



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

Comité Africain d'Experts sur les
Droits et le Bien-être de l'Enfant

Comitê Africano dos Direitos e
Bem-Estar da Crianças

اللجنة الأفريقية المعنية بحقوق الطفل ورفاهه

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Communique on the 38th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child

1. The African Committee of Experts on the Rights and Welfare of the Child finalized its 38th Ordinary Session held virtually on 15-26 November 2021.
2. The Session was attended by Representatives of children, Representatives of Member States, Representatives of UN Agencies, and Representatives of CSOs.
3. The Opening Ceremony of the Session had remarks from a representative of children, child Master King Etiang; representative of the CSO forum, Felistus Motimedi; representative of the Network of African National Human Rights Institutions (NANHRI), Julie Ojiambo; Director of the Department of Health, Humanitarian and Social Affairs, (DHHS) Mariama Cissé, on behalf of the Commissioner (DHHS), H.E. Mrs. Amira Elfadil Mohammed; representative of the African Governance Architecture, Ambassador Salah Hammad; Chairperson of the PRC Sub-Committee on Human Rights, Democracy and Governance, Ambassador Taonga Mushayavanhu, and Chairperson of the Committee, Hon Joseph Ndayisenga.
4. During its seating for the 38th Ordinary Session, the Committee adopted various decisions as highlighted below:
5. The Committee elected the following Members to constitute the Bureau for the period November 2021-November 2023:
 - i. Hon. Joseph Ndayisenga- Chairperson of the ACERWC
 - ii. Hon. Anne Musiwa- Vice-Chairperson of the ACERWC
 - iii. Hon. Aboubekrine El Jeri - Rapporteur of the ACERWC
6. The Committee considered the first periodic State Party report of the Federal Democratic Republic of Ethiopia where they engaged in a constructive dialogue with the high-level delegation of the State Party. Regarding other pending State Party reports, the Committee decided:
 - To consider the first periodic report of the State of Eritrea in the upcoming 39th Ordinary Session without the consideration of Complementary report if no such report is received before the said Session; and
 - Given that the Government of Seychelles failed to respond to the invitation of the Committee for the consideration of its initial report for two consecutive Sessions, the Committee decided to consider the Initial Report of the

Republic of Seychelles in the 39th Ordinary Session even in the absence of the Delegation of the State Party as per Rule 71(4) its Rules of Procedures.

7. The Committee also considered Complementary Reports on the first periodic reports of the Republic of Congo and the Republic of Uganda.
8. After deliberating on pending Communications, the Committee:
 - i. Decided to conduct a hearing on Communication No:0013/Com/001/2020 in the matter between APDF and IHRDA on behalf of AS a minor against the Republic of Mali despite any response from the Respondent State as the Respondent State failed to respond to the Communication and several reminders of the Committee on the same;
 - ii. Declared Communication No: 0015/Com/003/2020 in the matter between Abbas Mohamed AL-Nour Musa Al-Emam, Modathir Alrayah Mohamed Badawi, and Fadul Almoula Aljaili Nourallah, by the Legal representatives (a group of lawyers): Taha Fadul, Nisreen Mustafa, Somia Shampaty and Nawras Elfatih against the Republic of the Sudan to be admissible;
 - iii. Decided to hold a hearing on the merit of Communication No: 0016/Com/004/2020 in the matter between African Centre for Justice and Peace Studies (ACJPS) on behalf of Ms. Umjumah Osman Mohamed against the Republic of the Sudan during its upcoming Session even if the Respondent State does not provide its argument on the merits within the additional 60 days it will be granted;
 - iv. After conducting hearing on Communication No 0012/Com/001/2019 in the matter between Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) against the United Republic of Tanzania, the Committee decided to hold further hearing of the Deponents of the Affidavits that were submitted along with the Communication.
9. The Committee deliberated on the way forward on the amicable settlement reached on Communication No. 004/Com/001/2014 in the matter between the Institute for Human Right and Development in Africa against the Government of Malawi where it also received a briefing from the Applicants. The Committee decided to remind the Respondent State to submit its final report on the implementation of the amicable settlement.
10. The Committee considered and adopted as amended the following documents:
 - i. The Continental Study on the Impact of Covid-19 on the Rights and Welfare of Children;
 - ii. The Concept Note for the Day of the African Child 2022; and
 - iii. ACERWC's Guidelines on Child Participation.
11. The Committee further decided to develop:
 - i. Continental strategy on children affected by armed conflict;
 - ii. Standard Operating Procedures for Troop and Police Contributing States Parties on handover of children associated with armed groups; and
 - iii. Implementational matrix for the decisions of the Peace and Security Council of the African Union.

12. The Committee also decided on the main documents that will be developed through its Working Groups in 2022.
13. The Committee selected the theme for the Day of the African Child for the year 2023 to be on *'The Rights of the Child in the Digital Environment'*.
14. The Committee considered the application for an observer status from Horn of Africa Youth Network and decided that the organization does not fulfill the criteria for observer status as it has not registered for at least three (03) years before the submission of the application and therefore decided that the organization re-applies in due time by submitting all the required documents.
15. The Committee, after considering the application document, granted its first ever Affiliate Status to the National Commission on Human Rights and Freedoms of Cameroon.
16. The Committee designated three of its Members namely, Hon. Wilson de Almeida Adão, Hon. Hermine Kembo, and Hon. Joseph Ndayisenga to be the focal persons on budget issues and work with the Secretariat. The Committee decided to have a consultative session with the PRC Sub-Committee on Budgetary Matters.
17. The Committee decided to conduct a mid-term review of its strategic plan in 2022 with a view to assess its implementation of the strategic plan and identify how emerging issues can be addressed in the upcoming years.
18. The Committee adopted as amended the report of the 38th Ordinary Session.
19. The Committee decided to hold its 39th Ordinary Session virtually from 21 March to 01 April 2022.

Done at the 38th Ordinary Session on 26 November 2021.