

**WORKSHOP ON IMPLEMENTATION OF ACERWC DECISIONS AND
RECOMMENDATIONS
FEBRUARY 23-24, 2023
RADISSON INN PARK, NAIROBI, KENYA**



FINAL REPORT

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1. Introduction

The African committee of Experts on the Rights and Welfare of the Child (Committee) organized a Workshop on the Implementation of Decisions and Recommendations with NHRIs and CSOs on 23-24 February, in Nairobi Kenya. The Workshop was organized through the financial support of the European Union through the AGA Support Project Grant.

The Workshop was attended by 22 NHRIs, including NHRIs that have affiliate Status before the Committee and NHRIs from countries to which the Committee has issued decisions. Moreover, the Workshop had representation from Network of African National Human Rights Institutions (NANHRI), the CSO Forum as well as the 5 regional CSO networks on children's rights. The Workshop was graced with the participation of the Vice Chairperson of the Committee, Hon. Anne Musiwa, and the Rapporteur of the Committee and Chairperson of the Working Group on Implementation of Decisions, Hon. Aboubekrine El Jera. The Workshop was organized in close collaboration with NANHRI, which is the umbrella regional network for NHRIs in Africa.

2. Opening Remarks

Remarks by CSO Forum

Ms. Felistus Motimedi, Head of the CSO forum, started her remarks by introducing the CSO forum which was established in 2009 and indicated that it has representation from the 5 regions through the child rights regional networks. She highlighted that the CSO forum has broadened its work and in addition to the Committee, it has started engaging with the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the UN Committee on the Rights of the Child, and their various special mechanisms. She further alluded to the fact that the CSO Forum decided to broaden its engagement with the other human rights organs recognizing that children are being affected by cross cutting human rights issues that have gained the attention of these organs such as pervasive social, cultural, and religious practices, modern technologies, climate change, global health pandemics, and persistent conflicts and civil unrest on the continent. Moreover, Ms. Felistus Motimedi highlighted that the CSO Forum facilitates capacity building initiatives for children and CSOs, engages in drafting policy position papers on children's issues, and convenes bi-annual meetings of children and CSOs, undertakes outreach and engagement of stakeholders and connects CSOs and children with the Committee including on compiling complementary reports, and mobilizing resources, among others. She concluded her remarks by congratulating the Committee for organizing the Workshop with NHRIs and CSOs on the Implementation of Decisions and expressed the willingness of the CSO forum to work with NHRIs and strengthen its efforts on advocacy for the implementation of decisions and recommendations of the Committee.

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

Mr. Gilbert Sebihogo, Executive Secretary of NANHRI, started his remarks by thanking the Committee for organizing the workshop and for collaborating with NANHRI in the organization of the workshop. In his remarks, he underlined that NHRIs play a critical role as bridges between CSOs and member states; as links between the national and regional/international human rights, and as the designated focal points for monitoring the implementation of treaties. Commending the adoption of the Guidelines for Affiliate Status and noting that 17 NHRIs have attained affiliate status before the Committee, Mr. Sebihogo expressed the determination of NANHRI to encourage its members to apply for affiliate status. Moreover, Mr. Gilbert Sebihogo highlighted the role of NHRIs in the implementation of treaties as well as treaty body decisions and indicated that in 2016 NANHRI published Guidelines on the Role of NHRIs in Monitoring Implementation of Recommendations of the African Commission on Human and Peoples' Rights and Judgments of the African Court on Human and Peoples' Rights. He also mentioned that NANHRI conducted a baseline study on the litigation capacities, gaps, and opportunities for NHRIs in August 2018 and disseminated the findings to NHRIs and instituted a litigation and implementation program improve the capacity of NHRIs to litigate and follow up on the implementation of the decisions of regional mechanisms including the Committee. Mr. Sebihogo concluded his remarks by encouraging the Committee to hold more multi-stakeholder meetings with NHRIs to harness impactful strategic collaboration going forward.

Remarks by the ACERWC

Hon Anne Mushiwa, Vice Chairperson of the ACERWC, welcomed and thanked all the participants for availing themselves for the workshop. She indicated that the Committee notes that NHRIs and CSOs have a crucial role to play to ensure that their respective Governments comply with the decisions and recommendations of the Committee and support their governments to engage with the Committee in its various procedures. Hon Anne Mushiwa highlighted that the Committee developed Guidelines on Affiliate Status of NHRIs and criteria for Observer status of CSOs with a view to formalize its relationship with NHRIs and CSOs. She further highlighted that the Committee has increased its engagement with NHRIs which yielded some results as 19 NHRIs so far have applied for an affiliate status with 17 being already granted the status. The Vice Chairperson also alluded to the fact that the Committee developed a report on the Mapping of the Functions and Structures of NHRIs in Africa on Child Protection with a view to assess how children's rights issues are integrated in the mandates and works of NHRIs. Moreover, in her remarks, Hon Anne Mushiwa underlined that so far Observer Status has been granted to 35 CSOs and that CSOs play a crucial role in submitting complementary reports and briefings, Communications, and actively engage with the Committee in its investigative and follow up missions to Member States.

Hon Anne Mushiwa stressed that the main purpose of the collaboration of the Committee with NHRIs and CSOs is to ensure enhanced protection and promotion of children's rights and full implementation of the African Charter on the Rights and Welfare of the Child. Furthermore, she emphasized NHRIs and CSOs have a crucial role to play to ensure that their respective Governments comply with the decisions and recommendations of the Committee. She also mentioned that with a view to further assess the level of the

implementation of its decisions and recommendations, as well as to identify the role of stakeholders such as NHRIs and CSOs in the implementation of decisions and recommendations, the Committee is currently undertaking a Study on Implementation of Decisions which illustrates the various progress and challenges that exist in the implementation of the decisions and recommendation of the Committee.

Finally, she acknowledged the financial support of the European Union for the successful organization of this workshop and declared the workshop officially open.

3. Workshop objectives

Mr. Anteneh Bizuayehu, from the Secretariat of the ACERWC, introduced the main objectives of the workshop with a view to set the context for the workshop. He highlighted that the main objective of the Workshop is to foster collaboration between the Committee, African NHRIs, and CSOs with a view to enhance the effectiveness of NHRIs' and CSOs contribution to the work of the Committee. Referring to the program of the Workshop, Mr. Anteneh Bizuayehu underlined some of the detailed objectives of the workshop which include:

- Increasing awareness about the various mechanisms, functions, and activities of the Committee with a view to inform the various platforms through which NHRIs and CSOs can participate.
- Identifying the role of NANHRI in increasing the visibility of the Committee among NHRIs, and identify mechanisms in which NHRIs with affiliate status can hold NHRIs Forums before the Session of the Committee
- Popularizing the findings and recommendations of the Mapping of the Functions and Structures of NHRIs on Child Protection
- Sharing best practices of NHRI and CSOs on the implementation of decisions and recommendations of the Committee at local level
- Identifying key areas of recommendations for the way forward to ensure effective and continuous engagement of NHRIs and CSOs with the Committee on the implementation of Decisions and recommendations; and
- Identify modalities in which NHRIs and CSOs can engage better both at national and regional level toward the implementation of the Charter.

4. About the ACRWC and the ACERWC

Mr. Ayalew Getachew, from the Secretariat of the ACERWC, made a presentation about the African Charter on the Rights and Welfare of the Child and the mandate of the African Committee of Experts on the Rights and Welfare of the Child. In his presentation, Mr. Ayalew Getachew introduced why the Charter was adopted while the UN Convention on the Rights of the Child (CRC) was just adopted. He highlighted that there are legal and political justifications to the adoption of the ACRWC which include the omission of some issues from the CRC such as the situation of children in apartheid, factors disadvantaging the female child including Child marriage and other practices prevalent in African society

like FGM, the African concept of responsibility and duties of children, the role of extended family in the upbringing of the child and prevention of Child soldiers, Protection of internally displaced children. Moreover, Mr. Ayalew Getachew indicated that the Communication procedure is another added value of the Charter as it is not initially in the UN CRC. The presentation indicated that so far 50 Countries have ratified the Charter with Morocco, Sahrawi Arab Republic, Somalia, South Sudan, and Tunisia yet to ratify the Charter. Mr., Ayalew Getachew also introduced the composition and the mandate of the Committee where he highlighted that the Committee consists of 11 Members elected by the Executive Council and endorsed by the Assembly of Heads of State and Governments for a term of 5 years renewable once. The presentation informed that the Committee draws its mandate from Articles 32-46 of the Charter and has various mechanisms established to undertake its mandate such as Special Rapporteurs, Country Rapporteurs and Working groups. It was highlighted that the Committee's mandate includes:

- Consideration of State Party reports.
- Consideration of Communications/Complaints from individuals, groups, and non-governmental organizations on violation of children rights
- Undertaking investigations on the situation of children on the ground
- Formulation of rules aimed at protecting the rights and welfare of children in Africa
- Interpretation of the provisions of the Charter through General Comments
- Undertaking promotional visits to lobby for the ratification and implementation of the Charter; and
- Championing the continental commemoration of the Day of the African Child.

It was also mentioned that the Committee grants affiliate status to NHRIs and Observer Status to CSOs whereby it has granted 17 NHRIs with affiliate status and 35 CSOs with observer status so far.

Highlighting some of the challenges with regards to the execution of the mandate of the Committee, Mr. Ayalew Getachew highlighted that there is irregular reporting by State Parties as there are still 8 countries that have not submitted any report to the Committee namely, Libya, Mauritius, Cape Verde, Equatorial Guinea, CAR, Gambia, Seychelles and Sao Tome and Principe. He further indicated that the Complaints procedure of the Committee is underutilized, that the Committee faces non-responsiveness of Member States particularly in responding to communications, requests for investigations and letters of urgent appeals. It was also indicated that there is a lack of implementation of the decisions of the Committee and limited involvement of CSOs and NHRIs with the Committee. Finally, he concluded by requesting NHRIs and CSOs to engage their respective governments to submit their state party reports timely, to utilize the complaints procedure, and to monitor the implementation of the decisions and recommendations of the Committee in their respective countries, among others.

Following the presentation, participants added to the recommendations and indicated that NHRIs can also submit amicus curiae briefs in utilizing the complaints procedures, make use of the General Comments of the Committee in their advocacy and reporting works,

and engage the thematic areas of the Committee through the special mechanisms such as the special rapporteurs and working groups of the Committee.

5. The engagement of NHRIs with the Committee and the Guidelines on Affiliate Status

Mr. Anteneh Bizuayehu, from the Secretariat of the ACERWC, presented the background of the Guidelines on Affiliate status and the mechanisms put in place in the Guidelines for the engagement of NHRIs with the Committee. He highlighted that the Guidelines were adopted in line with the mandate of the Committee to cooperate with other institutions working on child rights pursuant to article 42 of the Charter and the Committee's mandate to cooperate with NHRIs as stipulated under Rule 83 of the Committee's Revised Rules of Procedure. Moreover, the presentation highlighted that the Committee adopted the Guidelines considering the role NHRIs play in the protection and promotion of children's rights as well as supporting their governments to report to the Committee and implement the decisions and recommendations of the Committee. The presentation informed that the Guidelines were adopted during the 32nd Ordinary Session of the Committee in November 2018 and contain guidelines on the process of application for affiliate status as well as guidelines on how NHRIs with affiliate status can engage with the Committee.

The key areas of engagement of NHRIs with affiliate status as per the Guidelines which were highlighted during the presentation include:

- Participation in the open session of the Committee as the Committee will send invitation for NHRIs with affiliate status to participate in its sessions.
- Participating in some closed sessions of the Committee upon the approval of the Committee.
- Request to set an agenda before the Committee during its sessions.
- Submit alternative reports and briefings on State Party reports.
- Follow-up the implementation of concluding observations and recommendations as well as the decisions of the Committee.
- Cooperate with the Committee during its various country visits.
- Provide country specific and thematic based reports to the Committee.
- Engage with the special mechanisms of the Committee.

Moreover, it was presented that NHRIs with affiliate status submit a report to the Committee every three years about their activities on children's rights and that the Committee might assign a specific task to NHRIs with affiliate status in its decisions and recommendations.

Following the presentation, participants raised various issues of discussion including the possibility of NHRIs with no affiliate status to engage with the Committee and what role NHRIs with affiliate status can play during the session of the Committee. In response, it was highlighted that the Committee can engage with NHRIs that do not have affiliate status and that the Guidelines also clearly outline that they do not hinder the Committee

from working with NHRIs with no affiliate status. It was further explained that the affiliate status better institutionalizes the engagement of the Committee with NHRIs and that NHRIs with affiliate status are granted slots during the Session of the Committee to address the Committee and submit their brief statements. Moreover, there was a suggestion for the Committee to develop guidelines on the alternative report of NHRIs to the Committee to ensure that the reports are useful for the mandate of the Committee.

6. The study findings of the Mapping of the Functions and Structures of NHRIs on Child Protection

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

During the presentation, it was highlighted that 50 Countries have NHRIs out of which 35 are accredited by the Global Alliance of National Human Rights Institutions (NHRIs) as of 2022. The presentation informed that a questionnaire was sent out to all NHRIs to complement the desk review and that only 22 NHRIs responded to the questionnaire. Concerning the structures of NHRIs, the presentation informed that there are various structures for child protection within NHRIs in Africa including appointing Commissioners for children accompanied by Directorates or Units in the Secretariats, appointing Commissioners only, establishment of Directorates or Units with a mandate to deal with children's issues, incorporating sub-commissions for children within NHRIs, formulating working groups on children's rights, establishment of children's desks, and appointment of focal persons with legally established mandates. The presentation further highlighted that some countries have separate structures for children outside of the main NHRIs where they establish an independent ombudsman focused only on children's rights. During the Presentation, it was highlighted that some NHRIs do not have any form of structure on children's rights issues and even in most NHRIs where structures exist, children's issues are often merged with other subject matters such as gender, migration, and vulnerable groups, among others. In relation to the functions of NHRIs on children's rights, the presentation highlighted that the Mapping identified some common functions such as investigation of child rights issues, producing reports on children's rights, receiving complaints on child rights violations, advocating for child law reforms, and providing legal aid for children. The presentation further alluded to the finding of the Mapping that most NHRIs work with the line Ministry dealing with children's rights issues, however, there is no formal or clearly defined relationship. The presentation also spelled out a good practice where there are formal structures for the representation of NHRIs within the coordination mechanisms for children's rights. The presentation also indicated that some NHRIs have engagement with the Committee in the various mechanisms such

as the State Party reporting procedure, follow-up of decisions and recommendations, as well as advocacy for ratification of the Charter.

Finally, the presentation highlighted some of the recommendations put forward on the Report of the Mapping which includes the establishment of NHRIs in countries where they do not exist; establishment of permanent and formally established structures for children's issues within NHRIs which are well resourced and provided with the necessary human resource; establishment of clear link between NHRIs and line Ministries dealing with children's issues; and enhanced function of NHRIs on children's rights including advocating for the ratification of and reporting on the Charter as well as implementation of decisions and recommendations of the Committee. In addition, the presentation referred to recommendations in relation to enhanced engagement of NHRIs and the Committee whereby NHRIs are recommended to apply for affiliate status, engage in the mandates of the Committee such as submitting reports on children's rights in their respective countries and monitoring the implementation of the Committee's decisions and providing an update in that regard.

Following the presentation, issues in relation to the Committee's proposed modality for child rights structures within NHRIs was raised. It was highlighted that the Committee does not prescribe a specific modality of child structures, rather recommends that NHRIs incorporate child rights structures and functions within their mandates and provide adequate human and financial resources to their child rights structures and functions.

7. Experience sharing of NHRIs with affiliate status: Child rights functions and structures and engagement with the ACERWC.

The Cameroon Human Rights Commission (CHRC) and The Ethiopian Human Rights Commission (EHRC) are the first two NHRIs granted Affiliate status by the ACERWC. The aim of the session was to share the experiences of both NHRIs on their child rights functions and structures, and engagement with the ACERWC.

The Cameroon Human Rights Commission (CHRC)

Professor James Mouangue Kobila, chairperson of La Commission des Droits de l'homme du Cameroun (CDHC)/ The Cameroon Human Rights Commission (CHRC) recalled that Cameroon ratified the African Charter on the Rights and Welfare of the Child on September 5, 1997, a legal instrument which underlines the responsibility of States, but also of parents and families regarding children. The Cameroon Human Rights Commission (CHRC) was created by Law No. 2019/014 of July 19, 2019. Its effective establishment took place on April 29, 2021, with the swearing in of its members before the Supreme Court.

Under the terms of paragraph 1 of article 3 of the law, the CHRC "has as its mission the promotion and protection of human rights, as well as the prevention of torture in all places of deprivation of liberty". The eighth indent of article 5 of the same text stipulates that this institution "collaborates, where appropriate, with United Nations bodies, regional and national human rights institutions, civil society organizations, national and international on human rights issues. Accordingly, CHRC made an application for Affiliate Status to the

ACERWC, which was approved during the 38th Session of the Committee held in November 2021, becoming the first African NHRI to be granted the affiliate status to the ACERWC.

CHRC organizational structure is composed of a President, a Vice-President, a Permanent Secretary, a General Assembly of Commissioners, and three permanent Working Sub-Commissions. The operational units responsible for preparing the implementation of the missions of the CDHC, including the promotion and protection of the Rights of the Child, as well as the prevention of torture on children in places of deprivation of liberty is set up within the Permanent Secretariat.

More specifically, an executive from the Permanent Secretariat has been appointed Children's Rights Focal Point since the effective establishment of the CDHC to monitor this theme and respond to requests from national and international entities dedicated to Children's Rights and by bringing together the interventions of the various entities of the Commission and its partners on the subject.

Another executive from the Permanent Secretariat has been appointed to the Inter-ministerial Committee for monitoring the implementation of the recommendations of human rights monitoring mechanisms housed in the Prime Minister's Office. This Committee is responsible for following up on recommendations made to the State following communications implicating it before the Committee.

In addition, all the strategic and operational structures in charge of the promotion and protection of human rights and the prevention of torture, under the authority of the president of the Commission, deal with the rights of the child in their respective powers.

Regarding its functioning, the CHRC has set up three permanent working sub-committees which pay particular attention to the rights of the child.

- The Advocacy Sub-Committee and related operational unit prepare statements marking commemorative Human Rights Days, including those relating specifically to the Rights of the Child namely the Day of the African Child (DAC).
- The Sub-Committee in charge of Protection and the related operational unit, as well as the Regional Antennas, deal with all requests received by the Commission relating to allegations of violation of children's rights.
- The Sub-Committee in charge of the Prevention of Torture, which assumes the mandate of National Mechanism for the Prevention of Torture assigned to the CDHC by the law of 2019, in conjunction with the Regional Antennas, pays special attention to the situation of minors imprisoned during regular and systematic visits to places of deprivation of liberty.

In general, the commitment to children rights has led the CHRC to advocate with the Head of State in favor of the rights of children to identity, education, and citizenship. Indeed, in March 2022, the CDHC seized the President of the Republic of the nagging problem of the lack of birth certificates which constitutes a violation of the Rights to identity, education, and citizenship of children (Aspiration 3 of Agenda 2040), an issue that concerns more than 4 million children in the country. Following this referral, campaigns

for the mass establishment of birth certificates were conducted by the competent authorities.

The Ethiopian Human Rights Commission (EHRC)

Commissioner Meskerem Geset, head of the women's and children's rights of the Ethiopian Human Rights Commission (EHRC) presented the experience of her commission to the workshop. It is to be recalled that Ethiopia ratified the African Charter on the Rights and Welfare of the Child on October 2, 2002. EHRC was established as an independent national human rights institution as per the Constitution of Federal Democratic Republic of Ethiopia and the establishing proclamation in 2010 (amendment 2010). The Commission has undergone a major reform in 2019 as part of the political reform in the country. This resulted in the appointment of new leadership, amendment of its legislation and revision of its structures that ensured its independence and effectiveness at many levels including financial autonomy. The Commission is based in Addis Ababa and has 8 regional offices.

With regards to structure, EHRC's work is led by parliament appointed five commissioners (Chief, Deputy Chief, and thematic commissioners) per the rules in the establishing proclamation. The Proclamation clearly designates a Children's Rights Commissioner (Women and Children's Rights Commissioner) in charge of the Commission's work on children's rights. The Commissioner's work is supported by a fledged department i.e., the Women and Children's Rights Department. The Children's Rights Unit is housed within the Women's and Children's Department staffed by a child rights manager and child rights officers based both at the head office and regional offices.

Commissioner Meskerem briefed the workshop participants on the major achievements of the Commission related to child rights specifically on Monitoring and Investigation, reporting and child participation. EHRC has been engaged in various monitoring and investigation activities to advance the protection and promotion of children's rights. Accordingly, EHRC has monitored and reported the treatment of children in conflict with the law; children in crisis caused by war, drought, food insecurity and risk of famine and food price inflation. Moreover, the commission has undertaken investigations of the child rights situation in Internally Displaced People (IDP) sites and children affected by trafficking. EHRC released its first annual children's rights situation report in October 2022, which is specifically dedicated to highlighting topical issues concerning the situation of children's rights in Ethiopia. The report brings to attention children's rights violations caused by man-made and natural crises as well as legal and institutional barriers that impeded the protection children should receive from the state, family, and society. With regards to advancing Child participation, EHRC has supported the establishment of a children's parliaments at the national and local level. Moreover, EHRC has been working to enhance child participation. It recently launched a flagship initiative under the theme Children@theTable. It has developed a child participation protocol and conducted a series of consultations with diverse groups of children in various parts of the country involving child parliaments, school clubs/ human right clubs, art clubs. EHRC is also developing a capacity building framework to support child advocates in the skills and

competences of child rights work to strengthen their participation as human/child rights defenders and enable them to work as our partners.

Commissioner Meskerem concluded her presentation by briefing EHRC engagement with Human Rights mechanisms. She emphasized that EHRC has affiliate status before African human rights bodies; the ACHPR and ACERWC. The commissioner mentioned that following the granting of the Affiliate Status with the ACERWC in April 2022, the EHRC has been invited and attended for the first time the 40th Ordinary Session of ACERWC held in Maseru, Lesotho in November 2022. During this session EHRC delivered a brief report about children in Ethiopia. Moreover, it has actively engaged in thematic discussion on the various studies and panel discussion. The session also allowed for bilateral meetings with Committee members and Special Rapporteurs of the Committee as well as key partners. Other areas of engagement with the ACERWC involved the study on children with disabilities and the study on NHRIs engagement. EHRC has also engaged in spearheading NHRIs Forum on ACERWC together with NANHRI and Cameroon Human Rights Commission. A first side meeting was held in Maseru and online conversations have since continued.

Following the presentations, a lot of questions were raised by participants. The presenters responded to the various comments and questions. Here below is the summary of the discussions.

- Sensitization workshops are important as Cameroon NHRI became aware of the need to apply for affiliate sessions upon attending a sensitization workshop.
- Steering of cooperation by NHRI leadership is highly impactful as seen in the Cameroon NHRI where the President has a thematic role to play on the rights and welfare of the child.
- Celebrations of international days through press releases that are disseminated to all line ministries, the media, CSOs and other national level stakeholders is a good avenue for increasing the visibility of the ACERWC as well as the affiliate status relationship between the ACERWC and the NHRIs.
- It is important to ensure that information on the status of children rights is devolved by NHRIs to their regional and local offices.
- It is important to accord African regional human rights mechanisms the same or even higher level of importance as UN mechanisms since African regional human rights since African regional instruments were enacted to redress gaps in international instruments as well as to respond to the contextual realities in the African continent.
- Dissemination of the ACERWC's decisions and recommendations does not necessarily require a budget as dissemination can be done freely on social media channels.
- It is important for NHRI's to prioritize intersectionality when structuring their children's rights functions to ensure vulnerable groups of children such as children with disabilities are not left behind.
- There needs to be a structure of engagement between NHRIs and the ACERWC CSO forum for the promotion and protection of children rights which can be done through tools such as MOUs.

- There needs to be days of cooperation and consultation between NHRIs and the Members of the Committee.
- NHRIs have a critical role to monitor the impact of conflict on children and ensure the reports reach the Committee for tangible impact.
- Reports on children's rights situations should be published and tabled before Parliament for relevant action as has been the case with the Ethiopia Human Rights Commission. Further, the EHRC publishes an annual report on the situation of children rights.
- NHRIs must prioritize the Welfare component of the ACERWC by promoting and protecting the socio-economic rights of children.
- It is important to prioritize the principle of children participation by ensuring children are at the table and that NHRIs are very deliberate to be institutions fit for children as is the case with the EHRC. Direct cooperation with children through structures such as children parliaments is highly encouraged.
- Participating in the ordinary Sessions of the Committee is important. The Ethiopia and Cameroon NHRI were able to take the floor to address the Committee on the situation of children rights in their countries; network with Members of the Committee, CSOs and NHRIs; bring pressing issues to the attention of their country rapporteurs and the special mechanisms and become appraised of emerging issues on children rights such as climate change and digital rights.
- Funding: NHRIs should prioritize funding for engagement with the ACERWC including attending sessions through internal budget allocation as well as approaching development partners such as UNICEF, Plan International, Save the Children International, World Vision etc.
- It is important for NHRIs and ACERWC to keep NANHRI in the loop during their various engagements to ensure effective coordination and communication.
- The 17 NHRIs who hold affiliate status should prepare to submit their Activity Reports every 3 years. NANHRI and ACERWC will consult on developing a template.
- Complementary reports can only be submitted upon submission of the state report. NHRIs should lobby states to submit their periodic reports then develop an alternative/independent report.
- Structured engagement with the media: It is important to lay out rules for NHRI-CSO engagement with the media.
- NANHRI Working Group on the Rights of the Child: NHRIs were informed that the Working Group was formed in 2021 and will be crucial in steering the affiliate status relationship as it is headed by Hon Moushira Khattab who is the Chairperson of the Egypt NHRI as well as a Member of the Committee.

8. The role of NANHRI in increasing the visibility of the Committee among NHRIs.

Ms. Deborah Nyokabi, Program Officer-Regional & International Mechanisms at Network of African National Human Rights Institutions (NANHRI) made a presentation on the role of NANHRI in increasing the visibility of the Committee among NHRIs. Ms. Deborah stressed that NHRIs have a unique role as bridges between civil society and government,

and between the national and international arena in accordance with the Paris Principles. The role of NHRIs is also codified in the UN Committee on the Rights of the Child, General Comment No. 2: The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child. Furthermore, affiliate status as defined by Article 4 of ACHPR/Res.31(XXIV)98 (n 4) was read with the Preamble as a “special observer status...given the important and constructive role played by national human rights institutions”. Hence, the Cooperation between ACERWC and NHRIs is critical for the promotion and protection of the rights of the child since the Paris Principles endow NHRIs with a broad human rights mandate extending to Advisories; Legislative recommendations; Investigations (including quasi-judicial powers); Promotion of ratification of instruments and reporting on status of implementation, Human rights education etc.

NANHRI as per its mandates is engaged in encouraging cooperation among National Human Rights Institutions and with intergovernmental institutions. Accordingly, NANHRI works on establishment, strengthening, advocacy missions as well as advising on affiliate status with ACERWC to ensure compliance with established criteria. Likewise, NANHRI advises; and follows up on a checklist for application for affiliate status as per the relevant ACERWC guidelines.

NANHRI is also committed to support and coordinate liaison between NHRIs and the ACERWC upon the granting of affiliate status to attend and participate in public sessions; attend closed sessions on invitation; Table or propose agenda items and participate in deliberations without voting rights (Critically ACERWC to involve NANHRI & NHRIs in preparatory logistics for sessions); access state party reports and other documents (including confidential ones at request); submit alternative/independent reports to be considered by ACERWC when examining state report; submit thematic briefings on child rights issues needing attention of the ACERWC.

Ms. Deborah emphasized that NANHRI can play a great role in sensitizing NHRIs to comply with the following affiliate status responsibilities: Assist in the dissemination of concluding observations and recommendations of ACERWC; Assist the committee in in-country investigative, follow-up or fact-finding missions; Follow-up and monitor implementation of ACERWC decisions; Collaborate with ACERWC on studies and research; Provide information at the request of the ACERWC; Submit activity report to the ACERWC every three years.

Ms. Deborah concluded her presentation by outlining the avenues for enhancing domestication and implementation of the ACERWC decisions and recommendations. The avenues include advocating for States Parties to ratify and report on progress in implementation of the Children’s Charter as well as uphold their reporting obligations under the charter (ACERWC to alert NANHRI & NHRIs when state parties reports are due/submitted); engaging with the special mechanisms of the ACEWRC for norm elaboration/standard setting purposes such as development of general comments (Convene country rapporteurs with the relevant NHRIs); Utilizing the individual communications procedures: assisting individuals to institute cases of violations, appearance as amicus curiae, appearance as interested party, and advocating for victims

to access legal aid: (ACERWC to invite NHRIs to be amici); Follow-up on the implementation of the Communication decisions on the Committee concerning their country. Review previous concluding observations, identify areas of non-implementation, and developing implementation strategy (ACERWC to alert NHRIs when communicating to Member states); Ensure all decisions and reports of NHRIs and ACERWC are uploaded for peer learning (ACERWC & NHRIs to copy NANHRI in correspondence and share documents with NANHRI); and last but not least convening NHRIs forum similar to the ACERWC CSO forum (and/or joint forum with CSOs given that NHRIs are the bridge between CSOs and the State).

9. ACERWC's sources of decisions and modalities of monitoring the implementation of its decisions

The first session of the second day of the workshop was chaired by Hon. Aboubekrine El Jera- Chair of the Working Group on Implementation of decisions.

Ms. Adiam Zemenfes, from the Secretariat of the ACERWC, made a presentation about the sources of decisions and modalities of monitoring the implementation of the committee's decisions. In her presentation, Ms. Adiam Zemenfes introduced the Revised Guidelines for Consideration of Communications and Monitoring Implementation of Decisions of the African Committee of Experts on the Rights and Welfare of the Child and highlighted that these guidelines contain all the procedures for consideration of communications as well as its implementation and monitoring of the implementation. She emphasized on persons who can lodge a communication including children and NHRIs, and the admissibility requirements set forth in these Guidelines that a communication needs first to satisfy to be declared admissible and it is only after a communication has been declared admissible that the Committee proceeds to consider the merits and if it considers there has been a violation/s by the State party it issue decisions on merits including recommendations about the measures that states need to take to rectify the violations and stressed that only on the communications that were decided on their merits, require follow-up measures.

Furthermore, the presenter highlighted that within the communication procedures there is other decisions that needs monitoring of implementation including provisional measures and amicable settlements. Accordingly, the committee can make decisions on provisional measures if it considers that the Communication submitted to it or pending before it reveals a situation of urgency which needs an urgent and immediate actions while the cases being concluded at merits state to request the concerned State Party to adopt Provisional Measures to prevent grave or irreparable harm to the victim or victims of the violations. Moreover, in the course of the communications procedure, parties are allowed to amicably settle their dispute at any time before the Committee passes its decision on the merits, where an amicable settlement is reached, it needs a decision as well containing the terms of the amicable settlement agreement.

The presentation further highlighted that other sources of recommendation issued by the committee needs monitoring of implementation such as recommendations emanating

from the committee mandate to undertake country visits including investigations and fact-finding missions in African countries, followed by recommendations to the State Party on the measures it should take in relation to the issue under investigation. Also, the committee issues letter of urgent appeal urging the government to take steps and measures on urgent matters; Resolution raising calls for member states to take actions in response to issues on specific thematic based areas and statements. She further mentioned that the Committee after considering State Party reports, it issues concluding observations and recommends measures that States Parties may take to improve implementation of the Children's Charter. Among the decision that should benefit from monitoring of the implementation, the decisions made by the AU Organs including the AU Executive Council which based on the activity report of the Committee issues decisions for measures to be undertaken by States Parties to give effect to the Committee's decisions and recommendations for the full realization of children's rights.

The presentation further highlighted that the African Children's Committee has various modalities of follow-up mechanisms to ensure an effective implementation of its decisions. Under its communications procedures either it's a provisional measure of a decision on the merits or an amicable settlement and according to its Revised Communications Guidelines, state parties to communications within 180 days from the date of receipt of the Committee's decision are required to report to the African Children's Committee on the measures taken towards the implementation of its decisions on communications. The committee can also undertake implementation hearings by inviting a State Party to a Communication to present oral report before the Committee on all measures taken to implement the decision of the Committee. The Committee might appoint one or more member of the committee to act as a rapporteur for a communication for the purpose of monitoring the implementation of the Committee's decision by the State Party concerned. Moreover, the committee can undertake follow-up country visits to assess the implementation of its decisions. The Committee also given the mandate to report lack of implementation to the AU political organs including the PRC and the AU executive council which consider reports on non-implementation and non-compliance by states concerned with decisions on communications. In addition, the committee utilize State Party reporting procedures to follow up the implementation of its decisions. Finally, the ACERWC during its 35th Ordinary Session established the Working Group on the Implementation of Decisions as a special mechanism with a view to continue reviewing progress made in the implementation of its decisions and recommendations and undertake activities that ensure the implementation of all its decisions and recommendations by the respective State Parties. She further emphasized on the important role NHRIs that is granted an Affiliate status before the committee play in monitoring the implementation of decisions.

Ms. Adiam Zemenfes concluded by recommending the NHRIs to play their role on monitoring the implementation of decisions of the committee and particularly to work to increase knowledge and raise awareness about the decisions and recommendations of the Committee both internally and externally and to use the decisions and recommendations for advocacy and action, also to engage with the Committee in various ways such as providing updates to the Committee through reports, during follow-up visits,

and sessions, engaging with the affected children/groups to assess the situation of children and include the implementation of decisions of the Committee by the Government in their activity reports, studies and other publications.

Following the presentation, reflections were held, during which participants raised various issues of discussion including the way forward to strengthen their actions and engagement with the Committee and their respective governments towards better implementation of decisions. It was also highlighted the importance of communicating decisions to NHRIs from Countries where decisions on a communication have been issued particularly NHRIs that is granted an Affiliate status before the committee.

10. Draft Study on the Implementation of Decisions of the ACERWC

The presentation was made by Ms. Aouatef Mahjoub from the Secretariat of the ACERWC. She started by giving a brief background of the study, highlighting that the ACERWC has various mechanisms within its mandate to monitor the implementation and ensure the protection of the rights enshrined in this Charter. However, cognizant of the “implementation crisis” is facing due to the lack of compliance with its decisions and recommendations and that all the decisions emanating from the exercise of its mandates should benefit from both implementation and monitoring of the implementation. The ACERWC during its 35th Ordinary Session established the Working Group on the Implementation of Decisions as a special mechanism with a view to continue reviewing progress made in the implementation of its decisions and recommendations and undertake activities that ensure the implementation of all its decisions and recommendations by the respective State Parties. It is within this context that the Committee through its working group on the Implementation of Decisions decided to develop a study on the status of implementation of decisions and recommendations of the ACERWC.

Following the background, she set the objectives and the methodology of the study. By giving the overall and specific objectives, she informed that the main objective of the study is to assess the level of implementation of decisions and recommendations of the ACERWC. she further indicated that the information included in the study was gathered through a review of the various decisions of the ACERWC and data collection conducted by the consultant. In order to inform the study with practical information, questionnaires were sent to all member states, NHRIs, CSOs. The Study benefitted from the responses of only 9 State Parties, 7 NHRIs, 3 CSOs. She continued by providing the major findings, recommendations, and conclusions of the study including providing an overview of the current status of implementation of communications decisions; an assessment of the challenges State Parties face on the implementation of decisions of the ACERWC. The Study also highlights the role of ACERWC in encouraging State Parties to further strengthen the effectiveness and efficiency of the National Human Right Commission and recommendations explicitly underscore the role that NHRIs could play by contributing to the implementation as well as follow-up to decisions.

In conclusion, it was indicated that the Committee further decided to table the Study for adoption during its upcoming session, following that it will be disseminated and shared with all NHRIs. Furthermore, the call has been made to solicit the collaboration of NHRIs in providing information on the measures taken by their respective countries to implement the recommendations of the Committee to complete the study and consolidate the mandate of the working group.

Following the presentation, discussions were carried out which suggested for the need to disseminate the Study upon its adoption as well as the decisions of the committee among the NHRI's to ensure their engagement in the monitoring process. Moreover, it was requested that the secretariat re-share the questionnaires to allow the NHRIs to contribute to the study.

11. Reflection from NHRIs from Countries where decisions on a communication have been issued.

The Panel addressed Reflection from NHRIs from Countries where decisions on a communication have been issued: NHRIs from Kenya, Cameroon, Mauritania, Sudan, Senegal, Uganda, Malawi, and Tanzania

The first presentation was done by Mr. Ali Mohamud Adan representative of the Kenyan National Commission on Human Rights (KNCHR). He started by giving the background by stating the recommendations issued by the Committee to the Government of Kenya in Communication: No. Com/002/2009 in the matter between the Institute for Human Rights and Development in Africa (IHRDA) And Open Society Justice Initiative on Behalf of Children of Nubian Descent in Kenya V. The Government of Kenya.

The presenter further gave an overview of the measures that the Government of Kenya undertook to ensure the right to Nationality and Registration of Children of Nubian Descent highlighting that the Constitution in Articles 14, 15 and 16 provide for the right to nationality in Kenya by birth or registration and dual citizenship. Also, Article 53 of the Constitution guarantees every child the right to a name and nationality from birth. In this regard, birth registration is not tied to citizenship and therefore children of Nubian descent born in Kenya are accorded birth registration. The Kenya Citizenship and Immigration Act No. 12 of 2011 on the other hand, provides for matters relating to citizenship. It makes provision for citizenship and residency. It also provides for citizenship by birth, dual citizenship, and citizenship by presumption for foundlings who are or appear to be less than eight years old, citizenship by marriage, stateless persons, migrants and descendants of stateless persons and migrants. He further elaborated that Children of Nubian descent born in Kenya are accorded citizenship as per the provision of this Act in so far as they meet the required measures set out. The State Party has implemented the Integrated Population Registration System which will be a database of all the details of an individual including information on birth and death, marriage, and citizenship status.

With regards to the recommendation of the Committee pertaining to redress discriminatory laws and practices by undertaking legislative and administrative measures

and ensure the right to name and nationality of children of Nubian Descents. He informed that article 27 of the 2010 Constitution prohibits discrimination on any grounds including birth. The 2010 Constitution provides for the issuance of birth certificates to all categories of children born in Kenya. Children born to Kenyan mothers are now citizens of Kenya irrespective of the father's nationality. Additionally, the Kenya Citizenship and Immigration Act 2011 confers citizenship on children (of less than eight years) whose parents and nationality are unknown. He continued by pointing some positive developments regarding the recognition of Nubians in Kenya such the inclusion of the Nubians in the vetting committee responsible for issuance of identity cards. The government also issued title deeds to the Nubi of Kibra. The Nubian Rights Forum (NRF) in collaboration with UNHCR and the Department of Civil Registration have previously mounted birth registration campaigns in various parts including Kibra, to ensure registration of all children. It was further mentioned that the just concluded Kenya Population and Housing Census 2019 identified Nubians an ethnic code which provided room for children and adults of Nubian descent to be identified and literally count. He further noted that the Land, Public Works, Housing and Urban Development Cabinet Secretary appointed the 39-member task force composed of representative from the community and mainly mandated to assess and propose practical strategies for the redevelopment and construction of affordable housing for the community. The presenter further indicated that Section 7 of the Children Act (No. 29 of 2022) provides that every child shall have a right to a name and nationality and, as far as possible, the right to know and be cared for by their parents and that every child has the right to be registered in the Register of Births immediately after birth in accordance with the Births and Deaths Registration Act.

Mr. Ali Mohamud Adan concluded by stressing on the role the KNCHR is playing through advisories and reports to regional and international bodies and through advocacy and indigenous rights programmes for the recognition of the Nubians including through the censuses and in registration of the children and reiterated the engagement of KNCHR in following up the implementation of the Decisions of the African Committee of Experts on the Rights and Welfare of the Child by providing brief reports to the committee on the progress of various issues.

The second presentation was done by Professor James MOUANGUE KOBILA, chairperson of the Cameroon Human Rights Commission. The presenter commenced by giving a summary of cases involving Cameroon before the ACERWC, highlighting that since 2015, Cameroon has had a total of three (3) cases involving the State before the committee. Two of the cases have been declared inadmissible for non-exhaustion of local remedies, while the other received recommendations from the committee after its admissibility.

The presenter provided an update on the level of implementation of the recommendations of the Committee on its decision on Communication: No. Com/006/2015 in the matter between 'Institute for Human Right and Development in Africa and Finders Group Initiative on behalf of TFA (a minor) and the Government of Republic of Cameroon'. With regards to the first recommendation of the Committee pertaining the prosecution of the perpetrator, he informed that the state of Cameroon had commenced the prosecution of

the alleged perpetrator of the violation. The case is still pending before the Court of High Instance in Bamenda. The defendant was sentenced to 12 years imprisonment (Judgment n° 29/CRIM/22 of the 30 August 2022) and has appealed against this decision. Regarding the Committee's recommendation to adopt legislation on sexual violence, the presenter informed that the 2016 Penal Code includes offenses related to female genital mutilation (FGM), damage to the growth of an organ related to the phenomenon of breast ironing and rape (Articles 277(1), 277(2) and 296 respectively). He further underlined that regarding the decision of the Committee on the payment of a sum of 50 million CFA to the victim as a compensation for the non-pecuniary damage she suffered, the Ministry of Social Affairs in collaboration with some Civil Society Organizations have overseen supporting TFA's education and providing her psychosocial support until her majority. Pertaining to the Committee's recommendation on training of police and judges, the presenter highlighted that Human rights education is provided in training schools for magistrates, police officers, gendarmes, prison administration personnel, as well as defense and security forces. Some specific training workshops included :Capacity building workshop for magistrates and Forces of the law and order on the rights of children organized by the Ministry of Justice on the 22 and 23 of September 2022 in Yaoundé ; training workshop from 16 to 22 July 2018 in Ebolowa, for gynaecologists, psychiatrists, midwives and other health personnel involved in the medical care of rape victims; training workshop for juvenile justice actors in the Adamawa Region, organized by the Ministry of Justice in Ngaoundere from 5 to 7 February 2020 ; capacity building session for actors of the judicial chain on juvenile justice organized from 12 to 14 December 2022, in Garoua by the Ministry of Justice, in collaboration with UNICEF. In relation to the recommendation to establish specialized police units and courts handling cases of violence against children, the presenter provided that a new structures for the care and support of victims of gender-based violence have been set up:10 reception centers for women and girls in distress with call centers within the Centre for the Promotion of Women and the Family (CPFF), 10 gender desks in police centers within the CPFFs, 10 gender desks in police stations, 4 women's cohesion spaces in refugee camps and displaced families. Regarding the recommendation of the Committee to establish effective special monitoring units to provide necessary support for children who are victims of torture, inhuman or degrading treatment, he highlighted that the National Human Rights Institution of Cameroon, has been endowed with a mandate as a National Mechanism for the Prevention of Torture (NMPT) by Law N° 2019/014 of 19 July 2019, relating to the establishment, organization and functioning of the Cameroon Human Rights Commission, which empowers it to carry out regular, impromptu or notified visits to all places of deprivation of liberty, including detention centers for minors focusing on detention conditions. The NMPT also has a specific mandate in children's facility centers. He further stated that there is an establishment of a toll-free number 1523 by the Cameroon Human Rights Commission for the reporting of all allegations of human rights violations. Pertaining to the recommendation of the Committee on awareness raising aimed at eradicating beliefs, practices and tolerance of violence against children, he informed that the government has undertaken measures to continue awareness creation on eradication of sexual violence including the organization of awareness-raising campaigns on the harmful effects of violence and abuse within families and through the Mobile Rural and Urban Animation Teams (EMAPUR) of the Ministry of Youth and Civic Education in September 2022 in

Bafoussam 1 in the West Region; Advocacy against violence on children especially the girl child by the 180 children parliamentarians who took part in the 22nd session of the children's Parliament at the National Assembly organized on June 26th 2021, and the development of a MINPROFF-UNICEF action plan for the eradication of child marriage, of which the implementation has already begun since December 2018 among others projects and companies.

He further highlighted that the CHRC is the first National Human Rights Institution to be granted an affiliate status to the ACERWC during the 38th Session of the Committee, held in November 2021. He likewise highlighted that having Affiliate status not only provides a formal avenue of directly engaging to the activities of the Committee, but also contributing to the implementation of recommendations of the committee which requires dissemination of information between the different parties involved in the case including the NHRI , especially since it can play the role of *amicus curiae* before the Committee during the examination of the merits of the case, as well as a mediator for the victims and the authorities in charge of the implementation of the Committee's recommendations. He, therefore, indicated that reactivating the inter-ministerial committee for the follow-up and implementation of the recommendations of international and regional mechanisms for the promotion and protection of human rights after establishing the composition of its Technical Secretariat by decision No. 28/ SG/ PM of December 30, 2021 by the Secretary General of the Prime Minister's Office will certainly reinforce the CHRC role in monitoring the implementation of the Committee's decision and guarantee its optimal functioning.

Professor James MOUANGUE KOBILA concluded his presentation by indicating that the CHRC remains committed towards the Committee for monitoring the situation of the Rights of the Child, by handling alleged child human rights violation cases that have been declared inadmissible by the ACERWC through self-initiated investigations; advocating for the improvement of the legal and institutional framework concerning the Rights of the Child and more specifically, for the adoption of a Child Protection Code in Cameroon by suggesting and evaluating public policies for the promotion and protection of child rights; protecting children victims of human rights violations by handling alleged child rights violation cases through the institution's toll-free number 1523, complaints, and self-initiated investigations and giving legal and judicial assistance to children before any competent authority or jurisdiction as *amicus curiae* (friend of the court); monitoring the human rights situation of minors in detention facilities through its mandate of prevention of torture; carrying out sensitization, information and communication campaigns to educate the public, and other officials on Children's rights, and contribute to the teaching of human rights in all training cycles and socio-professional environments through the creation of human rights clubs and production of pedagogy guides on human rights; assisting the Government by popularizing national and international legal instruments on Children's rights; collaborating with national, regional and international bodies as well as Civil Society Organizations on Children's rights issues.

The following presentation was done by Mrs.Oumou Cheikhna Diagana, Member of the National Human Rights Commission of Mauritania. The presenter commenced by thanking the ACERWC for the initiatives and its continued engagement with NHRIs.

Considering the recommendations of the Committee on its decision on Communication No. Com/007/2015 which was submitted based on the violations suffered two children who were in a contemporary form of slavery. She presented about the contribution of the NHRCM in the eradication of slavery in Mauritania. It was stated that to eradicate this phenomenon in its various forms, the Commission has developed an approach based on sensitization and on the establishment of a reliable alert and investigation mechanism. Furthermore, in accordance with its mandate to promote Human Rights, the Commission has travelled throughout the country to disseminate Law 031-2015 of 10-09-2015 criminalizing slavery and punishing slavery-like practices and to sensitize the administrative, judicial and security authorities on the need to apply the national legal arsenal developed in the fight against the phenomenon of slavery and also organized outreach activities to popularize the Commission's complaint mechanism, including the toll-free number dedicated exclusively to reported slavery cases (80001516). Moreover, she indicated that The NHRI has set up a reliable alert and investigation mechanism in partnership with the Office of the United Nations High Commissioner in Nouakchott as technical advisor, which is composed of credible, autonomous NGOs (FONADH, AMDH) and is open to all organizations to join.

The following presentation was done by Mrs. Ms. Nahia Elsir Salih, the representative of the National Commission for Human Rights of Sudan. The presentation provided an overview on the mandate and main functions of the NHRI including protecting and promoting human rights, introducing, and disseminating them, and monitoring the implementation of the rights and freedoms included in the Bill of Rights contained in the Constitution.

The presenter provided an update on the level of implementation of the recommendations of the Committee on its decision on Communication No. Com/005/2015 in which the Committee recommended the Government to revise its Nationality Act to remove all discriminatory provisions which did not allow mothers to transfer their nationality to their children and to ensure that it prevents statelessness, among others. It was noted that the case was followed up with the Ministry of Justice and Ms. Iman obtained the Sudanese nationality. Also, the Nationality Law as amended in 2018 guarantees every child born to a Sudanese mother or father the right to obtain citizenship.

Furthermore, the presenter provided insights on the progress made with respect to the implementation of the amicable settlement agreement reached between the parties under the auspices of the African Children's Committee in Communication: No. Com/011/2018. It was informed that the issue of the children of South Kurdofan and the Blue Nile was followed up by the Ministry of Justice and the National Council for Child Welfare. Furthermore, the National Council for Child Welfare and the Ministry of Justice committed and working in collaboration with UNICEF to rehabilitating children in schools. The Government is also working towards ratifying some treaties and reviewing national legislation, especially the criminal law, in matters relating to crimes against humanity and war crimes. Moreover, a committee was set up to carry out this process.

In conclusion, it was further mentioned the crucial role the Sudanese NHRI can play to enhance the committee's communication mechanism through coordinating with all relevant authorities to promote the concept of integration and strengthening the engagement with government institutions who are responsible for implementing legislation and laws related to children's rights and administrative procedures as well as coordinating and consulting with all relevant actors including national institutions and civil society.

The following presentation was done by Dr. Ndèye Amy NDIAYE representative of Senegalese Committee for Human Rights. In his presentation, Mr. A NDIAYE recalled the background and shared the Committee's recommendation to the Government of Senegal on its decision in Communication: No. Com/003/2012 concerning the violation of rights talibé children face in Senegal namely to withdraw the children from the streets and provide them with rehabilitation and reintegration programs, establish standards for coranic schools and undertake regular inspection, and ensure accountability of perpetrators of abuse of the talibé children, among others.

He further highlighted the role undertaken by the Senegalese's NHRI with regards to the issues raised in the Communication. He noted that the NHRI is already involved in several initiatives related to the protection and promotion of children. It has a program officer for children and vulnerable persons, and all the problems inherent to these aspects are dealt with in an inter-sectional manner in the human rights protection department. He further stated that in collaboration with the Directorate of Family and the National Cell against Trafficking (CNLTP), the NHRI has supported and encouraged all government programs related to the withdrawal of children from the street such the Project to Support the Eradication of Begging and Child Abuse in Senegal in which the SCHR participates. The NHRI has also worked alongside other actors in the support for the finalization of the Children's Code and its dissemination among the various actors (judiciary, defense, and security forces, CSOs, parliamentarians) and also provided support for the withdrawal of children from the streets.

The presenter further listed all the measures taken by the government towards the implementation of the recommendations of the Committee. He informed that the Ministry of Justice has, through circular n°4131 MJ/DACG of August 11, 2010, instructed prosecutors to systematically prosecute the perpetrators of these acts (child trafficking) and to request firm sentences against them. In 2016, the Ministry of Health and Social Action validated a contingency plan for the emergency child protection sector and the training of actors. On the issue of the children of the street, it was started, on June 30, 2016, a withdrawal plan structured around three components (Withdrawal and reintegration, Communication and Coordination). This initiative results from the presidential directive during the Council of Ministers of June 22, 2016. This plan is operationalized by a steering committee composed of all stakeholders. It has resulted in the removal of 1,585 children from the streets and for their social reintegration, 24 families and 15 koranic schools "Daaras" have received food kits, hygiene products and financial aid. Also 60 families were enrolled in the Family Security Scholarship Program (PNBSF)

and 15 volunteer Daaras were financed through micro-projects for their reintegration. He further highlighted that the Directorate of Air and Border Police (DPAF) has increased control of migration flows to prevent children from being transported by traffickers. Thus, border checkpoints have increased from 45 in 2014 to 77 in 2018. Children must now be accompanied by their legal representative to cross the border, or they will be deported to the country of origin and handed over to the police of that state.

Furthermore, it was indicated that all forms of trafficking in persons are severely criminalized by law and accordingly several prosecutions and convictions were noted in the annual report of the National Unit for Combating Trafficking in Persons (CNLTP) and in the study on the evaluation of the law.

Dr. Ndèye Amy NDIAYE ended his presentation by highlighting the role the Senegalese Committee for Human Rights can play to ensure and monitor the implementation of the Committee's decision, to harmonize visions between civil society and the State, but also between religious leaders and State authorities. He, therefore, indicated that the SCHR can also accompany the Committee in the implementation of its decisions by producing an action plan in this respect.

The following presentation was done by Ms. Juliet Logose representative of Uganda Human Rights Commission (UHRC). She began her presentation by stating at the outset that the UHRC was fully aware of the Communication and the decision filed against Uganda. She further provided an update on the progress achieved in implementing the decision of the ACERWC on Communication No. 1/2005.

With regards to the Committee's recommendation for the government to ensure accountability of those who recruited children, the presenter noted that both legal and institutional mechanisms were put in place to ensure accountability of those who recruited children. She stressed that the Government of Uganda signed a Peace Agreement with the Lord's Resistance Army (LRA), and it was unanimously agreed that the Government should set up both formal and non-formal justice mechanisms to address accountability and reparations on atrocities committed in Northern Uganda. She further stated that the Government also enhanced its legislative framework to cover some of the crimes committed during the LRA. Moreover, she alluded that the Penal Code Act CAP 120 and the Uganda Peoples' Defense Forces Act 2005 provide for criminalization of the recruitment of children in armed forces. The UN Security Council Resolution (UNSCR) 1612 was adopted by the Government of Uganda and the National Task Force on Monitoring and Reporting during its report to the UN Security Council in 2007 noted there were no cases of recruitment of children by the UPDF or other auxiliary forces and as such the UPDF and Local Defense Units were delisted. Uganda ratified the Rome Statute of the International Criminal Court on 14th June 2007 and domesticated it by enacting the International Criminal Court Act, 2010 which prohibits forceful recruitment of children during armed conflict.

In 2008, the Government of Uganda established a special division of Uganda's domestic judicial system with jurisdiction over those accused of serious crimes and crimes against

humanity thus the War Crimes Division of the High Court was established which later evolved in the International Crimes Division of the High Court in 2010 with jurisdiction to try crimes under the Rome Statute. The Government of Uganda also enacted the Amnesty Act, 2000 leading to the Amnesty Amendment Act, 2006 and established the Amnesty Commission. The Government also developed the Transitional Justice Policy and enacted the Transitional Justice Act.

With regards to the Committee's recommendation for the government to ensure reception and handover of children as well as undertake comprehensive DDR programmes. The presenter informed that the process of DDR was spearheaded by the Amnesty Commission and assisted by Humanitarian organizations, UHRC, CSOs among others who offered medical assistance, family tracing and resettlement, counselling and psychosocial support and educational programmes such as life skills to resettle children back in normal life. About 35,000 children abducted by the LRA and used in direct and indirect conflict have since returned to Uganda while more continue to return. It was further mentioned that the government developed a strategic plan on resettlement and re-integration of war victims and established programmes such as the Northern Uganda Reconstruction Programme and the Peace, Recovery and Development Plan. Also, under the PRDP, the strategy for the DDR focused on provision of resettlement packages to all ex-combatants, rehabilitation of the victims, facilitating reunion with their families and providing opportunities to access existing service providers. Moreover, the government increased budgetary allocation to the education sector to cater for the LRA returnee children and launched Universal Secondary Education in addition to the Universal Primary Education as a measure to ensuring that all children access education in 2007, and the UPDF developed Standard Operating Procedures for the reception and handover of children rescued from the LRA in 2011 among other measures undertaken.

With regards to the Committee's recommendation for the government to ensure birth registration of children for better age verification, Ms. Juliet Logose stated that the Government has undertaken various measures to ensure birth registration of children including sensitizing the masses on the importance of birth registration; Registration of Persons Act, 2015 was enacted and it provides that a child should be registered immediately after birth either by a parent, guardian or caretaker; Registration of every birth in Uganda is free and compulsory; Registration at birth is also allowed in the hospitals since mothers are allowed to register at the point of delivery in the hospital or when they take the children for immunization; UPDF has made it compulsory for those applying to join the Forces to present their birth certificate as well as age verification report from the Doctor in addition to the National Identification cards. With regards to the Committee's recommendation for the government to provide alternative procedures for children accused of involvement in the conflict, the presenter highlighted that the Amnesty Act (Cap 294) provides amnesty to persons for participating in hostilities including children and provides for rehabilitation and reintegration of children associated with armed conflicts. She also highlighted that the Amnesty Commission provided amnesty to children involved in conflict and registered and assisted over 5,677 children who were involved in Northern Uganda conflict. Furthermore, she informed that the Government dropped charges against children who were abducted by rebel forces.

Moreover, in her presentation, Ms. Juliet Logose, underlined the progress made in implementation of the decisions of the Committee and stated that since the end of the LRA insurgency in Uganda in 2006, there has been no registered incident of recruitment or involvement of children in armed conflicts. Additionally, Payment of compensation to war victims by the government has been done and still continues; In 2008, the UPDF developed a Child Protection Curriculum and Toolkit for training of its officers; Children born in the war were supported and reintegrated with their families; Reconciliation, reintegration and forgiveness were done by government; Programmes to enhance the livelihood of war victims have been successfully implemented such the Peace Recovery and Development Programme; War victims have been supported by the government through offering psychosocial, economic and political support; The Government in partnership with various humanitarian agencies and NGOs are offering rehabilitation and reintegration services for former child soldiers and abductees of the LRA through psychosocial support. In addition to the progress noted in birth registration of children using technology and innovations, the Government established the Equal Opportunities Commission in 2010 whose mandate is to eliminate discrimination and inequalities of individuals or group of persons including children. And in 2019, the Government enacted the Human Rights Enforcement Act, 2019 as a measure for accountability for human rights violations.

Ms. Juliet Logose also took the opportunity to underscore the challenges which exist in implementation of the decisions of the Committee such as the financial constraints, challenges of lack of data, uncoordinated interventions by various actors leading to duplication of interventions. In her conclusion, she indicated that UHRC is playing an essential role in the areas of monitoring government compliance with international treaties, documenting human rights violations, making recommendation to ensure implementation of the decision, human rights education and sensitization, compliant handling and investigation and referral and legal advice.

The following presentation was done by Ms. Priscilla Thawe, representative of Malawi Human Rights Commission (MHRC). She commenced by giving the background and stating the recommendations issued by the Committee to the Government of Malawi in Communication: No. Com/002/2009. She highlighted that the Communication concerns the age of the Child in Malawi. The definition of the child was set at 16 in the Malawi Constitution at the time of the submission of the case. In 2017, the Government amended its Constitution to align the definition of the child with the ACRWC. However, there are still other legislation that have contradictory definition of the child which the Government is required to revise.

She further indicated that the Malawi Human Rights Commission is aware about the Communication and the Decision filed against the Malawi Governments noting that the Commission is part of the task team for the harmonization of the child related laws following the Constitution amendment. It was further underlined the follow-up and monitoring activity undertaken by MHRC with regards to the issues raised in the Communication including meetings with relevant ministries to expedite the finalization of

the harmonization process of the key pieces of legislation e.g., CCPJ Act, Penal code on age of the child.

In underlining the progress made in implementation of the decisions of the Committee, Ms. Priscilla Thawe indicated that a report was developed by the task force recommending that all the existing pieces of legislation identified as being at variance with the Constitution be amended was submitted to the ministry of Justice. Moreover, the development of Passing of the Penal Code amendment during the parliamentary sitting November-December, 2022, which is awaiting the President's assent shortly and covers the substantive amendments that needed to be done, more notably amending the offence of defilement which is now called "sexual intercourse with a child" to cover the children consistent with the constitutional definition of a child; there were other offences which covered a lower age bracket which were amended to cover any person under the age of 18. It was also indicated that a Statute Law (Miscellaneous) Amendment Bill is being prepared and is still in progress which will cover the non-substantive amendments covering 7 pieces of legislation, these changes relate to changing the definition of child in the interpretation section and making changes where provisions where sixteen is referred to as the age of the child and replacing it with 18. She further stressed that concluding working on this draft bill is key to the full implementation of the decisions.

In conclusion, Ms. Priscilla Thawe highlighted the MHRC's commitment to Continue tracking implementation of the decision through engagements and follow ups with the MOJN and other relevant authorities as well as collaborating with key stakeholders and lobbying for the finalization of the harmonization.

The last presentation was done by Mr. Moses Mfundo representative of the Commission for Human Rights and Good Governance (CHRAGG) of Tanzania about the Communication: No. Com/012/2019 which filed on behalf of schoolgirls in Tanzania who were subjected to forced pregnancy testing and subsequently expelled from school when found pregnant with no possibility of re-entry. He began by highlighting that the Commission for Human Rights and Good Governance is (CHRAGG) was requested by the African Court on Human and Peoples Rights to be the amicus curies in the matter.

He continued by pointing the follow-up and monitoring activities undertaken by the CHRAGG including communicating with the respective Authorities to urge them to implement the decision and by putting the violations of girl child human rights violation, including the FGM, GBV and pregnant testing, on the agenda of the various forums it has held with the Local Government Authorities. He further indicated that the Government has come up with the Guideline on how to reinstate expelled girls to school. The CHRAGG through establishing human rights club is sensitizing students to avoid unhealthy relationships and encourage their expelled fellows to rejoin school; Conducting awareness campaigns in schools and communities during the commemoration of different International Human Rights Days including African Child Day; The use of media to create awareness of children's rights and to deliver statements against the violation of children rights.

In underlining the progress made in implementation of the decisions of the Committee by the government of Tanzania, the presenter informed that the Government has prohibited forced pregnancy testing of schoolgirls, expulsion of pregnant and married girls from schools and the detention of pregnant girls has ceased since President Samia Suluhu Hassan, announced in November 2021 that the ban has been lifted. Furthermore, he underscored the challenges facing young mothers including stigma from their fellow school mates and communities they come from a situation which prevent them from freely re-join school. Also, parents have voluntarily not taken the opportunity provided of going back to school positively. He further noted that the implementation of the decision is already on progress and that currently no schoolgirls has been forced to conduct pregnancy testing, there are no cases of detention of pregnant girls being reported and expulsion from schools have ceased; all schools in Mainland Tanzania have started to implement the decision.

He ended his presentation by indicating that the CHRAGG remains dedicated and continues to play a role in ensuring following-up on the implementation of the decision of the Committee in various ways such using its mandate of reviewing existing national and international legislations relating to the rights of women and children especially girl child with the purpose of advocating for ratification and domestication and whether municipal laws comply to the human rights standards; continue creating awareness to the community and public at large concerning girl child rights and the right to education; and advocate for the creation of policies that ensure the returning girls are being treated fairly without being culturally stigmatized and for adherence to health religious and cultural norms guiding the conducts of our Societies.

Following the presentations, reflections were held, during which recommendations were made on the need to strengthen collaboration and liaising between the NHRIs and the Committee, as well as collaboration at the national level with civil society organizations and other stakeholders, to strengthen their actions in following up on the implementation of the Committee's decisions and to facilitate full implementation by States Parties. It was also highlighted the need to increase the visibility of the work and decisions of committee.

12. Cooperation between CSOs and NHRIs on engagement with the ACERWC and monitoring the implementation of its decisions.

The panel was aimed to deliberate on the current experience in the Cooperation between CSOs and NHRIs on engagement with the ACERWC and monitoring the implementation of its decisions at local level. Accordingly, panelists from The Eastern Africa Child Rights Network (EACRN); Network for the Rights of the Child in Central Africa (REDEAC); West African Civil Society Forum (WACSOFF); Forum of Dialogue and Participation for Development, A member of the Manara Network for Child Rights and Network of African National Human Rights Institutions (NANHRI) made presentations followed by Question-and-Answer session. Ms. Felistus Motimedi, Head of CSO forum secretariat and CRNSA Regional Director moderated the panel.

Mr. Benedict Omilo, Executive Director of the Eastern Africa Child Rights Network (EACRN) stated that there is currently no clear and structured engagement of NHRIs and

CSOs towards the implementation of ACERWC recommendations and decisions. However, NHRIs and CSOs have endeavored to collaborate in fast-tracking the implementation of the committee's recommendation through their advocacy projects and various platforms at national and regional levels, including media and joint statements on child rights issues. Opportunities for collaboration include most East African countries being State Parties to the ACRWC, Affiliate Status for NHRIs, and Observer Status for CSOs, among others. Challenges include the shrinking civic space for NHRIs and CSOs in most African States, unclear follow-up mechanisms on recommendations and committee decisions, and limited resources. In conclusion, Mr. Benedict forwarded the recommendations to strengthen collaboration including the establishment of a national Consultative Framework, capacity building and awareness creation, support for the CSOs Forum, and joint advocacy approaches.

Ms. Rita Mariette Reine, Communication Manager from Network for the Rights of the Child in Central Africa (REDEAC) made a presentation during the panel. She mentioned the dissemination of the African Charter on the Rights and Welfare of the Child through awareness-raising campaigns by CSOs at the local community level; The capacity-building of civil society actors, school management personnel, judicial police officers, juvenile judges, as well as families on issues related to the protection of children's rights as good practices of National Human Rights Institutions (NHRIs) and Civil Society Organizations (CSOs) in the joint implementation of recommendations. She further noted that CSOs and NHRIs can work together to better engage with ACERWC and ensure the implementation of its decisions by sharing NHRIs activity reports and establishing a committee made up of members from both parties. This partnership will enable the pooling of efforts and increase the effectiveness of joint actions at local level. In conclusion, Ms. Rita recommended improving the visibility and accessibility of NHRIs, ensuring political independence of NHRIs, consulting with all CSO stakeholders regularly and at each stage of NHRI work, and better communication on NHRI actions as critical to strengthen collaboration between CSOs and NHRIs for the promotion, protection, and implementation of children's rights at regional and national levels.

Mr. Komlan Messie, Regional Executive Director, West African Civil Society Forum (WACSOF) made a presentation. He indicated that there have been collaborations between CSOs and NHRI's in some countries in West Africa, especially in human rights awareness and capacity building. WACSOF has been working to popularize the African Charter on the Rights and Welfare of the Child (ACRWC) in some countries, through collaborations with NHRI's. However, for the effective implementation of decisions, there is an opportunity to further improve collaboration between CSOs and NHRI's. With respect to modalities of cooperation, Mr. Komlan noted that Meetings should be held between ACEWRC, CSOs, and NHRI's after recommendations are issued by the ACERWC to strategize on the objectives for implementing the recommendations. Moreover, follow-up meetings should be held in countries to monitor progress and CSOs and NHRI's should engage in joint advocacy efforts to ensure the implementation of the recommendations in the countries. Mr. Komlan concluded by recommending development of an MOU between NHRI and CSOs to implement recommendations of the ACERWC and create a joint action plan between CSOs and NHRIs for advocacy efforts to ensure implementation at local level.

Mr. Sameh Aboelsoud, Executive Director from Forum of Dialogue and Participation for Development, A member of the Manara Network for Child Rights noted that the implementation of ACERWC recommendations, decisions, and calls can be facilitated through collaboration between civil society organizations and national institutions. Good practices related to cooperation between CSOs and NHRIs include workshops for implementing recommendations and local follow-up events organized by civil society, formation of child protection committees, and utilizing human expertise. Mr. Sameh mentioned that there are challenges in obtaining monitoring licenses for civil society organizations and a lack of cooperation and funding opportunities. In conclusion, to improve collaboration between CSOs and NHRIs, local meetings should be conducted with ACERWC members present, and joint field teams composed of children can be formed to promote and protect their rights. Continuous joint meetings and workshops can monitor progress and ensure the effective implementation of ACERWC recommendations and decisions.

Ms. Deborah Nyokabi, Program Officer, Regional & International Mechanisms from Network of African National Human Rights Institutions (NANHRI) stated that NANHRI aims to increase ACERWC visibility and that of sub-regional children's networks by celebrating international days together. NANHRI works to promote observer status and encourage legal reform, ratification, and the removal of reservations. NANHRI is also committed to promoting child participation and conducting joint studies. There are opportunities for NHRIs and CSOs to work with sub-regional human rights mechanisms such as East African Court of Justice (EACJ), The Economic Community of West African States (ECOWAS) Parliament, Southern African Development (SADC), and Pan African Parliament. However, NHRIs and CSOs face funding challenges, a lack of political goodwill, mistrust, and bureaucracy. To overcome these obstacles, NHRI and CSOs should plan to establish MOUs to ensure progress in the implementation of ACERWC recommendations and decisions at national and regional level. In conclusion, Ms. Deborah stressed that great impact can be achieved when NHRIs and CSOs work together as CSOs can step up to mitigate the obstacles NHRIs face in the execution of the mandate as quasi-government while NHRIs in their role as advisor and watchdog to governments can authenticate and amplify the issues raised by CSOs in their advocacy and litigation work.

13. Recap of main discussions and recommendations

Mr. Anteneh Bizuayehu, from the ACERWC secretariat presented the major discussions and recommendations of the two-day workshop as follows.

National Human Right Institutions (NHRIs):

- NHRIs from Uganda, Sudan, Tanzania to apply for affiliate status and NANHRI to advocate for application for Affiliate Status by the other NHRIs.
- NHRIs submit alternative/independent reports and Briefings on issues of children's rights to be considered by ACERWC when examining state party reports.
- NHRIs submit activity report to the ACERWC every three years.

- Disseminate and popularize ACERWC decisions and recommendations including general comments, concluding observations and decisions on communications at national level.
- NHRIs urged to effectively utilize their Affiliate status with the ACERWC as the bridge between the regional and the national level.
- NHRIs from Sudan, Mauritania and Egypt should encourage their States to withdraw their reservation on the Charter.
- NHRI should encourage and monitor their States to submit their reports to the ACERWC to ensure proper monitoring of laws and practices in relation to children's rights.
- NHRIs can submit Communications and submit Amicus briefs to the ACRWC bringing relevant facts and arguments to the ACERWC's attention that have not already been addressed by the State party.
- NHRIs to attend the Open Sessions of the Committee
- Establish child rights structures and ensure that children's issues are included in their activities and reports.
- Collaborate with the Committee in following up implementation of decisions.
- Prioritize the principle of children participation and ensure that NHRIs are deliberate to be institutions fit for children.
- Increase engagement with CSOs.

Network of African National Human Rights Institutions (NANHRI)

- NANHRI to collaborate with the ACERWC in continuous mobilization and follow up of its members until a universal affiliate status.
- NANHRI to enhance the capacity of NHRIs to litigate and follow up on the implementation of the decisions of regional mechanisms including the Committee.
- Convening NHRIs forum like the ACERWC CSO forum (and/or joint forum with CSOs given that NHRIs are the bridge between CSOs and the State).

Civil Society Organizations (CSOs)

- To work hand in hand with NHRIs on implementation of decisions both at national and regional level
- Establishment of NHRIs & CSOs national Consultative Framework on the implementation of ACERWC Decisions and recommendations
- Enhanced support to the CSOs Forum and open participation for NHRIs to engage with child Rights CSOs at this level.
- CSO Forum/CSOs to work with NANHRI/NHRIs through contextualizing national Child Rights
- issues and ensuring collective contribution to the 'Africa Fit for Children' as it starts at national level.
- Develop an MOU between NHRI and CSOs
- Joint Advocacy of CSOs and NHRI on the implementation of recommendations in the countries

African Committee of Experts on the Rights and Welfare of the Child (ACERWC):

- ACERWC to develop guidelines and reporting templates to NHRIs
- ACERWC to communicate its decisions and recommendations to NHRIs.
- Increase engagement with NHRIs and CSO

14. Closing Remarks

Hon Aboubekrine El Jera, Rapporteur of the Committee and Chairperson of the Working Group on Implementation of Decisions, gave a closing remark in closure of the Workshop. In his remark, Hon Aboubekrine El Jera expressed the Committee's profound gratitude to the NHRIs and CSOs who took part in the workshop for their active participation. He also thanked participants for coming up with concrete recommendations on the role of NHRIs and CSOs to ensure the implementation of the Committee's decisions and recommendations. Hon Aboubekrine El Jera reassured participants that the Committee has taken note of the action points that needs to be taken from its side, and that the Committee will implement the recommendations forwarded to it from the Workshop. He thanked the European Union for the financial support and NANHRI for its collaboration on this Workshop. Hon Aboubekrine El Jera officially closed the workshop.