



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



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

**44th Ordinary SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
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REPORT

INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/ Committee) held its 44th Ordinary Session from 02-12 October 2024. Among the noteworthy activities during the Session was the consideration of the Reports of the Republic of Namibia and the Republic of Zambia, the child rights forum on the African Children's Charter', and the workshop with RECs and CSOs on its Guidelines on Ending Violence Against Children. The Committee also considered various documents including the draft General Comment on Children without Parental Care (CWPC) and held hearings on Communications and implementation of decisions, and considered various documents. The paragraphs below summarize the main issues of the agenda items.

ATTENDANCE

3. The 44th Ordinary Session was attended by Her Majesty the Kingdom of Lesotho, Commissioner for Health, Humanitarian Affairs, and Social Development, Chairperson, PRC Subcommittee on Governance, Democracy, and Human Rights, representatives of Member States, Representatives 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 UN OHCHR and UNCRC, 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 its 44th Ordinary Session, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) convened to consider some preliminary procedural matters. After adopting the agenda, the Committee proceeded to allocate Members for the consideration of applications of Observer Status. Rapporteurs and co-rapporteurs were also assigned for State Party Report Considerations, and Communications.

ITEM 2: OFFICIAL OPENING CEREMONY

5. The opening ceremony of the 44th Ordinary Session, held on 2 October 2024, was honored by the presence of Her Majesty, the Queen of the Kingdom of Lesotho, alongside representatives of Children, Ministers, and other high-ranking government officials from Lesotho. The ceremony began with a welcome address by Dr. Ayalew Getachew Assefa on behalf of the Secretariat of the ACERWC, expressing appreciation to all participants and inviting the distinguished speakers to deliver their opening remarks. The Secretariat also highlighted the uniqueness of this session, as it served as a pre-consultation for the upcoming celebration of

the 35th anniversary of Agenda 2040 in 2025. The opening remarks were as follows:

Remarks by children's Representatives: KALI POSHOLI, Child Representative from Lesotho and AGOT ALIER GARANG, Child Representative from South Sudan

6. Kali Posholi, a child representative from Lesotho and a learner at Abia High School, living with a physical disability, highlighted the challenges faced by many children across Africa with complex disabilities, such as muscular dystrophy and autism.
7. Posholi noted that life in Africa is difficult for all children, but particularly for children with disabilities, as they face significant obstacles in accessing healthcare, education, and public transportation. Furthermore, Posholi further highlighted that many African countries continue to face high levels of poverty, with children being the most affected, which affects their access to education and health services especially in rural areas where there is a shortage of hospitals and medical professionals. Posholi also expressed concern regarding the increasing issue of child trafficking and urged African governments to strengthen their laws and strictly prevent the sale of drugs, especially to children. Despite these challenges, Posholi emphasized the resilience and hope that children continue to hold for a future where they can grow and achieve successful lives. Appreciation was expressed for the Committee's ongoing commitment to holding sessions, as an essential step in ensuring that countries are held accountable for upholding children's rights and protection.
8. On behalf of the children of Africa, Agot Alier Garang a child representative from South Sudan, speaking on behalf of over 98 children aged between 10 and 17 years who were convened by the Civil Society Organizations (CSO) Forum highlighted that the children acknowledged education as a fundamental right and a crucial tool for shaping their future and contributing to their families, communities, and countries. However, they expressed concern that, in many parts of Africa, their right to education is often compromised due to a lack of accountability in the education sector. Agot Alier Garang, calling for accountability of teachers to governments, expressed that the children defined accountability as the willingness to take responsibility for one's actions and affirmed that the statement reflected the voices, thoughts, and experiences of African children. The Children recommended several measures to improve education, including the introduction of free primary education in all countries, parental involvement, motivating teachers and effective school leadership that creates conducive learning environments. They also called for improvements in infrastructure and the building of more schools, as some children walk long distances to school. The children highlighted several factors that affect education such as lack of resources, lack of cooperation of various stakeholders, corruption, child marriage, exposure to drugs, school dropouts, lack of quality education. Garang concluded by stressing the importance of monitoring the education sector to ensure accountability and urged key actors to fulfill their roles in promoting this essential element.

Remarks by CSO Forum Representative - Mr Benedict Omillo

9. Mr. Benedict Omillo, on behalf of the Civil Society Organisations (CSO) Forum, extended heartfelt condolences to all children and activists who had passed away over the year and paid tribute to Honourable Theophane Nikyema, a remarkable individual dedicated to improving the lives of children across the continent.
10. Mr. Omillo commended the Committee for its continued efforts to improve child participation in its sessions, emphasizing the importance of ensuring that rights holders actively participate in decisions that directly impact their lives. Reflecting on the 25th CSO Forum, held in Maseru from 29 September to 01 October 2024 with the theme "Accountability in the Education Sector in Africa", Mr. Omillo emphasized the critical role of accountability in improving governance systems, development effectiveness, and the empowerment of children. He underscored the importance of engaging the Pan-African Parliament (PAP), the African Governance Architecture (AGA), and the African Peace and Security Architecture (APSA) to bring child-related matters to the forefront of their agendas and push for accountability. He commended the Committee for incorporating key discussions on disability, emphasizing the importance of ensuring that children with disabilities receive the support they need for health, social security, and education. He also highlighted the intersectionality between education and sexual and reproductive health rights (SRHR), issues of climate change, and the business sector's role in addressing violence against children.
11. Mr. Omillo reiterated the commitment of CSOs to supporting the Committee's work by publicizing the Charter, monitoring its implementation, and facilitating the inclusive participation of children in decision-making platforms, utilizing research findings to inform interventions and collaborations with key stakeholders. In conclusion, Mr. Omillo reaffirmed the commitment of CSOs to working with the Committee to promote accountability and the realization of children's rights across Africa.

Remarks by the of Representative of the Network of African National Human Rights Institutions (NANHRI), Mr Foluso Adegalu on behalf of Mr Gilbert Sebihogo, Executive Director of NANHRI

12. Mr. Foluso Adegalu delivered remarks on behalf of Mr. Gilbert Sebihogo, Executive Director of the Network of African National Human Rights Institutions (NANHRI) and underscored the importance of the partnership between NANHRI and the ACERWC in promoting and protecting children's rights. He emphasized that the right to education is under severe threat across the continent. Over 14,000 schools forced to close due to violence and insecurity, particularly in conflict-affected regions such as the Sahel countries, Burkina Faso, Mali, Cameroon, and the Democratic Republic of Congo (DRC). In the DRC alone, over 1,400 schools were closed this year, affecting more than 500,000 children and displacing thousands of teachers. Mr. Adegalu emphasized that educational institutions have tragically become battlegrounds, with schools often occupied by armed groups and used as military outposts, depriving children of their right to education. He called for urgent, coordinated action to protect educational institutions, stressing that the future of Africa hinges on protecting children's right to learn in safe and inclusive environments. Mr. Adegalu also highlighted the gender impact of these crises,

noting that girls are disproportionately affected, becoming more vulnerable to forced marriage, sexual exploitation, and gender-based violence, all of which are exacerbated by school closures.

13. He further drew attention to the growing threat of climate change, which is increasingly impacting children's rights across Africa. He noted that extreme weather events and prolonged droughts disrupt school infrastructure, reduce access to clean water, and compromise food security, threatening the health and well-being of children. Mr. Adegalu advocated for child-centered climate adaptation and mitigation strategies that prioritize children's needs in national and regional policies, ensuring that schools, healthcare, and basic infrastructure are resilient to climate shocks. Reflecting on these urgent crises, Mr. Adegalu called for greater investment in early childhood development, education, and climate justice, stressing that placing children at the center of development strategies will accelerate progress towards the African Union's Agenda 2063 and the Sustainable Development Goals (SDGs). With Africa's child population expected to reach 930 million by 2050, he stressed the urgency for comprehensive, rights-based approaches.
14. In conclusion, Mr. Adegalu emphasized that NANHRI would continue working closely with the ACERWC, governments, civil society organizations, and international partners to ensure that every child grows up in a safe, healthy, and nurturing environment.

Children's Performance

15. There was a children's performance featuring dance, drama, singing, and poetry.

Remarks by the UN Committee on the Rights of the Child, Hon Aïssatou Alassane Moulaye, Member of the UNCRC

16. Hon. Aïssatou Moulaye, representing the United Nations Committee on the Rights of the Child (UNCRC), began her remarks by congratulating the Committee on the Memorandum of Understanding (MoU) between the two Committees. She expressed confidence that the partnership would help both Committees work more effectively, not only within Africa but across the world. She emphasized that this partnership would allow for a synergy of efforts, benefiting Member States and enhancing their capacity to protect children's rights. She highlighted that while both Committees have specific approaches to their work, these differences are complementary and will further boost the implementation of the African Charter on the Rights and Welfare of the Child.
17. She also emphasized the importance of reflecting on the rights of children living with disabilities and addressing the issue of violence inflicted upon children in Africa. The discussions taking place during the session, she noted, were important for all those promoting children's rights across the various continents. In concluding her remarks, Hon. Moulaye expressed hope that the discussions during the Session would be translated into concrete actions, ensuring real progress in the protection of children's rights. She wished all participants a fruitful meeting and success in their deliberations.

Remarks by Mr Marcel Clement Akpovo, Regional Representative of the Office of the High Commissioner for Human Rights (OHCHR) to the African Union

18. Mr. Marcel Clement Akpovo, the Regional Representative for the Office of the High Commissioner for Human Rights (OHCHR) to the African Union affirmed OHCHR's unwavering commitment to children's rights. He emphasized that OHCHR has been engaging in agreements and frameworks on child rights, such as the Addis Ababa Roadmap, the United Nations Convention on the Rights of the Child (UNCRC), and other diverse cooperation frameworks focused on business and human rights, education, child protection, and access to justice. Mr. Akpovo highlighted the importance of reporting and follow-up monitoring frameworks, stressing that these mechanisms are essential for ensuring the effective implementation of human rights instruments. He referred to Resolution 30/25, which underscores the role of National Human Rights Systems and Processes, and Resolutions 36/39 of 2017, which focus on the rule of law within the framework of the 2030 Agenda for Sustainable Development.
19. Mr. Akpovo commended the ACERWC for its crucial role in overseeing the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC). He emphasized that the Committee's decisions and recommendations are essential for promoting national-level follow-up and implementation, helping to foster systematic monitoring of children's rights. He further explained that the monitoring framework developed by the Committee plays a critical role in enhancing communication between Member States and the Committee. In closing, Mr. Akpovo reaffirmed OHCHR's continued commitment to supporting the Committee and Member States in their efforts to safeguard children's rights across Africa.

Remarks by Commissioner Janet Ramatoulie Sallah-Njie, Vice Chairperson of the African Commission on Human and Peoples' Rights

20. Hon. Janet Ramatoulie Sallah-Njie, Vice-Chairperson of the African Commission on Human and Peoples' Rights (ACHPR), expressed condolences for the loss of Hon. Théophile Marie Xavier Nikyema. Reflecting on the importance of safeguarding children's rights in Africa, Hon. Sallah-Njie acknowledged that while progress has been made, particularly in the areas of education, health care, and malnutrition, there is still much work to be done. Hon. Sallah-Njie remarked that Africa is still far from achieving the vision set out in Agenda 2063, the Africa We Want due to conflict, child labor, sexual violence, physical abuse, displacement, and the effects of climate change that affect the realization of children's rights. She pointed out that girls face challenges such as early marriage and gender-based violence (GBV), which are often compounded by traditional practices. To achieve the goals of Agenda 2063, Hon. Sallah-Njie urged Member States to ratify and implement the African Charter on the Rights and Welfare of the Child (ACRWC), and to take actions to implement the Charter.
21. Hon. Sallah-Njie further underscored the importance of aligning these efforts with the 2024 theme of education set by the African Union, highlighting that education is the key to realizing the Africa envisioned in Agenda 2063. She referenced the Strategic Resolution 346, adopted in Banjul, which emphasizes the right of all

children to free education. The resolution calls for adequate financing to ensure that preschool, primary, secondary, and tertiary education is available to all African children, and that it is of high quality. Hon Sallah-Njie concluded by calling for resilient education systems that are supported by adequate infrastructure and leveraging of collective resources across the continent to achieve the same.

Remarks by Hon Lady Justice Imani D. Aboud, President of the African Court on Human and Peoples' Rights

22. Hon. Lady Justice Imani D. Aboud, President of the African Court on Human and Peoples' Rights, emphasized the importance of working together to safeguard the rights and welfare of Africa's children, whom she described as the continent's most precious resource and hope for a brighter future. She underscored the need for close collaboration between the human rights organs of the AU, recognizing their shared commitment to promoting and protecting human rights, particularly those of children. Reflecting on previous collaborative efforts, she highlighted the series of meetings held between the African Court, the Committee, and the African Commission on various issues, including the impact of institutional reforms on their mandates. She mentioned that the three bodies had jointly advocated for the establishment of the African Union Legal Aid Fund and worked together through the African Governance Platform. She particularly noted the Staff Exchange Program, which had fostered stronger inter-institutional relationships, enhanced capacity building, and promoted cooperation in promoting human rights across Africa. Hon. Lady Justice Imani D. Aboud also recalled the formal request the Court submitted for the amendment of Article 5 of the Court's Protocol to ensure the Committee's access to the Court and expressed her wish that the African Union's policy organs would act upon this request.
23. Hon. Lady Justice Imani D. Aboud highlighted the African Court's contribution to human rights protection in Africa, noting that its jurisprudence has reinforced the idea that children's rights are integral to the broader human rights framework. She cited specific cases, including APDF and IHRDA v. Republic of Mali (2016), where the Court condemned violations of girls' rights related to marriage and inheritance, and African Commission on Human and Peoples' Rights v. Kenya, where the Court ordered Kenya to secure the social, economic, and cultural survival of the Ogiek people, including their children. She also mentioned a pending case from Ghana concerning traditional practices harmful to children's rights, expressing hope for further collaboration between the Court and the ACERWC.
24. Hon. Lady Justice Imani D. Aboud stressed that no single institution can address the challenges facing children's rights and that strong, sustained collaboration between continental, sub-regional, and national stakeholders is essential, especially in the realisation of education considering that education is not only a fundamental right but also a gateway to realizing other rights. Hon. Lady Justice Imani D. Aboud recognized the critical role that grassroots organizations, community leaders, and civil society play in safeguarding children's rights. She called for stronger support for these groups, acknowledging their invaluable work in protecting children from violence, exploitation, and neglect. In conclusion, she reaffirmed the African Court's commitment to supporting the efforts of the ACERWC and expressed confidence that through collaborative efforts, the rights of all children across Africa could be fully realized.

Remarks by H.E. Amb Natalina Edward Mou, Chairperson of the PRC sub-committee on Human Rights, Democracy and Governance

25. H.E. Ambassador Natalina Edward Mou, Chairperson of the PRC Sub-Committee on Human Rights, Democracy, and Governance, acknowledged the collective efforts to protect the rights of children across Africa. In her remarks, H.E. Amb Mou called for redoubling efforts to ensure that Africa's children have access to essential rights, including education, health, clean environments, and safe water. Amb. Mou highlighted some of the persistent challenges Africa faces, such as war, poverty, corruption, and the exclusion of marginalized groups. Against this backdrop, she noted the importance of the commitment from Heads of State in promoting human rights and supporting AU organs in their efforts, and noted the declaration of 2024 as the year of education by the AU.
26. Amb Mou referred to the UNESCO Global Education Monitoring (GEM) Report of 2023, which noted that although the out-of-school population for both primary and secondary levels in Africa had decreased, 98 million children are still out of school. She pointed out the severe learning crisis in sub-Saharan Africa, where nearly 9 out of 10 children could not read or understand a simple text by the age of 10. She stressed that this is a clear indicator of the educational challenges Africa faces, both in terms of access to education and quality. Issues such as poverty, conflict, inadequate infrastructure, and teacher shortages were identified as ongoing barriers to educational advancement. In light of this, Amb. Mou highlighted the need for innovative solutions, such as mobile education systems, to ensure children in armed conflict areas can access education.
27. Her Excellency called upon all AU Member States to cooperate with all AU organs responsible for human resources and to submit regular reports to facilitate the implementation of human rights, as enshrined in Africa's shared value instruments. She stated that the Committee's session provides a valuable opportunity to consolidate the gains made in the promotion and protection of children's rights, despite the many challenges facing Member States.

Remark by H.E. Amb Minata Samate Cessouma, Commissioner of Health, Humanitarian Affairs and Social Development of the African Union

28. Her Excellency Ambassador Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs, and Social Development of the African Union Commission, delivered remarks where she began by conveying warm greetings on behalf of H.E. Moussa Faki, Chairperson of the African Union Commission. Her Excellency commended the ACERWC for its outstanding work in safeguarding the rights and well-being of children across the continent. She emphasized the importance of the 44th Ordinary Session as a platform for constructive dialogue between children and stakeholders, where progress and challenges could be assessed.
29. She highlighted key initiatives taken by the African Union over the past year, including the development of the AU Mental Health Guidelines, which aim to address gaps in emotional and psychological support, particularly for children affected by conflict and trauma. Referring to the AU-UNICEF joint report, Her Excellency noted that education serves as the foundation for sustainable development, and children are the primary beneficiaries of educational reforms. She also drew attention to the Cost of Hunger report and the African Nutrition Policy

- Framework, stressing the importance of addressing hunger and its severe effects on children, including high under-5 mortality rates and impaired cognitive abilities.
30. Her Excellency outlined that education urgent and collective attention as it is the foundation of all rights. She highlighted that the African Union's theme this year, "Educating an African Fit for the 21st Century," reflects the need to ensure every child has access to quality education. However, internal conflicts and climate change continue to undermine their rights, necessitating swift, coordinated action and Agenda 2040. As next year marks the 10th anniversary of this agenda's adoption, which aims to fully realize the rights of children, Her Excellency called for renewed efforts to accelerate progress and build a continent that truly upholds children's rights. H.E Amb Cessouma further emphasized the critical importance of collaboration among all stakeholders, including Member States, regional institutions, civil society, and children themselves. In conclusion, Her Excellency reaffirmed the African Union's commitment to fulfilling its promises to children and ensuring that Africa becomes a continent worthy of its future generations.

Remarks by Hon Wilson Almedia Adão, Chairperson of the African Committee of Experts on the Rights and Welfare of the Child

31. Hon. Wilson Almeida Adao, Chairperson of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), began by expressing his gratitude to His Majesty King Letsie III and Her Majesty Queen Masenate Mohato Seeiso of Lesotho for their continued support and leadership in advancing children's rights and hosting the Committee and its sessions. He also extended his appreciation to the African Union and its Organs, as well as all partners for their strong collaboration, which contributed to making the session possible. He further recognized the contributions of National Human Rights Institutions (NHRIs), the CSO Forum, and Regional Economic Communities (RECs) in safeguarding children's rights across Africa.
32. Hon. Adão outlined several pressing issues that would be addressed during the Session including the rights of children with disabilities, the protection of children in the informal business sector, the need for a child rights-based approach to climate action, the establishment of NHRIs with child rights structures, protection of children from violence against children, and harmful practices. Hon. Adao also informed that the Committee would review the Periodic Reports submitted by Namibia and Zambia, conduct communication hearings, and adopt key decisions aimed at advancing the rights and welfare of children in Africa.
33. Hon. Adão acknowledged several positive developments in children's rights across the continent. He praised Sierra Leone for banning child marriage and criminalizing marriages for individuals under 18 years old, marking significant progress in the fight against gender-based violence. He also commended the Saharawi Arab Democratic Republic for ratifying the African Children's Charter, calling on the remaining four states to follow suit. Additionally, he recognized The Gambia's decision to reject a bill that sought to repeal the 2015 ban on female genital mutilation (FGM), urging the government to continue its awareness-raising campaigns on the harmful effects of FGM.
34. Despite these positive steps, Hon. Adao expressed concern about ongoing conflicts in the Democratic Republic of the Congo, Sudan, and the northern regions

of Ethiopia, which have severely impacted children's rights in areas of recruitment by armed groups, forced labour, and child trafficking. Hon. Adao also highlighted some of the challenges faced by the Committee in carrying out its mandate, particularly the failure of some Member States to submit their periodic reports on time and the lack of commitment to implementing the Committee's decisions on communications, and to authorise follow-up, and fact-finding missions. He encouraged Member States to fulfil their reporting obligations and collaborate in the implementation of the Committee's recommendations. In conclusion, Hon. Adao reiterated the importance of creating an Africa that is truly fit for its children and urged all stakeholders to build on the progress made.

Remarks by Hon Pitso Lesaoana, Minister of Gender, Youth, and Social Development of the Kingdom of Lesotho

35. Hon. Pitso Lesaoana, the Minister of Gender, Youth, and Social Development of the Kingdom of Lesotho, in his brief introduction, emphasized the importance of the Committee's study on children with disabilities, stating that its timely coincided with the implementation of a project called Pathways in Lesotho, where data was currently being collected on children with disabilities, particularly focusing on those who lacked access to assistive devices. The project aimed to provide such children with the necessary support through assistive devices.
36. Hon. Lesaoana further noted that Lesotho was eager to benefit from the Ordinary Session, especially in relation to the presentation of monitoring tools for children without parental care. He mentioned that district child protection teams were actively working to address this issue and that there were 1,200 children in care facilities across the country. In addressing these challenges, he emphasized the need for accountability, the fight against corruption, and the provision of quality education for children. Concluding his remarks, Hon. Lesaoana expressed his great pleasure and honor in inviting all present to welcome Her Majesty Queen Masenate Mohato Seeiso as she delivered her opening remarks.

Opening Remarks by Her Majesty Queen Masenate Mohato Seeiso - the Queen of the Kingdom of Lesotho

37. **Her Majesty, Queen Masenate Mohato Seeiso**, warmly welcomed participants on behalf of Lesotho. She reflected on her ongoing commitment to the protection of children's rights, both within Lesotho and across the African continent. Her Majesty highlighted the Committee's Study on the **Status of Children with Disabilities**, and expressed the need to reassess perspectives on disability, emphasizing that **disability does not mean inability**, and called for engagement with relevant stakeholders to ensure the widespread implementation of the study findings across Africa.
38. Addressing the theme of Education for All Children in Africa: The Time is Now, Her Majesty called upon Member States to make strong commitments to investing in quality education, ensuring that all children, regardless of their circumstances or geographical locations, enjoy their right to education. She also stressed the importance of child participation in all decisions affecting them, particularly children with special needs, reminding the audience of the children's saying, "Nothing for

us, without us." Reflecting on Lesotho's upcoming 200-year anniversary, Her Majesty noted the importance of introspection and a commitment to ending all forms of violence and abuse over the next 200 years. She urged everyone to work together to build an Africa fit for children. Her Majesty concluded her remarks by wishing all participants fruitful deliberations during the session.

ITEM 3: Tribute to Hon Theophane Marie Xavier Nikyema

39. The Committee organised a Tribute to Hon Hon Theophane Nikyema, who passed away while serving as a Member of the Committee. He was a Member of the Committee since his appointment in 2021 until his soul rested on 29 July 2024. His engagement and work with the Committee dates to 2013 when he assumed the role of a Executive Director of the African Child Policy Forum (ACPF). As a Member of the Committee, he was an active and passionate member and served as a Special Rapporteur for Child Justice and as a Member of the Working Group on Climate Change and Children's Rights. During the Tribute, the Secretariat of the Committee, the Chairperson and Vice Chairperson of the Committee, Commissioner of Health, Humanitarian Affairs, and Social Development of the African Union, African Child Policy Forum and Families of Hon Theophane Nikyema made remarks and expressed their condolences.
40. During the remarks it was indicated that Hon Theophane was a dedicated child rights advocate, devoted Member of the Committee who significantly contributed to the effectiveness of the Committee, and voice of the vulnerable. Hon Theophane was celebrated for his humility, kindness, guidance, and his ability to inspire those around him with his dedication to the cause of children's rights. The tribute also acknowledged that Hon Theophane's legacy continues to inspire all those who work for social justice, human rights, and especially the rights of children. His tireless efforts and unwavering determination had left an indelible mark on those who had the honour of working alongside him.

ITEM 4: Remark by Member States

The Following Member States made remarks: the Republic of Algeria, the Kingdom of Eswatini, Republic of Kenya, the Republic of Malawi, the Islamic Republic of Mauritania, the Republic of Sierra Leone, the Republic of Zambia, and the Republic of Zimbabwe. The Member States gave insight to the various measures they have undertaken to protect the rights and welfare of children. The Member States reaffirmed their commitment to working with the Committee to combat the difficulties they continue to encounter pertaining to the protection of the rights of children. Additionally, they requested that the Committee work closely with Member States to address issues related to torture and abuse. The Member States also called on the Committee to continue engaging with governments to establish clear laws that ensure the protection of children's rights and welfare.

ITEM 5: Remark by NHRIs with Affiliate Status

41. The following National Human Rights Institutions (NHRIs) with affiliate status delivered briefings: Ethiopia, Zambia, Malawi and South Africa. The NHRIs made remarks where they highlighted their achievements in the measures undertaken to ensure the protection of the rights and welfare of the child. Furthermore, they highlighted the salient violations of children's rights in their respective countries and the challenges they have encountered in the realization of children's rights. Particularly, the Ethiopian Human Rights Commission urged the Committee to address the violations of children's rights in the country; the Malawi Human Rights Commission urged the Committee to investigate on the violations of the African Children's Charter and requested support for the implementation of child rights policies as well as the promotion of children's rights.

ITEM 6: Remark by CSOs with Observer Status

42. The following organizations with observer status addressed the Committee: Human Rights Watch, Save the Children, Center for Reproductive Rights, Dullah Omar Institute (DOI), Center for Human Rights, Equality Now, Lumos Foundation, Forum for African Women Educationalists (FAWE), REPPSI, Child Fund, Child Helpline International, ACPF, World Vision, Amnesty International. The remarks encapsulated the diverse activities they have undertaken so far and provided the following recommendations and considerations for the Committee:

- To work with other AU institutions to take administrative and other appropriate measures to create a civilian protection plan that responds to children's needs and rights
- To issue an urgent appeal to all parties involved in the conflict in Sudan that condemns war crimes and other human rights abuses against children and
- To include a climate change analysis in the issuance of its Concluding Observations and in the dialogue with States
- To urge the international community to step up and apply political pressure to support a locally led peace process that prioritizes the voices and needs of children
- To encourage all African states to reform their rape laws to ensure they provide the fullest protection
- Establish a robust monitoring and evaluation framework for care reform systems across Africa
- Establish a dedicated Working Group dedicated to Education to enhance Multi-Stakeholder Collaboration
- Consider organizing a Day of General Discussion on issues of *intersex children*, and to develop standards on their protection
- Encourage stakeholders to contribute to the *African Human Rights Yearbook* on child rights issues
- Encourage Member States to integrate social and emotional skills building in education and address mental health concerns as well as invest in Children's mental health for example counselling

- To collaborate with RECs and CSOs to support efforts by governments to develop and implement laws and policies on online child exploitation and abuse
 - Push for the development of an African Union Model Law on Online Child Exploitation and Abuse
 - Request states to have national awareness campaigns be rolled out to promote the availability of child helplines, particularly in rural and underserved areas
43. The CSOs commended the Committee for its efforts and measures taken to ensure the advancement of Children's rights and 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 7: Child Rights Forum on the African Charter on the Rights and Welfare of the Child

Opening Remarks

44. Opening remarks were presented by Mokhele Matsepe, Child Representative from Lesotho. And Hon Wilson Almeida Adão, Chairperson of the Committee. Mokhele Matsepe emphasized the need and necessity of educating children, highlighting that free education is more than removing tuition free as there are extra costs incurred in schools that do not fall under tuition. He noted how children who do not attend schools are exposed to illegal activities like the use of drugs, thus, noting the need to protect kids from things forcing them to drop out of schools. He shared how African children are forced to condone the violation of their rights under the guise of 'culture' such as cultures that force children to engage in dialogues about genitals and that promote engaging in sexual acts at an early age. In conclusion he expressed his gratitude for being given the opportunity to engage in this session that addresses some of these concerns.
45. Honorable Wilson Adão expressed gratitude to the several representatives from different organizations and States for participating in the Child Rights Forum which is aimed at documenting best practices and addressing key challenges faced in respect of children's rights. He highlighted that the Forum offers an opportunity for experience sharing forum by Member States, the Committee, Children, NHRIs, RECs, CSOs and other stakeholders to increase and encourage compliance in respect of children's rights. Hon Adão highlighted the numerous humanitarian crises in different African countries and how in most of them African children remain the most vulnerable victims. He noted that dialogues at international and regional level should focus on matters that truly affect the African child directly. Introducing the the various themes of the pane including education and violence against children, he indicated that the Forum is a platform to discuss about issues that affect children's rights in Africa. He then declared the Child Rights Forum open.

Panel discussion on States' cooperation with the monitoring mandate of the ACERWC

46. Dr Ayalew Getachew Assefa, Principal child rights protection officer at the Secretariat of the Committee, in setting the scene, began by introducing the various functions the Committee undertakes in discharging its mandate which includes

receiving and considering State Party reports, Communications as well as undertaking investigations of various nature. He noted the good responses from Member States following the launch of the universal ratification of reporting campaign in 2014, where more reports State Party reports were received. However, he pointed out a regression in State Party cooperation which impedes the Committee's ability to discharge its mandate and highlighted the underutilization of the communication mandate. Dr Assefa gave an explanation that the Committee has only received 25 communications so far, 10 of which had been finalized by a decision, 2 are settled amicably, 5 having been declared inadmissible and 8 still pending. He further noted the inadequate correspondence and communication in about half of the 25 communications received, in terms of the admissibility or the merits of the cases. Additionally, none of the Respondent States complied with the obligation of the 180-day reporting on the status of implementation of the Committee's decisions. As a result, in the past 3 years the Committee was compelled to conduct unilateral hearings in the absence of the Respondent States. He also added that out of the 6 requests for on-site investigations in the past 3 years, only 3 of the states had given responses, and on the letters of urgent appeals issued by the Committee, there remains failure to respond and report on the status of implementation. Dr Assefa also emphasized the continued regression on the submission of State Party reporting, noting how the next session may not have any State Party report to consider. He informed that these challenges are essentially what led to this panel, to bring together all stakeholders and dialogue how to enhance States' cooperation.

47. Ms Feruza Abdullaeva Bochatay, Representative of the Secretariat of the UNCRC, commenced by citing that the Convention on the Rights of the Child (CRC) is the most ratified convention in the UN system, with 196 State Parties. She also informed that the CRC has 3 optional protocols, which are; Optional Protocol on the involvement of the children in armed conflict which has 73 state parties; Optional Protocol on the sale of children, child prostitution and child pornography with 178 member states; and the Optional Protocol on communications procedure which has 52 member states. Ms Bochatay highlighted the main functions of the UNCRC which includes reviewing State Party Reports; considering individual and inter-state complaints; conducting inquiry procedures, as well as developing General Comments amongst other activities. Ms Bochatay highlighted that the Committee has around 74 communications pending consideration, which is a backlog resulting from limited time and resources. She also added that the UN CRC has adopted 145 decisions out of which it found violations in 47 cases, declared 38 cases inadmissible and discontinued 60 cases. She informed that the inquiry procedure can be initiated in cases of reports of grave or systematic violations. Ms Bochatay underlined that the UNCRC does not have a formal follow-up procedure, however, Committee Members conduct follow-up visits at the invitation of UNICEF, which is faced with financial constraints. Other UN Treaty Bodies have adopted written follow-up procedures, with assigned rapporteurs and deputy rapporteurs who exchange with the State Parties involved as well as review written information, which is a mechanism which the UNCRC is considering adopting as well. Ms Bochatay highlighted some lessons to be drawn from UNCRC procedures, which included, consolidation of overdue reports in a single document; reminders to States with overdue reports; capacity building to provide training to States on treaty body mechanisms and reporting; and provision of technical

assistance to support State Parties in the implementation of their reporting obligations.

48. Commissioner Janet Ramatoulie Sallah-Njie, Vice-chairperson of the ACHPR, spoke on the monitoring mandate of the ACHPR, which involves the State Reporting process, the Communication procedure where it receives complaints from citizens, the fact-finding missions, letters of urgent appeals and resolutions, among others. She highlighted the several challenges in regard to state reporting, with the most significant being the lack of resources of States to compile reports, lack of accountability and transparency on the state of human rights situations, lack of CSO engagement, as well as inconsistency and lack of compliance with reporting obligations. Regarding the Communications Procedure, the major challenge discussed relate to lack of implementation of decisions due to lack of financial and human resources and lack political will on the part of the States. Commissioner Sallah-Nije informed that the ACHPR has a unit dedicated to monitoring and implementation, but the challenge of resource constraints remains. She further highlighted some opportunities to foster cooperation with Member States in areas of strengthening technical assistance, hosting capacity building workshops and consultative forums for Member States and providing incentives for compliant Member States.
49. Dr Japheth Biegon, Africa Regional Advocacy Coordinator at Amnesty International provided insight about the trends in State cooperation in the human rights system, outlining 4 types of states in terms of implementation, compliance, and cooperation with human rights treaty bodies. He identified the first to be the cooperating state, which strives to submit reports and faithfully takes steps to implement decisions; another is a Calculating State, which borders between compliance and non-compliance, they partially comply with decisions and seem to lack political will to come to full compliance. He noted that the indifferent State does not comply with decisions at all and does not participate and acknowledge Communications. Finally, he alluded to the recalcitrant State, which withdraws from treaty bodies when faced with the need to comply with decisions. He highlighted that compliance usually emerges where there is a personal benefit of some stakeholders at a domestic level. He urged for increased implementation hearings enhance collaboration with CSOs, and other relevant stakeholders like the media, NHRIs. He added the need to engage the Executive Council to exert pressure on state parties to implement decisions related to the promotion and protection of human rights.
50. Mr. Joseph Sunday Sinnah, Chief Director, Ministry of Gender and Children's Affairs of Sierra Leone highlighted the country's recognition of the importance of treaty body monitoring mechanisms for ensuring that States comply with their international human rights obligations. He stated that monitoring can still be effective through a combination of simplified mechanisms, international support and capacity building. He highlighted the mechanisms in place in Sierra Leone that include a thematic working group to facilitate coordination between state and non-state agencies, the lead role of sectoral ministries as well as support from international partners in terms of capacity building, giving an example of the country's strong working relationship with UNICEF for reporting to the UNCRC. Finally, he presented the lessons on digital tools and innovation that can be improved to further promote the implementation of human rights, giving an example

of establishing or exploring online platforms as part of helping capacity issues as well as digital dashboards for monitoring progress and reporting remotely.

Panel discussion on Education with focus on school retention

51. The panel discussion had presentations from the Secretariat, The African Union International Centre for the Education of Girls and Women in Africa (AU CIEFFA), Forum for African Women Educationalists (FAWE) and a Child Representative and it was moderated by Hon Poloko Ntshwarang, Special Rapporteur on Education.
52. Ms Adiam Zemenfes Tsighe, from the Secretariat of the Committee presented about the findings of the Committee on factors for school dropout and measures for school retention from its State Party Reporting Procedure, Communications Procedure, and children's outcome statement during the Day of the African Child 2024 celebrated with a theme 'Education for all Children in Africa: The Time is now'. The Panel gave background to the focus on Education which is in line with the theme of the Year for the AU. The panel discussed State obligations as outlined in Articles 1 and 11 of the African Charter on the Rights and Welfare of the Child (ACRWC) in relation to school retention which require States to encourage school attendance and reduce dropout rates. The Obligations in the Charter also include ensuring free and compulsory primary education, progressively making secondary education accessible and free, and providing special measures for pregnant girls, gifted children, and children with disabilities. Additionally, States are expected to address cultural, religious, and traditional practices that hinder children's education by virtue of Article 1(3). Ms Tighe highlighted several factors contributing to school dropouts were highlighted, including the inaccessibility of schools in rural areas, poverty, gender-based discrimination, and harmful practices such as child marriage and Female Genital Mutilation, conflict and crisis, migration and displacement, and emergency situations. The lack of sexual reproductive health services, leading to teenage pregnancies, and the absence of water and sanitation facilities, particularly affecting girls, were also noted as major challenges. Despite these challenges, the panel presented positive practices implemented by some countries, which have improved school retention rates for example through school feeding programs, measures allowing pregnant girls to re-enter school, provision of sanitary wear and the banning of corporal punishment. The presentation also highlighted recommendations aimed at improving school retention which include assessing vulnerabilities in education systems, implementing comprehensive programs to improve enrolment, passing, and completion rates, increasing an increase in budget allocation, building resilient education systems capable of withstanding conflict, emergencies, and climate change, banning corporal punishment in schools, integrating programs to address harmful practices and gender-based discrimination, expanding social security and safety net programs to support education, improving school infrastructure, including access to sanitation and disability-friendly environments.
53. Ms Mantar Kou Nangue Felicite, from AU CIEFFA, highlighted that Sub-Saharan Africa continues to face significant challenges in school retention, with girls particularly being affected. From the factors leading to school dropouts, Ms Felicite highlighted that poverty, child marriage, teenage pregnancy, and harmful cultural practices like female genital mutilation (FGM) affect girls. In rural and conflict-affected areas, issues like infrastructure gaps, long distances to schools, and

insecurity also hinder school retention. The presentation informed that AU CIEFFA works on advocacy, capacity-building, and policy recommendations to promote gender-responsive education policies, through working with Member States including engaging traditional and religious leaders to shift cultural norms and mindsets toward supporting girls' education. Ms Felicitie highlighted some measures to be undertaken by Member States including to prioritize the implementation of gender responsive educational policies specifically catering for girls such as the provision of scholarships for vulnerable girls, offering flexible school schedules for young mothers, ensuring that schools are safe and have adequate sanitation facilities. She also highlighted that States need to conduct community engagement for changing harmful practices, and engage in multi-sectoral collaboration with CSOs, the Private Sector, and International Institutions. The presentation emphasized the need for policymakers and educational institutions to work together to develop legal frameworks and practical strategies that prevent dropouts such as laws against child marriage and child labor, providing affordable education, and introducing sanitary facilities to address menstrual health issues that contribute to absenteeism.

54. Ms. Teresa Omondi-Adeitan, Africa Deputy Executive Director at FAWE added that school-related gender-based violence as significant factor leading to dropouts. She highlighted that Girls who attempt to return to school after dropping out face several barriers such as shame, stigma, discrimination and the lack of early childhood care facilities. Many school environments are unprepared to support these girls, with teachers, administrators, and peers often lacking the necessary training or awareness. The presentation emphasized the importance of implementing effective re-entry policies and providing flexible education options, such as Technical and Vocational Education and Training (TVET), and gender-responsive pedagogy which is essential to ensuring that teaching methods cater to both girls and boys. Additionally, Community engagement, such as mothers' clubs, also plays a key role in creating supportive environments for girls. Ms Omondi-Adeitan underscored the significant role of Civil Society Organizations (CSOs) in advocating for gender-responsive policies and supporting government efforts through training and community mobilization. CSOs help complement government efforts by offering resources, training, and support. Involving boys and other community members is crucial for ensuring that girls remain in school and continue their education.
55. Sheila Harudiki Nyembo, child representative from Tanzania shared her experience of dropping out of school and re-entering in a video. Sheila completed her primary education at Mbezi Primary School and progressed to Kiluvya Secondary School, where she successfully finished Form 1 and Form 2. In Form 3, she became pregnant and dropped out of school. Facing harsh judgment and gossip from her community for being a young mother, Sheila moved in with the father of her child. However, living with her in-laws proved difficult; as the youngest in the household, she experienced mistreatment and often went without food due to neglect from her mother-in-law. After the birth of her child, Sheila learnt about a re-entry program introduced by Mama Samia that allowed young mothers to return to school. Determined to continue her education, she convinced her parents to support her return. Sheila enrolled at Mbezi Secondary School and is now

preparing for her Form 4 final exams in 2024. Regaining her sense of self-worth, she is motivated to prove herself despite past criticisms. Sheila expresses deep gratitude to Mama Samia for providing this opportunity. Her dream is to become a lawyer to support her family and ensure a better future for her child.

56. Following the presentations, Member States, Members of the Committee, and other participants raised questions and comments on the practice of living with the person who impregnates schoolgirls, incarceration of young boys who impregnate girls, education for girls who fall pregnant while living on the streets, the stigma associated with adolescent pregnancy, the need to provide financial and childcare support, include non-formal education options, and create welcoming school environments for returning students. The reflections underscored the importance of focusing on boys' education and the specific issues that affect boys such as child labor in the formal, informal sectors and household levels as well as cultural practices of transitioning from boy to manhood. The importance of introducing sexuality education early to mitigate teenage pregnancy rates, was underscored particularly considering the increase in pregnancies during the COVID-19 pandemic. Moreover, it was suggested that the aspect drug abuse and climate change and the impact on school dropout is not neglected and that school retention strategies incorporate such aspects. It was also suggested for policies to include support to young boys who become fathers as well as ensuring that non-exploitative, consensual and peer to peer sexual intercourse among children is decriminalized in line with the Committee's General Comment on Article 27 of the African Children's Charter.

Conversation on the establishment of NHRIs with functioning child rights structure

57. The conversation on the establishment of NHRIs with a functioning child rights structure was moderated by Hon. Lady Justice Imani Daud Aboud, the President of the African Court on Human and Peoples' Rights. The panelists were Hon Aver Gavar, a member of the ACERWC; Mr Foluso Adegalu, Programmes Officer at NANHRI, and Commissioner Andrew Kavala from the Malawi Human Rights Commission (Malawi Commission).
58. Commissioner Kavala began by sharing the experience of the Malawi Commission as having a child rights mandate and a child rights structure within its structures. Commissioner Kavala noted that the Malawi Commission has had a Child Rights Directorate since 2011, which is staffed by 10 officers who are specialised in legal issues, education, research, and investigations. Additionally, the Commission has a child rights thematic committee chaired by the Commissioner for children and has developed a Child Protection and Safeguarding Policy. Through the Child Rights Directorate, the Malawi Commission has been able to achieve successes such as facilitating a specialised focus on child rights programming; enhancing networks with other children's agencies and with international human rights bodies; securing funding for children's programmes; submitting alternative reports to Committee and to the United Nations Committee on the Rights of the Child, and enhancing the participation of children in the work of the Commission through a

Children's Reference Group that has enabled children to lodge complaints of violations. However, Commissioner Kavala underlined that the Malawi Commission still faces challenges in its child rights work, including that the Commission has been overwhelmed with cases of child rights violations, challenges in the child justice system which require interventions of the Commission, and limited human and financial resources within the Child Rights Directorate. Kavala concluded by discussing the work of the Malawi Commission to monitor the implementation of the African Children's Charter and the recommendations and decisions handed by Committee to the Republic of Malawi. This includes publicising the concluding observations of the Committee and holding dissemination sessions to raise public awareness on the obligations of the State Party to implement treaty body recommendations; leading civil society organisations in developing an implementation strategy for the Committee's recommendations; and leading advocacy for legal reforms particularly on the harmonisation of the definition of the child within the State Party in line with the Committee's guidance on a communication concerning the Republic of Malawi.

59. Hon. Aver Gavar, vice chairperson of the Committee, discussed the work that Committee has done to collaborate with National Human Rights Institutions (NHRIs) to support their work on children's rights and to encourage them to establish child rights structures. Hon. Gavar noted that to formalise its engagement with NHRIs, the Committee developed the Guidelines for Granting Affiliate Status and has called for NHRIs to also submit alternative reports to the Committee when their State Party is reporting. The Committee also hosted capacity-building workshops to sensitise NHRIs regarding the various mandates of the Committee, and the Committee has also raised issues related to NHRIs in its engagements with States Parties through the concluding observations and recommendations issued. Hon. Gavar further reflected on the challenges that the Committee has noted among NHRIs in their child rights efforts, according to the Committee's study on Mapping the Structures and Functions of NHRIs in Africa on Child Rights. The challenges include limited engagement with the Committee and applications for affiliate status from NHRIs; not having specific mandates, structures, and specific budgets for children's rights; lack of capacity and lack of children's rights expertise, and limited awareness and utilisation of the African Children's Charter by NHRIs.
60. Mr Foluso Adegalu shared the work that NANHRI has done to encourage NHRIs to adopt child rights structures. NANHRI has encouraged child rights structures by promoting the visibility of the Committee within the NHRI space and ensuring that NHRI understand child rights issues, encouraging NHRIs to apply for affiliate status and to interact with the Committee's various mandates, establishing a working group on the rights of the child within NANHRI to support its members, and providing technical support to NHRIs and facilitating knowledge sharing among peer NHRIs. Mr Adegalu noted that NANHRI observers similar challenges to NHRIs efforts to establish child rights structures which include lack of prioritisation of child rights at institutional level as NHRIs have broad human rights mandate, funding limitations, and lack of expertise in relation to complex child rights issues. He also highlighted a challenge of political interference on the work of NHRIs and further noted that the strategy to address interference is collaboration with stakeholders at different levels. The presentation also suggested for NHRIs to

involve the Committee and NANHRI, which would help to advance child rights without the risk of direct backlash against a single actor.

61. Subsequent to the presentations, the Committee members, State representatives and broader audience asked questions on issues including the implementation of NHRIs recommendations by domestic political actors, strategies to enhance applications for affiliate status, NHRIs' engagements with other child rights agencies, the extent to which NHRIs promote implementation of ACERWC decisions, and the need to address urban biases among NHRIs to ensure that they reach children who need their services in outlying areas. In response to the questions posed and comments raised, Commissioner Kavala noted that the Malawi Commission engages other domestic child rights agencies and that it has addressed the issue of urban bias by having regional offices across the Republic of Malawi. Mr Adegalu noted that the best strategy to encourage NHRIs to apply for affiliate status is to support them in making their applications and helping them understand the requirements to apply to the Committee, as some of the processes can be complex. It was suggested that where political will is the issue hindering application then peer pressure and exposure to other NHRIs who have affiliate status, can be useful. The impact of the broader context of governance issues in a specific country on the mandate and role of NHRIs was highlighted as an important consideration. The Panel was concluded by a call for NHRIs to establish and operationalise child rights structures within their mandates.

Panel discussion on violence against children and harmful practices

62. The panel discussion was moderated by Hon. Hermine Kembo, Special Rapporteur on Child Marriage and Other Harmful Practices. The first panelist, Mr. Joseph Sunday Sinnah, Chief Director, Ministry of Gender and Children's Affairs of Sierra Leone reflected on the experience of the State Party concerning the recent legal reforms to combat violence against children, particularly child marriage. He began by highlighting the country's progress, with child marriage rates dropping from 51% in 1994 to 30% in 2019 for girls under 18, and from 21% to 9% for girls under 15. This success stems from a multi-sectoral approach involving the Ministry of Justice, Law Reform Commission, the Office of the First Lady, and the National Secretariat for the Reduction of Teenage Pregnancy and Child Marriage. Mr. Sinnah emphasized the critical role of community-level engagement, especially in rural areas where child marriage is more prevalent due to poverty, tradition, and limited educational opportunities. He stressed the importance of working with traditional and religious leaders, local councils, and community members to implement by-laws aligned with national legislation. Initiatives such as intergenerational dialogues, parenting programs, and life skills training have been key in raising awareness, while social workers, community health workers, and teachers play a vital role in enforcing the law and supporting victims. Mr. Sinnah highlighted that the integration of formal laws with customary practices, supported by progressive local leaders, has been crucial for sustaining reforms and achieving long-term change.
63. Ms. Caroline Lagat, Program Officer-End Harmful Practices at Equality Now, discussed effective strategies for ending harmful practices against children. The

first step involves establishing laws that explicitly prohibit female genital mutilation (FGM) and child marriage, which are the two harmful practices that Equality Now focuses on. She began by commending Sierra Leone for passing legislation against child marriage but emphasized that progress is still needed in enacting explicit laws against FGM, as is the case in countries like Mali, Liberia, and Somalia. Once a law is in place, the focus shifts to implementation strategies. Ms Lagat highlighted that the first key strategy is adopting a multi-sectoral approach, which is essential to accelerate efforts to eliminate FGM and child marriage. This approach requires collaboration between all stakeholders, including government, civil society, community members, and leaders to end these practices. Ms. Lagat highlighted Kenya's example, where a multi-sectoral committee, composed of actors from the legal system (magistrates, lawyers, prosecutors, etc.), work together to build capacity and ensure proper reporting of cases related to child marriage and FGM. Fostering collaborative action and working through networks with a unified voice. For instance, in The Gambia, civil society united to successfully fight attempts to change the FGM law. Other strategies include strategic litigation, having survivors share their stories and finally leveraging the role of the media. Ms. Lagat concluded by emphasizing the importance of investing in long-term strategies, as short-term efforts are insufficient to change deep-seated cultural and gender norms.

64. Commissioner Janet Ramatoulie Sallah-Njie, Vice-Chairperson of the African Commission on Human and Peoples' Rights (ACHPR) highlighted the importance of collaboration between the ACHPR and the Committee in addressing the continuum of rights violations affecting women and girls, emphasizing how issues like child marriage and FGM often begin in childhood. She highlighted that the partnership of the two organs resulted in two significant documents: the Joint General Comment on Child Marriage (2017) and the Joint General Comment on FGM (2023), outlining obligations of States Parties, as well as recommendations to address and end harmful traditional practices. She noted these regional instruments often underutilized at the national level. Commissioner Sallah-Njie highlighted the legal protections in the Maputo Protocol and African Charter on the Rights and Welfare of the Child must be enforced, including ensuring full and free consent to marriage and mandatory marriage registration. However, she cautioned that legal measures alone are insufficient, advocating for a multisectoral approach that involves public awareness and community engagement. Commissioner Sallah-Njie concluded by affirming that the ACHPR and Committee stand ready to support States in implementing these treaties and guidelines and ensuring full compliance with the principles outlined in the joint general comments.
65. Ndumiwana Mixella, a child representative from Burundi, shared her reflections on the violence faced by children, particularly the widespread tolerance of corporal punishment in society. She called upon the conscience of all stakeholders and Member States to take decisive action to eradicate all forms of violence against children. Ndumiwana shared a personal story of a friend who experienced harmful practices at home. The friend was subjected to constant beatings and excessive chores, which led to her neglecting schoolwork and ultimately leaving school to live with her aunt. This traumatic experience severely affected her mental well-being. Ndumiwana emphasized the need for a collective voice against societal impunity,

including harmful practices like child marriage and corporal punishment, and urged Member States to establish and implement policies that protect children from such violence.

66. Following the panel discussion, the floor was open for intervention from participants for comments and questions. During the reflection several questions and comments were raised regarding protecting children from violence and harmful practices. Some of the key topics included how to effectively hear and respond to the cries of children suffering in silence, especially in contexts where accessing these children is challenging. The effectiveness of the programs in Sierra Leone addressing child marriage, particularly their national reach, evaluation, and whether they target vulnerable groups like girls with disabilities were discussed. Moreover, the role of religious and traditional leaders in driving societal change and how to balance amplifying survivors' voices without retraumatizing them, especially in strategic litigation were emphasized.

Panel discussion on socio-economic vulnerabilities of children with disabilities

67. The session was moderated by Hon. Aboubekrine El Jera, Chair of the Working Group on Children with Disabilities, who set the scene for the discussion. Ms. Hussienatou Manjang, Legal Researcher at the Secretariat of the Committee, presented an overview of the Committee's Continental Study on the Status of Children with Disabilities in Africa. The study, conducted across ten AU Member States, found that while constitutional protections exist, many laws still rely on outdated medical or welfare models, and public spaces remain inaccessible. Children with disabilities are particularly vulnerable and face barriers to enjoying their rights enshrined in the Charter such as the right to education, healthcare, and social protection, which often leads to them being marginalized and experiencing poverty. Despite these challenges, Ms Manjang highlighted that the study also identified good practices in the country case studies, including disability focal points in ministries and collaborative efforts promoting inclusive education. She concluded by discussing some of the key recommendations of the Study which include enacting stronger laws and policies by Member States, establishing inter-ministerial taskforces, and raising awareness to address societal stigma, and invited all stakeholders to read the study which is available on the website of the Committee.
68. Ms. Dalila Aliane, Secretary General of the National Body for the Protection and Promotion of Children under the Prime Minister of Algeria, reflected on Algeria's experience as one of the 10 country case studies in the ACERWC's Continental Study on Children with Disabilities. Ms Aliane commended the study's emphasis on children with disabilities and noted Algeria's progressive Constitution, which guarantees equal access to education, healthcare, and legal protection for all children without discrimination. Algeria's legislative framework is comprehensive, including laws on education, healthcare, and social protection, with special provisions ensuring that children with disabilities are fully integrated into social, political, and cultural life. Some key practical initiatives include a national registration system that tracks and supports children with disabilities, the

development of specialized education programs, and free healthcare services to ensure their well-being. Ms Aliane concluded by emphasizing the ongoing need for targeted efforts to identify and enroll the remaining children, particularly those with disabilities, who are still outside the formal education system.

69. Following the presentations, reflections were made on the prevalence of community-based rehabilitation systems, emphasizing the importance of establishing such systems when addressing the rights of children with disabilities. Moreover, participants raised the need to focus on specific categories of children with disabilities considering the various types of interventions that may be required depending on the type of disability.

Panel discussion on child rights-based approach to climate action with a focus on adaptation

70. The Panel discussion was moderated by Mr. Retta Getachew, an external expert in the Committee's Working Group on children's rights and climate change and anchored on the campaign of the Working group entitled 1.1TooHigh! A child-rights-based approach to climate action in Africa. The primary goal of the campaign is to enhance awareness on the current severe adverse impact of the climate crisis on overall rights and wellbeing of children in Africa owing to the 1.1°C increase in global temperature as compared to pre-industrial times, and to urge the prioritization of child-rights-based climate adaptation. The Panel also recalled that in 2020 the Committee has highlighted the need for a child rights-based approach to climate action in Resolution N° 18/2022.
71. The first two speakers were child climate justice activists, Victor Pachal Albert from Tanzania and Naomi Momone Joseph from South Sudan. Victor recalled the 2019 floods in Tanzania that destroyed roads and led to school closure, which meant the discontinuation of education for him and his peers. He also noted the recurrence and severity of droughts in Tanzania, due to the impact of Green House Gas (GHG) emissions causing extreme heat and drying of rivers, causing famine in the worst instances. He added that the impacts of climate change has increased the prevalence of diseases such as malaria affecting children in Tanzania. Victor mentioned some of the ways in which he has been involved in climate action such as sensitizing his family and community about climate change, planting trees as part of school activities, recycling waste to prevent the production of methane, which is a GHG from decomposed waste, and practicing sustainable use of water. He concluded his intervention by calling on the Government of Tanzania and all other African countries to educate children about climate change, to use renewable energy sources, to take on the initiative of planting trees and for all African countries to work in coordination as one country alone cannot fight climate change.
72. Naomi proceeded by calling attention to the forced displacement of families in South Sudan due to the impact of extreme flooding and the resulting interruption of education associated with the flooding of the schools as well as the destruction of education materials making it difficult to attend school even after floods have receded. Naomi noted that she is involved in representing children from South Sudan in climate action forums such as this one to raise awareness about their

plights and the actions that urgently need to be taken. Additionally, she participates in children's parliament in South Sudan and works in climate change campaigns in the country. She stressed the need for the Committee to educate children on their rights and create awareness campaigns to address climate change issues, this will enable children to be active agents of change in the climate crisis. She added that the Committee should also adopt and implement effective strategies to ensure that children's rights are protected in the climate crisis.

73. Mr. Malama Mwila, Regional Head of Policy Advocacy and Campaigns of Save the Children, presented on integrating a child rights-based approach into climate action in Africa, with a particular emphasis on adaptation. He noted that Africa is already experiencing the severe impacts of climate change, with children being disproportionately affected. These impacts include: increased disease burdens, disrupted education, food insecurity, displacement and migration, psychological trauma and others. In response to these challenges, Mr Mwila highlighted that African countries can mitigate the impacts of climate change on children by prioritizing climate adaptation efforts, which include integrating climate considerations into national development plans, investing in climate-resilient infrastructure, and promoting climate education and awareness. In addition, the importance of supporting climate-resilient livelihoods through climate-smart agriculture, renewable energy, and improved water management was highlighted. Mr Mwila recommended for the protection of children's rights through child-centered disaster risk management, climate-sensitive social protection, and safeguarding children's health and nutrition. He noted that to anchor climate financing on children's rights, countries should prioritize child-centered approaches, mainstream children's rights into climate policies, conduct child-sensitive risk assessments, and develop child-focused adaptation plans. The Green Climate Fund and Climate Investment Funds were cited as mechanisms that should prioritize children's needs. The presentation also underscored the importance of tracking progress through children's rights indicators, such as reductions in child mortality, improvements in education, and child protection outcomes. Mr. Mwila recalled the New Collective Quantified Goal (NCQG) on climate finance, which aims to replace the previous \$100 billion per year target established in 2009, which is expected to increase financial support for climate action, particularly in developing countries. African countries are estimated to require \$1.3 trillion per year by 2030, with funding divided between mitigation, adaptation, and loss and damage. Mr Mwila stressed that increased funding through the NCQG would enhance the needed adaptive capacity of African children by supporting climate adaptation projects that focus on health, nutrition, and education which can further reduce the risk of injury, displacement, and psychological trauma for children.

74. Ms Eglina Tawuya, Programme Specialist on Climate and Environment at UNICEF, presented the importance of integrating child-centered perspectives into climate policies and strategies. She emphasized that the climate crisis is, fundamentally, a child rights crisis, and urged for placing children at the heart of climate action such as National Adaptation Plans (NAPs) and Nationally Determined Contributions (NDCs), with governments prioritizing children's well-being in their climate responses. Ms Tawuya pointed out that every child is exposed to at least one

climate-related hazard, such as flooding, drought, or air pollution. Particular attention was given to the fact that African countries, especially in West, Central, East, and Southern Africa, rank high on UNICEF's Children's Climate Risk Index, making them especially vulnerable. Noting recent developments such as the General Comment No. 26 by the United Nations Committee on the Rights of the Child (UNCRC) in 2023, Ms Tawuya stressed the need for an urgent increase in the design and implementation of child-sensitive, gender-responsive, and disability-inclusive climate adaptation measures. The presentation also addressed existing continental frameworks, such as the African Charter on the Rights and Welfare of the Child (ACRWC) and Agenda 2040, which emphasize the best interests of the child and their right to health and development. The presentation revealed that UNICEF has made notable progress by engaging with countries in the lead-up to and during COP28 which contributed to discussions around the Global Stocktake, Loss & Damage, and climate finance. Ms Tawuya shared the regrettable fact that child protection remains largely absent in NAPs and called for more meaningful engagement of children in NAPs, presenting them as agents of change rather than only vulnerable groups.

75. After the presentations, participants of the Session commended the poignant messages of the children and echoed the need for urgent action to ensure climate justice. In response to a question asked about the likelihood of realization of the NCQG given the failures of delivering on the USD 100bn pledge, it was noted that climate finance goals should not be approached as a matter of charity but rather as a matter of justice by major polluters off the African continent. This approach may yield a better result in ensuring a human-rights-based climate action, with the needed focus of African children as the most affected groups.

Experience sharing on National Mechanisms for Reporting and Follow-up for the implementation of the decisions and recommendations of the Committee

76. The panel was moderated by Hon. Robert Nanima, Chairperson of the ACERWC Working Group on the Implementation of Decisions who also gave the context for the discussion. Ms. Ivana Machonova Schellongova, a Human Rights Officer at the Treaty Body Capacity Building Programme in the Office of the United Nations High Commissioner for Human Rights, delivered a presentation on National Mechanisms for Reporting and Follow-up (NMRFs). She began by explaining that NMRFs represent governmental structures and have two primary mandates: to coordinate the preparation of reports to and engagement with international and regional human rights mechanisms, and to coordinate and monitor national implementation of treaty obligations, as well as recommendations and decisions from treaty bodies. Elaborating the rationale for establishing NMRFs, she noted that timely and high-quality reporting requires sustainable technical expertise, especially given the ongoing growth of international and regional human rights mechanisms and that structured national processes to follow up to monitor implementation is a basis for future reports. Furthermore, she emphasized that NMRFs can address the common practical challenges States face in the coordination of reporting and follow-up. The presenter underlined that for these mechanisms to function effectively, they must have four key capacities namely

coordination, information management, consultation, and engagement capacity. Ms. Schellongova underscored the growing international consensus on the need for NMRFs as supported by various resolutions and reports at the global level from UN General Assembly and UN Human Right Committee, as well as the recommendations of the UNCRC. She finally highlighted the key areas of focus still deserving further unpacking and collaboration with Member States, include effective use of resources and budget allocation, coordination capacity of NMRFs, and the role of NMRFs in data collection.

77. Reflecting the perspective of CSOs, Mr. Michael Nyarko from the Institute for Human Rights and Development in Africa (IHRDA) shared IHRDA's experience as a litigator on various issues across the continent, particularly concerning children's rights. Mr. Nyarko discussed the persistent challenges related to the implementation of litigated case and emphasized that many African countries still lack established national mechanisms for implementation, following up and reporting. Even within ECOWAS states, where a statutory obligation for member states to designate focal points for implementation exists, he noted that such mechanisms do not exist in all countries. Mr. Nyarko highlighted that there is an increasing recognition of the necessity to collaborate with State Parties to establish functioning national mechanisms for implementation and reporting. He added that many State Parties lack the capacity or clear understanding required to fulfill their obligations effectively and implement the decisions. Mr Nyarko recommended that civil society organizations (CSOs) engaged in litigation should integrate implementation considerations as one of the fundamental parts of their litigation strategies. He stressed on the imperative for State Parties to abandon defensive approaches and instead adopt collaborative strategies that promote the effective implementation of decisions. To this end, Mr. Nyarko encouraged the exploration of collaborative avenues that would foster closer coordination among stakeholders for ensuring implementation of decisions.
78. Dr. Elvis Fokala from the Centre for Human Rights at the University of Pretoria (CHR) also shared insights from the Centre's experience, highlighting cases from several countries, namely Malawi, Kenya and Cameroon to which the Committee has issued decisions. Dr. Fokala discussed the status of implementation of these cases, outlining both the progress achieved and the ongoing challenges faced by the three countries. Recognizing the current state of non-implementation or partial implementation of the Committee's decisions, Dr. Fokala stressed the importance of addressing both the substantive and procedural aspects of these decisions and advocated for a balanced approach that aligns the technical requirements with the realities faced by State Parties, thereby ensuring the effective implementation of the Committee's decisions.
79. Mr. Hassan Mahamat Ahmat, Country Coordinator at the African Peer Review Mechanism (APRM), on collaboration of APRM to enhance the implementation and follow-up of the Committee's recommendations. He highlighted that the APRM can play a crucial role by providing capacity-building initiatives, leveraging its expertise in collecting and analyzing data, and facilitating multi-stakeholder engagement. Furthermore, it was noted that APRM can provide technical support to the ACERWC in establishing peer review mechanisms. Regarding the support of NMRFs, the presenter mentioned that APRM based on its networks in place can contribute to the establishment and strengthening of these mechanisms, notably by providing technical support for the establishment of these mechanisms and

creating a coordination and synergy between different ministries and stakeholders for a better ownership on the recommendations of the Committee. He finally recommended for the establishment of national structures at country level similar to those of the APRM, in order to improve implementation of recommendations of the ACERWC.

80. During the Panel Prof. Nsongurua Udombana, an External Expert in the Working Group on Implementation Decisions, informed that the Working Group has motivated a Draft Resolution on NMRFs and gave overview for the Consideration of the Committee.
81. Following the presentations, participants made comments and emphasized the need to bridge the implementation gap for sustaining shared values within the AU, stressing that without compliance, Member States risk undermining their own efforts. Participants underscored the need for introspection and improved reporting among Member States as crucial for advancing children's rights. Additionally, experiences and best practices were shared by Member States, such as Mauritania, which has successfully established a functioning national implementation and reporting mechanism. In conclusion, the various presenters reiterated the imperative for governments to establish and strengthen national mechanisms for implementation, reporting, and follow-up to ensure regular reporting.

Reflection session on safeguarding children's rights in the informal business sector in Africa

82. The session was moderated by Dr. Chairman Okoloise, External Expert of the Committee's Working Group on Children's Rights and Business. In setting the scene for the reflection session, Dr Okoloise highlighted the critical issue of child labor within the informal business sector, which makes up about 86% of jobs in Africa. He referenced alarming statistics from a UNICEF/ILO report, noting that between 2008 and 2020, the child labor population in Africa grew by 21.5 million, with over 82% of child labor occurring within family businesses such as street vending and subsistence farming. He also cited the UN Convention on the Rights of the Child, the African Children's Charter, and Committee's resolutions, which call for greater action to combat child labor. Despite these frameworks, Dr Okoloise pointed to challenges such as inadequate regulation of the informal sector and a lack of child-specific protections under the African Continental Free Trade Area (AfCFTA). He emphasized the need for governments and other key stakeholders to prioritize safeguarding children's rights in the informal business sector.
83. Okeke Luke Chimbuchi, a child representative from Nigeria shared his reflections on the involvement of children in the informal sector and how it impacts children. He highlighted the various types of child labor prevalent in African societies, including forced labor, domestic work, street begging, agricultural work (such as on cocoa, cotton, and sugarcane plantations), and mining work in industries like gold, diamond, and coal extraction. He shared that many children also engage in informal jobs like street vending, tailoring, and working as bus conductors. Okeke Chimbuchi noted that children often work due to poverty, lack of access to education, cultural norms, and political instability, with families depending on their children's income for survival, which perpetuates the cycle of poverty. He

recommended several strategies to combat child labor, emphasizing the importance of improving access to quality education and changing cultural and social norms that encourage child labor. He also stressed the need for strengthening laws and enforcement against child exploitation. Additionally, he called for support for vulnerable families and urged informal businesses to adopt child-friendly practices. He concluded by highlighting the need for community engagement, raising awareness, and collaboration with business owners to create child-labor-free environments, which he believes are essential to breaking the cycle of child labor and securing a better future for African children.

84. Ms Yvonne Tagwireyi, External Expert of the ACERWC Working Group on Children's Rights and Business shared her reflections on the role of governments and informal businesses in safeguarding children's rights in the informal business sector. She emphasized the importance of governments adhering to ACERWC Resolution 21/2024, which calls for regulating the informal sector to enhance child protection. This obligation stems from Articles 15 and 16 of the African Children's Charter, which obliges States to protect children from economic exploitation and harmful work that interferes with their education, health, and well-being. She highlighted that governments should enact laws setting a minimum employment age, prohibit child labor, enforce penalties, and strengthen labor inspection systems and regulatory agencies. She also emphasized the need for free education and policies to ease the economic pressures that drive child labor. Ms Tagwireyi highlighted that public awareness campaigns and collaboration as well as children's participation playing a key role in addressing violations in the informal sector. Regarding the role of businesses, she highlighted that businesses should adopt child-sensitive practices, including risk assessments and corporate social responsibility initiatives, while collaborating with NGOs to protect children. Ms. Tagwireyi highlighted examples like SACCOs in Kenya and Fair-Trade Africa that promote child protection in agriculture. She concluded by stressing a multi-sectoral approach, involving governments, businesses, and civil society, to protect children's rights in the informal economy.
85. Following the panelists' reflections, participants shared insights on government strategies to combat child labor in the informal business sector. Concerns were raised about children involved in domestic work and the need for better protection measures. It was suggested that CSOs should prioritize child rights and business as a thematic area, leveraging existing soft laws to create impact. CSOs were also encouraged to conduct training for families, trade unions, and chambers of commerce, recognizing that no single approach is sufficient. Simplifying the registration process for informal businesses, improving access to finance, expanding social protections, and increasing awareness and training on hazardous work were also identified as crucial steps. In conclusion, there was a clarion call for all stakeholders to open human rights spaces for businesses, particularly informal businesses, to engage in discussions on practical approaches to protect children working in the informal sector.

ITEM 8: RECS AND CSOS WORKSHOP ON VIOLENCE AGAINST CHILDREN

Opening Remarks –Special Rapporteur of the Committee on VAC

86. Honorable Aver Gavar, Special Rapporteur of the Committee on Violence Against Children (VAC), who emphasized the significance of the Forum and highlighted the persistent issue of VAC in Africa, despite legislative reforms addressing child marriage, female genital mutilation (FGM), corporal punishment, and sexual exploitation. She highlighted that while VAC not only cause immediate harm, it also have long term effects that affect a child's ability to grow, thrive, develop and to contribute meaningfully to society. Hon Gavar also outlined the Committee's initiatives and collaborations with CSOs and stakeholders to address these challenges like the appointment of the Special Rapporteur on VAC, the Joint Statement by the Special Rapporteur on VAC of the African Committee and the United Nations Special Representative of the Secretary-General on Violence Against Children. Moreover, she added that in light of Article 42 of the Charter, the Committee collaborated with ACPF to develop the Guidelines on Ending Violence Against Children in Africa, an effort geared towards providing guidelines to States on measures to be undertaken to address VAC beyond legislative reforms. She highlighted the significance of these guidelines as a set of recommendations that go beyond law and policy as they consider the need to address cultural and religious practices as well as political situations when addressing VAC. She emphasized the importance of a coordinated, multi-stakeholder approach to ending VAC, and that forum is aimed at facilitating the exchange of ideas and sharing good practices, as well as to provide an opportunity to create stronger partnerships and to explore innovative approaches to issues concerning children.

Remarks by ACPF

87. Dr. Shimelis Tsegaye from ACPF, expressed gratitude on behalf of the African Child Policy Forum and the African Partnership to END VAC (APEVAC) for the opportunity to contribute to the development of the Guidelines on ending VAC in Africa. He also gave a background of APEVAC, which was established in 2016, under the initiative of ACPF and in collaboration with Member States, AU and UN bodies, intergovernmental organizations and CSOs. He highlighted the importance of this meeting to not only bring RECs and the Committee together but to also pave the way for more systemic, structured and period interactions between the committee and RECs as well as among RECS. He highlighted the number of steps taken by RECs in the past couple of years to reinforce their child protection architecture, from harmonizing legal and policy frameworks to introducing mechanisms to coordinate and monitor policies. Furthermore, he acknowledged the progress made by RECs in implementing the African Union Agenda 2063 and the Africa's Agenda for Children 2040 in relation to violation against children. Noting that the AU had recognized to the need to collaborate with RECs as far back as 2008, he highlighted the importance of such a collaboration, citing reasons like the similarities in regional polices that allows for an exchange of good practices as well as the potential to share data among countries with overlapping

membership within RECs. In acknowledgement of the need for collaboration between ACERWC and RECs, a Learning Forum on Child Protection Systems in Kigali, Rwanda, in 2019 was mentioned where the participants acknowledged the need to consolidate and systematize the ACERWC-RECs collaborative efforts. This was followed by a Framework titled: Towards an Effective ACERWC-RECs Collaboration on Child Rights in Africa – A Guiding Framework, which sought to catalyze cross-border collaboration and exchange of good practices and lessons among RECs and their Member States, allowing for prevention and quick response to various forms of VAC that have a cross-border and transnational nature. He informed that the meeting aims to strengthen collaboration and implementation of the Guidelines which also address cross border issues.

General Overview of the Guidelines on Ending Violence Against Children in Africa

88. Mr. Delil Workicho Hussen from the ACERWC Secretariat, outlined the Guidelines for Ending Violence Against Children (VAC) in Africa, which was adopted on 17 November 2023. He emphasized the prevalence of VAC, which encompasses physical, emotional, sexual, online abuse, and harmful traditional practices, despite existing frameworks under Agenda 2063 and Agenda 2040. He underlined the social, economic, political, cultural, health and development implications of VAC, citing that its prevalence in the continent is compounded by the lack of adequate prevention and response systems. He highlighted that the Guidelines aim to support AU Member States in addressing policy gaps, harmonizing efforts with continental and global targets, and establishing standards for child protection. It was presented that the Guidelines provide how to adopt clear laws to, National Action Plans, and National Prevention and Response Strategies for VAC. It also proposes guidance for institutional measures, strengthening data collection systems & approaches, monitoring mechanisms for preventing and addressing VAC, budgeting and resource mobilization for VAC as well as establishing National Child Helpline/Online mechanisms to respond to VAC. Finally, the presentation outlined guidelines at macro or societal level which include adopting multisector and systems approach towards VAC; adopting strategies dealing with VAC in the justice and law enforcement and developing strategies to address VAC in conflict situations, among others. Finally, the presentation outlined mechanisms for implementation of the Guidelines, some of which included, the establishment of well-funded mechanisms that oversee the implementation of these guidelines; putting in place inter-agency & Multisector Committees on VAC, having lead government ministries that coordinate the inter-agency work on child protection; and establishing national steering or technical committees or task forces.

The Roles of Regional Economic Communities (RECs) and Civil Society Organizations (CSOs) in Ending VAC and Implementing the Guidelines

89. In his presentation, Mr. Retta Getachew, Programme Manager for Child Development and Protection at the African Child Policy Forum (ACPF), emphasized the crucial roles that Regional Economic Communities (RECs) play in promoting child rights and ending Violence Against Children (VAC) in Africa. He highlighted how RECs, with their deep understanding of regional political

environments and strong ties with Member States, are uniquely positioned to influence child protection policies and initiatives. He noted that RECs have made significant progress by establishing policies, standards, and coordination structures, while also monitoring the implementation of these frameworks. Furthermore, they have facilitated the exchange of knowledge and experiences among Member States, contributing to better policy formulation and government accountability in protecting children from violence. Mr. Getachew also discussed opportunities arising from the recent AU Reform, which led to the Revised Protocol on Relations between the AU and RECs, which established two new structures namely the Committee on Coordination and the Committee of Secretariat Official which can potentially sustain the momentum around the ending VAC at a high level. He stressed that improved cooperation between RECs and the Committee would be instrumental in advancing child rights across the continent. By popularizing the Guidelines and promoting effective VAC prevention and response programs, RECs can encourage Member States to strengthen their child protection systems and integrate the VAC agenda within new AU-REC coordination frameworks. He further proposed implementing the ACERWC-REC Collaboration Framework to establish structured cooperation, and advocated for regular communication, capacity building, and joint missions between the two entities to ensure a more comprehensive and coordinated approach to ending VAC in Africa.

Presentations and Experience Sharing by RECs Representatives on the Challenges, Recent Developments, and Normative Institutional and Legal Frameworks on VAC

90. Representatives from 6 RECs shared the good practices and challenges that prevail in their respective regions concerning VAC and presented the measures they have taken to implement legal frameworks to combat (VAC).
91. The Representative of Community of Sahel–Saharan States (CEN–SAD), Mr. Mahamat Hamza shared that the prevalence of VAC in Sudan is alarming and some of the challenges the country has faced include attacks on schools and hospitals, recruitment and use of children, sexual violence, denial to access humanitarian aid, abduction of children, murder and mutilation. He highlighted that CEN-SAD has included the issue of child protection in its Development and Security Strategy. The REC promotes the rights of children, supports capacity building to Member States and offers its support and assistance in education for children affected by conflict. Mr. Hamza also shared that CEN-SAD is preparing to campaign for Sudanese children affected by the conflict and who are displaced on Chadian territory. The challenges identified by CEN-SAD include lack of implementation of legal instruments, lack of coordination and solidarity between RECs in child protection, and in the implementation of policy and legal frameworks. Mr Hamza also presented challenges in relation to the diversity of legal frameworks which makes implementation difficult for States; inadequacy of the mobilization of resources; lack of establishment of information systems to produce reliable and usable data on child protection, and social norms that affect child protection. Recommendations were made for the establishment of a data collection system on child protection from the grassroots level up to regional and continental level;

establishment of collaboration protocols between the RECs; and the production of evaluation reports on the implementation of the guideline.

92. The Representative of Common Market for Eastern and Southern Africa (COMESA), Mr. Atwaru Richard stated that there are common issues of violence against Children that are prevalent in the region such as recruitment of children in armed groups, child marriage, child labour, sexual abuse, abduction, and terrorism that involves children. It was informed that Congo ranks the highest in the region for VAC. Mr Richard informed that COMESA aims to develop a strategy focusing on children affected by armed conflict; and develop guiding documents for Member States on the ways in which they can involve children on issues pertaining to disarmament. COMESA recommended that other RECs and the Committee collaborate on a joint annual work plan on activities that include VAC. It also encouraged the Committee to involve RECs in investigation missions of their Member States.
93. The Representative of Intergovernmental Authority on Development (IGAD), Dr. Nabukwasi Harriet Nassy expressed that the Members of IGAD host the largest number of refugees on the continent. She further shared that the region is characterized by civil wars, cross-border conflicts, high infant and maternity rates and is prone to drought which makes children susceptible to violence. IGAD has made progress in policy developments to ensure the protection of children against violence since 2019 including drafting a child policy and adopting Youth Policy, Migration Policy, Climate Adaptation Policy, and Gender and Equality Inclusion Policy. Dr. Nassy indicated that one of its biggest challenges in the region is lack of streamlining of programs. IGAD recommended that the Committee supports in building and strengthening institutional capacity for RECs, increases collaboration and engagement with RECs, supports to integrate children's issues in RECs, provides child expert advices, and strengthens coordination mechanisms and engage RECs in its undertakings.
94. The Representative of Southern African Development Community (SADC) Ms. Mamosa Margret Hlao highlighted those forms of VAC prevalent in the region are: gender based violence (GBV) that intrinsically affects children, corporal punishment in schools, child labour, child trafficking, and child marriage. Additionally, there is under-reporting of VAC in SADC and some of the reasons for this include victimization, economic dependence, limited knowledge which deter the protection of children against violence. The presentation highlighted policy frameworks that have been developed which are:
- Integrated Strategy to Prevent and Combat Transnational Organized Crime (TOC) in the SADC region
 - A comprehensive strategy which provides guidelines on how to deal with vulnerabilities, transnational, serious organized crimes in a systematic and rigorous manner
 - SADC Regional Strategy and Framework Action for Addressing Gender Based Violence for 2018-2030
 - SADC Regional Indicative Strategic Development Plan for 2022-2030

95. SADC recommended that for Member States to address issues of VAC, they need to advance budget support, ensure accountability, and update laws to comply with international and regional standards through the support of the Committee.
96. The Representative of the East African Community (EAC) Mr. Tayebwa Morris underlined that EAC has made progress in taking measures to protect children against violence and has adopted a child policy guideline in 2016 which was reviewed in 2021. The EAC has also developed a framework for child protection in 2015 which was actualized in 2018. EAC was part of a RECs forum that discussed the development of a collaboration framework with the Committee including on ways it can work with the Committee to address VAC issues. EAC recommended for the Committee to strengthen coordination and engagement with CSO's, research and academic institutions; to offer technical, support to RECs, support resource mobilization, and avail RECs the platform to engage with each other through peer learning. Mr Morris also requested that the African Union Commission develops a framework for RECs to engage in the work that other organs of the AU are working on.
97. The Representative of the Arab Maghreb Union (UMA) Mr. Ahmedou Sidi shared that although the REC has made progress to combat VAC, there are challenges that have diminished the progress that has been made. The challenges highlighted are: inadequate resources to carry out activities, lack of capacity on child rights among the social development department, increase in the number of abused children and children living on streets which exacerbates VAC. Recommendations made by UMA include for the Committee to organize consultation with RECs for an exchange of experiences and expertise amongst REC's, to considers establishing programmes with RECs on experience sharing, to develop a strategy to combat violence in schools in collaboration with RECs. The presenter also recommended that RECs appoint contact points to monitor child rights under African Charter in their structures.

The Role of CSOs in Addressing Violence Against Children (VAC): Popularizing the VAC Guidelines and Charting Further Actions

98. Ms. Betty Kabari from Human Rights Watch presented the various approaches that CSOs can take to address VAC. Ms. Kabari suggested that CSOs document VAC and the response of States to VAC. Additionally, she encouraged CSOs to participate in State reviews to provide the context about the factors leading to VAC. She recommended for CSOs to analyze national budgets of States, and to raise awareness in communities. CSOs may advocate for reviewing school curriculums to ensure that children are taught their rights to be protected against violence and participate in developing educational materials for teachers that summarizes their role. She stressed the role of amplifying the voices of children and increasing their participation. Other approaches CSOs can take to address VAC is teaching children how to access medical and legal support, disseminate guidelines to make them more accessible while simultaneously advocating and popularizing them. She indicated that CSOs can encourage States to implement domestic laws that protect children's rights against violence and persuade States to integrate these laws in to school curriculums.

ITEM 8: MONITORING TOOLS TO ASSESS MEMBER STATES' PERFORMANCE IN ADDRESSING CWPC

99. Mr. Ismael Ddumba-Nyanzi, consultant from Child Frontiers presented the draft "Monitoring tools to assess Member States' performance in addressing Children Without Parental Care (CWPC)". The tool is developed to enhance the protection of CWPC. The tool is based on the findings of a 2020-2022 continental study commissioned by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) across 43 African countries. The study revealed that CWPC remain underrepresented in national statistics and called for a dedicated monitoring framework to track Member States' efforts in advancing CWPC rights. The consultant noted that the primary objective of the tool is to provide specific indicators to assess progress, particularly in family care, enabling AU Member States to collect, compare, and report data to inform policy reforms. He elaborated the draft Excel-based tool being developed to streamline data entry, analysis, and reporting at the country level, utilizing existing data systems for efficiency. It will consist of four tabs: (1) Introduction: outlining the tool's purpose, data sources, and usage guidelines; (2) Indicators on Children Without Parental Care: covering core indicators for children without adult care, those in institutional care, and those in alternative family or community-based care; (3) Care System Indicators: focusing on policies, services, standards, resources, and child participation; and (4) Dashboard: providing data visualizations and performance summaries to highlight key findings. He concluded that the monitoring tool is expected to be completed by ministries responsible for children's care, utilizing national data systems in coordination with relevant government agencies.
100. Following the presentation, participants raised questions and comments regarding the draft monitoring tool, particularly concerning the definitions and categories of Children Without Parental Care (CWPC) utilized in the tool, as well as its linkages with other ACERWC databases. These inquiries were addressed and noted by the consultant. The ACERWC Special Rapporteur on CWPC and the Technical Expert on CWPC from the Secretariat subsequently outlined the next steps, which involve incorporating feedback, reviewing existing measurement frameworks, and establishing core indicators for Member States. A detailed matrix will be developed to outline these indicators and their data sources. The tool will be refined based on stakeholder feedback. It will then be piloted in countries with diverse contexts before its adoption at the 45th ACERWC session for broader implementation.

ITEM 9: PRESENTATION ON DRAFT GC ON CHILDREN WITHOUT PARENTAL CARE

101. Professor Julia Sloth-Nielsen, a consultant, delivered a preliminary draft presentation on the "General Comments on Article 25 of the African Charter on the Rights and Welfare of the Child (ACRWC)," addressing critical components such as the introduction, context, and definitions pertinent to the article. The presenter noted that the general comment will provide a comprehensive legal analysis of Article 25, elucidating its provisions concerning children who are temporarily or

permanently deprived of their family environment and the corresponding obligations of States to ensure the provision of alternative family care. Specific categories of Children Without Parental Care (CWPC) will be delineated, including children in institutional care, those requiring emergency interventions, children separated due to internal or international armed conflict or natural disasters, street children, children in child-headed households, and those who are trafficked or classified as refugees. The presentation underscores the necessity for robust data collection mechanisms, ongoing monitoring, and periodic review of placements, alongside training and awareness-raising initiatives. Furthermore, Professor Julia noted that the General Comment document will include recommendations on comprehensive care system reforms and the dissemination of the ACERWC and its Concluding Observations, including the ratification of related treaties. Lastly, the General comment on Article 25 will emphasize the urgent need for the development of a multi-year care reform policy or strategy aimed at advancing the protection and welfare of these vulnerable children.

102. After the presentation, participants engaged in a robust discussion, raising questions and providing feedback on the draft General Comments. Key topics included the definitions of CWPC, alternative family-based care options, the age of children in alternative care, the transition procedures for children moving out of such care, and care planning strategies. The consultant acknowledged and addressed these concerns, also ensured alignment with existing ACERWC documents and the ongoing monitoring tool on CWPC. Following this, the ACERWC Special Rapporteur on CWPC and the Technical Expert on CWPC from the Secretariat detailed the forthcoming steps, which entail integrating the feedback gathered, disseminating the revised draft of the General Comments to stakeholders, and hosting an in-person validation workshop and secure the adoption of the document by the ACERWC at its 45th Ordinary Session to facilitate broader implementation.

ITEM 10: ACPF PRESENTATIONS

103. Dr Shimelis Tsegaye, Director of Programmes from the African Child Policy Forum (ACPF) presented on “Deprived of Liberty, Denied Justice: Double Jeopardy for Children in Conflict Situations in Africa”. Dr. Shimelis highlighted that over 360 million children in Africa live in conflict-affected areas, where deprivation of liberty due to alleged associations with armed groups or terrorism is widespread but overlooked among the six grave violations against children. These children experience dual victimization, being indoctrinated by armed groups while facing criminalization by state authorities. He pointed out that existing legal and policy frameworks are inadequate, and research on child rights in these regions is limited due to challenges in data collection. Utilizing qualitative methodologies, primary data was collected from eight countries, including Burkina Faso and South Sudan, revealing critical issues such as forced recruitment, arbitrary detention, and poor conditions in detention facilities. The study emphasized the urgent need for preventive measures, accountability for rights violations, and a child-centered justice approach, with recommendations to strengthen child protection systems,

enhance community-based reintegration programs, and improve collaboration between civil society and government entities to address the needs of these vulnerable children.

104. The second presentation from ACPF was made by Mr. Retta Getachew, Programme Manager of Child Development and Protection on “The African Partnership to End Violence Against Children (APEVAC) Strategy (2024-2028)”. Mr. Retta highlighted that ACPF and its partners established a continental platform in 2016 to unite diverse stakeholders in driving reforms and collective action against violence against children (VAC) in Africa. This platform's mission is to catalyze coordinated efforts to prevent and respond to all forms of VAC across various settings, involving governments, regional economic communities (RECs), civil society organizations (CSOs), faith-based organizations (FBOs), the African Union (AU), and other key actors. He highlighted the necessity of political buy-in and local leadership, advocating for systematic engagement with national governments to facilitate effective priority setting and the creation of contextually tailored initiatives. Mr. Retta pointed out that synergy among stakeholders is crucial, along with building technical capacity and monitoring progress for successful implementation. Despite challenges such as weak coordination and insufficient resources, he noted a growing political commitment to scale up evidence-based interventions. In Conclusion, Mr. Retta stressed that the overarching goal of this initiative is to enhance policies and practices for protecting children from violence, with key interventions focused on increasing political commitment, strengthening national systems for coordinated responses, and promoting cross-learning and sharing among stakeholders.
105. Participants highlighted several key issues from the two presentations, emphasizing the critical role families play in protecting children from being drawn into armed conflict and the need for community sensitization to support families in this effort. Public awareness campaigns and strategic action plans were deemed essential to addressing these challenges effectively. One proposal suggested consolidating over 150 ACPF reports into a cohesive application or database, alongside the creation of policy briefs to improve dissemination to key policymakers and stakeholders. The discussion also acknowledged that children should not only be seen as victims but also as potential perpetrators, stressing the importance of international criminal law in countries that have not ratified relevant treaties. Furthermore, it was noted that the age of criminal responsibility should align with child development psychology, particularly in the context of armed conflict. Participants expressed concerns about the limitations of the six grave violations framework, which overlooks issues such as deprivation of liberty, children without parental care, harmful cultural practices, and mental health concerns. The need for stronger accountability mechanisms and justice frameworks was also strongly advocated to ensure comprehensive protection and oversight.
106. The presenters addressed the key questions and comments raised by participants. Dr. Shimelis noted that ACPF is preparing thematic policy briefs and acknowledged that international legal frameworks are often unclear when it comes to engaging with non-state armed groups. He highlighted challenges related to the age of criminal responsibility, particularly in countries where children are executed

for their involvement with armed groups, and where very low ages of criminality pose additional complications. The study, he explained, covered both countries in active conflict and those in post-conflict stages and included recommendations for various stakeholders, including the UN, AU, and CSOs. It also addressed the situation of children without parental care within the Disarmament, Demobilization, and Reintegration (DDR) process. Furthermore, Dr. Shimelis emphasized the report incorporates the importance of peace education, community sensitization, and the role of the "peace dividend" in preventing child involvement in armed conflicts. He also mentioned that the report discusses the existence of military justice systems for prosecuting child abuse in some countries.

107. Mr. Retta, in his response emphasized APEVAC's two entry points, which includes policy engagement with national stakeholders and implementation through national coordination committees such as inter-ministerial committees. He highlighted the critical need to adequately resource accountability mechanisms, both financially and in terms of human resources, to ensure their effectiveness. He called for increased public funding to strengthen child protection systems and improve coordination across sectors. Mr. Retta also stressed the significance of meaningful child participation in these efforts. He acknowledged successful indigenous initiatives that have addressed violence against children (VAC), which ACPF plans to share. Furthermore, Mr. Retta emphasized that APEVAC's focus extends beyond conflict zones to include humanitarian situations, underscoring the need for national systems to be better equipped to address the needs of children affected by armed conflict.

ITEM 11: ACERWC REPARATION GUIDELINES

108. The Consultant, Prof Rachel Murray, presented the Final draft of the Guidelines for its consideration. In her presentation, Professor Murray detailed the background, objectives, methodology and content of the Guidelines. She emphasized that the guidelines mirror the Committee's recognition that the decisions could result to a better implementation if the reparations are adequate for harm-suffered, the need for consistency of its jurisprudence with other international and regional organs and standards, and the need for more guidance in determining appropriate reparations for the Committee as well as litigators when requesting reparation in Communication before the Committee. Additionally, it was emphasized that the guidelines aim to enhance the effectiveness of the Communications Procedure by ensuring the best interests of the child by providing for reparations that are victim centered; Increase the implementation of decisions by enabling the Committee to provide concrete and measurable reparations; Assist the Committee to identify suitable reparations to issue, considering the alleged violations ; Enable the Committee to assess the extent of violations to award reparations that effectively address the harm caused. After emphasizing the methodology used in drafting the Guidelines. Prof Murray then guided the participants through the document, offering a comprehensive overview of its content. She highlighted that the Guidelines address several key aspects of reparations for children, including guiding principles for drafting and monitoring reparations, such as the Committee's four guiding principles and a child victim-

centered approach. Finally, it was emphasized on the key components covered in the guidelines encompass the definition and identification of child victims, types of reparations and criteria for determining appropriate awards, assessment and quantification of compensation, burden of proof and evidence, and guidance on monitoring the execution of reparations. Following the presentation, the floor was opened for interactions from Committee members, stakeholders as well as academics and experts working on reparations who joined online, who commended both the presentation and the development of a comprehensive guidelines.

ITEM 12: PRESENTATION BY CANTER FOR REPRODUCTIVE RIGHTS

109. Dr. Admark Moyo presented to the Committee on the Guiding Principles and Adolescent Sexual and Reproductive Health and Rights (SRHR) in Africa of the Centre for Reproductive Rights (CRR). He began by highlighting that the CRR is embarking on a new initiative focused on adolescents' sexual and reproductive health and rights, with a primary emphasis on guiding principles related to children's rights. He noted that the objective of his presentation is to explore how the Committee and stakeholders can contribute to this field. He then recalled the history of cooperation between the CRR and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) detailing various aspects of children rights and initiatives where the CRR has supported the Committee's work.
110. Dr.Moyo then outlined the overall objectives and scope of these guidelines, recalling the recommendations made by the Committee to State Parties in its 2022 Continental Study on Teenage Pregnancy in Africa on SRH. Following that, he outlined the rationale for broadening the focus on adolescent SRHR in Africa beyond teenage pregnancy to encompass a range of issues including to combat child sexual exploitation, teenage pregnancy, unsafe abortions, sexually transmitted infections, and other adverse health outcomes affecting children. He also stressed the importance of empowering adolescents with knowledge about existing barriers and challenges, enabling them to protect themselves and make informed decisions related to SRHR. Furthermore, he noted that addressing these complex issues requires a broader focus on adolescent SRHR in Africa, engaging all stakeholders, including governments, civil society organizations, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), and other African Union bodies. Additionally, it was emphasized that, beyond the need to broaden the focus on adolescent SRHR in Africa, there is a need to explore the intersection between each of the general principles of children's rights and adolescent SRHR to address the lack of studies or guidelines addressing the implications of these general principles for adolescent SRHR in Africa and beyond in order to establish obligations for both state and non-state actors, ensuring that children have access to the information and services they need in all contexts.
111. Dr. Moyo concluded by outlining opportunities for collaboration to enhance the involvement of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and strategic partners in sexual and reproductive health and rights (SRHR) initiatives. He invited them to contribute to the Centre's work,

ensuring that it remains relevant to the African context, in addition to immortalize the ACERWC's contributions to SRHR, particularly the findings from the teenage pregnancy study.

112. Following the presentation, the floor was opened for interactions from Member States, Committee members, and stakeholders, who commended both the presentation and the initiative. The interveners raised questions and comments emphasizing the need to comprehensively address adolescent sexual and reproductive health and rights (SRHR) in Africa. They highlighted the importance of addressing root causes, including the nexus between substance abuse and teenage sexual exploitation, and the need for educating boys. The interventions also highlighted the need for increasing access to information and services, and empowering adolescents to mitigate risks. Additionally, there was a call for a zero-tolerance approach to teenage pregnancy and for aligning SRHR efforts with the Charter.

ITEM 13: CONSIDERATION OF THE PERIODIC REPORT OF NAMIBIA

113. The African Committee of Experts on the Rights and Welfare of the Child received a delegation from the Republic of Namibia, who presented the first Periodic Report of the State Party on the implementation of the African Charter on the Rights and Welfare of the Child (Charter). The delegation was led by H. E. Mrs Doreen Sioka, Minister of Gender Equality, Poverty Eradication, and Social Welfare.
114. The Minister opened the discussion by presenting a summary of the State Report, noting that the report was compiled with the participation and consultation of various stakeholders working with children in the State Party, and with children themselves. The State Party has also undertaken various legal and policy initiatives to ensure that children are protected and empowered. These include the passing of the Child Care and Protection Act of 2015, the Basic Education of 2020, the Education Sector Policy for the Prevention and Management of Learner Pregnancy, and the Harambee Prosperity Plan.
115. Concerning the right to education the Minister noted that the State Party has expanded access to free primary and secondary education and has made strides in expanding early childhood education especially focusing on rural areas. There have also been policy measures to address teenage pregnancies and school dropouts to ensure that children remain in school. In relation to health, the Republic of Namibia has taken steps to reduce infant and child mortality, and the child grant has been established to support vulnerable children and to address child malnutrition.
116. The Child Care and Protection Act of 2015 is the framework in the State Party that addresses issues of violence against children, harmful practices, and child trafficking. In addition to the law, the State Party has been working to enhance the capacity of child welfare officers, and to collaborate with traditional leaders for the eradication of child marriage. The State Party has also taken several measures for children with disabilities (CWDs) particularly in relation to their education, health, and support services. An example is through the inclusive education policy, which aims at the full integration of CWDs in schools.

117. However, despite the measures that have been taken for children, the Minister noted that there are persisting challenges. The Republic of Namibia recently faced economic hardships which have been exacerbated by climate change and the recovery from COVID-19. Additionally, people in rural areas are still facing challenges in accessing essential services. Regarding these challenges, the State Party expressed commitment to enhance its efforts including by investing in technologies to improve access to education and investing in data collection to enable stakeholders to better understand the children's situation in the State Party.
118. Upon the conclusion of the State Party's presentation, the members of ACERWC posed further questions of clarification to the delegation, emphasising the need for updated data in the State Party's report, and for specific measures to be described regarding the State Party's implementation of its policies and the Charter. The questions concerned various aspects of the Charter including the status of draft laws concerning children; data collection on birth registration and access to social services; children's participation in allocation of the State budget; the operationalisation of the National Recommendation Tracking Database; the mandates and effectiveness of government agencies working on children's issues; the existence of a legal prohibition of corporal punishment in all settings; trends in the provision of vitamin A supplementation and anti-retroviral therapy (ART) for children; statistics on baby dumping; and educational measures — mainly focusing on addressing teenage pregnancy and school dropouts.
119. In response to the questions, the delegation noted that the Republic of Namibia has already enacted the Domestic Violence Bill, the Witness Protection Bill, and the Rape Bill into laws which are enforceable. However, a number of laws affecting children have so far been tabled before parliament and not yet in force, which includes the Recognition of Customary Marriage Bill, the Torture Bill, and the Child Justice Bill. Additionally, it was not foreseeable that the bills would be finalised in 2024, as the Republic of Namibia is currently preparing for elections, and parliament proceedings will be limited. Finally, the National Agenda for children has also not been created, and the State Party has been in the process of procuring a consultant to develop the document.
120. Concerning baby dumping, the delegation noted that data has been collected, and there are different avenues to care for child victims of baby dumping such as residential facilities, kinship care — with the latter being preferred in the State Party to ensure that children have a stable life. Additionally, the State Party has not gathered data on birth registration since 2016, although the relevant ministries are aware of the need for data collection. Birth registration campaigns have been carried out to reach people in the regions, and the State Party has been developing technological capacity for birth registration, to ensure that data is timely available.
121. Although the Republic of Namibia has not expressly prohibited the corporal punishment of children in the law, the delegation noted that its criminal justice system can be effectively utilised to ensure justice for child victims of corporal punishment, including through the crimes of assault and grievous bodily harm. In relation to corporal punishment in child residential care facilities, the State Party has developed minimum standards of care which guide the registration of facilities and provide for inspections of facilities and also the training of care workers on handling complaints from children. Where care workers commit violations of children's rights, this is dealt with as all other cases of child rights violations.

122. On the status of operationalisation of the National Recommendation Tracking Database, the delegation noted that data on treaty body recommendations is being captured on a spreadsheet, although the data is not yet publicly available. Additionally, the State Party has been working with the office of the United Nations High Commissioner for Human Rights to develop software for the database, which process has been delayed due to resource limitations.
123. Regarding the right to health and the decreases in numbers of children receiving vitamin A supplementation and those receiving ART, the delegation submitted that there have been fluctuations in the provision of ART for children living with HIV, however, coverage has recently improved, and the decrease in the number of children on ART is due to a decrease in mother-to-child transmissions of HIV. The State has also deployed mechanisms to address issues relating to vitamin A supplementation, and to address the high level of stunting.
124. Following responses from the delegation of the Republic of Namibia, the Members of the ACERWC posed a second round of questions to the State Party, which related to the draft plan on child labour and domestic work, services for CWDs, access to birth registration and social services for children in refugee camps, measures to identify and assist refugee children coming from conflict situations, the operationalisation of the government-constructed drug rehabilitation facility, measures to address mental issues and the rates of suicide among children, measures to address bullying, and legal frameworks concerning child marriage.
125. In response, the State Party delegation noted that there are specific schools that cater for CWDs, and there are services provided including transportation, and a disability grant that CWDs benefit from. The policy on child labour and domestic work has not been finalised and will be ready in 2025. Additionally, concerning refugee children, the State Party's laws allow for refugees to get integrated into the community depending on the length of their stay in the State Party. Additionally, children in the Osire refugee camp have access to a school in the camp, wherein they can learn in various languages. For those children who are not accompanied by their parents, the State Party treats them as children in need of protection and helps them to obtain the necessary identification documents.
126. Concerning the provision in the legal frameworks that parental consent is required for persons under the age of 21 to enter into marriage, the delegation noted that this is due to the dual marriage regime in the State Party, although the Child Care and Protection Act does put the age of majority at 18. Finally in relation to bullying, the delegation noted that the State Party takes measures to address bullying in schools by training teachers to refer cases of bullying to social workers and to populate a database that has been developed to record cases. Learners themselves are also trained on responsibility and on how to respect the rights of other children.
127. The Committee thanked the delegation for the presentation of their Periodic Report and responding to questions from ACERWC members, complementing the State Party's continued commitment to the Charter and its progress in implementing children's rights. The Committee urged the State Party to exert more efforts in addressing crucial issues that affect children including the impact of the operations of mining companies on children's environmental rights, the need to promote the use of local languages which involves translating the Charter into local languages, and enhancing measures to address all harmful practices that are

detrimental to children. The Committee also expressed an invitation that the State Party host the ACERWC for an Ordinary Session in the Republic of Namibia in the future.

ITEM 14: CONSIDERATION OF THE PERIODIC REPORT OF ZAMBIA

128. The ACERWC welcomed the delegation from the Republic of Zambia for the presentation of its periodic report on the implementation of the Charter. The head of the delegation, Ms. Beatrice S. Muyambango, Director for Child Development of the Ministry of Community Development and Social Services of the Republic of Zambia, presented the report, which outlined the progress made and challenges faced since the Concluding Observations And Recommendations issued in 2018. The presentation highlighted legislative and administrative efforts, including the enactment of the Children's Code Act No. 12 of 2022 and amendments to the Anti-Human Trafficking Act, Penal Code, and Immigration Laws, as well as the Climate Change Bill of 2023. Zambia has aligned its definition of a child with the Charter, defining a child as under 18. In response to child marriage concerns, the Marriage Act was amended, and awareness has been raised among the community. The Children's Code Act institutionalized child participation through the National Child Participation Framework and Children's Parliament. The State Party acknowledged a 14% birth registration rate and outlined efforts to decentralize services and link registration with health services, aiming for 50% coverage by 2026. Corporal punishment has been banned, and capacity-building efforts for law enforcement and social workers are underway. Expanded social protection programs promote family-based care under the National Alternative Care Framework. Healthcare improvements in rural areas benefit adolescents and children with disabilities. In Kabwe, 12,500 children were screened for lead exposure, 1,570 were treated, and remediation efforts reached 550 residential areas. Education initiatives include free schooling, re-entry policies for pregnant girls, and infrastructure expansion, with efforts to improve transition rates and reduce dropouts. The First Lady is leading efforts against child marriage, and the government is enhancing recreational facilities, focusing on children with disabilities.

129. Concerning special protection measures, the State Party is working to enhance living conditions in refugee camps and has made significant progress in child justice reforms, ensuring detention is used only as a last resort for child offenders. The creation of a Family and Children Division within the courts, with five designated judges, underscores Zambia's commitment to handling child-related cases. However, delays persist due to a high judge-to-case ratio. The prevalence of child labour remains a concern, prompting intensified efforts to implement the National Child Labor Policy and improve socioeconomic conditions. Legal protections for children against exploitation have been strengthened by the Employment Code Act No. 3 of 2019 and the Children's Code Act No. 12 of 2022. The State Party is also promoting the responsibility of the child within their families and communities, as outlined in the Children's Code Act and National Child Participation Framework. Programs such as the Child Parliament and child safeguarding clubs raise awareness as well as sensitization efforts targeting

parents, community members, and religious leaders to ensure that these responsibilities do not infringe on the fundamental rights of children. Lastly, the State Party remains committed to disseminating the ACRWC through educational curricula and embedding its provisions into domestic law.

130. Following the presentation, the Committee thanked the delegation for the comprehensive presentation. While the Committee acknowledged the progress made by the Government of Zambia, it raised the following concerns related to children's rights. This included inquiries about budget allocations for child rights, updates on the constitutional review process, and the autonomy of the National Coordinating Committee for Children. Questions were asked about the practical implementation of the Anti-Trafficking Act, and the alignment of laws such as the Marriage Defence Acts with the Children's Code Act. The Committee also raised issues regarding the protection of children with albinism, ratification of the Protocol to the African Charter on the Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, child participation mechanisms, and efforts to address birth registration backlogs and the involvement of civil society. Additionally, there were questions about regional disparities in recreation centres, data visibility, budget increases for child protection, and reviving the office of the Commissioner for Children. The Committee expressed significant concern about lead pollution's impact on children's health and asked about efforts to ensure clean water and a healthy environment. Lastly, questions were raised about the expiration of Zambia's 2017-2021 National Health Strategy and the development of a new plan to address ongoing health challenges.
131. In response to the questions raised by the ACERWC, the Zambian delegation provided several clarifications. They confirmed no shortages or expired vaccine doses due to initiatives like Child Health Week and mobile services in remote areas. The State acknowledged a backlog regarding birth registration but outlined plans to address it with civil society support. Doctor-to-patient ratios have improved with the hiring of 15,000 health workers, and 4,000 more are expected by 2024. Healthcare in rural areas has been enhanced through the Constituency Development Fund. Concerning the re-entry policy for pregnant girls, it allows for a two-year leave without reapplying, ensuring their return to education. In response to the alignment of the definition of the child and child marriage, the 2023 Marriage Act amendment is aligned with the Children's Code Act. On anti-human trafficking, a Directorate and seven operational centres for trafficking victims have been established, along with shelters and guidelines. The Human Rights Commission prioritizes children's rights, and consultations on a referendum to amend the Bill of Rights are ongoing. The 2017-2021 Health strategy is under review, and best practices for engaging religious and traditional leaders in child protection are being followed. Efforts are underway to reclaim recreational spaces, and social protection programs benefit 2.2 million children, including 11,000 child-headed households. The budget for children's programs is coordinated nationally and locally. In addressing discrimination, the State is working with the Albinism Foundation but relies on the Children's Code Act for protection. Child participation is encouraged through forums like the Child Parliament. Lastly, the 1972 Termination of Pregnancy Act guides access to comprehensive reproductive health services for adolescents, including family planning and STD screenings.

132. During the second round of questions, the Committee inquired about the impact of recruiting 15,000 health personnel, with 4,000 more planned, on community healthcare and reliance on volunteers. The Committee asked about the sustainability of the Kabwe pollution project and whether preventive measures have been implemented. In terms of education, they questioned the effects of free education and school feeding programs on quality, the low transition rates to secondary education, and whether teacher recruitment adequately meets the needs of children with disabilities. The Committee also asked about the effectiveness of social protection in reducing child labour, data on sexual abuse and trafficking, and the existence of a central database for violence against children cases. They sought updates on family-based versus institutional care, progress in deinstitutionalization, and the proportion of children's homes run by the government or private sector. The Committee requested information on improving refugee camp conditions and providing reproductive health and psychological support for adolescents. They also asked about enforcing the corporal punishment ban, alternative sentencing for children in conflict with the law, school retention strategies for girls, and protections for migrant children's education.
133. In response to the second round of questions raised by the ACERWC, the Zambian delegation noted the challenges of increased enrolment in free education such as overcrowded classrooms and high teacher-to-pupil ratios. To address this, each constituency is tasked with constructing desks and building classrooms based on local needs, alongside consistent teacher recruitment. The delegation also highlighted the Child Protection Unit and the Victim Support Unit's efforts to address violence against children, including governments plan for a state-run One Stop Centre and support for private childcare facilities. Concerning children in conflict with the law, Zambia has two child-approved centres and is expanding facilities for these children. The delegation emphasized its National Drought Response Plan, including child protection measures. On family-based care, the government oversees 185 private childcare facilities, providing grants and transitioning services toward intensive family support, reducing the number of children in care from 6,500 to 4,500. Refugee children are supported through the National Referral Mechanism and education for children with disabilities is being enhanced with grants, assistive devices, and inclusive education in over 3,000 schools. While data on street children is limited, estimates suggest 13,500 children are on the streets, and the government is developing a central database.
134. In conclusion, the Committee expressed appreciation to the delegation of the Republic of Zambia for the constructive dialogue and the steps taken to implement the Charter. The Committee encouraged the Republic of Zambia to adopt further measures to ensure the full implementation of the Charter. Additionally, the Committee informed the delegation that the Concluding Observations and Recommendations would be transmitted to the State Party in due course.

ITEM 15: IMPLEMENTATION HEARING ON COMMUNICATION 0012 LEGAL AND HUMAN RIGHTS CENTRE, CENTRE FOR REPRODUCTIVE RIGHTS VS THE UNITED REPUBLIC OF TANZANIA

135. The ACERWC delivered Decision No.002/2022, on the merits of Communication No: 0012/Com/001/2019, Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) against the United Republic of Tanzania, in 2022. The Committee found that the United Republic of Tanzania's (the Respondent State) policies regarding the expulsion of pregnant and married girls from school violated their rights under the African Charter on the Rights and Welfare of the Child. Accordingly, it issued 14 recommendations, urging the respondent state to take the necessary measures to remedy the rights violated and protect the rights of the girls affected. The implementation hearing was presided over by Hon Robert Namina, and assisted by Hon Aver Gaver. Hon Robert remarked that the proceedings of the implementation hearing are held in accordance with Section XXII of the Guidelines for Consideration of Communications and Implementation of Decisions by the ACERWC.
136. The proceedings commenced by a presentation of the Respondent State on the measures taken for the implementation of the recommendations of the ACERWC in the decision of the Communication. It was noted that the Government is in the process of prohibiting mandatory pregnancy testing in schools and health facilities which will be taken on board in the ongoing review of the relevant education laws including the Education Act, Cap 353. As the review of laws is a lengthy process, the Government has adopted various measures to prohibit the practice which include; the implementation of Circular No. 2 of 2021 and Re-entry Guidelines of 2022 which allow all dropout students for various reasons including pregnancy to re-enter schools of their choice; Provision of mandatory life skills education based on sexual reproductive health; school girls mothers healthcare services, including prenatal and postnatal care, reproductive health services, and family planning resources, through adolescent friendly health reproductive services windows; the adaption of the National Gender and Women Development Policy (2023); preparation of a Community Dialogue Guideline on Preventing Harmful Practices of Norms and Values in the society (2022); development of Teachers Training Manual on Life Skills based on Sexual Reproductive Health, HIV/ AIDS and Gender Based Violence whereby 4,420 teachers in 10 regions have been empowered to use the manual and implementation of Adolescent Girls and Young Women *Timiza Malengo* Project whose main objective is to help school-based girls to graduate and those who are outside of the education system to be socially and economically empowered to earn a living, among others. The Government further listed the outcomes of the above-mentioned and many other measures that were taken to ensure the implementation of the decision; including re-admission of 304 school girls due to pregnancy and wedlock dropout students as of 2023; the benefiting of a total of 216,000 girls through *Timiza Malengo* from 2021-2024 and the capacity building and sensitization of community development officers, religious leaders, traditional leaders, civil society organizations, and others on Guidelines for the Prevention of Harmful Practices.

137. Following the presentation Members of the Committee asked questions and requested clarification on the measures taken and results achieved so far. The applicants to the Communication were also invited to share their reflection on the measures taken. The applicants commended the Respondent State for the proactive measures taken in the implementation of the recommendations and proceeded to highlight areas for improvement and gaps in implementation. The applicants underscored the absence of a law that prohibits mandatory pregnancy testing and need to accelerate the adoption of such law. It was noted that the implementation of the circular for prohibition of expulsion does not comprehensively address the recommendations of the Committee and its implementation is mixed with some schools still expelling pregnant girls. The rural-urban disparity in implementation of most of the recommendations was also highlighted. The applicants further flagged gaps in recent laws and policies, such as the silence of the recently revised National Examination Council of Tanzania curriculum for primary and secondary school on the Sexual Reproductive Health Rights of adolescent learners. Overarching challenges were also mentioned such as low budget for the strengthening of the child protection systems in all regions and an insufficient number of skilled and competent personnel (Social Welfare Officers, Health Workers, Police, Lawyers) who provide services of Mental Health and Psychosocial support to survivors of GBV from the Ward level to the Regional Level.

138. The Respondent State provided clarifications on aspects of the implementation and noted that while budgetary and other constraints are a barrier for the expedient implementation of the recommendations, it remains committed to take all the necessary measures, in consultation with the relevant stakeholders, including the applicants, to ensure effective implementation. It was noted that the review of the Education Act will be concluded by end of 2025, after which all related subsidiary laws will be reviewed accordingly. The Respondent State further expressed its intention to submit subsequent periodic reports to the Committee on the measures that it will continue to take for the full implantation of the recommendations.

ITEM 16: COMMUNICATION NO. 0019/COM/001/2022-THE INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA AND MR. SOLOMON JOOJO COBBINAH ON BEHALF OF SCHOOLGIRLS LIVING ALONG THE RIVER OFFIN IN THE ASHANTI REGION AGAINST THE REPUBLIC OF GHANA

139. Following the request of the parties in the Communication, the Committee deliberated on the possibilities of settling the matter amicably. After deliberation with the representatives of the Parties present during the Session, the Committee agreed with the proposal and gave 30 days for the parties to submit the terms of their agreement.

ITEM 17: COMMUNICATION NO: 0021/COM/003/2022 SUBMITTED BY PEOPLE SERVING GIRLS AT RISK AND EQUALITY NOW (ON BEHALF OF ESNART KENESI) AGAINST THE REPUBLIC OF MALAWI

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140. The Committee noted that the parties to the Communication failed to reach an amicable settlement and decided to request the Government of the Republic of Malawi to submit its arguments on merits and deliberate on the merits of the Communication during its 45th Ordinary Session.

ITEM 18: COMMUNICATION NO: 0022/COM/004/2022 SUBMITTED BY INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA (IHRDA) AGAINST THE REPUBLIC OF BURUNDI

141. The Committee noted that the parties to Communication No: 0022/Com/004/2022 submitted by institute for Human Rights and Development in Africa (IHRDA) against the Republic of Burundi reached at an agreement, hence, decided to finalize the matter by adopting a report.

ITEM 19: HEARING ON COMMUNICATION NO. 0017/COM/001/2021 SUBMITTED BY CHILD RIGHTS AND REHABILITATION NETWORK, INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA AND CENTRE FOR HUMAN RIGHTS (ON BEHALF OF CHILDREN AFFECTED BY WITCHCRAFT ACCUSATIONS IN NIGERIA) AGAINST THE FEDERAL REPUBLIC OF NIGERIA

142. The Committee held a hearing on Communication No 0017/Com/001/2021 submitted by Child Rights and Rehabilitation Network, Institute for Human Rights and Development in Africa and Centre for Human Rights (On Behalf of Children Affected by Witchcraft Accusations in Nigeria) against the Federal Republic of Nigeria. The hearing was held in the presence of the representatives of the Applicants and the Respondent State after which the Committee deliberated and decided to undertake an on-sight investigation to the Federal Republic of Nigeria.

ITEM 20: 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

143. The Committee deliberated on the merits of the Communication and decided to finalize the matter during the 45th Ordinary Session.

ITEM 21: 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

144. The Committee decided to finalize the matter during the 45th Ordinary Session.

ITEM 22: PRESENTATION ON BUDGET AND PROJECTS

145. The Committee considered and deliberated on the 2025 annual budget and the various projects supported by partner organisations including GIZ and ACCP.

ITEM 23: REPORTS OF INTERSESSION ACTIVITIES

146. Members of the Committee presented reports on the activities they have undertaken during the intersession period. Further to the discussion, with a view to streamlining the reporting format and procedure, the Committee requested the Secretariat to develop guidelines on the content and structure of intersession reports which will be presented at the upcoming 45th Ordinary Session.

ITEM 24: ADOPTION OF DECISIONS

147. The Committee deliberated on various matters and adopted the following decisions:

- i. To develop a policy statement for the African Day for Food and Nutrition on 30 October 2024 jointly through its Working Group on Climate Change and Children's Rights and Special Rapporteur on Health.
- ii. To consider the possibility of applying for observer status at United Nations Framework Convention on Climate Change (UNFCCC) considering that the AUC already has an observer status
- iii. Adopted as amended the Resolution on National Mechanisms for Implementation, Reporting, and Follow-up (NMIRFs) through its Working Group on Implementation of Decisions.
- iv. To issue a letter of urgent appeal on the conflict situation in The Sudan.

148. The Committee received three applications for observer status and after a careful consideration of their applications, it decided as follows:

- i. Ogedegede Community Development Foundation in Nigeria should provide its updated activity report
- ii. The Winford Center for Children and Women in Nigeria should provide its updated list of its members and source of funding
- iii. **Hope and Homes for Children in Rwanda**

149. The Committee decided to revise the State Party Reporting Guidelines and procedures to introduce targeted/simplified reporting for periodic State Party reports whereby State Parties will report based on list of issues. The Committee decided the Secretariat to draft a comprehensive written proposal and present the same during the upcoming 45th Session for further deliberation.

150. The Committee resolved to revise its rules concerning the membership and participation of external experts in the ACERWC's Working Groups. The Committee requested the Secretariat to develop a proposal on the regular attendance of external experts and decided to deliberate on the matter further in the upcoming Session.

151. The Committee decided to adopt Guidelines on the nature, format, content, and consideration of intersession activity reports by Members of the Committee and

tasked the Secretariat to draft the guidelines and submit for consideration in the upcoming Session.

152. The Committee decided to continue its efforts to develop a compendium of good practices on four thematic areas namely Children without parental Care, Female Genital Mutilation (FGM), Children of imprisoned mothers and care givers, and children in conflict situation by mobilizing resources.
153. The Committee decided to develop a Continental Transitional Framework for children without parental care on a condition that funds are available. The Committee also decided to disseminate also adopted documents concerning CWPC including the Continental Study on CWPC, through RECs and AU Organs.
154. The Committee decided to undertake advocacy for Care Reform and Awareness raising on different issues which affect CWPC, through different platforms.
155. The Committee decided to hold a children's forum on Article 31 during 45th Ordinary Session subject to availability of resources.
156. The Committee decided to hold a panel discussion on ongoing conflicts in Africa in its upcoming Session.
157. The Committee launched the regional and gender rotation for election of its chairperson which will take place in 2025 and decided to begin by the region that has never hold the office.
158. The Committee decided to hold its 45th Ordinary Session on 02-11 April 2025 virtually in the event where it does not secure funding to hold it in person.

ITEM 25: CLOSING

159. During the closing session of the ACERWC 44th Ordinary Session, the Chairperson of the Committee, Hon. Wilson Almeida Adão, gave a remark where he expressed gratitude to the Committee members, the Secretariat, the Interpreters including all the support staff for their efforts during what had been a challenging session. The Chair reiterated the Committee's mandate, emphasizing their mission to ensure a better future for the African child, noting that despite the difficulties, the work being done continues to make a significant impact. The Chair called for a continued strengthening of the commitment to the African Union's goals, urging everyone to maintain their dedication to making a positive difference in the lives of children across Africa. The Chair highlighted the importance of measuring success, citing examples of progress, such as the ACERWC's role in the curbing of the expulsion of pregnant girls from schools and the strides made in combating Female Genital Mutilation. Furthermore, the Chair expressed gratitude for the resolution of internal issues regarding election procedures, acknowledging that clear rules were now in place without the need for changes to the rules of procedure. The Chair encouraged the members to set aside personal differences and focus on their collective mission to work for the betterment of the African child. The Chairperson declared the 44th Ordinary Session of the Committee closed.