UN organs adopted as a viable means of attaining meaningful and purposeful education for children and responds to African realities and challenges faced by African States to meaningfully realize the rights to education for all children in Africa.
57. Dr. Fokala highlighted that the General Comment addresses the nature and extent of States obligations and the various measures that States Parties must take in order to protect the right to education including the enactment of enabling legislation and policies, strengthening the capacity of teachers and providing free basic education. It also highlights the role of other actors such as the private sector in enhancing realization of children's right to education. The State obligations outlined in the General Comment have been informed by normative frameworks including the African Children's Charter, article 12 of the Maputo Protocol, article

16 of the African Disability Protocol, article 13 of the African Youth Charter, and article 9(2) (b) of the Kampala Convention.

58. Dr. Fokala further highlighted that the scope of the General Comment includes marginalized and disadvantaged children such as children at risk of child marriage; trafficked children and children at risk of trafficking; migrant and displaced children, refugees and stateless children; children in child headed households; children in street situations; and children without parental care. Notably, the General Comment also addresses auxiliary components of the right to education such as promoting inclusive education, fostering the right to education in the context of emergencies, and ensuring quality and purposeful education in context of growing Artificial Intelligence (AI) and technological advancement.

59. In conclusion, Dr. Fokala emphasized that understanding and implementing the right to education should be based on the premise that education is a precondition for the exercise of other rights. If implemented properly, it should, exemplify the characteristics to unlock the enjoyment of other children's rights and ultimately empower children to contribute and participate meaningfully in their community and nation building.

60. After the presentation, the Committee members and participants actively engaged in discussions on the draft General Comment. Emphasis was placed on comprehensively addressing pertinent issues such as retention of pregnant girls in schools; the prohibition of forced pregnancy testing; capacity building of teachers; enrolment of children without identity documents and ensuring that they register for examinations; comprehensive sexuality education; combatting violence against children and teachers; accessibility of education for children in remote areas; inclusion of physical activities in curriculums; and prohibiting the use of schools as polling stations during elections. It was further recommended that once adopted, the General Comment should be made available in child-friendly versions and translated into local languages by the States Parties.

ITEM 12: PRESENTATION BY HHS ON HOLISTIC CHILDHOOD DEVELOPMENT

61. During the presentation by a representative of the AUC Health Humanitarian Affairs and Social Development on "Progress Towards Achieving Holistic Child Development," several challenges related to holistic child development in Africa were highlighted. These challenges include a low level of birth registration, high child mortality, stunting, and poor developmental outcomes. The presenter emphasized that too few children are thriving on the continent due to poor health, inadequate nutrition, exposure to stress, lack of early stimulation, and limited opportunities for early learning.

62. The presenter noted that these challenges prompted the AUC to establish a coordination mechanism bringing together African Union Commission Departments for coherent actions to improve and advance holistic child development. This move is a step towards accelerating the achievement of the AU's Agenda 2063 goals and involves collaboration with AUC departments, AUDA, NEPAD, RECs, among others. It was stated that the overall objective of this initiative is to strengthen coordination across AUC departments to support holistic child development, including Member States and the ACERWC. To this end, it was stated that the AUC Task Force on Advancing Holistic Child Development has been established, along with a working mechanism, road map, and entry points to strengthen holistic childhood development through existing activities and plans of the African Union Commission.
63. Following the presentation, participants raised issues regarding models and best practices for financing Early Childhood Development (ECD) programming across countries. They emphasized the importance of coordination and collaboration among CSOs and suggested exploring mutual support between the AUC and the Committee.

ITEM 13: CONSIDERATION OF THE PERIODIC REPORT OF THE REPUBLIC BENIN

64. The ACERWC received the delegation from the Republic of Benin for the consideration of the 2nd periodic report for the period 2019-2023 on the implementation of the African Charter on the Rights and Welfare of the Child. The Delegation was led by Mr Yvon Detchenou, Minister of Justice of the Republic of Benin.
65. In his opening statement, Mr Detchenou indicated that since the submission of the last report in 2017, significant progress had been made to promote children's rights in Benin. He indicated that some of the notable achievements include the adoption of laws and policies on child protection. He further indicated in that regard, the two components of child protection in Benin, which are legal and judicial protection and social protection. He mentioned that, as indicated in the State Party Report, areas such as a more adequate health system, including health facilities for children and mothers, has improved. He also highlighted that several health facilities are being renovated to enable access to a more accessible effective health system, as well as service providers being deployed in that regard.
66. Regarding education, Mr Detchenou noted that efforts have been made to improve the education system, as well as the working conditions of teachers across the country, which has led to more effective results in education for children. He also mentioned the introduction of school canteens in 75% of primary schools which has also led to better school results for the children. Further, he highlighted the creation of the National Agency for Food and Nutrition which includes the monitoring and child development program. As part of this program,

sports class programs have been created, play areas equipped and accessible to all children, whether in or out of school, art centers, recreational areas, ect.

67. Concerning the administration of justice, Mr. Detchenou mentioned the existence of the “Zero child in prison” program, which prioritises the reinsertion in children's centres settings, with specifics supervised children’s quarters. He also noted that there is an ongoing reform in the judicial system which will enable to integrate social assistants in court proceedings, including the ones involving children. He highlighted other ongoing legislative reforms on the Children Act, the Penal Code, etc... which will enable better protection of children. Other institutional reforms were also mentioned, including the creation of a Social Promotion centre. Mr. Detchenou confessed that the participation of children was not effective in the process of elaboration of the report before completing its Statement but mentioned that this will be effective in subsequent reports.
68. Following the Head of Delegation presentation, the Committee commended the Government of the Republic of Benin for the progress in realising children’s rights. The Committee sought clarification on several issues regarding the implementation of the African Children’s Charter in Benin. Some of these issues included the existence of laws and policies impacting the rights and well-being of the child, and the fact that some laws lack implementing measures for the implementation.
69. Furthermore, the Delegation was requested to inform the Committee on the existence of organs where children can file complaints on the violations they face. The Committee asked the delegation to give more information on budgetary allocation for organs in charge of children rights in Benin, as well as the efforts to popularize the African Children Charter in Benin.
70. In addition, the Committee requested more information on the measures adopted to prevent FGM in Benin, as well as the extent to which children’s views are taken into account in the laws on sexual and reproductive rights.
71. In responding to some of the issues raised, the Delegation reassured the Committee that some of the data will be updated and sent to the Committee. The Delegation also reassured the Committee that the question of children's participation in the elaboration of reports and in general will be taken into account.
72. The Delegation mentioned that The Office of the Protection of Minors is one of the organs that receives complaints from children and persons who witness a child rights violation. It was also mentioned that this structure serves as a Special Brigade for children in conflict with the law.
73. Regarding the budget, the Delegation assured the Committee of the Commitment of the Government to dedicate an appropriate budget to the issues of children in the Country. The Delegation has committed to conduct a study on teenage pregnancy and adopt measures to ensure they return to school. On the issue of children affected by ongoing armed conflicts occurring in neighbouring countries, the delegation mentioned a reform of the Children Act. Regarding FGM, the

Delegation informed that there is an educative approach which consists of sensitising the population on the impact of FGM, and an approach whereby the perpetrators of FGM are prosecuted and punished.

74. In conclusion, the Committee thanked the Delegation of the Republic of Benin 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 Benin to take additional measures to ensure the full implementation of the Charter. The Committee further informed the Delegation that the concluding observations and recommendations will be formulated and communicated to the State party, following which, the Committee will conduct a follow-up visit to monitor the implementation of its concluding observations and recommendations.

ITEM 14: LAUNCH OF THE JOINT GENERAL COMMENT ON FGM

75. The Chairperson of the Committee, Hon. Wilson Almeida Adão welcomed all participants to the launch of the Joint GC on FGM. After appreciating the presence of various stakeholders in the launch of the GC on FGM, Hon. Wilson indicated that the Joint GC on FGM provides a huge opportunity to recommit ourselves to the cause of ending FGM at the country and continental levels. After the introduction, Commissioner Janet Ramatoulie Sallah-Njie and Hon. Hermine Kembo have delivered remarks.

76. Commissioner Janet Ramatoulie Sallah-Njie stated that the Commission and Committee have been working together to put an end to harmful traditional practices that persistently rob young girls of their childhood. By jointly issuing the GC on child marriage and FGM, the Committee and the Commission provide a unified platform to advocate for the rights of children and to encourage the AU Member States to take concrete actions to prevent and eliminate child marriage and FGM. Commissioner Janet indicated that this GC will serve as a vital tool for States, Policymakers, and Legislators, offering guidance on how to align their laws and policies with international human rights standards. With harmonized legislation and other mechanisms across the continent, we aim to create a unified front against FGM. In her conclusion, Commissioner Janet indicated that collaboration between the Special Rapporteur on the Rights of Women in Africa of the ACHPR and the Special Rapporteur on Child Marriage and Other Harmful Practices of the ACERWC as well as other relevant stakeholders is essential for popularizing and disseminating the Joint General Comment on FGM and effectively combating FGM practice.

77. Hon. Kembo welcomed all the participants to the launch of the Joint GC on FGM and indicated that the African Children's Charter, which is a regional binding treaty for children, provides for the protection of children against various forms of harmful practices affecting children. Article 1(3) of the Charter imposes a duty on State Parties to discourage any custom, tradition, cultural or religious practices inconsistent with the rights enshrined therein. Moreover, Hon. Kembo highlighted that Article 21 (1) of the Charter calls on States to 'take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child'. Hon. Kembo also highlighted that

Agenda 2063, under Aspiration 6, calls for ending all forms of gender-based violence, including FGM; and, Agenda 2040, adopted by the Committee during the commemoration of the 25th Anniversary of the Charter in 2015, under its Aspiration 7 indicates that harmful practices such as FGM, among others, have to be eliminated in Africa and no child has to be subjected to FGM. Hon. Kembo further highlighted that the implementation of the Aspirations of the Agenda 2040 and 2063 relate, directly or indirectly, to the realization of children's rights and the eradication of all forms of harmful practices including, among others, the eradication of FGM. In her conclusion, Hon. Kembo stated that the launch of the Joint GC on FGM is a huge success for all as it provides technical guidance on the measures that should be undertaken by various stakeholders to effectively eliminate FGM. Hon. Kembo ended her remarks by requesting CSOs and the ACERWC's partner organisations to disseminate the Joint GC on FGM at all levels; translate the Joint GC on FGM into local languages to allow our children to understand its content, and, provide child-friendly platforms to our children to actively lead and champion efforts and initiatives to end FGM at the country and continental levels.

Presentation on the impact of FGM on the rights and welfare of the Child

78. Peace, a girl child from the Republic of Kenya indicated that FGM/C practice is negatively affecting the rights and welfare of the girl child including her right to health, education, the right to be protected from violence and child marriage, among others. FGM/C practice causes several health complications such as severe pain, excessive bleeding, infections, psychological problems and death in some instances. Peace further indicated that a girl who has undergone FGM is viewed as an adult woman, not as a child and she can do what a woman can do including sexual activities. The unprotected sexual activities can expose the girl child to Sexually Transmitted Diseases (STDs) and HIV. Furthermore, Peace stated that FGM/C is linked to child marriage, forced sexual debut and teenage pregnancy. In this regard, Peace stated that FGM practice pushes the girl's relatives to marry her off in exchange for cattle as this harmful practice is an insurance that the girl is now able to carry many responsibilities. Moreover, Peace indicated that the practice of child marriage causes forced sexual debut, and teenage pregnancy. And, during childbirth, FGM can predispose the girl child to obstetric fistula; and if left untreated, it can damage her health status and lead to other health risks and complications. Besides considering the girl as an adult, a woman and a mother at a very young age, FGM practice is also negatively affecting the girl's right to education. As a wife and young mother with many responsibilities, it is becoming practically impossible for her to take care of her house and children and go back to school. Peace also indicated that this is going against Sustainable Development Goal (SDG) 4 which states that every child should have access to quality education and be free from its interruption. In conclusion, Peace highlighted that FGM is still practiced in various parts of Africa; and, as a consequence, many girls are facing various health complications due to FGM, they are dropping out of schools and being married off. Considering the impact of FGM on the rights and welfare of the child, she requested various stakeholders to take all concrete actions to eliminate the practice of FGM and support the girl's right to education and self-development.

Experience sharing: Initiatives undertaken by the AU Member States in addressing FGM (legislative and policy frameworks including other measures)

Presentation by the Central African Republic

79. Melvine Julia Guere, the General Director of Family and Child Protection in the Central African Republic (CAR) indicated that the rate of FGM in the CAR is 21.6% and girls are at high risk of experiencing harmful practices such as FGM. Moreover, Melvine shared the legal and institutional measures taken by the CAR to reduce the prevalence of FGM. At the national level, Law No. 06.032 of 15 December 2006 prohibits the practice of FGM and the Child Protection Code takes into account the protection of children against FGM, among other child rights violations. The Law of 06 January 2010 on the Penal Code incorporates the provisions of the Law No. 06.032 of 15 December 2006 on FGM. At the institutional level, the Inter-African Committee on traditional practices affecting the health of women and girls (CI-AF) was set up in the CAR on 11 September 2004 and it has a Youth Network that works with 13 affiliated NGOs and national associations. CAR also has a national strategy to combat harmful traditional practices such as FGM; the Children's Court; the Junior Parliament; the Directorate of Judicial Police Services on children in contact with the law; the National Committee to fight against harmful traditional practices including FGM, a community early warning and alert mechanism; and, a National Council for the promotion and protection of children's rights in the CAR. Moreover, according to the Demographic and Health Survey (DHS), Melvine stated that CAR has made some progress as the prevalence rate of FGM has shifted from 45% in 1995 to 21% in 2023. In conclusion, Melvine indicated that FGM is still practiced in secret and there is a need for the CAR to take all appropriate measures to effectively implement all the legal, policies and strategies on FGM to accelerate its elimination in the entire country.

Presentation by the Federal Democratic Republic of Ethiopia

80. Mr. Belete Dagne, Head of Child Rights Advocacy and Development at the Ministry of Women and Social Affairs of the Federal Democratic Republic of Ethiopia indicated that FGM is the most prevalent form of harmful traditional practices (HTPs) causing multidimensional impacts on women and girls in Ethiopia and it is widely practiced in the country. Mr. Belete further indicated that all types of FGM are practiced in Ethiopia with the most severe form of infibulation which is particularly practiced in Somali, Afar, and in some parts of Harari and Oromia. These regions have the high prevalence rate of FGM/C and the Somali and the Afar have the highest prevalence of FGM/C, at 98%, while the lowest prevalence is in Tigray, at 24.2%. The age of girls to undergo FGM also varies across regions. In the Northern part of Ethiopia, FGM is performed soon after birth (the 1st ten days of life); around marriage in the South and west, whereas in Somali, Afar and Oromia it is usually done between 7 days to 12 years; and some times before marriage from 14 to 17 years. Mr. Belete also indicated that FGM/C is practiced

across all regions, religions and ethnic groups in Ethiopia and almost all FGM/C is carried out by traditional practitioners. Mr. Belete further indicated that the prevalence of FGM in rural areas is higher than in urban areas. Furthermore, Mr. Belete highlighted that the Government of the Federal Democratic Republic of Ethiopia has implemented several legislative, policy and institutional measures to end FGM. He indicated that the Constitution of the Federal Democratic Republic of Ethiopia provides for the elimination of HTPs and the government has adopted, among others, the National Costed Roadmap to end Child Marriage and FGM/C (2020-2024); and, the National Strategy and Action Plan on HTPs against Women and Children in Ethiopia. Mr. Belete also highlighted that the criminal and family laws have been revised to protect girls and women from FGM and medicalised FGM practice was prohibited by the Ministry of Health in 2017. It was further highlighted that the main law governing FGM in Ethiopia is Proclamation No. 414/2004, a federal Act that makes it a criminal offense to perform FGM in Ethiopia. As a result of various initiatives undertaken by the government, the overall prevalence of FGM/C is declining for women aged 15-49, girls aged 15-19 and those who are under 15 years old. However, Mr. Belete stated that weak law and policy enforcement, accountability and coordination mechanisms; limited resource allocation to effectively address FGM; and, deep-rooted customary social norms and practices are some of the persistent challenges that hinder the government of Ethiopia from accelerating the elimination of FGM.

Presentation by the Republic of the Gambia

81. Kajali Sonko, the Deputy Permanent Secretary in the Ministry of Gender, Children and Social Welfare in the Republic of The Gambia indicated that FGM is a deep-rooted traditional belief and practice in The Gambia. Considering its health and reproductive health consequences, coupled with the fact that it is a human rights violation and is not an Islamic obligation, the government conducted years of advocacy activities to sensitize communities to its harmful effects. With the support of UNFPA and UNICEF advocacy activities were intensified especially through the joint UNFPA-UNICEF programme which started in 2009. With this, FGM became a household word discussed at different forums engaging entire communities, the old and young generations. The prevalence started to drop as people became aware of its harmful effects. Moreover, Kajali highlighted that the government of The Gambia continues to be committed to ensuring the promotion and protection of the rights and welfare of children through, among others, the enactment of the Children Act 2005, amended in 2016; Women's Act 2010, amended in 2015 to criminalize the practice of FGM/C in The Gambia; the development of a National Strategy on FGM/C 2021-2025 to guide FGM activities; and, FGM/C Policy 2023-2032. Furthermore, Kajali indicated that the Women's Bureau now the Directorate of Gender Equality and Women's Empowerment has been involved in raising awareness creation on the harmful effects of FGM, advocating for the enforcement of the FGM laws and capacity building of service providers including the social workers and law enforcement officers. The Ministry coordinates and monitors the activities of stakeholders working on FGM and gets reports from the actors through the national steering committee on FGM. FGM has been integrated into the curricula of all the health professional training schools including the School of Medicine and Allied Sciences and a training manual has been developed to train health workers. Kajali also indicated that the government of the Gambia conducted

Cross-border meetings on FGM, National/International conferences, study tours as well as exchange visits to address FGM/C issues. The government of the Gambia has also conducted various studies on FGM, made public declarations on the abandonment of FGM and established community-based surveillance systems to monitor cases of FGM. However, Kajali highlighted that there is still a religious misconception about FGM and religious leaders are undermining the efforts and work of various actors. This has been followed by the recent Parliament debate concerning the amendment of the law that bans FGM. Another persistent challenge is that parents and guardians are still practicing FGM on the ground and there has been only one prosecution since 2015. Kajali concluded his presentation by indicating that the government of the Gambia is planning to continually engage all stakeholders (women, men, girls, boys, community leaders, religious leaders, security personnel, etc.) to report cases of FGM and ensure the effective enforcement of the law on FGM in the country.

Presentation by the Republic of Zambia

82. Mr. Changano Ngoi, Chief Child Development Officer under the Department of Child Development in the Ministry of Community Development and Social Services of the Republic of Zambia started his presentation by sharing the legal and policy framework on child protection in Zambia such as the Children's Code Act No. 22 of 2022 and its Statutory Instruments; the Child Safeguarding Guidelines; Child Participation Framework; and, the Case Management Tools for children victims of violence and abuse. Mr. Changano further shared the Agenda for Child Protection and stated that the government of Zambia recognizes that children are vulnerable and need protection from harm and harmful situations. Moreover, Mr. Changano indicated that FGM practice is a new phenomenon in the Zambian Culture and there is no report concerning this harmful practice for fear of victimization. Mr. Changano also indicated that hospitals get to know about the practice of FGM only when the victim has bled to death or has complications in child delivery. Mr. Changano concluded his presentation by highlighting that the practice of FGM is imported to the Republic of Zambia and it is also spreading to many areas of the country. To mitigate the spread of FGM and end this harmful practice in the Republic of Zambia, Mr. Changano recommended the government to improve multi-sectorial and inter-institutional coordination mechanisms at the provincial, district and community levels to end Violence against Children (VAC) including FGM; increase awareness on the impact of FGM on the rights of the girl child and advocate for child-friendly policies to end all forms of VAC; and, empower children to actively participate in all matters that concern them including in protecting themselves as well as others in their localities against FGM practice.

83. In addition to the Member States, the following presentations were made on the various initiatives to address the practice of FGM:

- i. Presentation by the Representative of the Director of Culture Division at the African Union Commission (AUC)- Mr. Lefhoko Kesamang, Senior

- Social Welfare Officer from the Social Welfare, Vulnerable Group and Drug Control
- ii. Presentation by UNICEF- Rahel Mesfin Leikun,
 - iii. Presentation by UNFPA- Dr. Wisal Ahmed, Global Coordinator of the Joint Programme to eliminate FGM
 - iv. Presentation by the Representative of Plan International AU Liaison Office- Zemzem Jemal
 - v. Presentation by the Representative of the CSOs Forum- Asenath Mwithigah

Hon. Wilson thanked the AU Member States and other stakeholders for participating in the launch of the Joint GC on FGM. Hon. Wilson stated that the Joint GC on FGM indicated that there is a need for coordinated efforts between various stakeholders, including governments, UN Agencies, CSOs, children, and communities to address the root causes and consequences of FGM. Hon. Wilson further stated that the launch of the Joint GC on FGM is a testament that we are committing to ensure the protection of the rights and dignity of African girls and women. And, together, we can create lasting change by ensuring a future where every girl and woman can live free from the physical and emotional harm of FGM. On this note, Hon. Wilson officially launched the Joint GC on FGM.

ITEM 15: PRESENTATION OF THE CONCEPT NOTE FOR DAC 2024

84. The Secretariat of the ACERWC presented the draft concept note for the Day of the African Child (DAC), which focused on the theme "Planning and budgeting for children's rights: progress since 2010". The presentation covered the following points: The context of the theme, reasons for the theme on planning and budgeting for children's rights; the objectives of the DAC 2024, and the activities to be carried out by the Committee during the DAC 2024, and the Committee's recommendations to the Member States. After the presentation, participants made the following recommendations"

- A detailed copy of the budget program on planning and budgeting for the rights of the child to be provided to Member States;
- The Committee should evaluate the programs of the States parties to the Charter on the budgets allocated to areas such as education, health, etc;
- The Committee should invest in parliamentarians by providing mechanisms to defend and promote children's rights;
- Some CSOs have proposed the theme of "**education in relation to children's safety and learning**" instead of "*planning and budgeting for children's rights: progress since 2010*";
- The DRC has asked the Committee to provide clear indicators and criteria on the basis of which States will be evaluated in order to take steps in this regard;
- The Republic of Benin would like the concept note to be presented earlier so that the States party to the Charter can take the necessary steps to vote on the budgets for the current year;
- World Vision proposed that States evaluate and compare their budgetary expenditures during the year in relation to current needs in order to know

whether the budgets allocated are still in line with those needs, because since 2019, the Covid-19 pandemic has changed the cost of living in most African countries.

ITEM 17: PRESENTATION AND DISCUSSION ON PARENTING IN THE DIGITAL ENVIRONMENT IN AFRICA: POLICY IMPLICATIONS

85. Ms. Isabel Magaya, a program manager at the African Child Policy Forum, presented on ***'Parenting in the Digital Environment in Africa: Policy Implications'***. She started her presentation by explaining some of the rights of children in the digital era, such as privacy, autonomy, freedom of expression, and protection against cyberbullying, hate speech, revenge porn, self-harm, and suicide. Additionally, the presenter underscored the advantages of the digital era, such as access to information, education, health, and other rights. Ms. Isabel emphasized that the digital era is consistently and rapidly evolving, affecting children's rights positively and negatively. Unfortunately, positive parenting in the digital environment is rare and inadequate. Positive parenting can provide adequate protection to enable safe and responsible use of digital tools and foster communication and trust between children and parents. Nevertheless, the facts on the ground demonstrate that children's digital competencies and knowledge surpass those of adults, rendering it difficult for parents to mediate their children's online experiences.
86. With all the challenges in this digital era, parents need to balance protecting children from harm and allowing children to benefit from the many opportunities the digital environment offers. In addition, parents are expected to develop their technological capacities as they continue to nurture, protect, and guide their children during their time. In this regard, it is recommended that parents communicate with their children and establish trust so that children will feel comfortable discussing their online activities. Additionally, parents should place appropriate limits on their children's online activities. The presenter also mentioned that parents should take into consideration the ages of their children and their needs. Hence, the needs and participation of children keep growing with their ages.
87. It has been recommended that ACERWC develop guidelines for positive parenting in Africa, including in the digital environment. Additionally, it has been suggested that ACERWC should ensure that state parties include in their reports measures they have taken to promote and protect children's rights in the digital environment. State parties can advance and defend children's rights in the digital sphere by implementing these measures. CSOs are recommended to design programs supporting caregivers, raise awareness of children's digital rights, and support government initiatives empowering parents to guide and protect children in the digital environment. CSOs can promote and protect children's rights in the digital environment by taking these actions. During the discussion, the participants believed that African parents play the most significant role in educating their children, and positive parenting is crucial for a child's success. However, given the

current digital era, regulating children's online behaviour can be challenging, especially for parents with limited education. To address the issue of online sexual exploitation, the participants recommended a community-based approach. It is also essential to use digital access responsibly and for parents to be aware of the potential risks of the digital world. The participants emphasized the importance of ratifying and implementing the Malabo Convention on cyber issues as a positive step towards digital regulation. They also stressed sensitizing people about the digital world's impact. Hence, positive parenting is a complex issue that needs to balance a child's freedom and parental obligations.

ITEM 18: PRESENTATION AND DISCUSSION ON ONLINE SEXUAL EXPLOITATION AND ABUSE OF CHILDREN (OSEAC) IN AFRICA: SCALE, DRIVERS AND IMPACT

88. The presentation was made by Joshua Ongawae, Senior Advocacy Manager for Africa and OSEAC Liaison to the African Union. The presenter began by sharing data on the increasing internet connectivity in Africa. According to Statista (2023), the number of internet users in Africa has grown significantly, reaching 570 million in 2022, a 100% increase from 2015. Furthermore, estimates indicate that there are approximately 650 million mobile users in Africa, showing a rise in cell phone ownership. While this increase in internet connectivity has provided children with several opportunities for education, entertainment, and communication, it has also exposed them to various online risks, such as violence, sexual predators, and gaming platforms.
89. He further discussed the scale of the problem of the OSEAC, which involves the use of ICT as a means to sexually abuse and exploit children and includes sexting and sexual extortion, among others. The study shows that 3 in 10 internet-using children have been exposed to violent content online, 2 in 10 children have been exposed to hate messages, and 9% of internet-using children have harassed or embarrassed someone online.
90. In addition to discussing the issue of OSEAC, the presenter also shared some of the work ChildFund has been doing to combat this problem. He mentioned that ChildFund is part of the AU's Harmful Practices Unit TWG and has signed an MoU with the AU to collaborate in ending OSEAC in the continent. ChildFund has also supported experience-sharing workshops among AU Member States and is collaborating with the African Child Policy Forum (ACPF) to develop and disseminate a policy brief on OSEAC, supporting meaningful child participation.
91. The presenter also addresses some of the pathways of OSEAC, including collection and trading in child sexual abuse materials; networking with other sex predators online; engaging in inappropriate sexual communication with children; trafficking children for sexual purposes; producing, downloading, and distributing audio, visual, or written materials; transforming ("morphing") ordinary pictures into pornographic material; and recruiting children for sexual purposes. The impact of OSEAC is quite significant and can have long-lasting effects. The permanence of images online can cause psychological harm and lead to substance and alcohol abuse, depression, and other issues. Additionally, gender dimensions come into

play, with boys being particularly hesitant to seek help, which can further exacerbate the situation. Unfortunately, the impact of OSEAC can even result in self-harm and suicide.

92. In his presentation, he emphasized that OSEAC is a modern plague that affects millions of children across the globe. He stressed that lack of awareness of what constitutes criminal conduct online is a significant issue that needs to be addressed. The African child protection and criminal justice landscapes must do more to catch up and stay on top of this problem. Regional, national, and local governments must develop and implement policy frameworks to curb OSEAC. Parents and caregivers should be vigilant in ensuring that the gadgets used by children are free of pornographic content and should be careful about the information they share with their children on social media. Technology service providers should also take responsibility to ensure that their platforms are not used to harm children online.
93. Participants briefly discussed the issue and found it essential to have common obligations and work together to control the issue of sexual exploitation. Increasing public awareness, enacting laws, and collaborating with communities and schools can all aid in the fight against sexual exploitation. Having community champions who support the agenda can also have a significant impact. Additionally, it was mentioned that the "Take it Down" campaign aims to bring down child-exposing photos and videos, and companies should take action to remove such content.

ITEM 19: PRESENTATION BY EQUALITY NOW- CHILD MARRIAGE IN AFRICA

94. Equality Now's draft report on child marriage in Africa was presented by Madam Sally Ncube, Regional Representative for Southern Africa, and other civil society actors from Zambia and Sudan. During their presentations, they mentioned cases of violations of the Charter in Malawi, putting on display the case of Zinenani, a young girl married at the age of 13. Other cases were mentioned in Cameroon, in Tanzania and in Mali. Secondly, they gave the causes of harmful practices against children, namely the belief that marriage is a sign of success in society, schools far from rural areas, corporal punishment which causes young girls to drop out of school; tribal conflicts which are often the cause of population displacements and cultural practices where girls are seen as sources of income and often given to the highest bidder.
95. They then discussed the consequences of child marriage in Africa and the challenges still facing the continent. As far as the consequences are concerned, the practice are often at the root of a number of factors, such as early pregnancies, high rates of rape, anxiety among young girls, sexually transmitted diseases, failure at school, and so on. The challenges to be overcome include the failure of some States to honor their commitments to apply the provisions of the Charter, the power of culture and beliefs in the legal texts of some States, the silence of some victims often caused by their tormentors, the hostility of some families to the measures

taken by the Government such as stopping corporal punishment and many other harmful practices against children.

96. Finally, mention was made of the initiatives taken by some governments and non-governmental organizations, such as the introduction of a multisectoral approach to services for victims in some countries, the involvement of religious and traditional leaders to give a different perspective on life (sub-regional level), free school fees from primary to secondary level to support and encourage poor families (Zambia), the introduction of a program to keep young girls in school by providing them with basic necessities (Zambia), the introduction of a program to involve young people in raising awareness through a well-defined framework for participation (Zambia), the introduction of a legal framework that now enables child victims of corporal punishment to bring the perpetrators to justice (Zambia), the introduction of social programs to help families caring for large numbers of children (Zambia), the creation of platforms dedicated to young girls who are victims of violence and forced marriage (Sudan), the organization of awareness-raising programs through social networks (Sudan).

ITEM 20: FAWE PRESENTATION ON INNOVATIVE APPROACHES TO SCHOOL RE-ENTRY

97. Ms. Catherine Asego, the Senior Advocacy and Partnership Officer at the Forum for African Women Educationalists (FAWE), delivered a presentation on Innovative Practices Promoting Girls' Retention and Transition to Secondary and Higher Learning Institutions in Sub-Saharan Africa. The objective was to illuminate strategies for enhancing girls' education despite teenage challenges. Key findings included low transitions from lower to upper primary, high dropout rates due to poverty and teen pregnancies, and notable declines in girls transitioning between primary levels. Ms. Asego's recommendations underscored the importance of integrating comprehensive sexuality education, offering financial support for re-entry, fostering supportive school environments, embracing holistic educational approaches, and actively engaging parents.

98. Following the presentation, participants inquired about the status of child marriages and legislation in African countries, seeking information on the effectiveness of interventions and innovative solutions. Ms. Catherine from FAWE emphasized the importance of safeguarding learners and urged policymakers to invest in school funding to address gender-based violence. Comprehensive investments at all levels, including gender-based budgeting for children with disabilities, were highlighted.

ITEM 21: PRESENTATION BY DATA FOR GOVERNANCE ALLIANCE

99. Ms. Anyway Chingwete, Deputy Director of Surveys at Afrobarometer, presented the "Child Well-being in Africa: Highlights of Afrobarometer R9 Findings." Developed in collaboration with Laws Africa and Data for Governance Alliance, the scorecards reveal citizens' perspectives on physical discipline, neglect, and child

abuse, along with the availability of help for vulnerable children at the community level. Ms. Anyway highlighted that the scorecards also evaluate countries' adherence to the African Charter on the Rights and Welfare of the Child and submission of initial reports to the Committee of Experts. In conclusion, Ms. Anyway underscored negative findings, including the persistent endorsement of corporal punishment despite increasing advocacy and dissatisfaction with government efforts to protect vulnerable children. The intersectionality of violence against children and gender-based violence calls for comprehensive approaches. On a positive note, the presenter emphasized that support for the use of physical force to discipline children has declined slightly over the past five years, and Africans report that services to support abused, neglected, disabled, and children with mental and emotional problems are available.

100. During the discussion following the presentation, participants raised questions about government expenditures on education and sought data on violence and conflict, particularly in humanitarian settings with cross-border issues affecting girls, such as child marriage, slavery, and violence against children. Ms. Anyway responded by emphasizing Afrobarometer's focus on general government accountability, including access to local government plans and budgets. While specific data on education expenditure wasn't available, Afrobarometer has gathered information on taxation and citizens' perceptions of accountability. The organisation utilizes this data to address concerns such as children being abused, out of school, and neglected, with a particular focus on West and Central Africa. As a concluding remark, the Committee requested that Afrobarometer apply for Observer status to strengthen the relationship and foster future technical collaborations, particularly concerning high-quality survey data and analysis related to African children.

ITEM 22: CONSIDERATION OF THE PERIODIC REPORT OF SENEGAL

101. The ACERWC welcomed the delegation from the Republic of Senegal to present its periodic report on the implementation of the African Children's Charter. Hon. Mame Ngor Diouf, Secretary General of the Ministry for Women, the Family and Child Protection who led the delegation of the Republic of Senegal provided a summary of the report and indicated that the Government of Senegal has made significant progress in implementing the provisions of the ACRWC. In this regard, Hon. Mame highlighted that the government of Senegal has made child and maternal health a priority, with significant improvements in several key indicators in recent years. As a result of various initiatives undertaken by the government, the total number of neonatal deaths in live births has fallen from 3,721, or 7 per thousand in 2020, to 3,386 deaths, or 6 per thousand in 2021. Hon. Mame also highlighted that several activities to improve the nutrition of children as well as screening for acute malnutrition and caring for children have been implemented at 4,351 nutrition sites in 411 local authorities and these have enabled a total of 13,865,932 people to benefit from essential health and nutrition services.

102. Following the presentation, the Committee thanked Hon. Mame for the comprehensive presentation and commended the Government of Senegal for the progress it has made and for all the measures and initiatives undertaken to ensure the protection and promotion of children's rights in the State Party. While the Committee appreciated the progress made by the Government of Senegal, the following concerns related to child protection were raised, and the Delegation provided further clarification. In the first round of questions, the Committee asked the Delegation about a wide range of issues related to various rights enshrined in the ACRWC and their status of implementation. These included, among others, issues relating to the allocation of resources on child protection; corporal punishment, if it is prohibited in all settings; access to and retention of children in schools; girls' education; teenage pregnancy in schools; inclusive education; and, the rate of children registered at birth.

103. In response to the questions raised by the Committee, the delegation indicated that the government has increased the allocation of resources on child protection from 2,338,000,000 CFA francs in 2022 to 3,104,000,000 CFA francs in 2023, and should rise to 4,603,000,000 CFA francs in 2024, an increase of between 30% and 40%. On corporal punishment, the Delegation stated that the government of Senegal has not yet adopted a law that prohibits corporal punishment in all settings. However, there is a circular from the Ministry of Education that strictly prohibits corporal punishment in schools. The Delegation also highlighted that the government of Senegal is considering adopting a Children's Code that will formally prohibit corporal punishment in all settings. On the issue of access to and retention of children in schools, the Delegation indicated that the government in collaboration with its partners is introducing projects to overcome the institutional, economic and cultural obstacles to support all children and in particular those from vulnerable situations to access schools. Through these projects, the government is organizing teacher training to ensure that the specificities of both boys and girls in the management of learning situations are taken into account and there have been community awareness and mobilisation campaigns around the issue of access to and retention of all children in schools. Concerning girls' education, the Delegation indicated that in Senegal the parity indices are in favour of girls at all levels, from pre-school to secondary school as there are more girls than boys, even in terms of completion rates. On the question related to teenage pregnancy in schools, the Delegation indicated that the government's policy of 27 March 2023 on the protection of children and young girls in schools ensures that young girls who are pregnant can continue learning during (if their state of health allows) and/or after childbirth. Moreover, the delegation stated that the government in collaboration with its partners has introduced a mentoring system between younger and older children to enable children to continue their studies to the end. As a result of this mentoring system, girls are being educated on the importance of their education as well as the continuation of their studies during pregnancy and after childbirth. With regard to the question concerning inclusive education, the Delegation stated that the government is implementing a major project named the Go to School project, which is currently underway, and focuses on inclusive education for both boys and girls. On the rate of children registered at birth, the Delegation indicated that before 2016, births were only half registered, and the aim in subsequent years was to register births from previous years. From 2019, all stakeholders involved in

the birth process including, among others, community and religious leaders were trained on birth registration; and the necessary materials to register childbirth were made available to them. As a result of these efforts, as of 2023, the birth registration rate has risen; of the 7,000,000 children under the age of 15 currently in Senegal, 75% have all been registered at birth.

104. In the second round of questions, the Committee requested the delegation to share, among others, the measures taken to address violence against children (VAC) in online and offline settings; VAC in schools; and, FGM including cross-border FGM.

105. The delegation responded to the questions raised by indicating that the government has set up a reporting channel for any child who is a victim of violence or any other person who witnesses that a child is in danger of experiencing any form of violence; and, this is a 116 Toll-free line, a practical line which operates 24 hours a day throughout the country. Through this reporting channel, the government has at least registered more than five thousand (5,000) reports, including cases of VAC, all of which are/have been handled by the State. With regard to measures taken to address VAC in schools, the Delegation stated that the Ministry of Education has set up a platform for managing cases of violence, which is a platform for information and reporting. This platform also covers the anonymity of children, records cases of violence and the strategies for dealing with them and the results obtained. This platform also makes it possible to have timely and reliable information on cases of violence in schools. The government has also developed a reference tool to help teaching staff deal with cases of violence and these guidelines are available in all schools. Moreover, the government has organized awareness-raising campaigns, known as Responsible Internet, to ensure that children are safe in the digital environment. On the issue of FGM and cross-border FGM, the Delegation indicated that the National Strategy for Ending FGM 2022-2030 was developed using a participatory approach that involved children's organisations, particularly girls' organisations, at all stages of the process. Girls' organisations are members of the National Technical Committee, which is responsible for supporting the implementation of this strategy and brings together all relevant government sectors and CSOs. As part of the fight against cross-border FGM, meetings with neighbouring countries are being organised. Arrests and convictions of cases of FGM have also been noted and a national communication and social mobilisation campaign was launched in November 2021 to raise awareness of the consequences of FGM. Dealing with cases of FGM is likewise included in the initial and ongoing training modules for police officers, who are constantly made aware of the need to punish this offense to speed up the abandonment of FGM. Lastly, the government of Senegal reiterated its commitment to continue ensuring the protection and promotion of the rights and welfare of children in accordance with the Charter.

106. In conclusion, the Committee thanked the delegation of the Republic of Senegal for the constructive dialogue and the measures taken to improve the promotion and protection of children's rights in the State Party. The Committee encouraged the Republic of Senegal to take additional measures to ensure the full implementation

of the African Children's Charter. The Committee thanked the Delegation and informed that the concluding observations and recommendations will be formulated and communicated to the State Party in due course

ITEM 23: CONSIDERATION OF CSO COMPLEMENTARY REPORT ON THE PERIODIC REPORT OF NIGER

107. The Committee considered and deliberated on the complementary report on the periodic report of the Republic of Niger. The State Party's periodic report will be considered during the 43rd Ordinary Session.

ITEM 24: CONSIDERATION OF CSO COMPLEMENTARY REPORT ON THE PERIODIC REPORT OF MALAWI

108. The Committee considered and deliberated on the complementary report on the periodic report of the Republic of Malawi. The State Party's periodic report will be considered during the 43rd Ordinary Session.

ITEM 26: CONSIDERATION OF CSO COMPLEMENTARY REPORT ON THE PERIODIC REPORT OF ZIMBABWE

109. The Committee considered and deliberated on the complementary report on the periodic report of the Republic of Zimbabwe. The State Party's periodic report will be considered during the 43rd Ordinary Session.

ITEM 27: CONSIDERATION OF CSO COMPLEMENTARY REPORT ON THE PERIODIC REPORT OF RWANDA

110. The Committee considered and deliberated on the complementary report on the periodic report of the Republic of Rwanda. The State Party's periodic report will be considered during the 43rd Ordinary Session.

ITEM 28 : CONSIDERATION OF THE PERIODIC REPORT OF THE REPUBLIC OF CHAD

111. A delegation from the Government of the Republic of Chad presented the first periodic report of Chad on the implementation of the African Charter on the Rights and Welfare of the Child to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). The delegation was led by H.E. Mr Mahamat Ali Hassan, Ambassador, Permanent Representative of Chad to the African Union Commission and the United Nations Economic Commission for Africa. In his opening remarks, H.E. the Ambassador declared that despite the political transition that his country has been undergoing since April 21, 2021, the Government has

decided to honour the treaty obligations to which the Republic of Chad has subscribed. He mentioned the political, legislative, administrative and regulatory measures adopted and put in place by the Government of the Republic of Chad to implement the provisions of the Charter and the Committee's previous observations and recommendations. These include the Sectoral Policy on Justice for the period 2017–2027(SPJ); the National Gender Policy (NGP) and its Action Plan 2019-2023; National Health Policy 2016-2030; the National Juvenile Justice Strategy adopted in 2017; the National Roadmap to End Child Marriage and Female Genital Mutilation (FGM) 2019-2021; the National Child Protection Policy of Chad (NCP) March 2023; Ordinance on the organization of Civil Registry in the Republic of Chad of February 14, 2020; Law 021/PR/2019 of April 15, 2019 Governing Legal Aid and Judicial Assistance; Act N° 029/PR/2015 of July 21, 2015 ratifying ordinance N° 06/PR/2015 prohibiting child marriage in Chad.

112. The Committee thanked the leader of the delegation for his introductory remarks and commended Chad on the submission of its periodic report. The Committee also appreciated the progress made by the Government of the Republic of Chad in implementing the Charter. The members of the Committee raised several questions and requests for clarification on the following points: general measures of implementation, the definition of the child, the general principles of the child, as well as civil rights and freedoms, family environment, education and special measures for the protection of the child.
113. In response to the questions raised by Committee members, the Chadian delegation informed the Committee that religious and traditional authorities were involved in the promotion and protection of the rights of the Chadian child, stressing that they were closely associated with the various issues pertaining to children's rights and welfare, as well as with all related actions. Thus, following the inclusive national dialogue, a high authority of traditional chiefs was created and is involved in all social issues, including children's rights and welfare. Regarding the impact of the security situation on children's rights, it was stressed that terrorism is a major factor in the instability affecting Chad, especially in areas confronted with this scourge. As a result, part of the territory is difficult to access in terms of operations aimed at providing basic social services, notably education and health. As regards the impact of climate change on children's rights, it was emphasized that climate change is one of the major drivers of population displacement, requiring the allocation of resources to recreate the same living conditions and meet the needs of displaced people. Regarding the transposition of the provisions of the Charter into positive law, it was mentioned that they are taken into consideration at all levels of national legislative development and reform, and in the best interest of the child. This is reflected, notably, through the incorporation of relevant provisions into the Penal Code and the Code of Criminal Procedure. In terms of succession, it was indicated that inheritance is guaranteed for both boys and girls, even though socio-cultural constraints still persist on this matter. On the question of reform of the Children's Code, the delegation stated that the draft Children's Code of Chad, reviewed in June 2023, had been validated by the Council of Ministers and forwarded to the National Assembly for adoption. Regarding the contradictory provisions of the French Civil Code of 1958 concerning the age of marriage for

children, it was emphasized that the Ministry of Justice is working on the adoption of a new Chadian Civil Code. At the same time, the adoption process of the Persons and Family Code was relaunched by the establishment of the Committee in charge of harmonizing the provisions of the said draft with the texts in force. With regard to the respect of the child's opinion before the courts, it has been emphasized that the public prosecutor or juvenile judge is obliged to give the child a voice at the prosecution, investigation and trial stages. Also, the judicial application of the principle of the best interests of the child, as illustrated by several decisions taken by Chadian courts in the best interests of the child in accordance with Article 16, para. 2 of Law N° 007/PR/99 of April 6, 1999, which stipulates that "the children's room rules after hearing the minor, co-accused, witnesses, parents, guardian and custodian". Regarding the respect of privacy, Chad has ratified the Malabo Convention, and at the domestic level, measures have been taken to establish certain institutions, such as the National Agency for Information Security and Electronic Certification (NAISEC). With regard to the mechanisms put in place within the NHRC, it was indicated that it is equipped with investigative mechanisms that are set up in accordance with its internal regulations, and that it conducts independent investigations in cases of child abuse. It also has the possibility of self-referral on violations of children's rights, as well as to visit prisons to observe the conditions of detention. It publishes its reports and the conclusions of its investigations, and then communicates them to the relevant ministries and other institutions. With regard to the children's parliament, it was emphasized that it has a budgeted action plan and that child parliamentarians are involved in all issues that concern them. It was informed that the members of the parliamentary bureau have all reached 18 years of age, and consequently the assessment of the implementation of the action plan has been delayed due to the lack of renewal of the parliamentary bureau. With regard to the organization of mobile court hearings for birth registration, it was clarified that this is an ongoing process aimed at facilitating the issuance of birth certificates to children.

114. The delegation was informed that the right to education for nomads presents challenges given the mobility of the people concerned, making it difficult to assign teachers willing to move with them. The government is committed to the training of teachers who are willing to move with them. To strengthen the pre-school education sub-sector, the government recently worked with UNICEF and the national curriculum center to develop and validate a curriculum, pedagogical guide and activity booklet for pre-school. On the question of implementation of the juvenile justice strategy, the delegation indicated that, pending the establishment of a specific mechanism for juvenile justice, the recommendations contained in this document are being implemented. On the question of the functioning of the juvenile courts, the delegation reported the existence of 43 operational courts with as many children's rooms as courts. Juvenile judges and magistrates trained in children's rights and protection are assigned to all the country's jurisdictions. In this context, and with the aim of reaching more numbers, targeted continuing training courses are organized for the judges of children's rooms, and the National Judicial Training School has integrated specific modules dedicated to juvenile justice. With regard to human trafficking, it was reported that Chad has adopted Law N° 012/PR/2018 of June 20, 2018, ratifying Ordinance N° 006/PR/2018 on combating human trafficking in the Republic of Chad and has established the National Commission

for Combating Human Trafficking, which is holistic and includes several interministerial members. On the question of the engagement of traditional chiefs and religious leaders in the fight against gender-based violence, it was reported that in July 2023, the government in partnership with the United Nations Population Fund organized the 1st National Forum on Religion, Tradition and the Elimination of Gender-Based Violence in Chad, during which traditional chiefs and religious leaders signed a commitment to contribute to advocacy and awareness-raising activities. With regard to the mechanisms put in place to take into account survivors of gender-based violence (GBV), as part of the implementation of the 2017 National Gender Policy (NGP) and the National Strategy to Combat Gender-Based Violence (SNVBG), the government has set up national coordination and regional committees to combat GBV, which have enabled data collection and situation analysis, on the basis of which the action plan for the 2019-2023 National Gender Policy has been developed. With regard to data collection, it was mentioned that the Government, with the support of Unicef, has established the first data collection tool, the "Child and Women Protection Information System", which includes 23 institutions across the 23 provinces to collect information on cases of rape. It was further mentioned that the government, with the support of UNFPA and UNICEF, has set up Integrated Multisectoral Service Centers for holistic care of victims of Gender-Based Violence (GBV) in 5 hospitals in Chad. As regards the care of separated or unaccompanied children, it was reported that the government is implementing Chad's National Child Protection Policy (PNPET) and has issued a Decree on the organization and operation of the National Center for the Support, Rehabilitation and Reintegration of Vulnerable Children, and another Decree regulating child care and protection structures. The delegation further mentioned that the government has established the Executive Committee of the Presidential Initiative for the Eradication of Child Begging (PIECB) in Chad, which is mandated to combat the phenomenon of street children, begging and the care of abandoned and street children.

115. Following the presentation of the report, the Chairperson of the Committee once again congratulated the Government of Chad on the submission of its first periodic report, commending its commitment and actions undertaken to implement the African Charter on the Rights and Welfare of the Child, and thanked the delegation for the clarifications provided to the questions raised by Committee members. The Chairperson then indicated that the Committee would communicate its concluding observations to the Government of Chad, and that it would subsequently undertake a follow-up mission to monitor the implementation of the said recommendations.

ITEM 29 : ASSIGNMENT WITHIN THE SPECIAL MECHANISMS

116. The Committee revised the assignment of Country Rapporteurs, Thematic Rapporteurs, as well as Chairpersonship and Membership to its Working Group as follows.

Name	Country Rapporteur	Thematic 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 Chooramun	Angola, Burundi, CAR, Zimbabwe, Congo Republic	Special Rapporteur on Birth Registration and Nationality
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. Aboubekrine El Jera	Senegal, Algeria, Comoros, Saharawi Arab Democratic Republic, and Niger	<i>Special Rapporteur on Health</i>
Hon. Aver Gavar	Botswana, Kenya, Rwanda, Sierra Leone, Zambia	<i>Special Rapporteur on Violence against Children</i>
Hon. Anne Musiwa	Eritrea, Somalia, Uganda, South Sudan, Seychelles.	<i>Special Rapporteur on Children without Parental Care</i>
Hon. Sabrina Gahar	Djibouti, Libya, Equatorial Guinea, Mauritius, Tunisia	<i>Special Rapporteur on Children on the Move</i>
Hon. Ghislain Roch Etsan	Guinea, Mali, Mauritania, Morocco, Togo	<i>Special Rapporteur on Child Participation</i>
Hon. Poloko Nuggert Ntshwarang	South Africa, Lesotho, DRC, Sudan, Madagascar	Special Rapporteur on Education

Working Group	Members
Working Group on Children with Disabilities	Hon. Aboubekrine El Jera - Chairperson
	Hon. Anne Musiwa
	Hon. Sabrina Gahar
	Hon. Aver Gavar
	External Experts: <ol style="list-style-type: none"> 1. Prof Nkatha Murungi 2. Dr. Shimelis Tsegaye 3. Dr. Lincoln Hlatywayo 4. Dr. Admark Moyo
Working Group on Business and Children's Rights	Hon. Hermine Kembo Takam Gatsing - Chairperson
	Hon. Karoonawtee Chooramun
	Hon. Theophane Nikyema
	Hon. Wilson de Almeida Adao
	External Experts: <ol style="list-style-type: none"> 1. Prof. Julia Sloth-Nielsen

	2. Ms. Yvonne Tagwireyi 3. Dr. Chairman Okoloise 4. Ms. Isabel Magaya
Working Group on Climate Change and Children's Rights	Hon. Aver Gavar - Chairperson
	Hon. Theophane Nikyema
	Hon. Robert Nanima
	Hon. Poloko Nuggert Ntshwarang
	External Experts: 1. Prof Ademola Jegede 2. Dr. Elvis Fokala
Working Group on Implementation of Decisions	Hon. Robert Nanima- Chairperson
	Hon. Anne Musiawa
	Hon. Wilson de Almeida Adao
	Hon. Ghislain Roch Etsan

ITEM 30: PENDING COMMUNICATIONS

117. The Committee considered the following Communications and made decisions:

- i. Postponed the hearing on 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 to the 43rd Ordinary Session upon the request of the Applicants and to allow the witnesses to participate in the hearing.
- ii. Adopted the admissibility ruling on 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.
- iii. Decided to schedule hearing on Communication No:0023/Com/005/2022 IHRDA and Centre for Human Rights, University of Pretoria (On Behalf of Children in Nigeria) against the Federal Republic of Nigeria during the upcoming 43rd Ordinary Session notwithstanding submission of arguments by the Respondent State.
- iv. Decided to grant 30 30-day extension to the Respondent State on Communication No 0024/Com/001/2023- IHRDA v the Republic of Botswana upon its request.

ITEM 31: PRESENTATION ON DRAFT 2024 ACERWC BUDGET AND INTERNAL MATTER

118. The Committee considered the budget presentations made by the Secretariat. The Committee appointed new members to its Sub-Committee on Budget, namely, Hon. Theophane Nikyèma, Hon. Aver Gavar, and Hon. Ghislain Roch Etsan.

ITEM 33: HEARING ON COMMUNICATION NO: 0021/COM/003/2022- PEOPLE SERVING GIRLS AT RISK AND EQUALITY NOW (ON BEHALF OF ESNART KENESI) AGAINST THE REPUBLIC OF MALAWI

119. The Committee held hearings on two Communications and decided to amicably settle the matters under its auspicious upon the agreement of the Parties.

ITEM 34: HEARING ON COMMUNICATION NO: 0022/COM/004/2022- INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA (IHRDA) AGAINST THE REPUBLIC OF BURUNDI

120. The Committee held hearings on two Communications and decided to amicably settle the matters under its auspicious upon the agreement of the Parties.

ITEM 35: REQUEST FOR AFFILIATE STATUS FROM NHRIS

121. The Committee decided to grant affiliate status to the Senegalese National Human Rights Commission provided that it provides its most updated action plan.

ITEM 36: DAY OF THE AFRICAN CHILD 2025

122. The Committee selected the theme of the Day of the African Child 2024 to be **'Education for all children in Africa: the time is now'**. The Committee further decided for the previously selected theme for the year 2024; i.e., **'Planning and Budgeting for Children's Rights: Progress since 2010'**, to be postponed to the year 2025.

ITEM 37: ADOPTION OF DECISIONS

123. The Committee decided to appoint external experts for the Working Group on Implementation of Decisions with defined roles and deliverables with a view to enable the Working Group to benefit from the experience and expertise of experts in the field.

- 4.18. The Committee appointed new members to its Sub-Committee on Budget namely Hon Theophane *Nikyèma*, Hon Aver Gavar, and Hon Ghislain Roch Etsan who will support the secretariat in identifying activities and budget for the upcoming years. Moreover, the Committee designated its Bureau to deliberate on the activities of 2024 and suggest possible amendments to support the activities of the Special Rapporteurs.
124. The Committee considered and adopted as amended the following documents:
- i. The Concept Note for DAC 2024;
 - ii. The Study on Climate Change and Children's Rights
 - iii. The Guidelines on Violence Against Children
125. The Committee decided to develop the following documents through its Working Groups on Children with Disabilities and Children's Rights and Business in their respective thematic areas:
- Guiding Note on Reporting on Children with Albinism provided that the requesting partners support the process
 - Guidelines on Assistive Technology (AT) and devices and the rights of children with disabilities in Africa
 - Resolution on harmful practices against children with disabilities
 - Guidelines on developing policy briefs
 - Develop a Resolution on the promotion and protection of children's rights in the informal sector.
 - Develop a Resolution on the seamless integration of a child rights-based approach in the implementation and monitoring of the AfCFTA
 - Guidelines on child rights due diligence in the Agricultural sector
126. The Committee decided to develop a General Comment on Children without Parental Care.
127. Recalling on its decision during its 41st Ordinary Session, the Committee decided to hold a Day of General Discussion on Children with Albinism during its 43rd Ordinary Session in collaboration with the UN Independent Expert on Persons with Albinism and Centre for Human Rights.
128. The Committee identified countries to which it will send requests for advocacy, follow-up and investigative missions in 2024 as follows:
- Advocacy missions for reporting to the Republic of Equatorial Guinea, Democratic Republic of Sao Tome and Principe, Democratic Republic of Congo, Central African Republic, and Libya.
 - Advocacy missions for ratification to the Republic of Tunisia and the Republic of Morocco;
 - Follow-up missions to monitor the implementation of decisions on Communications to the Republic of the Sudan, the Republic of Cameroon, the Republic of Senegal, the Islamic Republic of Mauritania, United Republic of Tanzania;
 - Follow-up missions to monitor the implementation of concluding observations and recommendations to the Gabonese Republic, People's Democratic Republic of Algeria, Republic of Angola, United Republic of

Tanzania, Republic of Kenya, Republic of Cameroon, Federal Republic of Nigeria, Republic of Mali, Republic of Guinea Bissau, Union of Comoros, and Burkina Faso.

- Investigation mission to the State of Eritrea, Democratic Republic of Congo, Republic of Ghana, and Federal Republic of Nigeria.

4.19. The Committee decided to give priority to the following thematic areas for the coming two years: Children without parental Care, Female Genital Mutilation, Children of imprisoned mothers and caregivers, and children in conflict situations.

4.20. The Committee decided to hold its 43rd Ordinary Session on 15-25 April 2024.

ITEM 39: ADOPTION OF SESSION REPORT

129. The Committee adopted as amended the report of its 42nd Ordinary Session.

ITEM 40: CLOSING REMARKS

During the closing, the Chairperson of the Committee, Hon. Wilson Almeida Adão , gave a remark where he highlighted some of the key outcomes of the 42nd Ordinary Session. He informed that a new Bureau was elected during the Session. The Chairperson alluded to the launch of the Joint General Comment on FGM and the launch of the Continental Study on Children without Parental Care by the President of Ethiopia as important highlights of the Session. Hon. Adão further informed that during the Session, the Committee considered State Party reports of Senegal, Chad, and Benin and CSO reports from Malawi, Zimbabwe, Niger, and Rwanda. He also underlined that the Committee adopted the Study on the Impact of Climate Change on Children's Rights in Africa and the Guidelines on Violence against Children. Moreover, the Chairperson announced that in the coming two year the Committee will be focusing on mainly four thematic areas namely children without parental care, female genital mutilation, children of imprisoned mothers and care givers, and children in conflict situation. Hon Adão informed participants that during the Session, the Committee identified countries to which it will undertake country visits under its state reporting, communications, and investigations procedures. He also called on stakeholders to collaborate with the Committee in these thematic areas and beyond to ensure the promotion and protection of children's rights and informed that the upcoming 43rd Ordinary Session will be held on 15-25 April and venue will be confirmed in due course.

In concluding his remarks, Hon Adão thanked States for their commitment to protect children, and expressed appreciation to CSOs, NHRIs and other key actors for their support and work on child protection. The Chairperson expressed appreciation to partners who supported the Session such as the European Union, GIZ, SOS, UNFPA. He also thanked Members of the Committee for their Commitment, the Secretariat as well as the interpreters, and declared the 42nd Ordinary Session of the Committee closed.