



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



**REPORT FOR THE ONLINE REGIONAL SENSITIZATION WORKSHOP BY
THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE
OF THE CHILD (ACERWC) AND THE NETWORK OF AFRICAN NATIONAL
HUMAN RIGHTS INSTITUTIONS (NANHRI)**

26 OCTOBER 2021

1. Introduction

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in collaboration with the Network of African National Human Rights Institutions (NANHRI) conducted a regional sensitization workshop for NHRIs in Africa on enhancing NHRI's engagement with the ACERWC. The main objective of the workshop is to foster collaboration between African NHRIs and the Committee and enhance the effectiveness of the African NHRIs' contribution to the work of the Committee. The workshop was attended by representatives of African National Human Rights Institutions, ACERWC Committee members, representatives from NANHRI and the ACERWC Secretariat. This report summarizes the presentations that were made during the workshop.

2. Opening Remarks

The webinar was opened by a round of welcoming remarks by representatives of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), given by Hon Joseph Ndayidenga, Chairperson of the ACERWC. The opening remarks offered by NANHRI, were presented by Mr. David Barissa on behalf of the Executive Director, Mr. Gilbert Sebihogo.

Joseph Ndayidenga: He began his remarks by warmly welcoming all the participants to the workshop. The chairperson stressed the fact that this workshop marked the beginning of a new collaboration of NHRIs and the ACERWC, as it was the first engagement of this nature that the ACERWC was having with the NHRIs. He proceeded to express great gratitude to the colleagues from the

ACREWC Secretariat and colleagues from NANHRI who had been involved in organizing this first engagement. He then thanked colleagues from the African Commission and the Centre for Human Rights for attending the workshop and further, for their willingness to impart knowledge to everyone that was present.

The Chairperson elaborated on the fact that the Committee recognized the particular role played by NHRIs in the promotion, protection and enforcement of the rights and Welfare of the Child in Africa. He stated that the Committee noted that NHRIs, as independent organs which enhance the protection of human rights and the further help in the process of constitutionalism, are an important mechanism in promoting and ensuring the implementation of the African Charter on the Rights and Welfare of the Child. The Chairperson elaborated that NHRIs could build on the great role they play in the promotion and protection of children's rights by carrying out strategic advocacy in mobilizing the required level of political and social acceptance of the protection of children's rights.

The Chairperson stated that the Committee recognized the special role played by NHRIs in child rights protection and the fact that the Committee's relationship with NHRIs can support the execution of its mandate in monitoring the implementation of the provisions of the African Children's Charter, thus the Committee had resolved to formalizing its relationship with NHRIs in Africa by adopting Guidelines for granting affiliate/ associate status to NHRIs before the Committee. He remarked, that sadly while the adoption of the Guidelines is significant progress in institutionalizing the relationship of the Committee with NHRIs, the Guidelines are being underutilized.

He concluded by stating that he hoped this workshop would enhance NHRIs engagements with the Committee. It was also his hope that this workshop would enhance the knowledge of NHRIs on their role in child protection and the significance of collaborating with the Committee through NHRIs applying for an affiliate status before the Committee. He took the opportunity to encourage NHRIs present to consider applying for an affiliate status before the Committee. This according to the Chairperson would go a long way in ensuring effective and constant contribution to the work of the Committee- thus promoting the realization of children's rights in Africa.

Gilbert Sebihogo (offered by David Barissa): In his remarks Gilbert greatly thanked all present participants for their time, presence and any contributions that were to emanate from the Forum. Gilbert's remarks began by referencing the African Commission on Human and People's Rights Resolution 370. This resolution recognizes the need for the synergies between the mandate of the Commission and that of the NHRIs. In his remarks, Gilbert noted that essentially, the Commission could not fulfill its mandate at the national levels without creating relationships with the national bodies promoting human rights on the ground. There is therefore a need for both the Commission and NHRIs to enhance their cooperation and consolidate their relationship by exploring the possibilities to improve on this relationship. Building on the good working relationship that NANHRI enjoys with its constituent 46 NHRIs, Gilbert strongly welcomed collaboratively working with the ACERWC to promote the rights of children in

Africa. Gilbert remarked that he envisioned that this working relationship will enhance the rights of children in Africa today and in the future. He went on to pledge NANHRI's support and commitment in nurturing this partnership. He also seized the opportunity to stress on the importance of having more NHRIs at the table, and urge them to actively take steps towards involving themselves with the work of the Committee, by applying for affiliate status.

In addition Gilbert called on the NHRIs to continue engaging with the work of the ACERWC by:

- Advocating for State parties to ratify and report on progress in the implementation of the Children's Charter
- File shadow reports and follow up on the concluding observations
- Engage with the special mechanisms of the ACERWC for norm elaboration purposes
- Assist in filing individual complaints before the Committee

This would be the surest way of collectively working to report, amplify, advocate and provide remedies in ensuring we protect and promote the rights of children in Africa. He concluded by stating that he hoped that this conversation would pave the way for many more fruitful and productive sessions, in furtherance of the work of the Committee, the various NHRIs and NANHRI.

3. Presentation on the African Charter on the Rights and Welfare of the Child and the ACERWC

The objective of the presentation that was made by Opal M Sibanda was to elaborate on:

- The African Children's Charter
- Status of Ratification and Reservation
- The African Committee of Experts on the Rights and Welfare of the Child
- Opportunities for National Human Rights Institutions

Opal began by describing the context of the adoption of the African Children's Charter. She described that:

- In 1979 the OAU adopted a Declaration on the Rights and Welfare of the Child
- In 1990 the OAU adopted the African Children's Charter soon after the adoption of the CRC
- In 1999 the African Children's Charter came into force

Opal then went on to describe what the justifications were for this Charter. They were/are as follows:

- It was deemed necessary because of the political exclusion/marginalization of African States during the drafting process of the UN CRC- in the year 1989 only nine African States participated in the working group
- Legally, there was a need to adopt a regional human rights instrument dealing with issues of particular interest to African Children.

Opal then processed to elaborate on what the omissions of the CRC are, they were/ are as follows:

- The situation of children living under apartheid was not addressed
- Factors disadvantaging the female child were not sufficiently considered
- Practices prevalent in African society like FGM were not explicitly outlawed
- The African conception of the responsibilities and duties were neglected
- The role of extended family in the upgrading of the child and in matters of adoption and fostering was not covered

Opal described the added value of the Charter as follows:

- On the definition of the Child- the CRC makes exceptions (a child is referred to as a person below the age of 18 unless under the law applicable to the child, majority is attained earlier), ACRWC has no exceptions
- On child soldiers- the CRC sets the minimum age of recruitment to 15 while in the ACRWC it is 18
- On child marriage- the CRC definition of a child somehow allows child marriage while in the ACRWC it explicitly prohibits it
- On the protection of child refugees- the ACRWC extends its ambit to internally displaced children
- On the education of pregnant girls- States are obliged to ensure that pregnant girls continue with their education
- Opal then went on to elaborate on Children's responsibilities and Communication procedure as outlined in the Charter

Opal then proceeded to present a slide on: the Status of Ratification of the ACRWC and a slide on the Reservations by various states on the ACRWC

- The African Committee of Experts on the Rights and Welfare of the Child:
 - Opal described that the ACERWC was established by article 32 of the Charter
 - It was established in 2001 to monitor the implementation of the Charter
 - The mandate of the ACERWC is mainly to promote and protect children's rights enshrined in article 42 of the Charter
- State Party Reporting:
 - According to Article 43 of the Charter- State Parties are obliged to submit reports on the implementation of the Charter (initial reports must be submitted within 2 years of entry into force of the Charter in the State party concerned and periodic reports thereafter every three years)
 - The Committee issues concluding observations after submission of State Party Reports

Opal then presented a slide on: the Status of Reporting

- The Communication Procedure:

Based on Article 44 of the Charter, Opal explained that:

- 18 communications have been received so far, 2 are merged with other pending cases due to similarity of issues (therefore 16 communications)
- 1 is pending on admissibility
- 3 are pending on merit
- 2 are under amicable settlement
- 4 communications have been declared inadmissible
- Decisions on merits on 6 communications

Opal then went on to present slides on: Interpretation of the Charter, Investigation/ Country Visits,

- Research and Studies

Opal described that some of the research and studies that have been conducted by the ACERWC include:

- A continental study on the impact of armed conflict on children
- A continental study on mapping the situation of children on the move
- Stocktaking the African Union responses to child protection in conflict situations
- Harmonization of laws study
- Agenda 2040 Progress report
- Ongoing research work include: The impact of COVID 19 on children, Children without parental care, Teenage pregnancy

Opal gave an elaboration of the Special Mechanisms (Working Groups). The Special Mechanisms are:

- Implementation of decisions
- Children with disabilities
- Children's Rights and Business
- Children's Rights and Climate Change
- Children affected by armed conflict

Opal concluded that the opportunities for NHRIs to engage were two fold:

- One, to engage in various activities
- Seek affiliate/ associate status within the ACERWC

4. Presentation on the Guidelines for Granting Affiliate/ Associate Status for NHRIs before the Committee (with a focus on NHRIs reporting to the ACERWC)

The objective of this presentation given by Adiam Zemenfes was to:

- Explain on why the guidelines were adopted
- Elaborate on the main elements of the guidelines
- Reports of NHRIs to the ACERWC

Why the Guidelines?

- NHRIS hold a unique position and have a vast mandate in the areas of constitutionalism, governance and human rights
- NHRIs can lobby for ratification, reporting and implementation
- NHRIs can monitor and push for implementation of laws, decisions and recommendations
- Article 42 of the Charter elaborates that the Committee must cooperate with other institutions
- Article 84 of the ROP- Affiliate grants affiliate status to NHRIs
- The Guidelines were adopted during the 32nd Ordinary Session of the ACERWC, November 2018
- Adiam explained that the Guidelines are important because they will facilitate smoother and institutionalized collaboration- additional input for the Committee, more child rights protector for NHRIs

Elements of the Guidelines?

- Describes who African NHRIs are
- Describes how applications should be submitted (Letter, address, establishing law, budget, activity report, child rights activities, GA NHRI Status)
- Consideration by the ACERWC- registration, assignment, deliberation (Additional information), decision sent
- Criteria
 - Established by law (mandate and independence)
 - Mandate on human rights promotion and protection
 - Members by an official act
 - Budget
 - Mandate- to make recommendations
 - Mechanisms of enforcement
- What does it mean to have affiliate status?
 - Participation in the sessions of the Committee
 - Table agenda
 - Assess State Party Reports
 - Thematic briefing
 - Assist the undertakings of the Committee in respective countries
 - Follow up on the implementation of decisions
 - Collaborate with the Committee in other activities
 - The Committee can request information to be provided in various areas
- Elements of the Guidelines
 - NHRIs with affiliate status submit reports on their activities undertaken on children's rights

- Committees can still work with NHRIs without Status
- No funding
- Reporting in Focus:
 - NHRIs can also submit alternative/independent reports on State Party reports- follow the structure of State Party reports
 - The report might be considered in the presence of the NHRI
 - Confidential unless the NHRI expresses interest to make it public
 - The report will be used in developing Concluding Observations
 - The Committee may assign responsibility to the NHRIs in its recommendations to monitor implementation
 - Support in follow-up visits and also the implementation of Cos
- Next Steps:
 - Only one NHRI application has been received so far since the adoption of the guidelines in 2018
 - There is need for more application and more collaboration

5. Presentation on the Role of NANHRI and the Opportunities to Engage NHRIs

David Barissa began by providing a historical background of NANHRI. The information shared was as follows:

- Presently known as the Network of African National Human Rights Institutions (NANHRI)
- Formerly the Coordinating Committee of African National Institutions for the Promotion and Protection of Human Rights (CCANI)
- Currently consists of 46 NHRIs. These include NHRIs from Anglophone, Francophone and Lusophone African Countries.

David then proceeded to elaborate on the mandate of NANHRI according to article 2 of the Constitution. The General Objectives for the establishment of NANHRI are:

- Encourage the establishment of National Human Rights Institutions in conformity with the Paris Principles
- Facilitate the coordination, strengthening and effectiveness of National Human Rights Institutions in Africa
- Encourage cooperation among National Human Rights Institutions and with intergovernmental institutions

David then elaborated on the Role of the Secretariat. The Role of the Secretariat is to:

- Coordinate NANHRI operations and activities:
 - Prepare and organize meetings, General Assembly

- Raise funds, invites and receives donations and grants
- Enters agreements with governments or authorities towards the advancement of its objectives
- Prepares and implements Network's Programmes
- Implements decisions of the decision-making organs, in particular the Steering Committee

The next slide that was presented was on NANHRI'S Approach to its interventions. NANHRI's approach is based on:

- Capacity strengthening support
- Strengthening the link between NHRIs and international and regional mechanisms
- Consultations and consensus building

On Capacity- Strengthening Support, NANHRIs interventions include:

- Conducting baseline studies and gaps analysis:
 - Business and Human Rights
 - Complaints Handling Systems Mapping
 - Children Rights
- Development of standards and tools:
 - Guidelines for monitoring implementation of CRPD
 - Guidelines for monitoring implementation of decisions/judgments of regional HR bodies
- Training of Staff and Commissioners of African NHRIs:
 - Workshops and trainings (Foundation Course: Courses/ trainings on thematic areas)
- Staff placements and Exchange of programs:
 - Benchmarking visits
- Consultations and Consensus Building
Common positions and approaches to dealing with issues affecting human rights in Africa
 - Declarations, communiqués and media statements
 - Global Compact
- Contribution to the setting of norm and standards on human rights at both regional and global decision making:
 - Business and Human Rights Africa Policy
 - Transitional Justice Policy for Africa
 - Implementation plan for the 10 year AU Human and People's Rights Decade
- Assisting and lobbying governments to establish national institutions in compliance with the Paris Principles:
 - Policy Forum

David then proceeded to speak on: Strengthening the link between NHRIs and International and Regional Mechanisms

- Global mechanisms
 - UPR
 - HRC
- Regional mechanisms
 - Reporting to ACHPR
 - Implementation of decisions and judgments of regional bodies at national level
- International justice complementarity
- Engagement with sub-regional, regional and international bodies

David then proceeded to elaborate on the challenges faced by NANHRI. They include:

- Members' Contribution and Participation
- Diversity of African NHRIs (Managing expectations and programmes)
 - Capacities
 - Language (Francophone, Anglophone as well as Lusophone)
 - Nature of NHRIs and Mandates
 - Model: Commission, Hybrid Institution, Ombudsman institution
 - Legal Framework: Constitution, Legislation, Decree
 - Inadequate resources
 - Demand for support to members
 - Diverse human rights needs and challenges- torture prevention, BHR, PwDs, gender, migration, children, ECOSOC, C&P, health etc
 - Large membership

Status of the Relationship between African NHRIs and the ACERWC

- The relationship between the ACERWC and NHRIs is important because it has the potential to ensure more effective protection of human rights specifically children's rights on the continent.
- Therefore with the existence of a good relationship, NHRIs are assured of gaining benefits from a constant interface and exchange of information with the ACERWC.
- Currently, there is little cooperation between the ACERWC and NHRIs, however this situation is not premised on a lack of will.
- A significant breakthrough in this relationship between the Commission (including the ACERWC) came when the Commission adopted the resolution on granting Affiliate Status to National Human Rights Institutions in Africa.
- However, the meaning and importance of this affiliate relationship between NHRIs and the Commission (including the ACERWC) has not yet been fully understood or has not yet been fully explored.

Ways in which NHRIs are currently participating in the work of the Commission

- Participating in the Commission's Ordinary Sessions- the Commission has ensured that its sessions are effective and collaborator (including) non-state actors. This can be replicated to the ACERWC.
- Submission of Individual Communications-NHRIs are required to receive, investigate, resolve complaints, inform of remedies, make recommendations to competent authorities for redress. They are well placed to utilize the communications procedures of the Commission where victims of human rights violations have not found relief at the domestic level.

Ways in which NHRIs are currently participating in the work of the Commission
NHRIs and NGOs in the Regional Campaign forum can engage with the ACERWC by:

- Obtaining the requisite status to participate in the activities of the Committee: ACERWC rules require NHRIs to obtain affiliate status and NGOs to obtain observer status to fully participate in the work of the Committee. Regional campaign partners who do not have the status need to apply for it so that they can advocate on DPO related children's rights issues.
- Advocating for States Parties to ratify and report on progress in implementation of the Children's Charter: Regional campaign partners need to advocate for states to report on progress of the Children's Charter will expand the room for advocacy for the rights of children penalized under vagrancy laws such as street children by providing an avenue to monitor progress. Advocating for ratification will also expand the protection of DPO related children's rights.
- Filing shadow reports and following up on the concluding observations: NGOs and NHRIs can file shadow and activity reports during the state reporting process and actively monitor implementation of DPO related recommendations.
- Engaging with the special mechanisms of the ACERWC for norm elaboration purposes: The ACERWC has a mandate to prepare General Comments on key elements of the Children's Charter as a contribution to the development of jurisprudence in the area of child rights. NHRIs and NGOs can work with the Committee to develop soft law related to the protection of children caught up in vagrancy situations
- Assisting to file individual complaints before the Committee: NHRIs and NGOs in the regional campaign can utilize the quasi-judicial function of the Committee by assisting children who are victimized by vagrancy laws to file complaints before the Committee and seek redress measures.

Recommendations on further engagements between NHRIs and the ACERWC

- There is a need for NHRIs to reach out to the ACERWC rather than presume that the ACERWC will come to them. Conversely, it is also important that the ACERWC seeks the input of NHRIs in its various interventions.

- All three stakeholders, ACERWC, NANHRI and the NHRIs should explore opportunities to carry out advocacy around the role of the ACERWC and NHRIs in promoting and protecting children's rights in Africa.
- NANHRI and others should consider nominating individuals who sit on NHRIs applying to be members of the ACERWC.
- We should collectively have conversations on how to increase engagements with the ACERWC. One way to pilot interaction could be through the state reporting and standard setting processes.

6. Presentation on the role of NHRIs in monitoring implementation of the African Children's Charter

The presentation was made by Dr Elvis Fokala from the Centre for Human Rights, University of Pretoria. By way of introduction, he highlighted that the African Children's Charter should be the main benchmark and inspiration for all government action regarding children. He highlighted that upon ratification of the African Children's Charter, State Parties commit to undertaking all legislative, administrative and other measures for the full realization of the rights contained in the Charter. Among the measures to be taken by State Parties is the establishment of National Human Rights Institutions. He emphasized that considering that most Human Rights Institutions are not designed for children yet children's rights issues require specific focus and attention, each institution should have a children's rights division to specifically deal with children's rights issues and work closely with the Committee in improving the situation of children.

In identifying the various ways in which NHRIs can play in monitoring the implementation of the African Children's Charter, he highlighted that NHRIs, particularly those whose States have not ratified the African Children's Charter, can play a role in advocating for the ratification of the African Children's Charter by their States. On the other hand, NHRIs in states parties that have made reservations on certain provisions of the African Children's Charter can play a role in engaging with their governments and urge them to withdraw the reservations to ensure that children fully enjoy their rights. He further highlighted that NHRIs can also play an important role in monitoring the implementation of the Charter through contributing to state party reports. In that regard, the role of NHRIs should be regarded as central function. He highlighted that there is a deficiency in the continent on the quality of state party reports and in some instances, States are not willing to designate a third party to present reports. In that regard, NHRIs, particularly the children's rights division in the institutions, can play an important role in contributing to the preparation of reports as it will have the relevant expertise to provide support. Furthermore, he highlighted that NHRIs can play a role in enhancing the level of compliance with the decisions of the Committee. He made reference to some of the communications that have been received by the Committee for instance the *Talibes Case* and the *Nubian Case*, raising concerns on the fact that the level of compliance with the decisions by the State Parties is very low, despite the fact that the Committee has been putting much effort in

ensuring compliance with its decisions. In that regard, he stressed that NHRIs can play a role in urging State Parties to comply with the decisions of the Committee to ensure that children's rights violations are remedied. In conclusion, he urged NHRIs to make commitments to work with the Committee and promote the work of the Committee, to ensure the implementation of the African Children's Charter and the enjoyment of rights enshrined in the African Children's Charter by all children.

7. Sharing of best practices

This session gave an opportunity for some NHRIs to share best practices on the promotion and protection of children's rights in their countries. These were the Cameroon Human Rights Commission, the National Human Rights Commission of the Gambia and the Malawi Human Rights Commission. The rationale for selecting these institutions was that the Cameroon Human Rights Commission had made an application for affiliate status before the Committee whilst the National Human Rights Commission of the Gambia had expressed an interest to apply for an affiliate status before the Committee. The Malawi Human Rights Commission on the other hand has been doing extensive work on children's rights. The African Commission on Human and Peoples' Rights (the Commission) also shared experiences on how it has been working with NHRIs that have been granted affiliate status before the Commission.

Cameroon Human Rights Commission

The presentation was made by Professor James Mouangue Kobil. He started by giving an overview of the Commission, with a particular focus on its establishment and the structure. Remarkably, he highlighted that since its establishment, the Commission has seized every opportunity to strengthen its collaboration with the African human rights monitoring systems including the ACERWC. He highlighted that the Commission has a broad mandate for the promotion and protection of human rights, which obliges it to take an interest, without discrimination, in a large number of human rights issues, including children's rights. To strengthen the organizational structure, a focal point on the rights of the child has been appointed among the staff of the institution, as there is a focal point who represents the Commission within the interministerial committee in charge of monitoring the recommendations and decisions of human rights mechanisms, including the ACERWC. Regarding budgeting, he highlighted that activities aimed at promoting the rights of the child feature in all the planning, programming, budgeting and monitoring tools of the Commission.

Furthermore, he highlighted the role of the Commission in the promotion and protection of children's rights. He mentioned a number of initiatives that have been undertaken by the Commission as an indication of its commitment to protecting the rights of vulnerable groups including children which are as follows;

- Participation in the Round Table organized by Save the Children for NHRIs on Responsibility for Children affected by armed conflict;
- Submission of an application for affiliate status before the Committee;
- Commemorations of international days marked for children and publication of declarations on those days as an advocacy tool e.g. DAC and the International Day for the Protection of Education from Attacks;
- Advisory role to the government through written and oral contributions for the development and implementation of public policies for the protection of children's rights (e.g. contributions on the elimination of the worst forms of child labour and on the promotion of birth registration) ;
- Educational activities on the integration of human rights into the curricula of primary education;
- Organising and participating in awareness raising initiatives on the rights of the child including training workshops for law enforcement officers and social workers to support victims of violence, fact finding mission on the rights of indigenous children, radio programs on the rights of the child, information campaign on access to justice by children in conflict with the law, the stop the war on our children Campaign, and stakeholders meeting on the situation of working children;
- Collaboration with CSOs working on children's issues (one of the collaborations made it possible to carry out a pilot study on access to inclusive primary education for children with disabilities; and
- Handling complaints on cases of child rights violations.

He further highlighted that the Commission has been engaged with the work of the Committee through regularly attending the Committee's Ordinary Sessions as well as ensuring the Government's compliance with the decision of the Committee in the case of *Institute for Human Rights and Development in Africa (IHRDA) and Finders Group Initiative on behalf of TFA (a minor) against the Republic of Cameroon*. He highlighted that the Commission carried out due diligence with the Ministry of Justice and with the Interministerial Committee for monitoring the recommendations of human rights monitoring mechanisms, so that measures could be taken to monitor that case. In conclusion, he highlighted that the Commission was looking forward to being granted affiliate status before the Committee and encouraged other NHRIs follow suit.

National Human Rights Commission of the Gambia

The presentation was made by the Senior Legal Officer, Sainey Bah. He started by giving an overview of the National Human Rights Commission of the Gambia, with a particular focus on its establishment, its mandate, powers and functions, and its structure. Regarding the activities relating to children since the establishment of the Human Rights Commission, he highlighted that there is a Thematic Committee on Children's Rights and a designated Desk Officer in the Legal and Investigation Department responsible for children and women's matters.

He indicated that the Human Rights Commission has conducted various activities related to children which are as follows:

- Commemoration of the Day of the African Child (DAC);
- Issuing of Press Statements on DAC and situation of children in the Gambia e.g. sexual abuse and exploitation and trafficking;
- Engaging with the Ministry of Children, Gender and Social Welfare to encourage the Ministry to ensure the effective implementation of laws on children's protection, ratification of child rights instruments and submission of reports to treaty bodies including the ACERWC;
- Submission of a Stakeholders Report to the Human Rights Council on the Gambia's 2019 Human Rights Report with a section on the situation of children and recommendations for the State;
- Capacity strengthening workshop for law enforcement agencies, state institutions and CSOs on the African Human Rights Systems including the ACRWC and the Committee;
- Workshop in 7 regions of the country for 35 community and religious leaders and Local Government Authorities on children's rights, FGM and Child Marriages;
- Establishment of a Civil Society Dialogue Platform comprising mainly of child focused CSOs, to promote the rights of children and women;
- Setting up a UPR Implementation Monitoring Task Force, including members from the child protection sector; and
- Monitoring places of detention, including the Juvenile Wing in 2019 and 2020 and suggesting recommendations to the State.

He further highlighted some of the ongoing activities of the Human Rights Commission which include reviewing the basic and secondary education curriculum to integrate human rights, working with the CSO Dialogue Platform to establish Human Rights Clubs in Schools, monitoring private childcare facilities to gauge compliance with Minimum Standards of Care and popularization of the ACRWC and the work of the Committee amongst children and CSOs. In conclusion, he highlighted that there are a number of child protection concerns in the Gambia which include the misconception of child rights, less popularization of the ACRWC, challenges in reporting cases of abuse and exploitation, non-implementation of laws that protect children from FGM and Child Marriages. He reiterated the Human Rights Commission's commitment to addressing these challenges to ensure that children in the Gambia fully enjoy their rights.

Malawi Human Rights Commission

The presentation was made by the Principal Child Rights Officer, Jeremiah Mpasu. He began by giving an overview of the Malawi Human Rights Commission, highlighting its establishment, mandate and the structure. Of particular importance to note was that the Human Rights Commission has a Child Rights Directorate whose overall objective is to promote the realization and protection of children's rights. The Directorate acts as a forceful ombudsperson, advocate and advisor on

children's matters. He indicated that the establishment of a Special Child Rights Directorate brings a holistic focus on child rights issues with specialized officers in particular fields e.g. education. He highlighted the various areas of focus on key child rights issues. To begin with, he highlighted that the Commission handles complaints through on-spot and systematic investigations of child rights violations, litigation through the use of pro-bono services, alternative dispute resolutions, public inquiries and child rights mobile clinics. Furthermore, he indicated that the Human Rights Commission conducts child rights monitoring and this includes monitoring the quality of care in Child Care Institutions, monitoring the implementation of various child related legislation, monitoring the respect of children's rights in other settings like schools and prisons and monitoring the involvement of children in the business sector. Such monitoring serves as a gate keeping mechanism. He further indicated that the Commission carries out advocacy initiatives, particularly the review of bills, laws, policies and judicial decisions on different areas for instance the Constitutional amendment under harmonization of the age of the child, review of Penal Code Sections that are not in tandem with Human Rights Principles, review of corporal punishment legislation to ensure its explicit prohibition in all settings and the review of the re-admission policy that allows pregnant girls return to school after delivery. In addition, he indicated that the Commission conducts child rights education through trainings and raising awareness on emerging child rights issues. The Commission is further involved in state party reporting through the production of alternative reports, dissemination of Concluding Observations, production of implementation framework for the Concluding Observations and monitoring progress on the implementation of the Concluding Observations and Recommendations. Lastly, he mentioned that the Commission has established and maintained partnerships various government ministries and departments, CSOs, development partners, CBOs and Child Rights Club wherein the Commission provides technical and where possible financial support to the operation of its partners. In light of the best practices shared, he indicated that

He however highlighted that despite the best practices shared, the Commission is facing some challenges such as inadequate resource allocation; absence of specialized units which impedes the operations of the Commission e.g. legal services; research and documentation; competing priorities on child protection which diversifies and weakens efforts of key child protection interventions; weak coordination, referral system and consolidation of child protection programming by government; and the COVID-19 pandemic which has changed the child protection landscape for instance disconnected touch between the Commission and other stakeholders in the child rights sector and the digital divide.

In conclusion, he highlighted that the work of the Commission in the protection and promotion of children's rights in Malawi is increasingly being recognized and that various institution are working with the Commission on advisory or capacity building which in turn adds relevance to the Commission.

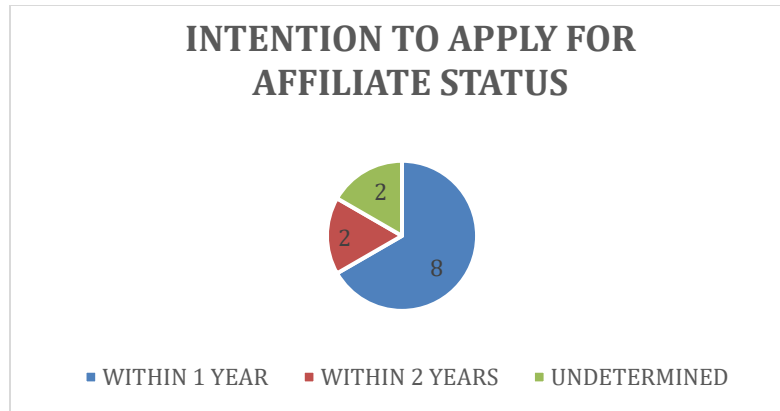
African Commission on Human and Peoples' Rights

The presentation was made by Eva Heza, Legal Officer at the Secretariat of the Commission. She began by giving an overview of granting affiliate status to NHRIs before the Commission, highlighting that the provisions of Article 45(1) of the African Charter on Human and Peoples' Rights (the African Charter) provides that the function of the Commission shall be, inter alia, 'to cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.' She further made reference to Rule 67 of the Rules of Procedure of the Commission, adopted in May 2010, which provides that 'National Human Rights Institutions established by States Parties and functioning according to internationally and regionally recognized norms and standards may be granted affiliate status with the Commission.' In that regard, the decision to grant affiliate status to NHRIs and Specialized Human Rights Institutions was made through Resolution 370 which was adopted in the meeting of the Commission at its 60th Ordinary Session in May 2017.

She indicated that to date, 29 NHRIs and 1 Specialized Human Rights Institution have been granted affiliate status before the Commission. She highlighted that NHRIs have played a significant role in enhancing the protective and promotional activities of the Commission. Their contributions include raising awareness of the Commission's activities, attending and participating during the Commission's Sessions, as well as submitting reports to the Commission. She mentioned that despite the progress made, there are various challenges being faced by the Commission regarding NHRIs that have been granted affiliate status before the Commission. These include the inconsistent submission of reports to the Commission by NHRIs and irregular attendance of the Commission's Sessions. In conclusion, she urged NHRIs to fulfil all their responsibilities stipulated in Resolution 370 and play a role in popularizing the African Charter, the Commission and other documents of the Commission. She also urged NHRIs that have not applied for affiliate status before the Commission to consider doing so.

8. Pledging Session

A pledging poll was conducted wherein the participants were required to pledge their intention/interest to apply for affiliate status before the Committee. The pie chart below shows the results of the pledging session.



9. Conclusion

The workshop was a success and resulted in the enhanced capacity of NHRIs on the African Children's Charter and the Committee, as well as the various ways in which NHRIs can play a role in monitoring the implementation of the African Children's Charter and enhance the promotion and protection of children's rights. Furthermore, the participants gained knowledge on the procedure to be followed in applying for affiliate status before the Committee. It is hoped that NHRIs will apply for an affiliate status before the Committee as this will go a long way in strengthening collaboration between NHRIs and the Committee, and further enhance the effectiveness of the African NHRIs' contribution to the work of the Committee.