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**30th SESSION OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)
06 – 16 DECEMBER 2017
KHARTOUM, SUDAN**

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REPORT

THIRTIETH ORDINARY SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

I. INTRODUCTION

1. The 30th Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was held in Corinthia Hotel, Khartoum, Sudan on 06-16 December 2017.

II. ATTENDANCE

2. The Session was attended by ten members out of eleven of the ACERWC, The First Vice President-The Prime Minister of the Republic of the Sudan, Minister of Social Welfare of the Sudan, Commissioner of Social Affairs of the African Union Commission (AUC), Representatives of the AUC, Representatives of the Governments of Sudan, Cameroon, Angola, and Sierra Leone, Members of the diplomatic corps, Representatives of CSOs from Benin, Burkina Faso, Burundi, Malawi, Niger, South Africa, Representatives of United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR), Save the Children International, Plan International, World Vision International (WVI), The African Child Policy Forum (ACPF), The African Children's Charter Project (ACCP), International Committee of the Red Cross (ICRC), International Labour Organization (ILO), International Organization for Migration (IOM), Norwegian Refugee Council (NRC), African Movement of Working Children and Youth (AMWCY), Child Helpline International, Africawide Movement for Children, Child Rights Network for Southern Africa, Eastern African Child Rights Network (EACRN), CSO Forum, 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, Initiative for Social and Economic Rights (ISER), Ghana Institute of Management and Public Administration (GIMPA), Graca Machel Trust, Open Society Initiative, Institute of Human Rights and Development in Africa (IHRDA), African Center for Justice and Peace Studies (ACJPS), Human Rights Watch, Finders Group International, and African Network for the Prevention and Protection Against Child Abuse and Neglect (ANNPCAN).

ITEM 1: OPENING CEREMONY

3. The Opening Ceremony of the 30th Session of the ACERWC, chaired by The First Vice President-The Prime Minister of the Republic of the Sudan started with the presentation of the AU and Sudan anthems by children followed by prayers done by religious which reflect peace for children. Subsequently, a welcome statement was delivered by Ms Suad Abdelal Eltahir, Secretary General of National Council for Child Welfare (NCCW). In her statement, she welcomed participants to Sudan to the 30th Session of the ACERWC. She highlighted that the Session presents an opportunity to share experience and learn from one another. She also highlighted that the Government exerted its best effort to host this Session and that the Government looks forward to host the ACERWC.

4. Her Excellency. Amira El Fadil Mohamed El Fadil, Commissioner of Social Affairs of the African Union welcomed all participants to Sudan and highlighted the importance to focus on the Protection of Children in Africa. She stressed that Africa

is a continent with many potentials which is developing rapidly. The Commissioner briefly introduced the ACERWC and gave to the participants an overview of its mandate. She alluded to the fact that the ACERWC is in charge of monitoring the situation of children in Africa by reviewing the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC) through its various mechanisms. The Commissioner mentioned that there are clear policies and guidelines in the AU about children's rights. She stated that the ACERWC has finalized the Continental Study on the Impact of conflict and Crisis on Children in Africa and is currently undertaking another study on Children on the Move. She further stated that the right to birth registration of children should be prioritized as it is an entry point for recognizing children. She also observed that poverty is a major setback for the realisation of Children's Rights and that children living in poverty stricken households should be supported. To this effect, the Commissioner stressed the importance of adopting legislation and programs that will sensitize communities to elevate child protection. Communities should be aware of children's rights as we observe malpractices such as child marriage and FGM. In this regard, the Commissioner stated that the AU has undertaken campaigns against Female Genital Mutilation (FGM) campaign and ending Child Marriage in Africa. The Campaign to End Child Marriage in Africa has since been launched in 22 countries. The AU has held the first Girls Summit and is preparing for the second Girls Summit. She also highlighted the need to provide for the special needs of children with disabilities regardless of the type of disability and the need to build capacity of children. She stressed that a positive change can be achieved when it is community led and hence CSOs, religious leaders, traditional leaders, and media have a vital role in advancing the protection of children. She finally commended the Government of Sudan for its child rights works and called upon others to learn from the experience of Sudan on how to address the situation of children from the aftermath of conflict.

5. Prof Benyam Dawit Mezmur, outgoing Chairperson of the ACERWC highlighted that this session is special for many reasons. He highlighted that it has been 18 years since the African Children's Charter came into force in November 29 1999 which marks an important note as 18 years is the age of transition to majority; and hence it becomes a good time and opportunity to reflect the achievements and the impact of the Charter on the lived realities of children in Africa. He further mentioned that this is the third consecutive ordinary session of the ACERWC held outside of Addis Ababa and that by so doing the ACERWC's work and activities are being taken to Member States. The Chairperson also acknowledged Sudan for having been the first country which has submitted its initial report to the ACERWC on time. He went on to mention also that along with Lesotho, Sudan has offered to host the ACERWC. In addition, he observed that December 6 marks the coming into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa (Kampala Convention) which is the only in the world binding instruments on IDPs and stressed that the ratification and domestication of this Convention has become more important than ever. He then called upon States to ratify the Convention.

6. Moreover, Prof Mezmur highlighted some of the activities of the Committee such as the activity report of the Committee to the Executive Council of the AU which also adopted Africa's Agenda on Children's Rights, Agenda 2040. He stated that the

ACERWC held an Experts Meeting on the draft General Comment on General Measures of Implementation and Systems Strengthening. The Committee also held side consultations in Banjul, last November on Agenda 2040, and discussed with the African Court on the amendment of the Protocol of the Court.

7. Prof Mezmur, while noting that much has been done, stressed that there is no room for complacency as there are still many obstacles to children's fulfilment of all their rights such as the situation of modern slavery, the highest rate of exclusion of children from schools in sub-Saharan Africa, irregular migration, *El Niño and la Niña*, armed conflict, and new emerging challenges such as dramatic increase in the population of the children which calls for acceleration of our investment on children. He further mentioned that there is a need to look into how child rights can be integrated in the implementation of the SDGs. Prof Mezmur concluded by thanking the Government of Sudan for hosting the session and thanked the Committee Members, the Secretariat of the ACERWC, and other colleagues who work for children.

8. Following the ACERWC Chairman's remarks, children made a cultural presentation.

9. After the performance, the Minister of Social Welfare of Sudan, H.E. Mashair Ahmed Alameen Aldawalp welcomed all to Sudan. She underscored that this session and the works of the ACERWC are steps towards advancing child protection in Africa. While there is a need to discuss on how to implement the SGDs and Agenda 2063 to achieve the goals, it should be noted that there are challenges like peace and security. She informed that we need to take care of children and that child protection is a priority in each of our countries. Agenda 2063, Day of the African Child, and the 16 days activism to end violence against girls and women depict that Africa is on the right way. The Minister also indicated that the initiatives of CSOs assist us in accomplishing our goals. She highlighted that institutional efforts to change societal attitudes with regards to child marriage and harmful practices are needed in child protection. It was stressed that there is a need to involve the community and religious leaders in child rights initiatives. Additionally, she underlined that African countries need to explore their resources to increase to invest on children and enhance their living conditions. She called on all actors to address issues such as migration, armed conflict, and trafficking. The Minister underlined the need to work with the AU and the ACERWC and expressed the willingness of the Government of Sudan to cooperate with the ACERWC on child rights issues. The Minister then invited the Vice President - The Prime Minister of the Republic of Sudan to make an opening speech.

10. At the beginning of his opening speech, H.E. Bakry Hassan Salih, Vice President-Prime Minister of the Republic of Sudan stated that international and regional treaties are meant to set standards on Protection of Children's Rights and Welfare. He indicated that the commitment to uphold child rights is a national obligation and hence Sudan has ratified the UNCRC and the African Children's Charter and that it is committed to implementing the two treaties. The Prime Minister also reiterated what was earlier mentioned by the Chairperson of the ACERWC that Sudan was the first State Party to submit its initial report to the ACERWC on the

implementation of African Children's Charter. He also went on to inform the audience that Sudan has established the National Council for Child Welfare and also adopted a Child Act along with other detailed programs and strategies on the protection of children's rights. He added that the Government closely works with CSOs and partners and that they support the Government in its work. He informed that the Government is committed to providing education, training, and investing on children to make them creative. The Minister also suggested that consultations and experience sharing among States and various actors should be promoted in order to advance child rights. The Prime Minister concluded his remarks by expressing that the Government is willing to facilitate the ACERWC's deliberation and looks forward to host the ACERWC.

ITEM 2: ELECTION OF THE BUREAU OF THE ACERWC: CLOSED SESSION

11. In a closed session, the ACERWC held the election of its new Bureau, which will serve the ACERWC for the coming two years. The election was undertaken under the supervision of a representative from the AUC Office of the Legal Counsel. Accordingly, the new Bureau of the ACERWC comprises:

- Mrs Goitseone Nanikie Nkwe- Chairperson
- Mrs Dikere Marie Christine Bocoum- 1st Vice Chairperson
- Prof Benyam Dawit Mezmur- 2nd Vice Chairperson
- Mrs Sidikou Aissatou Alassane Moulaye- Rapporteur
- Ms Maria Mapani-Kawimbe- Deputy Rapporteur

ITEM 3: BRIEF PRESENTATIONS BY PARTNERS: OPEN SESSION

12. Dr. Iyorlumun Uhaa, representative of **UNICEF**, started the presentation by applauding the work of the Committee. He highlighted, in particular, the work and achievements of the Committee in combating harmful traditional practices. The need to advocate the increased investment on Children by Member States was highly stressed in his intervention. Furthermore, he highlighted the fact that various violations affecting children are interlinked and issues such as corruption require the attention of the child protection structures. He concluded by reassuring the continued support of UNICEF to the work for the Committee.

13. **Plan International** represented by Ms Yodit Mekonen congratulated the newly elected Bureau of the ACEWRC and pledged to continue working with the new team. Plan International commended the ACERWC for adopting the Joint General Comment on Ending Child Marriage and expressed its readiness to support the launch and popularization of the General Comment. It however noted that to date only 22 countries have launched the Campaign to End Child Marriage in Africa and called upon the Committee to urge States who have not yet launched the Campaign, especially those with high child marriage prevalence rates like Central African Republic, South Sudan, Mozambique, Malawi to take steps to launch the Campaign and develop action plans for the implementation and monitoring of progress. Plan International was pleased to inform the Committee that it has identified four

advocacy priorities, which will guide its engagement with its external stakeholders for the next five years. The four advocacy priorities provide an opportunity for Plan International to work collaboratively with the Committee in the implementation and realization of the objectives of Agenda 2040.

14. Mr. Cleophas Maragia on behalf of the **East African Centre for Human Rights (EACHRights)** highlighted that EACHRights notes that the achievement of Agenda 2040 is dependent on governments prioritizing and investing in children. He informed that many children on the continent are still not able to access basic and essential services, and they are facing emerging challenges including the privatization of education and health service. Lack of participation of children in the budget process has further led to their marginalization. EACHRights will at the end of this year publish the results of a study on the participation of children in the budget making process in Kenya and Tanzania. It hopes that this will enhance the inclusion of children in the process.

15. Ms. Doris Mpoumou, on behalf of **Save the Children** started by congratulating the newly elected Bureau and applauded the Committee for its various activities mainly the Experience Sharing Forum held in Mauritius in September on the ratification, reporting on, and implementation of the Charter where many governments like Sudan and Somalia made concrete commitments. Ms Mpoumou reiterated Save the Children's support in 2018 to work with the Committee. She informed that the Committee's participation on the first regional High-Level Meeting on ending child marriage in west and central Africa reflects its commitment. Save the Children International also supported the visit of the Special Rapporteur on Ending Child Marriage to Mali. Stressing the challenge of school attacks and military use of education facilities, Ms Mpoumou alluded to the fact that the Specialized Technical Committee on Education adopted Safe Schools Declaration and Guidelines. She expressed that Save the Children looks for better engagement as it looks forward to co-lead the development of a General Comment on CAAC along with ICRC. Finally, she informed that Save the Children will support the Committee in its study on children on the move and also second a policy and campaign advisor who will support the mandate of the Special Rapporteur on Ending Child Marriage.

16. Ms. Diane Misenga Kabeya, Deputy Head of Delegation, **ICRC** delegation to the AU shared ICRC's perspective on the protection needs of children in the context of 'fight against terrorism and raised measures applied to children preventing violent extremism' context. The ICRC emphasized the particular trends including counter-terrorism laws that give powers of arrest, detention, and even the ultimate sentence to death-penalty, without specifying a limit in terms of age, or without highlighting existing legal safeguards specific to children. The ICRC further recalled to States that all children, including those associated with extreme violence, should be regarded primarily as victims and children, and not only as alleged perpetrators. The ICRC concluded by calling on states to respect and safeguard the rights enshrined in international human rights and humanitarian instruments to protect the safety and dignity of children and stressed the responsibilities of States to ensure respect of international humanitarian law and human rights law.

17. **ACPF**, represented by Dr. Lucyline Nkatha Murungi, started by congratulating the newly elected Bureau of the Committee, welcoming, in particular, the newly appointed Chairperson of the Committee to ACPF's International Board of Trustees. ACPF conveyed its willingness to support the implementation of Agenda 2040 with the view of accelerating the realization of child rights on the continent. It was brought to the attention of the Committee that the 2017 Award of the International Society of Child Indicators was awarded to ACPF in recognition of its work on the Child Friendliness Index. ACPF informed the Committee of key projects and developments that the ACERWC could take note of such as the implementation of a child justice project, consisting of a pan-African study; the launch of a campaign to end abuse and murder of children in Africa, focusing, among others, on child sacrifices, ritual killings, accusations of witchcraft; review of its Child Friendliness Index to improve on the effectiveness of the assessment of the performance of African Governments in ensuring child wellbeing. ACPF further called on the Committee to take forward the recommendations of the International Conference on Violence against Children in Care Settings (June 2017) to set up a day of general discussion on violence against children in care settings. In conclusion, ACPF acknowledged the mutual support it had received from the ACERWC in its work, and reiterated its commitment to continuing its engagement and support to the work of the Committee.

18. Mr. Edmund Foley, on behalf of the **Ghana Institute of Management and Public Administration (GIMPA)** expressed GIMPA's interest to work with the ACERWC and recognised that this 30th Ordinary Session also marks 10 years of the establishment of the Secretariat of the Committee, under the direction of Madame Mariama Mohammed Cisse, who was introduced to the Committee during the 10th Ordinary Session of the Committee in November 2007. GIMPA commended the Secretariat for playing a sterling role in supporting the Committee. GIMPA pledged to support the Committee in strengthening its own internal governance structures and working procedures. GIMPA further urged the Committee to remain resolute in ensuring the implementation of the Charter and other policy documents including Agenda 2063, Agenda 2040 and the Sustainable Development Goals (SDGs). In conclusion, GIMPA thanked Prof Benyam Dawit Mezmur, outgoing Chairperson of the Committee and members of the former Bureau for their stewardship and welcomed the new Chairperson and other members of the Bureau.

19. Ms. Martha Bedane from **World Vision International (WVI)** and Policy Advisor to the African Office, congratulated the newly elected bureau of the ACERWC. She then commended the Committee for finalizing the two pilot projects of the Committee that WVI supported, the Study on the Impact of Conflict and Crisis in Africa as well as ensuring the adoption of Agenda 2040 (African Agenda for Children). Ms. Martha also assured the Committee that WVI will continue in supporting its efforts in ensuring this Agenda is translated into action for implementation as well as holding Member States accountable. She further indicated that there is a lot to be done to reduce violence, exploitation, abuse and neglect of children across Africa and that everyone must consider this as a matter of emergency and strive for a brighter future for children; particularly because this is an area that is threatening the well-being and indeed the survival of children across the continent. In addressing violence against children, World Vision acknowledged that this cannot be achieved through an isolated theory, model or intervention but can be accomplished through joint efforts

to bring change in the lives of children. The nature of this work calls for a multi-dimensional and multi- sectorial approach, with interventions that cut across the different stages of a child's life. Violence against girls and boys is a major threat to the next generation of Africans. Ms. Martha informed the Committee that, as a response to this problem, WVI launched a new global five years campaign "It takes a World to End Violence against Children" and sought collaboration with the Committee in achieving its objectives. As a way of conclusion, Ms. Martha reiterated WVI's continued support to the work of the Committee.

20. Ms. Bitania Tadesse, representative of **Norwegian Refugee Council**, stated that the holding of this Session coincides with the important day that marks the fifth anniversary of the entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, also known as the Kampala Convention. On this day, NRC recognized the persisting protection challenges affecting displaced children and children separated from their parents and families. She stated that NRC is cognizant of the gap in the systematic collection of disaggregated displacement data, which impedes targeted policy and response. Despite the magnitude of displacement in Africa, State Party and CSO reports on the Charter provide limited information on the issue. Given these challenges, NRC called on State Parties; to take all necessary policy and programmatic measures to ensure that displaced children enjoy all their rights as enshrined in the Charter, to collect disaggregated data to capture the number of displaced children and to tailor response to their specific needs. Furthermore, NRC called on the Committee to urge Member States as well CSOs to align their reporting especially on article 22, 23 and 25 of the Charter to their obligations articulated in the Kampala Convention, and to ensure that displacement becomes a standing agenda in the annual joint open session of the Committee and Peace and Security council of the AU.

21. **Bahá'í International communities**, represented by Dr. Solomon Belay Faris, stated that the organization sees the young as the most precious treasure a community can possess as they are the promise and guarantee of the future. Yet, in order for this promise to be realized, children need to receive spiritual nourishment. In a world where the joy and innocence of childhood can be so easily overwhelmed by the aggressive pursuit of materialistic ends, the moral and spiritual education of children assumes vital importance. He concluded by inviting all to engage with Bahá'í International communities in refining the materials and systems meant to make this educational project happen.

22. Representative of the **Uganda Child Rights NGO Network (UCRNN)**, Ms. Stella Ofongo, congratulated the newly elected chair and bureau of the ACERWC. UCRNN also extended warm appreciation through the Secretariat and the AU Commission to the Government of Sudan on the hospitality extended to them. UCRNN is a coalition of over 250 child-focused organizations working with and for children in Uganda. She stated that a key mandate of the network is to monitor and promote the implementation of international, regional and national instruments, and most importantly promote accountability for child rights. After The launch of the SDG agenda 2030 UCRNN was very instrumental in promoting the roll out at national level and specifically following on the implementation of target 16.2 on ending all forms of violence against children. She further stated that as a result of lobbying

efforts of the UCRNN, the parliament of Uganda held a special session on children in July 2017 during which four motions were tabled; a motion urging Government to make ending violence a national priority, a motion on ending all forms of violence against girls, a motion urging government to expedite the implementation of all child related policies and legislation, a motion to introduce a bill to end human sacrifice. The network pledged continuous support to the ACERWC and expressed commitment to support in popularizing agenda 2040 at national and sub-regional level.

23. Representative of the **Initiative for Social and Economic Rights (ISER)**, Ms Cynthia Nona Tamale, expressed appreciation to the ACERWC for granting ISER an observer status at its 28th Ordinary Session and commended the Committee on its efforts to promote and protect the rights and welfare of the African Child. She continued by stating that Uganda continues to perceive economic and social rights of children including the right to health and education as a mere development goals. Declining state investment in the health and education sectors and increased focus on private sector led growth with minimal regulation and supervision has exposed children to widespread violation of their rights under the Charter including child labor and lack of access to quality education and healthcare. ISER called upon the Committee to develop a strong regulatory framework on business and child rights and encourage implementation among Member States. It also pledged to follow up on Uganda's submission of State Party report and contribute to the alternative report.

ITEM 4: PRESENTATION OF THE CSO FORUM RECOMMENDATIONS: OPEN SESSION

24. The representative of the **CSO Forum** on the African Charter on the Rights and Welfare of the Child, Prof Salah Arafa Mohamed, on the occasion of the 30th ordinary session held in Khartoum (Sudan) congratulated the Committee for its work. He recognized the critical role of the Committee in ensuring the respect, protection and fulfilment of children's rights across the continent, and further reaffirmed the commitment of the Forum to complementing the work of the Committee in ensuring that children fully enjoy their rights as contained in the Charter. At the CSO Forum Session held on 5th December 2017, in Khartoum, Sudan, the CSO Forum examined a number of issues affecting children in Africa and further explored resolutions it adopted. Accordingly, the Forum adopted seven key points as follows; Firstly, the Forum has appreciated the urgent need for an operational secretariat. Therefore, it decided that the Child Rights Network of Southern Africa (CRNSA) be the interim secretariat. Secondly, the Forum identified key areas of high priority; which are contributions to the achievement of Agenda 2063, Agenda 2040, Ending Child Marriage and interrogating the nexus between child rights and the private sector. Thirdly, CSOs made observations of State Parties' failure to submit their periodic reports to the Committee on time. Therefore, the CSO Forum committed to continue to monitor the implementation of the Charter, including lobbying State parties to fulfil their obligations to the Committee. Fourthly, The CSO Forum is concerned with shrinking civil space in many African countries. Therefore, the Forum urged the Committee to encourage State Parties to create an enabling environment for CSOs. The Forum also urged the Committee to encourage State Parties with unfavourable laws to children to review the same. Fifth, the CSO Forum expressed concern with several emerging issues that inhibit the realization of children's rights in Africa.

These issues include inter alia, corruption, climate change, children in conflict areas, climate and children, and overtly contested violent electoral processes. The Forum urged the Committee to include these issues in the current deliberations. Finally, with regards to gaps in generating evidence to meaningful engagement with the Committee, the CSO Forum has considered to conduct or identify studies that form a body of evidence for effective engagement.

25. Prof Mohamed concluded by reaffirming the strong commitment of the Forum to complementing the work of the Committee in executing its mandate.

ITEM 5: PRESENTATION ON THE INSPIRE PACKAGE FOR VIOLENCE PREVENTION BY ACPF: OPEN SESSION

26. Dr. SHEMELES Tsegaye, representative of the African Child Policy Forum presented an initiative entitled **INSPIRE Package for violence prevention**. The word INSPIRE represents the seven pillars of the initiative that are summarized as Implementation and enforcement, Norms and values, Safe environment, Parent and caregiver support, Income and economic strengthening, Response and support service, and Education and life skills. Dr. SHEMELES stated that the focus on prevention of violence is relevant to the African context considering the high prevalence of various forms of violence. The focus on prevention takes in to account economic reasons and it is participatory of families and communities. He stated that, more importantly, taking in to account the long lasting negative social, mental and physical impact of violence on children, it is pertinent to focus on prevention; there is more value to invest in prevention. Violence is intergenerational and there is very little information on its deep-rooted psychosocial impact. Dr. SHEMELES reiterated that Implementation and enforcement of laws has been seen to create positive change. Norms and values have also been seen to be very effective in creating a culture of protection of children from violence by involving all members of society. He further stated that facilitating safe environments and providing positive parental skills helps in preventing violence against children by reducing the prevalence of corporal punishment in the home setting.

27. Members of the Committee and participants of the session commended the initiative and reflected their takeaways and concerns based on the presentation. Participants of the Session inquired on the role of the Committee in addressing violence against children in those countries where culture and tradition are deeply entrenched. Following comments and questions from participants, Members of the Committee reflected on the role of the Committee in prevention of violence against children. It was recalled that the Committee has a focus on ending child marriage in particular, among the members of the Committee; there is a Special Rapporteur on ending child marriage. The Committee has also developed a General Comment, jointly with the African Commission on Human and Peoples' Rights on ending child marriage in Africa. Furthermore, the Committee has taken initiatives at national levels in relation to tackling violence.

ITEM 6: PRESENTATION BY THE GOVERNMENT OF SUDAN: OPEN SESSION

28. A Delegation of representatives of the Government of Sudan presented on the Justice System for Children in Sudan. The Delegation was composed of officials from the **National Council for Child Welfare (NCCW)** and officials in the justice system. The Delegation highlighted that the NCCW was established to monitor the implementation of the UNCRC and other international treaties concerning children in Sudan. The Council is also responsible for monitoring the implementation of the African Charter on the Rights and Welfare of the Child. The Delegation stated that the legal framework of the Republic of Sudan addresses the rights and welfare of children. In particular, the Constitution of Sudan envelops various articles on the rights of the Child. Article 32(5) of the Constitution is specifically dedicated to children. Furthermore, Sudan has developed a national plan to combat violence against women and children in 2010. It was stated that the child act of 2010 provides for the definition of the child, regulates the treatment of children in the justice system and provides for various rights of the child. Various rules and regulations are in place to ensure the implementation of the child act and the Constitution of Sudan. The rules and regulations address challenges faced by children in Sudan such as FGM and child marriage. It was stated that the NCCW played instrumental role in harmonizing the legal framework pertaining to children in Sudan. With respect to other measures, it was informed that Sudan has put in place family protection units aimed at the protection of children in 18 of its regions. These family protection units investigate violations of the rights of children, support child victims of any kind of violence and deal with victims of sexual violence, physical violence and other forms of violence, children in conflict with the law, and child witnesses of crimes. The units also deal with homeless children and a new category of child soldiers was recently added. According to the Delegation, the various services provided to children in the justice system include, psychological support by an expert, services for children who are witnesses and medical services such as primary healthcare, forensic evidence gathering to facilitate the work of the courts, and immunization to prevent transmission of STDs. It was underlined that the general principle governing the protection of children in the Sudan is the principle of the best interest of the child. The Delegation shed light on child protection and evidence in Sudan; in 2014 statistics was gathered on violence against children in Sudan. This has helped in informing policy and actions geared towards child protection. It has also helped in tackling violence against children in Sudan using a customized mechanism that starts from the early causal factor to reach to the outcome. Furthermore, the delegation elaborated on the role of the judiciary in protecting child rights; including its role in nominating judges for trainings on child rights to ensure that the necessary sociological and psychological knowledge is transferred to judges. It was further stated that judges are trained to use advanced technologies such as CCTV technology to provide witness protection and to put children at ease. This is to protect the anonymity of the child so that they are not subject to any threat. It was also stated that there are specialized courts throughout Sudan and highly specialized judges trained on children's issues.

29. Following the presentation by the Delegation, Members of the Committee expressed their appreciation for the detailed explanation of the legal framework and various initiatives being taken by the Government of Sudan to protect children. They consequently posed questions about effectiveness of measures taken to ensure participation of children. Participants of the Session also posed questions regarding

legal pluralism and harmonization of customary and formal laws to tackle harmful traditions.

30. The Delegation explained that there is a proposal to amend the criminal law in relation to FGM, and a draft regulation is prepared in relation to corporal punishment. It was explained that wherever there is a gap in the law the NCCW draws the attention of the legislature for amendment. Regarding FGM and harmful practices, six states in Sudan have criminalized it and are working on its elimination. Concerning participation of children, there is a program in which children are consulted to collect their input to be incorporated in legal reforms including the constitutional reform.

31. The Chairperson of the Committee expressed appreciation to the Delegation of the Government of Sudan for a very informative and comprehensive presentation on the protection of the rights and welfare of the child in Sudan.

ITEM 7: DISCUSSIONS ON UPDATING THE REPORTING GUIDELINE OF THE ACERWC: CLOSED SESSION

32. The review process of the reporting guidelines is led by various partners such as **Save the Children, Plan International, World Vision, and ACPF**. Ms Doris Mpoumou presented the proposed reviews to the ACERWC. The reviews include additions in the reporting guidelines on indicators of SDGs, measures taken to withdraw reservations, implementation of relevant programs and action plans of the AU, allocation of resources for reporting, prevention and rehabilitation programs regarding child marriage, child participation on policy making, development of alternative education and vocational training for pregnant or married children, sexual reproductive health education, and various measures to address child marriage. After the presentation, the partners suggested that if clear timelines be in place on the way forward to assist them in taking the document forward and share the amended documents based on the comments shared.

33. Highlighting the need for clarifications on some terms like sexuality, the ACERWC adjourned the deliberation to consider the proposed reviews in closed session and inform the partners about its decision.

ITEM 8: DAY OF GENERAL DISCUSSION ON CHILD LABOUR AND EXPLOITATION

34. The Day of the General Discussion started with a brief introduction given by the Secretariat of the ACERWC. It was highlighted that there is a need to talk about child labour and exploitation as the situation in Africa shows that there is a high rate of child labour and that the prevalence continues to increase. It was stated that the Day of the General Discussion attempts to look into the root causes of child labor and the measures that should be taken to address the scourge. It was also stressed that the Discussion aims at mobilizing joint effort by stakeholders in combating child labour in

Africa. The Day of the General discussion was organised in close collaboration with ILO.

Presentation on Global and Regional Estimates on Child Labour and Modern Slavery by ILO

35. Ms Sohpie De Coninck made the presentation on estimates of child labour. She indicated that the estimates are based on the definition of child labour in the ILO Conventions¹³⁸ and 182. She said that the general age for entering the labour force is usually fixed at 15 years old but there are exceptions to set it at 14 or 16 depending on the circumstances of countries. Ms De Coninck however suggested that minimum age of labour ought to be aligned with education, and should be in consideration of the type of works children are expected to do. She exposed that according to the estimates 218 million children are engaged in economic activities out of which 152 million are in child labor, and 72 million are in hazardous works. In Africa we estimate 72 million the number of children found in situations of child labor out of which 32 million are in hazardous works. This situation should simply be abolished. She further stated that Africa has the highest prevalence rate of child labour as 1 child out of 5 is in child labor. The prevalence is higher in Sub-Saharan Africa. Ms Coninck explained that trends show that child labour and hazardous labour have declined around the world except sub-Saharan Africa. Moreover, she informed that child labour is more prevalent in low income countries, however the phenomenon is not exclusive to them it also affects low income countries; as it is also prevalent in middle and even in high income countries as well. Hence it was concluded that income is not sufficient enough to eliminate child labour. It was also mentioned that Child labour is more prevalent in countries affected by conflict.

36. In terms of composition of child labour, she underlined that a particular attention should be done in the agriculture sector with 70% of child labor in agriculture, 12% in industry and 17% in services sectors. In Africa the rate of child labor in agriculture is higher with 85%. The estimates also show that family workers are high in Africa among which 30% are in unpaid work; and that boys are more engaged in child labor while girls account for 60% of children in household work. Ms Coninck added that children in the situation of child labor are deprived of education, and the estimates show that 36 million children in the world between the age of 5 and 14 are deprived of education due to child labour which accounts for 32% of children out of school. In conclusion she stressed that the figures and estimates tell us that there is a need to focus on Africa, particularly sub Saharan Africa in terms of interventions; and that children aged 5-11 in situations of child labour deserve additional attention as there is no progress in that range of age.

37. Subsequently, Ms Nadine Osseiran from ILO presented on the situation of modern slavery in Africa. She started her presentation by informing that the estimates do not cover all forms of modern slavery; rather it focused on forced labour and forced marriage. She highlighted that globally there are more than 40 million children in modern slavery and Africa has the highest share of victims. Out of the 24.9 million children in forced labour, 3.4 million are in Africa; and out of the 15.4 million in forced marriage 5.8million live in Africa. Most of the victims of forced marriage are women and children. She explained that the ILO Convention on Forced

Labour along with the Protocol includes 3 types of forced labour namely; forced labour by private agents for labour exploitation including bondage labour, forced domestic work, slavery; forced labour by private agents for sexual exploitation; and; state imposed forced labour. She emphasized that force is an important element of the definition of modern slavery and that it could cover a wide range of activities such as withholding salary, debt bondage, withholding documents as well as physical, sexual and threat violence and so forth. Highlighting the prevalence, it was indicated that out of 1000 children in the world 4.4 are in modern slavery. In Africa 7.6 out of 1000 children are in modern slavery. She also stated that migrants are vulnerable and exposed to modern slavery as illicit recruiter debts are put on them which they should pay in form of work. In relation to forced marriage, it was indicated that 38% are in Africa and female are the majority of victims accounting for 84%.

38. Following the presentations discussions took place and participants and Committee members raised questions and comments. Questions were raised in relation to the link between trafficking in persons and child labour and modern slavery; measures on how to address child labour and modern slavery; identification of the root causes of child labour; the issue of illiteracy in Africa and its contribution to the issue; consideration made during the estimate on Africa's situation; the importance of having the ILO conventions; monitoring mechanism of the ILO Conventions; the significance of using the term modern slavery; and difference between child trafficking and modern slavery.

39. Responding to the questions, the presenters explained that there is a link between child labour and trafficking however the global estimates on child labor do not reflect on trafficking. Trafficking is also a sub set of modern slavery however force is an essential element to modern slavery. It was also mentioned that poverty is one of the causes for child labour but there are also other factors that contribute to child labour. Concerning the estimates, it was informed that child labour was measured in all countries through similar standard and no specific consideration was put in the situation of Africa. Moreover, it was highlighted that national legislation is the basis to measuring child labour. It was further stated that the ILO Conventions define hazardous; a definition that guide States when making definitions in their national legislative frameworks. The presenters also underlined that ILO has supervisory organ which receives reports from State Parties and issues recommendations. In terms of the way forward, it was concluded that modern slavery and child labor should be defined; and criminalized by law.

Panel Discussion: General Overview on Child Labour in Africa

40. The panelists for the discussion were Dr Iyorlumun Uhaa from UNICEF, Dr Shimeles Tsegaye from ACPF, and Ms Sohpie De Coninck from ILO.

41. Dr Uhaa presented about social service workforce strengthening as a strategy to respond to child labor. He stressed that child labour and modern slavery are unacceptable and informed that UNICEF works with the ACERWC and UNCRC to end violence against children. He underscored that there is prohibition of child labour and modern slavery in many international instruments; nevertheless, the commitments are forgotten after ratification. Dr Uhaa stressed that poverty, conflict,

discrimination and inequity are factors leading to child labour and modern slavery; and added that it is the responsibility of the ACERWC to advocate for additional investment on children. Until we ensure that children have access to basic services and better living conditions, it is difficult to curb child labour or modern slavery. UNICEF can play role in terms of normative issues, technical assistance, and contribute to the Global Alliance to End Violence against Children.

42. Dr Shimeles from ACPF presented on child domestic work. He said that child domestic work is an often invisible issue as it is not properly documented and it is underreported. In addition, the workers do not identify themselves as domestic workers due to reasons such as stigma. Hence the data available is a gross estimation. He described the push and pull factors of child domestic work which include poverty, domestic violence, conflict, attraction to urban life, access to education, and training ground for household management skills. It was presented that child domestic work produces various challenges such as discrimination, abuse, and exploitation; limited access to food and bedding; lack of access to education; coercion and forced labour; lack of access to health care services; limited time for rest and leisure; lack of opportunity for social interaction; vulnerability to human trafficking; and uncertain future (pregnancy and children in the street). Dr Shimeles in his presentation underlined some recommendations to address the issue, among others, better quality research evidence; and interventions such as introduction of poverty alleviation programs; child protection services targeting working children; rehabilitation for child domestic workers and reintegration into a normal childhood environment; improve conditions of work; ensure access to child friendly justice; and involve child domestic workers themselves in developing solutions.

43. Ms Sohpie De Coninck, representative of ILO, then made a presentation on policy recommendations to eliminate child labor. In identifying policy recommendations, it was recommended that one needs to first look at the root causes of child labour such as legislation gap, poverty, poor quality education, and lack of functioning labour market. She identified some major policy recommendations including:

- Enhance legal commitment to eliminate child labour in a form of strong legislative and policy frameworks which inform actions on eradication of child labour;
- Improve access to education especially in rural areas by abolishing direct and indirect school fees, and taking measures to bring to school out of school children and children who dropped out;
- Provide decent works for adults and youth of legal working age by providing them with health safeguards in work places; and
- Provide social protection.

44. It was also highlighted that there are action-plans on eradication of child labour but the challenge is implementation and budget allocation. Hence there is a need to advocate for sufficient budget allocation. Ms Coninck further flagged the importance of sensitization of families, partnerships, and involvement of private sector in addressing the issue.

45. Discussions followed the presentations of the three panellists. Committee members and participants raised some concerns and comments. The discussions focused on the issue of sex tourism and situation of children in streets which are mostly left out in the discussions of child labour. Participants stressed on the imperative to identify and tackle the root causes of child labour at national level. It was also noted that communities and families should be engaged in trying to bring change on the notion of child labour. In addition, we should mobilize early education and address the disparity in rural and urban areas in terms of access to education. The nexus between orphan hood and child labour and slavery was also raised. It was stressed that governments should provide support schemes for families who are vulnerable and poor in the form of cash transfer and creation of income generating activities, and should increase their investment in children. In conclusion, it was highlighted that the main responsibility to eradicate child labour rests on governments, and that there is need to develop strategies that will generate political will and commitment of States as well as find ways to make them accountable.

Presentation on the role of ACERWC in combatting child labor

46. Mr. Ayalew Getachew, senior child rights researcher at the Secretariat of the ACERWC, started by explaining the normative framework on child marriage in the African Children's Charter and Agenda 2040. He explained that Article 15 of the Charter clearly stipulates the protection of children from all forms of economic exploitation and from performing any work that is likely to be hazardous. It further outlines measures that should be taken by State Parties to eliminate such exploitations. Agenda 2040, takes inspiration from ILO Convention 138, and recognizes child labor and forced labor as one form of violence against children. It provides for clear goals to be met in its five phased implementation plan; accordingly, by 2020 States should set a minimum age for admission in to employment at 15 years or higher. By 2040 the Agenda aims for the elimination of harmful child labor practices and child trafficking for forced labor.

47. Mr. Ayalew stated that in accordance with this normative framework, as an organ mandated to monitor the implementation of the Charter, the Committee has a crucial role in combating child labor in Africa. In the exercise of its mandate, the Committee by considering State Party reports, can place a particular emphasis on measures taken by States in implementing the provisions of the Charter pertaining to child labor and the commitments and goals under Agenda 2040. The Committee has so far issued 31 Concluding Observations and Recommendations and in all of them the issue of child labor has been addressed to the concerned State Parties. Particularly, the Committee has noted the following common elements in its Concluding Observation and Recommendations: Lack of comprehensive measures to protect children from economic exploitation; setting the minimum age for employment at a very low age; and the increasing trend in the number of children who are below the minimum age and still forced to do child labour particularly in the informal sectors and hazardous conditions.

48. He also stated that the other mandate of the Committee is the review of individual Communication Mechanism on violation of Children Rights by States Parties. This mechanism relies on the proactive roles of CSOs, among others, in bringing Communications to the Committee. The Committee also has the mandate to

issue General Comments to clarify provisions under the Charter. As such the Committee may adopt a General Comment on Article 15, which deals with child labor, to clarify its content in order to make it more comprehensible to the State Parties and to facilitate the reporting process. Furthermore, the Committee can establish special mechanisms focusing on child labor. The Committee can also organize regional consultative meetings with member States, NGOs, Children and other stakeholders. Mr. Ayalew concluded the presentation by reiterating the crucial role that can be played by the Committee in combating child labor in Africa taking in to account the above-mentioned extensive mandates.

Presentation on the Draft Action Plan for Eliminating Child Labor in Africa

49. Mr. Omar Diop, labor experts from the AUC, presented on the African Union draft Action Plan for Eliminating Child Labor. He stated that the draft is informed by various policy and legal document of the Union such as Agenda 2063, the African Charter on the Rights and Welfare of the Child and Agenda 2040, as well as target 8.7 of the SDGs and ILO Conventions. The document is also informed by various laws and policies from Regional Economic Communities such as ECOWAS, who have strong policy to fight child labor. He elaborated the structure of the draft Action Plan, including the goals, objectives and principles contained therein. The Action Plan consists of 8 key areas which include; improving the implementation of laws including the development of a General Comment on article 15 of the African Children's Charter, access to quality universal education and skills training for older children, establishment of policy, coordination and cooperation at national regional and continental levels, reinforcement of labor migration governance mechanisms and effective cooperation between source and destination countries, reinforcement of institutional capacity building, strong monitoring and evaluation of policy implementation, private sector engagement/public private partnership and resource mobilization and communication.

50. Mr. Omar explained that the process of developing the action plan is at consultation phase. There have been internal consultations within the AUC among divisions working on gender, education and TVET. Furthermore, following the IV Global conference on child labor in Argentina, in November 2017, informal meeting of African delegates was held to discuss this issue. He further stated that the next steps of the Consultation will focus on RECs and Member States as well as UN agencies based in Addis Ababa.

51. Following the presentation, comments and suggestions were given by Members of the Committee, representatives of the Government of Sierra Leone, representatives of the Government of Sudan and participants of the Session. Among the suggestions given were; we can identify the utilization of a campaign to address the issue of child labor in Africa, incorporating the adoption of the General Comment in the campaign, to expand the scope of the planned General Comment beyond article 15 of the Charter to incorporate provisions of the Charter that are relevant to the issue, to link the campaign with INSPIRE package to prevent violence against children in Africa as child labor is one form of violence against children and to capitalize available studies such as the recently concluded study on the economic impact of child labor. It was stressed that the role of poverty in exacerbating child

labor should be well analyzed and appropriately addressed; various stakeholders need to be involved in any effort to curb child labor including parents and caregivers as well as society leaders; a distinction should be made among the various types of child labor to prioritize those that should be eliminated immediately and those that can be addressed in a different manner.

52. The presenters appreciated the valuable suggestions and comments on the draft Action Plan and reflected on some of the questions posed. It was mentioned that launching a campaign is a viable proposal that will be taken forward for further consultation and deliberation by the Committee. It was also reiterated that Agenda 2040 mentions harmful child labor and not simply child labor, hence it has qualified child labor but it needs to be unpacked further, which can be done through the proposed General Comment or a continental study (situational analysis).

ITEM 8: CONSIDERATION OF THE STATE PARTY REPORT: ANGOLA INITIAL REPORT: OPEN SESSION

53. The Delegation of Angola led by H.E. Ruth Madalena Mixinge, Secretary of State of Family and Gender Promotion, briefly presented to the ACERWC the measures the Government has taken to implement the African Children's Charter. It was informed that there is an inter-sectoral committee for the preparation of reports on human rights instruments which is established by the council of ministers.

54. Highlighting the measures that are being taken, H.E. Mixinge alluded to the Constitution of 2010 which includes child rights, and to development of 11 commitments in favor of child rights. In terms of institutional setup, she mentioned that there is a National Council for Children and the Ministry of Justice has been changed to Ministry of Justice and Human Rights. Other efforts including development of a program for leisure and recreational activities; significant increase in enrolment in education from 13.9% in 2001 to 97% 2016; increased enrolment in preschools; raising awareness to increase rate of attendance of girls; decline of child mortality rate from 81000 to 44000 death per year due to increased number of public health care facilities. Efforts on family planning, assisted birth, prenatal vaccination, and neonatal and follow-up, immunization, and training of medical personnel were highlighted as having an impact in reducing infant/child mortality. Furthermore, it was indicated that there is progress in civil registration through campaign and sensitization, introduction of mobile birth registration, and issuance of certification of birth and identity cards. It was stated that children participate in the implementation of the 11 commitments; children have access to information in through broadcasts, newspapers and other materials. The Government is committed in submitting its report to various treaty organs such as Committee on the Rights of the Child. The presentation further highlighted that there are programs on early childhood education, poverty alleviation, vaccination, elimination of female genital mutilation (FGM), as well as child marriage and teenage pregnancy.

55. Following the presentation, members of the ACERWC congratulated the Government of Angola for submitting its initial report and commended its efforts in implementing the Charter particularly for depending on local funding, and the increased enrolment rate of children in schools. Members of the ACERWC raised questions and concerns on various issues including the narrow scope of laws on

child rights; the place of international human rights laws; operation of family courts; the composition and role of the ombudsman as well as its compliance with the Paris Principles; child marriage in traditional laws; protection of children with all types of disabilities; birth registration and nationality; freedom of expression of children in the family setting; nature and operation of the juvenile justice system; engagement with CSOs and stakeholders; coordination of child rights actions; children accused of witchcrafts; and access to services in remote and rural areas. The ACERWC also sought clarification on budgetary allocation and financial support for children, how children benefit from the oil revenues, as well as the impact of corruption on financing children's rights programs. Other issues such as corporal punishment; the increasing number of female-headed families; financial and human resource provisions to the National Council for Children; translation and dissemination of the Charter; protections given to orphans; recreational activities to all children in all parts of Angola; protection of children from abuses, tortures, and sexual exploitation; mechanisms for alternative care of children; causes of child mortality; quality of education; child labour; children on the street; protection and access to services of refugee children; and measures taken against FGM were also raised.

56. In response, the Delegation of the Government of Angola pointed out that it has a comprehensive child rights protection instrument which contains the 11 commitments and covers all sectors such as education, health, justice, birth registration, and recreation. It was informed that the Government of Angola has established the National Council for coordination which has representation of various organs and operates at municipality level. Concerning budget allocation for children, it was mentioned that each sector defines its own budget and each sector invests on children, however, there is no specific budget allocation for children. Oil revenues directly go to the general budget and budgeting for children is integrated in budgeting to various ministries. The Delegation indicated that there is no difference in provision of rights and services for children in rural and urban areas. There are strategies and an executive order adopted for the social inclusion of children with disabilities by ensuring specific attention through rehabilitation, and education. There are 22 schools for children with disabilities and technical assistance is given to them. A lot of work is undertaken to raise awareness of families on the education of children with disabilities as well as girls. Moreover, regarding freedom of expression, it was highlighted that both the legal system and the cultural values encourage freedom of expression in the family setting. The Delegation underlined the Government's endeavour to enhance child participation in media with technical assistance from country office of UNICEF.

57. Concerning the issue of corruption, the Delegation acknowledged that it is one of the biggest challenges and fighting corruption is a top priority to the Government. Concrete measures are taken to dismantle all covers to corruption and campaign on zero tolerance to corruption has been launched. Angola has also ratified the UN Convention against Corruption.

58. Furthermore, it was stated that the Constitution of 2010 provides that the treaties ratified by the government are integral part of the Angolan legal system and hence the Charter is considered as an internal document which can be applied in the Angolan courts.

59. With regards to the operation and nature of the Ombudsman, the Delegation pointed out that it is independent in line with the Paris Principles and the Government is in process for the accreditation of the Ombudsman at the international level.

60. On the pertinent issue of minimum age of marriage, the Delegation elaborated that although the definition of the child is set at 18 years in the Constitution, there is an exception for age of marriage which is set at 15 for girls and 16 for boys. Noting that this needs review, the Government intends to review its family law and has crafted strategy to curb child marriage and FGM.

61. Additionally, it was highlighted that a juvenile court has been established although not in all provinces. To this effect, in provinces where there is no juvenile court, magistrates assume responsibility. These magistrates are trained on child rights issues. Regarding children in conflict with the law, it was indicated that the first measure is rehabilitation and reintegration, and punishment comes as a last resort. In events of detention, children are separated based on their age.

62. Regarding birth registration, the Delegation acknowledged that there is high number of children who are not registered and in order to address this, the Government adopted an exemption of fees decree in 2014 which is still in force despite the lapse of time. Through this decree, the Government has been able to register 4 million citizens out of which one million are under 14 years of age. The Delegation recognized the need to expand birth registration services in rural areas and further highlighted that refugee children also have the right to birth registration.

63. The issue of children accused of witchcraft has reduced in recent years. The Government identified that poverty, movement of the children, and sickness are drivers of such accusation. The Government is undertaking sensitization by closely working with churches.

64. Concerning dissemination of child rights instruments, the Delegation mentioned that it has translated the 11 commitments into 9 local languages. It was indicated that the Day of the African Child (DAC) is celebrated according to the theme adopted by the AU. The Delegation clarified that it has close collaboration with CSOs and it has established Social Consultation Council composed of CSOs and government organs.

65. Regarding the issue of orphaned children, the Delegation explained that the government is trying to reduce the institutionalization of children. Reception centers are established to assist orphans where orphans will be provided with social assistance, education, and vocational training. International and domestic adoption mechanisms are also put in place as an alternative care.

66. The Delegation underlined that Malaria is the main cause of child mortality mainly among children under 5 years of age. Various efforts are put in place to address the issue such as distribution of mosquito nets impregnated with insecticides free of charge, awareness raising campaign, distribution of anti-malaria

kit, and vaccination program. Ministry of health also provides training to traditional midwives and provides them with a kit.

67. On issues of special protection measures, the Delegation underlined that sale and consumption of drug is criminalized; a national policy is being developed to address issues of child labour and trafficking; domestic violence is criminalized; and violence at school is denounced and inception is undertaken in schools.

68. The Delegation finally informed that it is ready to receive recommendations from the ACERWC and use them to inform its policies and decisions on child rights protection in Angola.

69. The session was concluded after the ACERWC thanked the Delegation and informed that it will communicate its concluding observations and recommendations, and will undertake a follow-up mission to examine the implementation of its recommendations in two years.

ITEM 9: DISCUSSION ON THE WAY FORWARD ON THE AFRICA'S AGENDA FOR CHILDREN 2040: OPEN SESSION

70. The Secretariat of the ACERWC presented its suggestion on how to take Agenda 2040 forward. Participants were reminded that in 2015 the ACERWC decided to adopt Agenda 2040 fostering an Africa fit for children. The Agenda has been adopted by the Executive Council as an African union document which has a big impact in terms of mobilizing political will among States. The Secretariat highlighted that the factors which convinced the ACERWC to develop the Agenda include the fact that Accelerated call of action for Africa fit for children ends in 2017, and that paragraph 53 of Agenda 2063 aspires for the full implementation of the African Children's Charter. It was indicated that the Agenda has 10 aspirations having each one of them has sub-paragraphs which outline measures for the implementation and monitoring of the aspirations.

71. The Secretariat identified three actors for taking the Agenda forward namely the ACERWC, States, and CSOs. The ACERWC can assume a role to develop comprehensive communication strategy to popularize the Agenda; organize regional consultations reaching out for CSOs and youth; inform States through a note verbal to include information about the implementation of the Agenda as an annex to their State Party periodic reports; and organize stakeholder's forum every 5 years to bring States, CSOs and other stakeholders together to monitor the implementation of the Agenda. The ACERWC added that it undertook a popularization event of the Agenda 2040 at the margins of the last Session of the African Commission on Human and Peoples' Rights. It was informed that the ACERWC is the main organ tasked with the implementation and popularization of the Agenda. Furthermore, it was highlighted that even though the Agenda is not a binding document on which States are required to report on, the fact that it is adopted by the Executive Council makes it binding and gives the ACERWC mandate to monitor its implementation through the State Party reporting mechanism.

72. States can take part in translating and popularizing the Agenda in local languages; and report to the ACERWC on the implementation of the Agenda. The role of NHRIs was also flagged and it was underlined that during the Experience Sharing Forum on the Ratification and reporting on and Implementation of the African Children's Charter held in Mauritius in September 2017, NHRIs requested the ACERWC to consider granting them an affiliated status.

73. With regards to the role of CSOs, it was indicated that they can accompany the Committee in popularizing the Agenda; assist in translation of the Agenda; assist governments to come up with implementation strategies; and assist governments on the implementation of the aspirations.

74. Subsequent to the presentation, discussions were held with the Committee and participants. During the discussion, the following recommendations were made:

- To make the Agenda more accessible to children by developing a child friendly version of the Agenda;
- To consider developing a Protocol on specific and emerging issues to have a more binding instrument;
- To have a lead partner for dissemination and popularization of the Charter and Agenda;
- To go further and use ministerial meetings at the AU such as STCs to popularize the Agenda;
- To consider how it can monitor the implementation of Agenda 2040 in countries which are not state parties to the Charter as the Agenda is an AU document dealing with all Member States of the AU;
- To work with Regional Economic Communities in the dissemination and implementation of the Agenda;
- To develop an implementation manual and define the role of various actors including CSOs at national level in relation to the Agenda;
- To break down the implementation plan to smaller years to distribute efforts throughout the 25 years' time in order to avoid complacency; and
- To consider choosing a country which will be the champion in its region to take the Agenda forward among peer States and also present the Agenda to the PRC to solicit for a political support.

ITEM 10: PRESENTATION AND DISCUSSION ON THE ACCP PROJECT (SIDA PROJECT): CLOSED SESSION

75. Presentation was made on the activities of the ACCP project and the ACERWC deliberated on the way forward.

ITEM 11: CONSIDERATION OF THE STATE PARTY REPORT: SIERRA LEONE INITIAL REPORT: OPEN SESSION

76. The Delegation of the Government of Sierra Leone, composed of Mrs. Kadjiatu Buya Kamara and Ms. Mariatu Bangura, Director of Children Affairs and Deputy Chief Social Services Officer, respectively, of the Ministry of Social Welfare, Gender and Children Affairs, briefly presented to the ACERWC about the measures taken by the Government from 2002 to 2014 to implement the African Children's Charter.

77. The Delegation commenced by extending appreciation to the ACERWC for inviting the Government of Sierra Leone to present its Initial State Party Report. It was explained that the Report was a result of various levels of consultation with relevant stakeholders. The delegation underlined the remnant impact of civil war and the scourge of Ebola on overall situation of child protection system within Sierra Leone, which cuts across various aspects of the State Report. The head of delegation continued by briefly outlining the legislative measures taken by the Government for the implementation of the Charter. Notably the Government has undertaken legislative reform to harmonize its formal and customary law to the African Charter, the CRC and other international treaties. In 2007, a Child welfare Act was adopted which was a turning point in the legal system for the protection of children. It established institutions for its monitoring and implementation. In 2010 adoption regulation was established. The government has introduced an alternative care policy, which was followed by the Guidelines of integration and family reunification. Furthermore, the citizenship act was amended in 2017 to allow mothers to transfer citizenship to their children. The delegation stated that the family law puts the age of marriage at 18 but in exceptional circumstances marriage can be entered in to at the age of 16 if approved by parents. It should be noted that the Government is aiming at repealing this exception in accordance with the Charter. Highlighting the other measures taken to implement the Charter, the Delegation recalled that, in compliance with the AU campaign to end child marriage, the Government has launched the campaign and its implementation is in progress. The Delegation highlighted some of the challenges faced by the Government in implementing the Charter, these include; low budget allocation for Ministry of Social Welfare, deep rooted cultural practices and lack of coordination between various institutions and agencies working on children's issues. It was also stated that the impact of Ebola has exacerbated the challenges faced by children.

78. Following the presentation, members of the ACERWC congratulated the Government of Sierra Leone for presenting its Initial Report and commended its efforts in implementing the Charter while recognizing the various challenges faced by the country up on the recent outbreak of Ebola. The clearly articulated and detailed report on health issues was specially commended. Members of the ACERWC raised questions and concerns on various issues including; harmonization of the definition of the child, age of marriage, birth registration and access to services, status of elimination of corporal punishment in all settings, progress on combating FGM, percentage of budget allocation for children, clarification on the popularization of Child Rights Act, policies on issues of child labor, trafficking, vulnerable children and children affected by the Ebola scourge, protection of the girl child from discrimination, services to children with disabilities, status and protection of children with albinism, child participation, implementation of the various national laws and policies on protection of children, measures to prohibit all forms of violence against children, and framework of coordination of institutions and agencies working on child rights protection at the national and district levels. The Members of the Committee also raised issues related to existence of family and juvenile courts, facilities for children in conflict with the law, availability of age assessment guidelines, rehabilitation and reintegration of former child soldiers and child victims of conflict, support for children affected by Ebola, combating poverty, infant mortality, prevention

of mother to child HIV transmission, prevention of STDs and access to reproductive health services for adolescents, increasing the availability of social workers, access to potable water and sanitation facilities, and citizenship of children born of refugee parents.

79. In response, the Delegation of the Government of Sierra Leone explained the various measures being taken in relation to the concerns raised by the Members of the Committee. As such, it was stated that popularization of the rights of children is being undertaken in various platforms including through trainings to communities and dissemination of information on radio. With regards to harmonization of definition of the child and minimum ages, it was indicated that there is a draft law which once adopted will address the issue of age of consent, the age of marriage and minimum age for employment. With regards to children with disabilities, there is a school for children with visual impairment. It was explained that the State Party does not have a policy on children with albinism as they are not many in number in the country and there is no stigma towards them. The Delegation stated that mass registration was recently done by the National Civil Registration Authority to issue birth registration certificates. Furthermore, the current nationality law of the country addresses children born of refugee parents.

80. With regards to children in conflict with the law, it was stated that those who commit crime at or below the age of 14 do not go to prison; diversion and other correctional measures are put in place to ensure their rehabilitation and reintegration. The Government has established 1 family court and 14 juvenile courts operating in various parts of the country. The delegation explained that age assessment guidelines are developed and made available for personnel in the justice system administration, however they are highly underutilized. The Government is working on integrating the guidelines within the working documents of the justice system to improve their utilization. Children who were directly involved in hostilities in the civil war and those who were victims have been placed in rehabilitative camps through the effort of the Government and partners. A number of them have been reintegrated in to schools. In relation to the enrolment of children in schools, there is a permanent increase thanks to a school feeding program has been put in place and is being implemented. With regards to reproductive health for adolescents, peer consultation platforms are established in schools and special facilities with special entrance for young people in Government hospitals have been created in order to facilitate access to contraception and related services. Additionally, it was stated that efforts are made towards developing child friendly national budget and that trainings have been conducted on budgeting for children. With regards to HIV prevention, there are efforts being exerted to minimize the risk of mother to child transmission.

81. It was recognized by the Delegation that there are various outstanding challenges affecting the protection of the rights of the child such as; widespread poverty, overpopulation of urban centers, lack of personnel skilled in child protection in the justice system, and lack of capacity to address the situation of street children and other vulnerable children. The Government has duly recognized these challenges and is taking measures to address them. In conclusion, the delegation extended appreciation to the Committee for the constructive and meaningful

dialogue. The delegation expressed its wish to continue its interaction with the ACERWC and to receive valuable technical inputs in due time.

82. The discussion was adjourned by the Chairperson of the Committee who extended appreciation to the Delegation for their engagement with the Committee and reminded the Delegation that the ACERWC will issue Concluding Observations and Recommendations to the Government based on the report and the discussion and will eventually conduct a mission to the State Party to monitor the implementation of the Recommendations.

ITEM 12: PRESENTATION AND DISCUSSION ON IMPROVING FGM-LAW ENFORCEMENT AND ACCOUNTABILITY IN AFRICA

83. Mr. Alassane Diop from the African Union Commission, presented on situation of Female Genital Mutilation in Africa including the various legal frameworks and efforts being made to eliminate the practice. He identified four types of FGM namely clitoridectomy, infibulation, excision and type 4, which consists of other procedures to the genital of women for non-medical purposes. He stated that the practice is universal; however, it is highly prevalent in Africa as 2/3 of girls affected by FGM in the world are from Africa. The practice exists in 28 African countries and its prevalence ranges from 98% in Somalia, which is the highest in the world to 1% in Uganda. Moreover, looking at the practice from the angle of the number of women and girls affected, Egypt takes the lead in the continent followed by Ethiopia. In some countries, the practice is decreasing in rate such as in Benin, Burkina Faso, Central African Republic and Cote D'Ivoire. Despite such reductions in the rate of FGM, the number of girls who are victims has not decreased because of high population increase.

84. Mr. Diop stressed that FGM is a violation of the rights of the child. It is a form of violence and discrimination against girls. It results in health problems such as haemorrhage, rectal and vaginal fistula, and increased cesarean. It also creates a negative psychological impact on the victim. FGM is a type of cruel, inhumane and degrading treatment. It is a reflection of the deeply rooted gender inequalities in society. It was alluded that there is an interrelation between FGM, child marriage and maternal health; FGM increases the risk of maternal death of young girls who are victims of child marriage. The challenges posed in the fight against FGM include sociological and cultural underpinnings, which are part of the initiation of the girl to become a woman, and the practices is wrongly linked to aesthetics, hygiene, religious ends and socio-economic reasons.

85. Various instruments have been adopted to fight FGM, the prominent one being, the African Children's Charter. The African Charter on Human and Peoples' Rights as well as the Maputo Protocol also have strong provisions against harmful practices. Except for Mali and Liberia, all other African countries have outlawed FGM. Mr. Diop emphasized that FGM can be eliminated in one generation if it is given the due attention it requires. There is a need for States to take measures such as; modifying education system, putting in place the necessary legislation, allocating adequate budget, supporting CSOs working on combating FGM, providing support to

victims including medical services and psychosocial support and ensuring strict implementation of the laws.

86. Following the presentation, participants of the Session reflected on the practice and posed questions on the various initiatives being taken to combat the practice at the continental level and the strategies that have shown success in this regard. In response, Mr. Diop, stressed that the major problem is not lack of laws, but their application. There are some good practices that can be used as examples; for instance, Burkina Faso, positive change was seen through a strict application of the law prohibiting FGM. The country has a law and has a specific budget devoted to ending FGM.

87. It was observed that available data on the prevalence of FGM is collected based on the information attained from parents, usually mothers on whether or not their girls are victims of FGM. Hence, the data cannot be fully relied upon. ACERWC commended the literature and discourse for abandoning the use of the word 'circumcision' as it usually brings an erroneous comparison of FGM to male circumcisions, which is a totally different matter. In conclusion, Members of the Committee commended the initiatives being taken at continental level and called upon State Parties to increase efforts to eliminate FGM of girls and to align measures with available recommendations and good case practices.

ITEM 13: HEARINGS ON COMMUNICATIONS: CLOSED SESSION

88. The Committee held hearings on the Communication received by *Institute of Human Rights and Development in Africa (IHRDA) and Finders Group Initiative v The Republic of Cameroon and African Centre of Justice and Peace Studies (ACJPS) against People's Legal Aid Centre (PLACE) v The Republic of the Sudan*. It also deliberated on the elements of its decisions on the aforementioned two communications.

ITEM 14: DISCUSSION ON GENERAL COMMENT ON ARTICLE 31 AND CONCEPT NOTE OF DAC 2018: CLOSED SESSION

89. The Committee adopted as amended the General Comment on Article 31 on the Responsibilities of the Child and the Concept Note for the 2018 Day of African Child.

ITEM 15: DELIBERATION ON REVISED GUIDELINES ON PERIODIC REPORTS: CLOSED SESSION

90. The Committee raised some comments on the draft proposed by Partners, and suggested for the Secretariat to incorporate all the comments and present the Revised Guidelines at the upcoming Session for adoption.

ITEM 16: DELIBERATIONS ON THE COMMUNICATIONS: CLOSED SESSION

91. The Committee considered and adopted as amended decisions on two communications, namely *Minority Rights Groups International and SOS-Esclaves on*

behalf of Said Old Salem and Yarg Old Salem v the Republic of Mauritania and Mr and Mrs Elogo Menye and Rev Daniel Ezo'o Ayo v The Republic of Cameroon.

ITEM 17: DELIBERATION ON DAY OF GENERAL DISCUSSION ON CHILD LABOUR: CLOSED SESSION

92. Following the deliberations on the Day of General Discussion, the Committee decided to undertake baseline study on the child labour in the continent on the condition of availability of fund.

ITEM 18: DELIBERATION ON THE STATUS OF NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIS) BEFORE THE COMMITTEE: CLOSED SESSION

93. Considering the invaluable role, they play in protecting and promoting children's rights, the Committee decided to work towards conferring an affiliated status to NHRIs in Africa. In operationalizing the decision, the Committee suggested that the Secretariat, under the supervision of Hon Ms Aver Gaver, should develop draft guidelines on granting affiliated status to NHRIs.

ITEM 19: DELIBERATION ON THE REQUEST OF HUMAN RIGHTS WATCH ON SCHOOL ATTACKS: CLOSED SESSION

94. Considering the letter sent by Human Rights Watch which requests the Committee to take into consideration the Safe School Declaration, the Committee agreed to give due regard to the adoption and implementation of the Declaration in its State Party Reporting procedure.

ITEM 20: DELIBERATION ON THE SUBMISSION OF CENTER FOR HUMAN RIGHTS: CLOSED SESSION

95. The Committee deliberated on the submission of Center for Human Rights on the possibility of requesting an advisory opinion from the African Court of Human and Peoples' Rights jointly with the African Commission on Human and Peoples' Rights. It was decided for the Secretariat of the Committee to reach out the ACHPR and advise the Bureau of the Committee in this matter.

ITEM 21: DELIBERATION ON THE REQUEST OF ICRC AND SAVE THE CHILDREN ON THE POSSIBILITY OF DEVELOPING A GENERAL COMMENT ON CHILDREN IN ARMED CONFLICT: CLOSED SESSION

96. With a view to implement its Decision in 2014, the Committee accepted the request submitted by ICRC and Save the Children International and decided to develop a general comment on Article 22 of the Charter regarding children in armed conflict.

ITEM 22: BUDGET AND PLANNED ACTIVITIES OF THE ACERWC: CLOSED SESSION

97. The Secretariat of the ACERWC presented the execution rate of the 2017 budget, the approved 2018 budget and the proposed 2019 budget. The Committee deliberated on the presentation and adopted the proposal by the Secretariat. The Committee further selected Hon Benyam Dawit Mezmur, Hon Ndayisenga Joseph and Hon Nkwe Goitseone Nanike to form a Working Group on budgetary matters. The Secretariat also presented the Medium Term Plan of the ACERWC for 2018 and the status of the implementation of the European Union Grant.

ITEM 23: PRESENTATION BY THE SPECIAL RAPPORTEUR ON ENDING CHILD MARRIAGE: CLOSED SESSION

98. Mrs. Dikere Marie Christine Bocoum, the African Union Special Rapporteur on Ending Child Marriage, updated the Committee on the various activities she undertook pertaining to her mandate. Highlighting on the objective of the AU Campaign to End Child Marriage, she informed that so far 22 countries have launched the campaign of which 3 launched it this year. Mrs. Bocoum further informed that she recently undertook an evaluation and monitoring mission in Mali, which is a country that has a high prevalence rate of child marriage. During the evaluation, the Special Rapporteur observed that the Government of Mali has not taken measures to adopt a national action plan toward implementing the campaign and accordingly she engaged with the Government and partners for accelerated action. Mrs. Bocoum indicated that, this year she has attended an event on ending child marriage in Africa which was organized in Senegal. She recalled that she presented an overview of the situation of child marriage in North and Central Africa. She also informed the Committee that in March 2018 she will undertake a mission in New York to meet with the UN Secretary General's Special Representative on Violence against Children to establish a basis for mutual collaboration. During this mission, she will be given the opportunity to attend some sessions of the Committee on the Elimination of Discrimination against Women with the Special Representative.

99. Following the presentation, Members of the Committee congratulated the Special Rapporteur on her appointment and commended her for the ongoing activities. Questions were posed in relation to the progresses made in the countries that have launched the campaign and the effectiveness of the campaign. Members of the Committee also inquired on monitoring and evaluation mechanisms and the available level of support for the campaign from the African Union Commission.

100. Mrs. Bocoum noted that a scheme for monitoring and evaluation in countries that have launched the campaign has been proposed and it is under process of finalization. The Campaign does not have a timeline for reporting on measures taken by States after launching. However, the African Children's Charter prohibits child marriage and the Committee, under its mandate monitors the implementation of the Charter by States Parties, monitors the elimination of child marriage in State Parties. She further explained that the Campaign is supported by a team based in the Department of Social Affairs of the African Union Commission, however the team does not have adequate resources and the primary sources of funds are partners. The campaign team needs to be strengthened in order to ensure the tracking of progress on the campaign at national levels. Mrs. Bocoum further noted

that there are challenges in some of the pilot countries, a mission will be conducted to assess the progress they have made, and the challenges they are facing.

101. In conclusion, Members of the Committee stressed the need to monitor the achievements of the campaign at national level and indicated their readiness to support the work of the Special Rapporteur on Ending Child Marriage in Africa.

ITEM 24: CONSIDERATION OF CSO OBSERVER STATUS: CLOSED SESSION

102. The Committee considered applications and granted observer status to Kenya Alliance for Advancement of Children, ECPAT International, Centre for Human Rights, The CRADLE The Children's Foundation, Human Rights Watch and The African Union of the Blind.

ITEM 25: DELIBERATION ON THE TOR AND RESOLUTIONS FOR THE OPERATIONALIZATION OF SPECIAL MECHANISMS: CLOSED SESSION

103. Following its decision to establish special mechanisms during its 29th Ordinary Session, the Committee discussed the draft TOR and Resolutions developed to operationalize the special mechanisms. It was agreed that Special Rapporteurs should annually report to the Committee on the activities they have undertaken. Proposal was made to include a time frame for the end of each mandate. Moreover, it was suggested that the preamble of the resolutions recognizes some of the already existing initiatives in those areas. The Committee members suggested that the Secretariat assigns its members to each Special Rapporteur to ensure effective implementation. Finally, the Committee adopted the Resolutions as amended.

ITEM 26: COMMUNICATION STRATEGY OF THE ACERWC: CLOSED SESSION

104. The Secretariat presented its plan for updating the Communication Strategy of the ACERWC. The Secretariat indicated that a consultant supported by the EU fund for 12 days will work on the Communication Strategy and update it after which a validation workshop will be organized during the upcoming session. It was informed that the new strategy will take into account the relocation of the Committee.

105. The Committee assigned two of its members, Hon Suzanne Aho-Assouma and Hon Clement Mashamba, to work with the Secretariat in relation to the Communication Strategy.

ITEM 27: GUIDELINES ON HEARING ON IMPLEMENTATION OF DECISIONS OF THE COMMITTEE: CLOSED SESSION

106. The Secretariat presented the draft guidelines it prepared and the Committee made comments on the draft. The Comments include the need to observe the practice of other organs, to incorporate the Attorney General to be the representative of the State Parties, to provide rules about documents and evidence, and to identify the kind of information that should be shared. In addition, recommendations were made to revise the existing Guidelines on Communications instead of adopting new guidelines on implementation hearings. It was finally agreed that Mr Ayalew Getachew from the Secretariat and Hon Clement Mashamba, Hon Maria Mapani,

and Hon Dikere Marie Christine Bocoum from the Committee will work on the revision of the draft implementation hearing guidelines.

ITEM 28: AOB: CLOSED SESSION

107. During this session, the Committee had discussions on the date for the next session and it was agreed that tentatively the 31st Ordinary Session and the 15th Pre-Session will be held for 10 days starting from 25 April 2018. It was further agreed that the Bureau will be having a meeting on 24 April 2018.

108. A suggestion was made to amend article 38 of the African Children's Charter and it was agreed to table it for the next session.

109. Moreover, it was strongly suggested that members of the Committee should adhere to the rules of procedures and should not be absent during sessions.

110. It was also agreed to align missions with the role of committee members in the special mechanisms and country rapporteurs.

ITEM 29: REPORT

111. The report of the 30th Ordinary Session of the Committee was adopted as amended.

ITEM 30: CLOSING CEREMONY: OPEN SESSION

Speech by Ms Suad Abdelal, General Secretary of National Council for Child Welfare (NCCW)

112. In her closing remarks, Ms Suad Abdelal thanked the Committee and the Secretariat for holding the Session in Sudan. She also thanked the Minister of Social Welfare, the Committee established for this purpose from various ministries, the NCCW, the Ambassador and Embassy of Sudan in Addis Ababa. She expressed the willingness of the Government of Sudan to host more meetings of the Committee and to host the Secretariat of the Committee permanently. Ms Suad Abdelal also mentioned that Sudan will follow-up on Agenda 2040 and promised that the Agenda will be integrated in the NCCW.

Closing Speech by the Chairperson of the Committee

113. Recognizing the presence of the representative of the AU to Sudan and the Secretary General of the Ministry of Social Welfare, Mrs Goitseone Nanikie Nkwe started her speech by thanking the Government of Sudan for hosting the 30th Session and 14th Pre-session of the Committee. She also thanked the First Vice President of Sudan for attending the opening ceremony which took the event to the highest level. Mrs Nkwe further thanked the NCCW for facilitating the session and for sharing the implementation of the Charter in Sudan. The Chairperson highlighted that all items in the agenda were considered and in particular highlighted that the Committee considered 2 state party reports, 6 CSO reports, and 2 hearings of communications. Additionally, it was informed that the Committee held a Day of General Discussion on Child Labour in Africa after which the Committee decided to

undertake a baseline survey on child labour in Africa to inform the mechanisms it recommends to states on eliminating child labour. In her speech, the Chairperson urged the Government of Sudan to champion the popularization of Agenda 2040. In conclusion, the Chairperson assured that State Parties will receive list of issues and concluding recommendations and observations as an outcome of the session.

114. Finally, Mrs Nkwe asked the NCCW to forward the Committee's gratitude to all who made this session possible and thanked the secretariat, the interpreters, and members of the Committee. She then officially closed the session.