

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: 00251 (0)11-551 7700 Fax: 00251 (0)11-551 7844  
website : [www.african-union.org](http://www.african-union.org)

---

**29<sup>th</sup> SESSION OF THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND  
WELFARE OF THE CHILD (ACERWC)  
2<sup>nd</sup> – 9<sup>th</sup> MAY 2017  
MASERU, LESOTHO**

**ACERWC/RPT (XXIX)  
Original: English**

**REPORT**

## **TWENTY-NINTH ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

### **I. INTRODUCTION**

1. The 29<sup>th</sup> Session of the African Committee of Experts on the Rights and Welfare of the Child was held at Avani Hotel Lesotho in Maseru, Lesotho, from 2<sup>nd</sup> to 9<sup>th</sup> May 2017.

### **II. ATTENDANCE**

2. The meeting was attended by ten members of the ACERWC, Representatives of the African Union Commission, Representatives of Cameroon, Chad, Comoros, Cote d'Ivoire, Kenya, Lesotho, Senegal, and Tanzania, Members of the diplomatic corps, Representatives of CSOs from Senegal, Zambia, Cote d'Ivoire and Comoros Representatives of United Nations Children's Fund (UNICEF), , Save the Children, Plan International, World Vision International (WVI), The African Child Policy Forum (ACPF), International Committee of the Red Cross (ICRC), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), African Movement of Working Children and Youth (AMWCY), Child Helpline International , Africa wide Movement for Children, Child Rights Network for Southern Africa, East African Centre for Human Rights (EACHRights), Baha'i International Community (BIC), Zimbabwe National Council for the Welfare of Children (ZNCWC), Global Initiative to End All Corporal Punishment of Children, Eastern Africa Child Rights Network (EACRN), Initiative for Social and Economic Rights (ISER).

### **ITEM 1: OPENING CEREMONY**

#### **Welcome statement by Hon. Ts'eliso Mokhosi, Acting Minister of Social Development**

3. Honourable Minister Ts'eliso Mokhosi welcomed all distinguished guests and recognised the presence of Her Majesty Queen Masenate Mohato Seeison. He expressed his appreciation towards the Secretariat and stated that this session would be an opportunity for all to realise the goals of a united and prosperous Africa. To add on, he noted that if the Kingdom of Lesotho qualified to host the Secretariat, they would represent a dynamic force and exhibit the rights of children not only in Lesotho but on the African continent. Moreover, the Minister noted that the session would serve as a platform to learn and share from each other and to improve service delivery to our African children. He urged all to take further introspection in the protection of children and expressed the need for all to be responsive towards

measures to improve children's rights and welfare. The Minister expressed his appreciation towards all respective delegations, organisations and various organisations that were represented in the meeting.

#### **Remarks by UNICEF Acting Country Representative**

4. On behalf of UNICEF Lesotho, Dr. Anthony Asije, reassured all child rights partners - parliamentarians and policy makers, law enforcement authorities, faith leaders, CSOs, development agencies, community leaders, children, men and women groups - of UNICEF's continued support in pursuit of the protection and wellbeing of children, especially the most vulnerable. Dr. Asije indicated that The African Committee of Experts on the Rights and Welfare of the Child's Concluding Observations and Recommendations on the State Party report point all partners in the right direction to address, among others: The harmonization of child rights legislation; strengthening multi-level coordination; Effective monitoring and evaluation of child rights service delivery and data management in the country; Increased access to child grants by qualifying children and their households; reduction of stunting, infant and maternal mortality and HIV infection especially among adolescent boys and girls; increased enrolment, retention and completion in our schools; consistent periodic reporting by the government and CSOs.

5. All these, the Acting UNICEF Representative mentioned, will be done in the "best interest of the child" as stipulated in Article 4(1) of the African Children's Charter which directs that — [i]n all actions concerning the child undertaken by any person or authority, the best interest of the child shall be the primary consideration.

#### **Presentation by Lesotho Girl Guides Association**

6. The youth representative of the Lesotho Girl Guides association, recited a poem centered around the United Nations Sustainable Development Goals with specific focus on climate change, poverty and hunger and their impact on children's rights.

#### **Remarks by the Chairperson of the ACERWC**

7. The Chairperson of the Committee, Prof. Benyam Dawit Mezmur, started his address by thanking the Government of the Kingdom of Lesotho for the positive gesture and hospitality displayed towards the Committee and other partners. He highlighted that because of time constraint, his inputs will be brief. He acknowledged that the presence of various stakeholders- States, UN Agencies, INGOs, Faith Based Organisations, the media and others is a clear indication that the creation of an Africa fit for children, the ACERWC works to contribute towards, is indeed a shared responsibility. He highlighted that despite the progress the continent has made on the realisation of children's rights issues such as harmful practices, violence against children, poverty, conflict, and other related matters remain a challenge. He indicated that the session has a very important and ambitious agenda- among others composed of the consideration of a number of State Party Reports, follow ups on communications decided by the Committee [Kenya and Senegal], a

draft Joint General Comment on the important subject matter of ending child marriage, as well as a number of other matters for discussion and decision. He ended his remarks by once again thanking the Government of the Kingdom of Lesotho [especially His and Her Majesties, as well as the honourable Prime Minister, the Minister of Foreign Affairs and the Permanent Mission of Lesotho to the AU in particular the Ambassador of Lesotho, as well as those who worked behind the scenes to bring the holding of the session to fruition.

### **Remarks and opening speech by Her Majesty Queen Masenate Mohato Seeison**

8. Her Majesty the Queen welcomed the ACERWC and all participants of the 29th Session of the Committee to the Kingdom of Lesotho and informed that the issue of the rights of children is very close to her heart. Her Majesty stressed the need to pursue all avenues to protect the interest of children and better their future. She further expressed that it would be an honor for the Kingdom of Lesotho to host the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child. The issue of child protection has attained a high priority status in Lesotho since 2000 and accordingly the government conducted a thorough study to analyze the situation of children in the country, which resulted in the adoption of laws and policies to address the challenges that were reflected in the study by the end of 2011. Her Majesty emphasized that the session presents an opportunity to make an intervention and critically analyze the challenges in the child protection systems of Africa and to share good case practices that can be replicated. Her Majesty the Queen then officially opened the 29th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child.

### **ITEM 2: PROCEDURAL MATTERS**

- **Adoption of the Agenda and the Program of Work**

9. The Agenda and Program of Work were adopted as amended.

- **Organization of work**

10. The Committee agreed to carry out its deliberations in open, semi closed and closed sessions according to the Agenda.

### **ITEM 3: CONSIDERATION OF THE STATE PARTY REPORT: CHAD REPORT**

11. The Delegation of the Government of Chad was led by the General Director of Human Rights at the Ministry of Justice and Human Rights of Chad, Mr. Abdel Nasser Mahamat Ali Garboa. He began by expressing his deep appreciation to the ACERWC on behalf of the delegation noting that the Committee unites CSOs, Non-governmental organisations (NGOs) and various stakeholders in issues associated with matters of human rights. He noted that the Chadian Government has taken diverse measures to address the needs and protect the rights of the child. However,

the delegation emphasised the fact that there is still need to improve legal framework and policy implementation in order for children to enjoy and embrace their rights.

12. According to the delegation, the Government of Chad has taken various measures to defend the rights of vulnerable people and adopted a multi-sectorial strategy for the justice of children. The Government has taken all efforts to sensitise and educate communities in regard to various issues specifically harmful traditional practices (such as Law 006 which prohibits Female genital mutilation (FGM), child marriage and sexual abuse) with the objective to safeguarding and protecting the rights of children. The delegation noted their nation has a favourable environment for laws and outlined frameworks correlating with the ACRWC's principles and essential laws; the Definition of the child, Name and Nationality and Non-discrimination.

13. The delegation also informed that in March 2006, the Government developed a national plan to ensure education is available for all including children with special needs and particularly handicapped children. Moreover, the Government initiated a joint strategy for the health of children and continues to embark on the challenging journey to eradicate violence against women and children and the recognition of gender equality.

14. The Members of the Committee congratulated the Government of Chad for their insightful report and for the in-depth explanation on the various challenges faced hindering the full effect of the Charter. During the discussions and feedback from the Committee numerous issues questions arose in regard to various matters, including the structure of children's parliament, disparities of education offered to both boys and girls, the need for concrete measures to be taken to ensure there is the Day for Handicap children, birth registration, abandoned children, silence in relation to child soldiers, the lack of up-to-date statistics, arranged marriages, the restrictive title of the Protection code and children in armed conflict.

15. The delegation recognized the need for the African Union to review the Boko Haram conflict within the Chad Basin, proposal to revise the Code title the use of children as 'suicide bombers', child protection strategies particularly with cybercrime, the ongoing cases of child marriage, child abduction and ransoms. The delegation acknowledged that the Government continues to face difficulties, however the initiation of sensitization and awareness programs are ongoing.

16. The delegation of the Republic of Chad thanked the Committee for their interest towards the Chadian report and for their concerns regarding the children of Chad. They noted that this was a dynamic issue that requires continuous improvement and efforts. Additionally, the government pointed out the fact that immeasurable work lies ahead and they are counting on the Committee's guidance in working on these various issues.

17. The Committee commended the progress of Chad and noted the country continues to defy challenges within sectors such as health, education and violence. The Committee committed to advising the Government on these matters and

expressed their appreciation towards the Delegation and Government for their commitment and tremendous works.

#### **ITEM 4: CONSIDERATION OF THE STATE PARTY REPORT: COMOROS REPORT**

18. The delegation of the Government of the Union of Comoros was led by the National Commissioner of Social Protection, Solidarity and Gender Promotion of the Union of Comoros Mrs Mhoudine Sitti Farouata. She started the presentation by thanking the Committee and went further to state that this is the initial Report of the Union of Comoros submitted pursuant to Article 43 of ACRWC. She stated that the Union of Comoros has made great achievements especially in areas such as reduction of child mortality; however there are various challenges in the protection system that the government is working on.

19. According to the head of delegation, the Government has adopted several laws and measures in favour of the child. There is a national policy for the protection of children and an associated plan of action. Various measures have been taken to harmonize laws with the Charter, Measures have also been taken to sensitise people on the issue of child marriage. Further measures have been taken in the areas of civil registration, participation of children, freedom of expression, freedom of religion, protection from violence, education, and provision of services for children with disabilities. Challenges in the child protection system of the country include trafficking of children for slavery and lack of sufficient data on specific situations of children such as protection from violence due to the challenge in the system of governance. She further informed that the government has made these challenges a focus and is taking measures towards combating them. Studies are in progress and policies and strategies have been put in place to tackle these challenges.

20. The Members of the Committee commended the Government of the Union of Comoros for their commitment towards the implementation of ACRWC and their honesty in explaining the challenges faced by the Country in the implementation process. Moreover, the Committee stated that the rights of children in Comoros are drowned within general laws and policies on human rights, considering that there are no specific institutions and laws for child protection. The Committee inquired on the implication of this in terms of giving the rights of children a priority in the country. The Committee also raised concerns over the existence of legal pluralism within the union of Comoros and its impact on the definition of the child.

21. Other concerns raised by the Committee include protection of specific needs of most vulnerable children, discrimination of children born outside of wedlock, clarification in the distinction between 'slight correction' and corporal punishment, dissemination of the charter in local languages, and guaranteeing the best interest of the child in the criminal justice system. The Committee Members further requested clarifications on inclusive education, birth registration certificates and harmonization with other vital statistics, exception on the minimum age of consent for marriage,

monitoring and evaluation system, action plan to address the issue of negative impacts of culture and religion on the rights of the child, poverty and its impacts on education, abuse of children in Quran schools, and instances of statelessness.

22. The delegation of the Government of Comoros appreciated the questions of the Committee and further clarified certain issues. It was noted that there are various policies and measures that are directly and specifically targeted at protection of child rights such as the national policy for the protection of children, an overarching policy that protects children in the country. The delegation explained that cash/monetary transfer project provides assistance to precarious homes with vulnerable children. It is a symbolic assistance to assist children's education and development and also is a pilot project that focuses on families with no earnings at all. Furthermore, there is a national protection policy for children with disabilities and the State is further planning on improving services such as inclusive education. The head of delegation further noted that even though Comoros is a predominantly a Muslim country, freedom of religion is guaranteed and exercised.

23. She made the final remark by stating that all the issues and questions discussed have been properly noted and will be addressed subsequently. In conclusion, the Committee reiterated the benefits of the reporting process in helping to reveal the progress and the challenges in implementing the Charter and hoped that the discussion was as fruitful to the Government as it was to the Committee.

#### **ITEM 5: CONSIDERATION OF THE STATE PARTY REPORT: COTE D'IVOIRE REPORT**

24. The Delegation of the Government of Cote d'Ivoire led by the Director of Child Protection of the Ministry of Women, child protection and solidarity, Mrs. Sandrine N'doly Kraidy presented the Initial Report on the implementation of the African Children's Charter. Mrs Kraidy began her presentation by stating the fact that Committee's Session would serve as an opportunity to engage in discussions in regard to Africa's future generation. She emphasized on the fact that the presentation was of high significance as it addressed the fundamental rights of the African child. The delegation assured the Committee of the Government's willingness and efforts to harmonize its laws with the African Charter on the rights and welfare of the child. The delegation informed the Committee about the project namely, 'Ambassadors Children' established in January 2017 with the objective to safeguard the rights of children. The delegation further noted the existence of sensitization programs across the nation. It has been made a priority that children are educated about their duties. The delegation acknowledged the fact that there are numerous difficulties faced towards the implementation process and lack of expertise and intervention of actors has hindered the full effect of the Charter.

25. During the feedback the Committee Members raised various issues including the child marriages, child trafficking, the need for equal services particularly for children located in rural areas, abortions, disparities in terms of gender, the issuance of the birth certificate (including children in refugee camps) and children with mothers in prisons. The Committee Members further raised concerns in relation to the challenge of the population growth, increase in migration, the status of the on-going brainstorming sessions (on the development code of children), the location of centres for disabled children, abortions and the rape cases that occurred during the post-election period. Moreover, the Members questioned the delegation about the awareness amongst public media and implementation of activities (Day of the African child, training for disabled children). Emphasis was also made on the need to involve children especially in preparations of such significant events. Moreover, the Committee Members inquired about the translation of the Charter due to the fact that awareness is key to educating and safeguarding the rights of the child. The Committee provided feedback which also reflected the importance of investment on children and particularly the need to revise the budget for the protection of children at national level. Additionally, the Committee discussed the African Charter's laws and principles in relation to the delegation's presentation. Some of these included the clarification in regard to the naming of the child which could be considered discriminative, the on-going crisis of child trafficking and child labour,

26. Reflecting the Committee's questions, the delegates state that the Government of Cote D'Ivoire has displayed commitment to align their works with the Committee's visions. The works of the Government within the educational institutions enable children to engage in discussions based on human rights. Moreover, sensitization activities are covered within the various community contexts. The delegation further elaborated on the works achieved such as the national program for orphans with HIV/AIDs, the provision of scholarships for children and measures taken to assure young pregnant girls were provided with the opportunity to resume after giving birth. The various activities within educational institutions are a true reflection of the country's efforts to commit to safeguarding and protecting the rights of the child. The delegation also emphasized on the fact that their works abide with three essential principles being, prevention, protection and monitoring assessments.

27. The delegation acknowledged the valuable input of the Committee members and responded to the various topics and themes that emerged throughout the discussions. The delegation noted law makers have displayed efforts to protect families and children however, there is need to develop effective strategies and measures that will contribute towards the protection of the children.

28. The Committee members acknowledged the works of the Government and will provide recommendations. The delegation was recommended to conduct research on various phenomenons (specifically on abortion and child marriages) in order for strategies to be developed.

29. Additionally, the Committee congratulated the Government for the involvement of the child representative at the Session and stressed on the need encourage for the engagement of citizens located in rural communities to come forth and register children. Moreover, the Committee members encouraged the delegation to consider conducting studies in various areas (such as the issue of child beggars and child marriages in relation to incest) in order for strategies and measures to be developed.

30. The Chairperson closed the session of the State Party report by thanking the respective Government for their tremendous works and progress they have achieved; and expressed appreciation towards the delegation for coming with a child representative.

#### **ITEM 6: CONSIDERATION OF THE STATE PARTY REPORT: SIERRA LEONE REPORT**

31. The consideration of the State party report on the implementation of the Charter was postponed to a further Session.

#### **ITEM 7: CONSIDERATION OF THE STATE PARTY REPORT: TANZANIA REPORT**

32. The delegation of the Government of the United Republic of Tanzania was led by Dr Hamisi Kigwangalla, who started the presentation on the 2<sup>nd</sup> – 4<sup>th</sup> Period Report country by thanking the Committee for the invaluable contribution to the protection of children's rights.

33. The head of delegation stated that the Government of the United Republic of Tanzania has taken several measures to improve the protection of children through the implementation of the Charter. He noted that, as the Tanzania is a member of the Global partnership to end violence against women and children, the Government has adopted a 5-year national plan of action to end violence against women and children. Furthermore, it was stated that, a budget of 6.5 million dollars has been allocated to implement the plan for the financial year. Accordingly, the Government aims to achieve a 50% reduction of violence against children by the year 2022. The head of delegation noted that the measures taken by the Government have resulted in the improvement of the protection of children. Some of the results achieved include; reduction of FGM, enhancing the participation of children through the use of children's council and prosecuting perpetrators of violence against children with albinism. With regards to prosecutions of perpetrators, the head of delegation stated that 16 people have been convicted and sentenced to death.

34. The delegation continued by mentioning some of the challenges faced by the Government in the process of implementation. Among the challenges sated, the

recurrent once were; lack of financial and human resources, and the entrenchment of beliefs that lead to violence against children with albinism.

35. Following the presentation, Members of the Committee expressed their appreciation and posed concerns and questions. Among the issues raised the protection of children from discrimination and coordination between various levels of government took prominence. The committee members expressed their concern over the amount of time it will take to make the issue of children the Union's matter, slowing of the amendment of the witchcraft act, provision of services and improving the lives of children with albinism who are living in shelters, chronic malnutrition that results in stunting, harmonization of laws related to the definition of the child and under-five mortality rate.

36. In responding to the various questions posed, the delegation stated that the Government recognizes most of the issues raised by the Committee and is working towards improving them step by step. It was also noted that the draft Constitutional amendment, which clearly provides that a child is a person under the age of 18, is among the legislative measures towards harmonization of laws on the definition of the child. Another legislative measure discussed was the amendment of the witchcraft act, which is not yet finalised. According to the delegation, other measures undertaken include; allocation of budget to facilitate the coordination of child protection activities within the Union of Comoros, creation of favourable educational environment for children with disabilities, creation of child marriage free zones and rendering free medical service for children under five and pregnant mothers.

37. In concluding the presentation, the head of delegation expressed his appreciation to the Members of the Committee and stated that the Government values the recommendations of the committee. Following that the Chairperson expressed his gratitude for the presence of the delegation and the responses given for the challenges and concerns raised. Finally, he stressed on the urgent need to respond effectively to the challenge of the treatment of children with albinism.

#### **ITEM 8: CONSIDERATION OF ELEMENTS OF CONCLUDING OBSERVATIONS**

38. The Committee Members discussed the elements of concluding observations and recommendations in relation to the State Party which made the Presentations.

#### **ITEM 9: BRIEF PRESENTATIONS BY PARTNERS**

39. **International Committee of the Red Cross** : Ms. Kabeya Diane Misenga, Deputy Head of Delegation of International Committee of the Red Cross to the African Union began the presentation by congratulating the Kingdom of Lesotho for hosting this important event and recognised the tremendous efforts of the Committee's work. Perspectives were shared based on the vulnerabilities of migrant children, internally displaced children and their humanitarian needs. She stressed on

the responsibilities of the states to prevent family separation, support families in their search for missing relatives and in clarifying their fate. The ICRC further emphasized the risk of being detained for reasons of irregular entry or stay in a country's territory for migrant children and stressed that children - unaccompanied, separated or with their families - should not be detained for reasons related to their parent's immigration status. She further called on the strict application of the principle of non-refoulement. She concluded by calling on efforts to identify specific vulnerabilities and risks faced by IDPs children to address their protection and assistance needs, as they are exposed to sexual violence, forced recruitment by armed groups whilst travelling on long perilous journey through regions affected by armed conflict.

**40. Save the Children :** Ms. Doris Mpoumou, Director of Save the Children Pan African Office and AU representative greetings to the Royal family and thanked the Kingdom of Lesotho for their hospitality. She congratulated the Committee on the increasing state party reports and for its recent achievements namely, Africa's Agenda 2040, AU integration of human rights and action plan and the continental study on children in armed conflict. She noted last week, Save the Children marked an activity of every Global Campaign. Moreover, she expressed concerns in regard to the girl child being left behind due to social norms, economic discrimination and no political will from leading authorities. She called upon the Committee to provide recommendations for the girl child and public spending by Member states. Emphasis was made on States to honour commitments of at least 15% of budget on health and 9% on GDP. Furthermore, she informed the Committee on June 1st 2017, the organisation will be due to release the new global index on children around the world unfairly robbed of their childhood. She concluded by pledging commitment to the Committee to contribute and support the Committee in general measures of implementation, deliberations, general comments, national coalitions to monitor human rights mechanisms, child marriage special rapports, child marriage survivals, children on the move study and lastly to seek to work towards investment.

**41. End Child Prostitution and Trafficking :** Mrs. Catherine Mbengue, Senior Advisor, from End Child Prostitution and Trafficking (ECPAT) International congratulated the Kingdom of Lesotho for hosting the Committee's Session. She expressed her appreciation towards the Committee for providing ECPAT International the opportunity to inform the same about the survival of sexual exploitation. She expressed her desire for the discussion to be informative and launch a constructive dialogue. She concluded pledging the organisation's commitment to collaborating with the Committee and with joint efforts; this will ensure children will be free from violence.

**42. REPSSI :** Mrs. Malineo Agnes Matselo, representative of REPSSI, started the presentation expressing appreciation towards the Committee for the opportunity to participate in the Session. She stated that REPSSI strategy has a key focus on child

marriages and will focus on promoting the investment towards ensuring girls stay in school, those families and communities discourage child marriages and that communities also support reintegration of survivors of child marriages. She noted that the REPSSI child marriage intervention is targeting Policy makers, community and religious leaders, representatives from civil society, police, media, boys, girls, youth and the community at large. Mrs Malineo recalled that REPSSI supported SADC to develop the SADC Orphans, Vulnerable Children and Youth Business Plan 2016-2020. She noted that the business plan will improve policy harmonisation and implementation for comprehensive care and support for vulnerable children and youth. Mrs Malineo concluded the presentation informing the Committee that REPSSI will host a Support forum to promote awareness and understanding of the importance of psychosocial support (PSS) and to share knowledge on approaches to providing it under the theme “Equity, Equality for all Girls, Boys and Youth”.

**43. African Child Policy Forum:** The statement of the African Child Policy Forum (ACPF) was presented by Dr. Nkatha Murungi, who congratulated the Committee and the government of the Kingdom of Lesotho on the convening of the Session. ACPF acknowledged the AU Theme for 2017 which is “Harnessing the Demographic Dividend through Investment in Youth” is an opportunity to draw attention to issues affecting children in order to anchor Africa’s developmental goals as expressed in the AU Agenda 2063. ACPF underscored the need to accelerate action to implement the rights of children, and committed to continue pushing for state accountability and dialogue to facilitate investment in children in order to achieve this aim. ACPF highlighted some of its initiatives in 2016, particularly the 7th International Policy Conference on the African Child, the launch of the African Partnership to End Violence against Children, and the launch of the African Report on Child Wellbeing, 2016. She added that the Committee has already taken note of these events and asked ACPF to share the key outcomes for further consideration. As a follow up, the key recommendations of the IPC targeted at the Committee were presented. These were to; put the issue of crimes and extreme violence against children on its agenda; develop a communiqué on the issue to spur national action; and recommend the AU to put the issue on the agenda of a future summit of African Heads of state and government. Dr. Murungi highlighted some of the key activities that ACPF would be undertaking in 2017, including the operationalization of the African Partnership to End Violence Against Children, support for the implementation of the East Africa Community Child Policy, support to the Committee in the development of General Comments, as well as the popularization and dissemination of the AU Agenda 2040 for Children. In conclusion, ACPF expressed its appreciation for the cordial relationship and support that it has enjoyed with the Committee, and reiterated its commitment to continue its support to and engagement with the Committee.

**44. World Vision International:** Representing World Vision International, Mr. James Odong, Director of External Engagement, began the presentation thanking the

Committee for their endless efforts of advocating for the protection of the rights of the Child. Furthermore, he congratulated the Committee for the continental study on Children and armed conflict. He urged the Secretariat, Committee members, representatives of respective Governments and non-governmental organisations to reflect on key steps to the objective of sustaining peace. He noted with the lack of proper systems, parents and care givers are reluctant to report on cases. He commended the Committee on children's rights in Africa and promised to support the Committee.

**45. CSO Forum:** Representing the CSO Forum, Mr Ruzigana Maximilien, Child Rights Coordinator, begun the presentation by congratulating the Committee and ensured the organisation has a mandate to support the Committee. He acknowledged the Session would serve as a unique opportunity to hold all Governments accountable at national and regional levels. Furthermore, he noted due to lack of clear strategies on protecting and promoting children's rights, immeasurable work lies ahead for the continent. He encouraged for democratic transitions within nations and need to commit to accelerating and protecting the rights of African children by 2030. On behalf of the organisation, he expressed appreciation and willingness to support the Committee in all their works directed towards protecting and safeguarding child rights. Additionally, he emphasised on the importance of strengthening equality of intervention in order to ensure promotion, protection and implementation of children's rights in Africa. He concluded by suggesting for regular activities and continuous activities at national and regional levels.

**46. Institute for Human Rights Development in Africa (IHRDA):** Naitore Nyamu-Mathenge, representing IHRDA, made a brief remark and started her presentation by thanking the Committee for the opportunity to present in the Session. The presentation raised concerns in regards to the violation of the rights of adolescent girls in Sierra Leone. She noted that the government of Sierra-Leone has a policy that prevents pregnant girls from attending mainstream schools. She stressed on the fact that the Government has not shown a robust commitment to deal with the sexual violence and exploitation resulting in the high numbers of teenage pregnancies. On behalf of IHRDA, she requested the Committee to raise this issue with the government of Sierra-Leone and to urge the government to reverse this policy and permit pregnant girls to continue with their education that promotes their best interests.

**47. African Movement of Working Children:** Mr. Nyasha Dick, representative of the African Movement of Working Children and Youth, commenced the presentation on the activities of the organization by thanking the Committee for the opportunity to participate in the Session. He stated that the African Movement of Working Children and Youth is an organisation started by children to protect and advance their rights collectively. He further explained that the organization's work has managed to reach

out to over 500,000 children all over the continent through the carefully organised grassroots groups. He emphasised on the fact that there is a great need for children to be a part of the responding and tailoring of policies. He concluded the presentation by expressing the intention of the African Movement of Working Children and Youth to work on the protection of children on the move and by encouraging African communities to play a role in caring and protecting children.

**48. Child Rights Network of Southern Africa (CRNSA):** The representative of the Child Rights Network of Southern Africa (CRNSA) Mr Desmond Mhango, Chairperson of NGO Coalition on Child Rights, began the presentation by introducing the topic of child economic social inequalities, the xenophobic attacks and child marriages within the Southern African context. He emphasised on the fact that there is need for State parties to invest in demographic window opportunity. He urged governments to focus on the situation of children and on economic growth indicators. Moreover, he noted initiating campaigns for establishing a child rights protocol provides specific targets and time frames. Lastly, he concluded by calling upon the Committee to pay attention to issues of equality on the continent.

**49. Child Helpline :** Ms Dumisele Nala, National Executive Officer, the Representative from Child Helpline International made a presentation and indicated that her organisation is one of the world' largest collective impact organisation. The network consists of 181 child helplines and other organizations operating in 139 countries around the world. In 2015, our members all over the world listened to more than 20 million children around the globe. 43% of all the call received was about violence and abuse. She further stated that 11% of all the calls were received in Africa, approximately 2,397,144 related to sexuality and sexual awareness, abuse, violence, information requested, school related matters and basic needs. According to the presenter the child helplines members play an invaluable role in protecting our African children and often constitute the only access children and young people have in receiving Child protection services including social, medical, judicial and law enforcement services. Finally she presented CHI's 'Call for Action' on the following: for Child Helpline to be recognised by the Committee and the African governments as an essential child protection mechanisms for children in Africa; assign the free of cost, regionally harmonised telephone number of 116, so that those children who are trafficked or displaced have a reporting mechanism; establish, strengthen and support child helpline services in Africa, making sure they are fully resourced and funded with professional trained persons, appropriate software for calls and data management and ICT material so that they can respond and assist the children that are in need; use Child Helplines data for evidence based policy making. It was then stated that this unique information from children offers a window in the world that they experience, and should be included when strengthening child protection systems, drafting national child protection plans and programmes for support children.

**50. Baha'i International:** Ms. Carmel Woldu, representative of Baha'i begun the presentation stating "Every child is potentially the light of the world". She noted that the Baha'i International Community Addis Ababa Office (BIC AAO) reaffirms its commitment in its effort to reveal this limitless potential of African children through an all-inclusive spiritual education. She noted that as part of this effort, BIC AAO is ready to engage at thought level with all like-minded individuals and institutions and further explore this possibility as a way to improve the rights and welfare of children. She stressed that the process of community building that requires the nurturing of and empowering spiritually its young members at a grass root level requires the involvement of community members as a whole. Ms. Carmel concluded the presentation by thanking the Committee for the opportunity to present in the Session.

**51. East African Center for Human Rights:** Mr Abraham Ochieng, representative of East African Centre for Human Rights, presented on challenges affecting children in Eastern Africa, he started by thanking the Committee for the opportunity to present in the session. He noted that East Africa is experiencing a number of long-standing and recurring conflicts, most notably in South Sudan and Somalia, which have had a devastating impact on the lives of children. He continued to explain that in addition to the conflicts, the Eastern Africa regions, and indeed other regions in Africa, have been experiencing one of the most severe droughts in recent history, further compounding the problems faced by families, and especially children. He stressed that many children have found themselves on the move, not sure about where they are headed, and without any or inadequate safeguards. He concluded by stating the organization's desire to fully support the work the Committee in conducting the continental study on children on the move, and to urge members of national coalitions to strengthen their data collection mechanisms to ensure the true extent of the problem is documented, and that children are fully protected.

**52. Zimbabwe National Council for the Welfare of the Child:** Mr Maxim Murungweni, Program Manager of the Zimbabwe National Council for the Welfare of Children started the presentation by expressing his appreciation towards the Committee. He stated that the organization continues to coordinate the Child Rights Coalition in Zimbabwe. Together with various child rights actors with funding and support from Plan, Save the Children and COMIC Relief, ZNCWC managed to engage the media for improved child rights advocacy. He stated that in 2016 ZNCWC, commissioned a research on Young women in commercial sexual exploitation along two transport corridors in Zimbabwe: Causes, initiation prevalence and use of Hiv and social services. He stated that, ZNCWC with support from ECPAT launched the Sub-Saharan Africa Regional Report of Global Study on Sexual Exploitation of Children in Travel and Tourism. He noted that the Child Rights Coalition in 2016 managed to submit the CSO Universal Periodic Review Child Rights Report to the Human Rights Council. He further recalled that ZNCWC

managed to publicise the concluding observations for both the UNCRC and African Charter to various members in the coalition, published the concluding observations in the national newspaper and developed pocket handbook of the ACERWC and UNCRC Concluding observations. He concluded by stating that ZNCWC together with UNICEF coordinated the nationwide Child Rights Coalition End Child Marriage Campaign.

53. **CONAFE:** The representative of CONAFE, Ms Justine Liaison, Executive Secretary, started her presentation by acknowledging the interests displayed by the Committee on Civil Society Organisations. She then informed the Committee about the organisation's works in collaboration with Save the Children. The organisation intends to introduce a report from the children inspired by interactions between the Committee and children supported by CONAFE. She stressed on public investment towards children and informed the Committee about the launch which took place in Senegal with the Ministry of family and Ministry of Finance. She emphasised on the need to collaborate with local communities and noted studies will be conducted with Save the Children. She noted this would enable private organisations to see how to contribute towards advocating for the rights of children. Moreover, during the presentation, the presenter communicated the need to understand the AU Commission to continue advocacy and allocate sufficient sources. Additionally, she noted the main issue is the actual promotion of activities. He concluded by expressing her deepest appreciation towards the Committee for this joint meeting between the Committee and Non-governmental organisations.

#### **ITEM 10: PRESENTATION BY PLAN INTERNATIONAL ON CHILDREN'S CONSULTATIONS REGARDING THE THEME OF THE DAC**

54. Ms Ramatu Kargbo, representative of Plan International, started the presentation by appreciating the works of the Committee. She stated that 447 boys and girls from 13 Countries across Africa participated in a consultative meeting from February to March 2015 to identify suitable themes for the DAC 2016-18 commemoration based that will address the problems they face as children in Africa. A boy, girls, in and out of school and children with disability aged 7-18 year's participated in the exercise. She explained that the Consultations focused on three levels: their level of awareness of child rights, the evaluation of children's knowledge about the existence of the DAC and its celebration and the awareness of children and their participation in addressing problems concerning them and their peers in Africa.

55. The children suggested that they should be supported to interact and follow up on the issues promised by duty bearers during commemoration of the day. They would also like a roadmap developed on activities to be carried out in their communities and design tools to help monitor the conduct of the selected theme for

the day and meaningfully participate in the process. She recalled that the children identified the following as problems affecting them and that need to be addressed: Children in emergency, Forced and early marriage, Non-registration of children at birth and non-withdrawal of birth certificates, sexual abuse, Juvenile justice, lack of access to quality food for all children, neglect by family, the practice of FGM, child marriage and corporal punishment, children on the move, insecurity of children and women imposed by armed groups, lack of education of girls in rural areas and the phenomenon of technologies which exposes children to pornography among other vices. In conclusion, she stated that the children urged the Committee to bring African governments to meet their commitments and protect all children without discrimination, involve girls and boys in monitoring mechanisms of fulfilment of their rights, apply necessary measures to abolish corporal punishment in school, increase budgeting for social sectors of education, health and justice and to call upon the government to disseminate and implement the African Charter on the Rights and Welfare of the Child.

#### **ITEM 11:REPORT ON THE IMPLEMENTATION OF THE ACERWC DECISION ON BEHALF OF THE CHILDREN OF NUBIAN DESCENT IN KENYA**

56. The Delegation from the Government of Kenya who is led by Mr Noah Sanganyi, presented the Country's position on the progress it has achieved in implementing the decision of the ACERWC on the communication regarding children of Nubian descents in Kenya. The presenter started the presentation by thanking the ACERWC for the continued cooperation with the Government of Kenya.

57. He continued with the presentation by giving a summary of the history of the Communication against the government of Kenya. The legal framework of Kenya related to child protection was briefly outlined starting from the 2010 Constitution of the Republic. Following that, the head of delegation recalled the five recommendations rendered by the ACERWC and proceeded with listing and explaining the measures taken towards their implementation. The measures taken include; making of the descendants of migrants and stateless persons and migrants and stateless persons eligible for registration for citizenship according to the 2010 constitution, opening an 8 year window of registration of children up to 29 August 2019, putting in place a monitoring plan in health facilities to ensure that every birth is registered at any maternal health outlets, conducting accelerated mobile registration, establishment of a guideline on orphan and vulnerable children, reengineering the education management information system, sensitization of religious leaders on birth registration, distribution of registration guidelines to registration agents, ensuring that, government registers all birth as soon as they occur irrespective of any circumstance, subsidizing secondary school education, capitation increase in 2014/15 academic year, including fruits and vegetables in school feeding programs, health facilities development, commencing free child delivery services, including HIV/AIDS education in the school curriculum and making the principle of non-discrimination central to issues of health and education. The

head of delegation expressed that legislative, administrative and other measures have been taken to comply with the decision of the Committee on the communication.

58. Following the presentation by the delegation, appreciations, comments and questions were posed by members of the Committee, former complainants in the Communication (Open Society Justice Initiative and Centre for Minority Rights Development) and representatives of the Nubian community. Questions were raised in issues such as accelerating the implementation process, bridging communication gap between decision makers and implementers, extending window period of registration beyond 2019 and ensuring non-discrimination in vetting procedures by revising it in consultation with members of the Nubian community.

59. The delegation expressed their appreciation for the recognition of their efforts and explained that the Government of Kenya has put in place a long-term vision up to 2030 that will address the issues various vulnerable groups within its social pillar. The delegation further expressed the willingness of the Government to work closely with CSOs and community members in moving forward.

60. After the reflection by the delegation, the chairperson appreciated the efforts of the Government of Kenya and expressed his deep gratitude to the delegation for the cooperation with the Committee. He further noted that the Kenya is a very good example in various aspects of child protection within the continent.

Finally, the Chairperson of the ACERWC suggested for the two parties to come together in a closed session where they could discuss the matter closely and agree on the way forward. Both parties then agreed to discuss the matter in a closed session which happened immediately after the open session in the presence of the Chairperson the ACERWC and other designated Committee Members.

## **ITEM 12: REPORT ON THE IMPLEMENTATION OF THE ACERWC DECISION ON BEHALF OF THE TALIBE CHILDREN IN SENEGAL**

61. The Delegation from the Government of Senegal which is led by Mr Niokhobaye Diouf presented the Country's position on the progress it has achieved in implementing the decision of the ACERWC on the communication regarding talibés children who are forced to beg on the streets of Senegal. The head of delegation started the presentation by thanking the ACERWC for the continued concern towards the children of Senegal. He further expressed that the Government of Senegal gives high importance and value for this meeting. The delegation proceeded by summarizing some of the procedures relating to the Communication brought against the Government of Senegal that led to this follow up presentation.

62. After stressing that the problem of begging of children and specially the Talibé is recognized as a big challenge in the child protection system of Senegal, the

delegation listed all the positive measures taken towards the implementation of the recommendations of the Committee. Accordingly, the measures that were taken include the following; the allocation of budget for the implementation of the recommendations (one hundred million CFA), supporting Daras with nutrition, collaborating and signing of bilateral agreements with border countries for the return of children to their homes, accelerating the adoption of a child rights code, the creation of 3 new children's courts in areas that do not have any, construction of 74 Daras in the Northern part of the region, drafting of curriculum for Daras that includes learning of Quran, Arabic and French subjects, setting up of norms, standards and time schedules for Daras and strengthening access to medical coverage for Talibé children with initiative for universal health coverage for children.

63. The delegation further elaborated that based on the measures taken, certain positive results have been seen. There is an increase in the rate of children in school, better quality of education, 1147 children were withdrawn from the street and 2344 Talibé children were enrolled in health units. Moreover, challenges that were faced in the process of implementation were presented by the delegation. One of the major challenges holding back the implementation of the recommendations was aid to be deeply rooted harmful traditional values. The delegation expressed the strong desire of the Government of Senegal to ensure the full implementation of the recommendation and to create a Senegal where no child has to beg. Furthermore, the delegation expressed that the government is currently working with all relevant stakeholders, including religious leaders, member of the community, CSOs, private sector and neighbouring countries.

64. Following the presentation, appreciations, comments and questions were posed by Committee members, participants, and former complainants of the Communication (Centre for Human Rights and RADDHO). Concerns were expressed in rate of implementation of the recommendations and suggestions were made to have a concrete timeline for the various efforts being undertaken towards full implementation of the recommendations of the Committee. The Committee also suggested for a clear roadmap to be developed by the Government in consultation with all stakeholders to address the matter in the foreseeable future. The Members have also suggested for the Government to continue undertaking awareness raising activities and implement the relevant laws regarding the Marabouts. In concluding, the Chairperson of the Committee expressed his sincere appreciation for the Government of Senegal in their cooperation with the Committee and stressed that Senegal is going on the right direction for a better future of the Talibés children.

### **ITEM 13:PRESENTATION BY THE SPECIAL RAPPORTEUR ON CHILD MARRIAGE**

65. The incoming Special Rapporteur on child marriage Hon Marie-Christine Bocoum made a presentation concerning the progress of the Campaign to End Child

Marriage in Africa. She stated that the launching of the Campaign in 2014 by the African Union displayed the commitment to end child marriage. She noted that the objective of the campaign is to accelerate the process of ending child marriage by sensitizing member States, CSOs and other relevant stakeholders and by supporting the protection mechanisms. The special rapporteur stressed on the grave negative consequences of child marriage by calling it one of the worst forms of violence against children. Looking at the available global statistics, she stated that child marriage affects 15,000 girls each year and 40% of the girls who are affected by child marriage are found in Africa. The campaign has so far resulted in clear reduction on the rates of the child marriage, increase in adolescents' access to family planning services and putting in place monitoring mechanisms.

66. The special rapporteur commended the concrete measures taken by the African Union on this issue; namely the appointment of goodwill ambassador and special rapporteur to promote the campaign for the abolition of child marriage in Africa. The mandate of the Special rapporteur includes carrying out missions to determine and establish investigation on matters related to child marriage and conducting visits in countries who have launched the campaign nationally in order to oversee the implementation of the campaign. It was mentioned that the foreseeable challenges in the effective implementation of the campaign include lack of prioritization of the matter by states, excuse that the real problem of Africa is poverty and lack of human and financial resources. The Special Rapporteur noted the recommendations made by her predecessor, the outgoing rapporteur based on fieldworks conducted. The recommendations to be taken forward are the following; including the Campaign in agenda 2063, involve Regional Economic Communities in the implementation strategy, fixing the age of marriage at 18 for both boys and girls throughout Africa and asking for attestation documents of age before conducting marriages, ensuring legal social assistance for reproductive health for girls in rural and urban areas, schooling and maintenance of girls within schools and give special attention to the issue of child marriage in reviewing state reports by ACERWC.

67. The Special Rapporteur concluded the presentation by thanking the African Union, states and partners for displaying confidence in her and member states for who assisted in launching the campaign.

#### **ITEM 14:PRESENTATION OF THE CONCEPT NOTE ON CHILDREN ON THE MOVE**

68. The Secretariat presented the draft concept note for a continental study on children on the move in Africa. The objective of the presentation was to get inputs and guidance for the planned study from participants of the Session. The presentation started by a definition of children on the move, the term 'children on the move' refers to "persons under the age of 18 who have left their place of habitual residence and either in transit-moving across international borders or within countries-or have already reached a place of safety". Following that, the presenter

listed and described the suggested thematic areas for the study in the concept note. The first thematic area discussed was identification of the driving factors of movements amongst children in Africa. It was suggested that emphasis needs to be placed on monitoring the lives of children on the move, which includes exploring risk, and vulnerability factors in the different context and phases of the mobility processes, including analysing the environment in which the movement process occurs. The second area discussed was identification of major routes. There are various routes that migrants take within Africa and across the continent. Some of the routes of child migrants are clearly identifiable while others are obscure due to the involuntary or illegal nature of the travel undertaken by human traffickers and smugglers. Another important theme that was suggested and discussed was conflict. The largest refugee movements in Africa are caused by conflict. Violence and protracted conflict in the horn of Africa, Central Africa and Lake Chad Basin has resulted in millions of children being forced to flee their homes. Finally, the issue of human trafficking was discussed, it was mentioned that trafficking is an elusive way in which children are being taken away from their homes by traffickers mostly for sexual exploitation, forced labor and to be used as child soldiers. The lack of accurate and reliable data makes trafficking of children in within Africa and beyond difficult to properly identify and tackle.

69. After the suggested thematic areas were elaborated, participants of the session expressed their appreciation of the draft concept note, stressing the importance to conduct a study on the issue of children on the move in Africa. Furthermore, participants suggested expanding the thematic areas including issues such as the need to prevent the movement of unaccompanied children, compliance of African states with international law protecting children on the move, analysis of existing guidelines that are relevant and important for this issue, the issue of refusal of parents to have their children returned assisted by an organization or state because parents think it's for the benefit of children to migrate, remedies and responses, the intersection of conflict with poverty, religion and other factors, issues of children involved in armed conflict, bilateral and multilateral agreements related to mobility and their impacts on children's rights.

70. The Presenter appreciated the questions, suggestions and interventions made by the participants of the Session. He expressed the intention of the secretariat to take in to account all the suggestions made by the participants in moving forward with the planned continental study.

**ITEM 15: ECPAT PRESENTATION: THE GLOBAL SURVIVORS' FORUM: SEXUAL EXPLOITATION - SURVIVORS AMPLIFIED VOICES AND STRONGER ACCESS TO JUSTICE FOR CHILD-VICTIMS"**

71. Presentation was led by Mrs Catherine Mbengue, representative of ECPAT, alongside representatives of lead agencies from Kenya and Sierra Leone. Mrs Mbengue discussed the various initiatives of ECPAT including consultations at

national levels in various countries on the protection mechanisms for children who are victims of sexual abuse. She noted that, there are two main environments in which children are exposed to sexual abuse; entertainment places and domestic spaces. She further introduced and explained the Global Survivors Forum, which is a space for survivors to share their experiences in a safe environment and to contribute in the fight against sexual abuse of children in their various professions. Lauren Holdup, an advocate and a survivor of child sexual abuse, also shared her experience on the issue, highlighting the long lasting negative impacts of sexual abuse on the mental and physical wellbeing of children that extend in to adulthood. Some of the challenges raised in the protection mechanisms include; child-unfriendly criminal justice system, lack of regulations in domestic environment and entertainment industries, and lack of psychosocial support for survivors. Mrs Mbengue concluded the presentation by making few suggestions to the Committee including recommendations; to take in to consideration the need of adult survivors in responding to the issue, to facilitate experience sharing between various jurisdictions, to advocate for a child-sensitive criminal justice system and to dedicate the theme of DAC to this issue in order to create awareness.

#### **ITEM 16:DISCUSSION ON RECOMMENDATIONS TO INTEGRATE SDGS IN ACERWC REPORTING**

72. Mrs. Doris Mpoumou, the Director of the Pan African office of the African Union (AU) to Save the Children presented on the Amendment Suggestions on the Sustainable Development Goals (SDGs) indicators. This document serves as a guideline on the form and content of periodic state party reports to be submitted pursuant to the Article 43(1) (b) of the African Charter on the Rights and welfare of the Child (ACERWC).

73. She recalled that a task force was formed to seek accountability on Member States on targets of the SDGs and how Governments can integrate the SDGs in their State Party Reports on the implementation of the Charter due to the fact that SDG frameworks targets are related to children's rights. The Task force was mandated to map out SDGs indicators, targets and review the state party periodic guidelines.

74. She brought to attention the recommendation of the Committee during the 28th Session in October/November 2016 that Committee Members be part of the task force and seeks input on the final output of the task force and guidelines. The task force adopted terms of reference and agreed on the methodology on how to integrate targets and state party periodic guidelines, and produce recommendations to the committee. The task force would use the third party period report guidelines.

75. Moreover, she highlighted additional areas of inclusion within the clusters in the reporting of the Charter such as the enforcement of legislation and monitoring of the implementation of the Charter, protection of children in vulnerable situations,

provision of disaggregated data, and promotion of equality in all aspects among others.

76. Lastly, she gave recommendations that included State parties to remedial action to enforce the minimum legal age of marriage to be 18 and to provide relevant evidence with regard to the registration of all marriages.

#### **ITEM 17: ACPF PRESENTATION ON AFRICAN REPORT ON CHILD WELLBEING, 2016**

77. Dr. Lucyline Nkatha Murungi, from ACPF, presented the African Report on Child Wellbeing 2016. In her presentation she indicated that the African Child Policy Forum (ACPF) through its various studies on children in Africa noted that significant achievements have been made in Africa on the realization of children's rights since the adoption of the African Children's Charter. However, she mentioned, the progress made, while encouraging, is insufficient. Serious gaps still exist in translating commitments made on the ACERWC into action to achieve concrete results in improving the wellbeing of children in Africa. Within this context, ACPF dedicated the theme of the African Report on Child Wellbeing 2016, the 4th in the series, to promoting child rights implementation in Africa. The report, which is entitled "Getting It Right: Bridging the gap between policy and practice", uses the Charter and the General Comment of the CRC on General Measures of Implementation as the core guiding principles for the assessment of implementation efforts in various countries of Africa.

78. She further mentioned, while implementation is a broad subject, the report focused on key institutional, budgetary and systemic bottlenecks hindering the process. Amongst other things, the report reveals that government bodies responsible for coordinating the implementation of the Charter have very weak institutional capacity, lack the autonomy and power to convene all the relevant stakeholders, and suffer from severe budgetary constraints to effectively undertake their coordination and oversight mandate. It also shows that accountability mechanisms, both internal and external, are generally too weak to influence the performance of implementing agencies.

79. In light of these findings, she stressed that ACPF urged the ACERWC to call upon States Parties to the Charter to urgently take action to define a common vision for children's rights in their country through development of comprehensive National Plans of Action on Children; strengthen the capacity of ministries and/or departments responsible for children's affairs, particularly through provision of adequate human and financial resources necessary to enable and accelerate delivery on their responsibilities for the coordination of, and monitoring of the implementation of the Charter. ACPF further urges the Committee to call upon State Parties to strengthen their accountability systems and ensure independence of National Human Rights Institutions to promote compliance with the Charter and with other regional and international human rights instruments pertaining to children.

**ITEM 18:PRESENTATION AND DISCUSSION ON THE ACCP PROJECT (SIDA PROJECT)**

80. Mr. Anteneh Bizuyaheu, presented on the African Children's Charter Project (ACCP) (SIDA Project). Subsequent to the end of the African Children's Charter Project (ACCP) bridge period in December 2016 and delay in the commencement of the ACCP phase 2, SIDA granted the ACCP first Cost extension from January to June 2017. He noted the interventions during the period are aimed at strengthening the human and technical capacity of the ACERWC to implement its Strategy 2015-2019 and strengthen civil society to use AU mechanisms, and especially the ACERWC's to promote the rights and welfare of girls and boys in Africa. He informed the Committee that the procedure of project implementation is under way and pledged support to the ACERWC with translation of State Party reports (5 state party reports); preparation of Country briefs on state parties reporting; facilitation and support CSOs engagement on and around the biannual sessions of the ACERWC (CR coalitions/forums from Tanzania, Comoros and Sierra Leone); support to two short term consultants at the Secretariat and support towards the ACERWC Communication plan, meeting with SIDA on April 2017, another six months cost extension is proposed to be implemented from July to December 2017 with an envisaged budget of 3 Million SEK. The six months cost extension is currently under planning and budgeting. With regards to ACCP phase 2, the proposal will be revised in view of emerging issues, learnings and timeframe and submitted to the donor by end of August 2017. The ACCP phase 2 is expected to be implemented for three years (2018-2020), with approximate budget of SEK 28 Mln /USD 3.3 Mln. He reassured the Committee that the ACCP will commit to conducting regular consultations with the ACERWC in order for effective implementation of the project. Moreover, he emphasized on the need for timely communication and feedback from the ACERWC during the project planning to avoid delays and inefficient use of resources and stressed the need for further collaboration and coordination with donors and partners working with ACERWC. He requested that the ACERWC to appoint a focal person to the project to ensure adequate support in terms of required communication and technical input on the overall project design and successful implementation of the project.

81. After the presentation the Committee appreciated the support that ACCP has been extending to the work of the Committee then decided to discuss the matter in closed session address issues related to focal persons, regular communication, and participation of ACCP meetings. Hence an agreement was reached for the Committee to be represented during the upcoming ACCP meeting in August.

**ITEM 19: CONSIDERATION OF AN APPLICATION FOR INVESTIGATION AND CONSIDERATIONS DRAFT ADMISSIBILITY RULINGS ON COMMUNICATIONS BEFORE THE ACERWC**

82. The ACERWC has considered and decided on the admissibility rulings of the following communications:

- i. Ahmed Bassiouny represented by advocate Dalia Lotfy and Amal, mother of the minor Vs Government of Arab Republic of Egypt: The Communication is declared inadmissible
- ii. Sohaib Emad represented by advocate Dalia Lotfy and Samar Emad, sister of the victim Sohaib Emad Vs Government of Arab Republic of Egypt-The Communication is declared inadmissible
- iii. Mr. and Mrs. Elogo Menye and Rev. Daniel Ezo'o Ayo Represented by Etoungou Nko'o Law Firm Vs The State of Cameroon: The Committee postpone the Decision to the next Session.

83. The Committee also considered a request for an investigation visit by an organisation called Southern Cameroon South Africa Forum and agreed for the applicants to provide more information in order for the Committee to reach on a decision.

**ITEM 20: PRESENTATION AND DISCUSSION ON THE 2017 ACERWC BUDGET AND EU PROJECT**

84. The Secretariat of the ACERWC presented the four months' budget utilization in the year 2017 and the 2018 operational and program draft budget. After the presentation, the Committee appreciated the absorption rate of the year 2017 and adopted the budget for the year 2018.

**ITEM 21: PRESENTATION AND ADOPTION OF THE TERMS OF REFERENCE FOR COUNTRY AND THEMATIC RAPPORTEURS**

85. The Secretariat of the ACERWC presented the draft Terms of Reference for the country and thematic rapporteurs. The Secretariat indicated that the draft Terms of Reference are drafted in accordance with Rule 58 of the Revised Rules of Procedure, which gives the ACERWC a mandate to establish special mechanisms and assign specific tasks or mandates to either an individual member or group of members concerning the preparation of its periods of sessions or the execution of special programs, studies and projects. As clearly enunciated in the preamble of the Revised Rules of Procedure such "Special mechanisms" shall be understood to mean either special rapporteur, working group, study group, sub-committee or other subsidiary body established by the Committee with a specific mandate. Accordingly, the Secretariat recalled that during the 28th ordinary Session which was held on 21 October – 1st November 2016 in Banjul, the Gambia, the ACERWC decided to

establish country and thematic based rapporteurs. Accordingly, the Committee assigned Rapporteurs for the following thematic issues:

- Violence against children
- Children and Armed Conflict
- Birth Registration, Name and Nationality
- Child Education
- Child marriage and Other harmful practices
- Children in vulnerable situations
- Health, welfare and development
- Children on the move
- Juvenile justice
- Parental Responsibilities and child responsibilities
- Child Participation

86. It was then mentioned that the draft Terms of Reference is established to guide and define the roles, functions and responsibilities of the established Mechanisms.

87. After discussing the elements of the draft Terms of Reference, the Committee adopted it as amended.

## **ITEM 22: CONSIDERATIONS OF APPLICATION FOR OBSERVER STATUS**

88. The Committee considered applications for observer status and made the following decisions:

1. The Committee reviewed the application from Defence for Children International and decided to grant an observer status.
2. The Committee also considered the application from End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) and requested for more information to be provided in order for the Committee to reach on final decision.
3. The Committee also received three more applications from Center for Human Rights of the University of Pretoria, Equality Now and African Child Foundation and assigned rapporteurs who will be reviewing the applications and report back to the Committee at its upcoming Session.

**ITEM 23: UPDATE ON THE COMMUNICATION: *INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN AFRICA (IHRDA) VS THE REPUBLIC OF MALAWI***

89. A Member of the Committee who serves as the Rapporteur on Malawi has presented a progress report on the implementation of the agreement in the amicable settlement on the Communication No. 004/Com/001/2014 submitted by the Institute for Human Right and Development in Africa (IHRDA) (the Complainant) and the Republic of Malawi (the Responding State). The Rapporteur recalled that an amicable settlement was reached between the parties in the Communication during the 28th Ordinary Session of the Committee.

90. It was also indicated that the Communication is submitted by IHRDA against the Republic of Malawi. The Complainant in the Communication submitted that contrary to what is provided in Article 2 of the African Charter on the Rights and Welfare of the Child, which defines a child as a person below the age of 18 years of age, Section 23 (5) of the Constitution of Malawi excludes children in Malawi between the ages of 16 and 18 years from the protections accorded to them under the Charter.

91. According to Section IX of the Revised Guidelines, the Committee considered the admissibility of the Communication and set to hear the arguments of both parties on the merit of the matter. While the Committee remains seized on the matter, the Parties submitted a request for an amicable settlement of the Communication. In considering the amicable settlement, the Committee is guided, among others by the provisions of the Charter and the best interest of the child principle in particular, and notes that the terms and conditions in the agreement are in line with the requirements as outlined in the Revised Communication Guidelines, and that both Parties, duly represented, have clearly consented before the Committee to be bound by the contents of the agreement. After having deliberated on the details of the terms and conditions of the amicable settlement agreement, the Committee decided to adopt the amicable settlement.

92. It was also agreed that the amicable settlement will remain in force provided that the elements of the agreement are upheld, and in particular that:

- Both Parties to the agreement remain willing to continue with the amicable settlement;
- The Committee remains convinced that the Respondent State undertakes to do everything within its power to amend its Constitution and all other relevant laws to be in compliance with article 2 of the African Charter on the Rights and Welfare of the Child by 31 December 2018;
- The Committee is convinced that the Respondent State takes all possible measures in the interim with a view to ensure the enjoyment of the provisions of the Charter for all children up to the age of 18 years of age;

- And the Respondent State complies with its reporting obligation as prescribed in the agreement.

93. In this regard, the Rapporteur informed the Committee that the Respondent State has submitted 2 reports dated 25 January 2017 and 25 April 2017 where the State indicated that it has complied with the requirements of the amicable settlement by adopting a bill which amends the Constitution of Malawi. He also mentioned that the amendment documents are duly attached with the report and suggested for the Committee to consider that Malawi has complied with all the requirements in the agreement and hence the case to be closed. The Committee reflected on the briefing and extended its appreciation to the Government of Malawi as it revealed a commitment which can be benchmarked by the concerned Member States across the continent. The Committee then encouraged the Government of Malawi to continue working towards the full implementation of the terms of the amicable agreement by harmonizing all the other relevant laws with the provision of the African Children's Charter on the definition of the child.

**ITEM 24: FEEDBACK ON THE VISIT TO MAURITANIA ON THE COMMUNICATION MINORITY RIGHTS GROUP INTERNATIONAL AND SOS-ESCLAVES ON BEHALF OF SAID OULD SALEM AND YARG OULD SALEM VS THE REPUBLIC OF MAURITANIA**

94. The Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (hereinafter "the Committee") has received a communication pursuant to Article 44 (1) of the African Charter of Rights And the welfare of the child (hereinafter "the Charter"), presented by Minority Rights Group International and SOS-Slaves (hereinafter referred to as "the complainants") against the Government of the Islamic Republic of Mauritania.

95. The Committee after consideration of the Communication during its 27th Session held in Addis Ababa, Ethiopia from 2 to 6 May 2016 declared the Communication admissible.

96. The Committee, at its 28th session, held in Banjul, The Gambia from 21 October to 1 November 2016, in the presence of representatives of the Government of the Islamic Republic of Mauritania and of the Complainants, considered the merit of the Communication.

97. Following the invitation by the Government of the Islamic Republic of Mauritania, the Committee visited the Country to investigate the matter on ground.

98. The Committee accordingly undertook the visit from 27 to 31 March 2017, where the delegation met with the Prime Minister and the Ministers of Justice, Social Action, Education, Public Service, Labor and Modernization of the Administration, the Commissioner for Human Rights and Humanitarian Action, the Bar Association,

the Representatives of UN Agencies, CSOs, the Special Criminal Court on Slavery, The National Commission on Human Rights and the Complainants.

#### **ITEM 25: DELIBERATION ON THE JOINT GENERAL COMMENT ON CHILD MARRIAGE**

99. The Committee discussed the draft Joint General Comment on Child Marriage in an open session and the following issues featured during the deliberation. The participants raised the challenges with regard to dowry and agreed that dowry must be prohibited in all instances of child marriage with no exception. Furthermore, the participants have raised concerns in relation to redress and compensation, the particular case of girls who are already married, compulsory minimum age to leave school, the references made to national jurisprudence and harmful traditional and cultural practices as they are undertaken only in few countries. After the discussion the Committee decided to take the matter to a closed session where further discussions were undertaken.

100. After deliberations the Committee therefore decided to adopt the General Comment provided the African Commission on Human and Peoples' Rights also agrees to adopt the documents, and all the comments, both from the Commission and the Committee, are duly incorporated.

#### **ITEM 26: PRESENTATION AND DISCUSSION ON GENERAL COMMENT ON GENERAL MEASURES OF IMPLEMENTATION AND SYSTEMS STRENGTHENING**

101. The consultant, Professor Julia Sloth-Nielsen presented the Draft General Comment on the General Measures of Implementation and Systems Strengthening. In her presentation, she gave a brief overview on the background, process, orientation, sources and the content of Article 1. She stressed on the fact that the General Comment aimed to guide State Parties and stakeholders in the implementation of their mandate as well as to assist them to hold their Governments accountable for the fulfillment of children's rights. Moreover, she indicated that implementation processes involve Governments to take the necessary legal, policy, budgetary, administrative and alternative measures in order to ensure the well-being of children, full realization of all children's rights stipulated in the CRC, the ACRWC and other relevant national, regional and international human rights laws and instruments related to children.

102. After her presentation, the Chairperson of the ACERWC directed the participants to organize themselves into three groups where discussions were held. After the discussions, the rapporteurs of each group presented their feedbacks and inputs on the draft. The major inputs and comments included the following:

- Translation of the Draft Comment document in order to accommodate for speakers of other languages

- Need to review logistical terminologies
- Lack of a reference system and availability of human resources
- Reviewing and rephrasing few sections within the document
- Development of a track list
- Allocation of resources
- Prioritization of budgets for children by Member States
- Creation of a guideline that will enable the differentiation between obligations and good practice
- Consideration of including annexes.

103. The Chairperson of the Committee then indicated that the draft will be circulated for more inputs and comments from various stakeholders including Member States, CSOs and other partner organizations.

104. Finally, the Consultant, Prof Julia appreciated the feedback and comments from the respective participants and ensured her readiness to work towards incorporating the concerns raised during the discussions.

#### **ITEM 27:SELECTION OF DAC 2018 THEME**

105. Taking the consultations made by children on the theme of Day of African Children into consideration, after further discussions and deliberations, the Committee decided for the theme of DAC 2018 to be on “Leave No Child Behind for Africa’s Development”.

#### **ITEM 28:ADOPTION OF THE REPORT**

106. The report was adopted as amended.

#### **ITEM 29:CLOSING CEREMONY**

107. The closing ceremony was attended by H.E the Right Honourable the Prime Minister of the Kingdom of Lesotho, various Ministers from the Kingdom of Lesotho, Members of the Diplomatic Corps, Representatives of the UN and other International and local organisations. Performance was also held by Kananelo School for children with disabilities.

108. Representing the UN Office, Dr Nadi Albino, the UNICEF Country Representative in Lesotho, noted it was a privilege to be present on behalf of the United Nations Community at the Closing Session of the African Committee of Experts on the Rights and Welfare of the Child. She indicated that the Session

served as a platform to reaffirm commitment to the realization of the rights of children on the African continent. Moreover, she indicated, as signatories of African charter, each member state has responsibility to ensure realisation of the children's rights.

109. She commended the 29th Ordinary Session of the Committee for the inclusion of the Draft of General comments on measures taken by countries in the implementation of the African Charter and the strengthening of systems. Moreover, she noted the session came at an opportune time as the Government of Lesotho is in the process of bidding to host the ACERWC Secretariat and responding to the Concluding observations and recommendations and preparing for the formulation of a new National Strategic Development plan in 2018. She further stated as a concrete step in support of stronger collaboration, the UN Lesotho Country Team commits to support the refinement of the draft and processes leading to the adoption of the General comment due to the fact that it provides a strong and contextualized framework to African policy makers, practitioners and children. She concluded by drawing attention on behalf of the children on the key role of the Committee in supporting Member States to fulfill their obligations and ensure their accountability.

110. In his remarks, Professor Benyam Dawit Mezmur, the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child expressed his appreciation towards the Government of the Kingdom of Lesotho for their hospitality and punctuality displayed during the Session. He noted the level of attendance and participation was diverse and composed of important stakeholders to "create an Africa fit for children". Moreover, he indicated the fact that the discussions with the delegations (Chad, Comoros, Cote d'Ivoire and Tanzania) raised hope for this significant Agenda and enabled learning on the good practices existent in countries. Additionally, he noted during the session the Committee and other organisations were reminded of important cross cutting issues, issues of harmful practices, children in armed conflict, issues of education, health and social protection are major challenges. The Chairperson also noted during the Session, numerous documents were distributed such as the Draft Joint General Comment on general measures in systems strengthening, inclusion of Sustainable Development Goals (SDG's), Children on the move and child marriage. He concluded thanking all colleagues involved in the implementation of the Charter, delegates of countries, partners and all the staff on ground in Lesotho for making the session successful. Lastly, he expressed his appreciation towards the Kingdom of Lesotho for hosting the Committee's session and noted support was required for the adoption of Agenda 2040.

111. In His closing Remarks, the Right Honourable Prime Minister, Mosisili Pokhalitha thanked the children from Kananelo School of the deaf for their performance and noted that the children's performance "gave a dose of what we give them every day by their artistic, silent performance, a taste of what we dish out to them every day". On behalf of the Government of Lesotho, he extended sincere gratitude to the African Union for providing Lesotho with an opportunity to host the

29th Ordinary session of ACERWC. Moreover, he noted extend this will be the steps that will help the committee of experts to determine Lesotho's readiness to host the Secretariat of the Committee on the Rights and Welfare of the Child. Additionally, apart from Government Ministries of the Member States present at the Session, he indicated the fact that there were other stakeholders in the private sector and CSO organizations and development partners that graciously agreed to support the Session. This call was in line with the letter and spirit of coalition agreement "to place greater emphasis on citizen participation" It is for this reason that ACERWC has embarked on a mission to interrogate the readiness of the countries to host secretariat on the rights of the child. He noted the nation submitted the proposal of our readiness to host the secretariat. The children programme holds hope to the wishes of Her Majesty. This will not only be an added advantage to our proposal but also commitment and political will at our highest level. This will help to sharpen awareness of our nation of the rights and welfare of our children. It is on record that Lesotho is one of the countries which is grappling with the twin health challenges of TB and HIV and that children are adversely affected by this pandemics. The situational analysis of orphans and vulnerable children of 2011 indicates that 1, 07, 974 which constituted the largest percentage of the total population of Lesotho. 363,526 of those children were orphans. Its therefore proper for government to have prioritized issues that have a negative impact on the lives of the children in general and affect children. Lesotho vulnerability assessment has identifies various sources of child vulnerability such as poverty and shelter, inadequate food and nutrition in the household. He concluded by thanking the Committee for holding this meeting in Lesotho. He expressed his appreciation to everyone who contributed to the success of this meeting. He acknowledged the fact that immeasurable work lies ahead for the rights of children to be fully implemented.

112. Lastly, he declared this important and the historic, the 29th Ordinary session of ACERWC officially closed.